

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

60th Legislative Day

May 14, 1997

Speaker Hannig: "The House will be in order. The Members will be in their seats. Will all unauthorized personnel please retire from the Chamber? We will be led in prayer today by the Reverend Edward Schafer with St. Rose Church in St. Rose. Reverend Schafer is the guest of Representative Ron Stephens. Guests in the Gallery may wish to rise for the invocation. Reverend."

Reverend Schafer: "I wanted to mention one thing beforehand, today is the... in the Catholic Church calendar, is the Feast of St. Matthaïas, who we know very little about except for the fact that he's the only Apostle that we're aware of who was elected, and so we hope that he will walk with all of you during this day. Sunday was Mothers' Day and I would like to pray today for the mothers who are here, for the living and deceased mothers of the people that are here, and for the mothers and mothers to be that you all represent. All Mighty God, the Creator of us all, we ask You to bless and reward the lives of sacrifice and service lived by the mothers of this world. In Your justice enrich their lives with Your graces and blessings. Give to the mothers of our world a life-long special love for their children, with the virtues of patience and self-sacrifice. Help them to raise children of character capable of distinguishing right from wrong, not seduced by the false pleasures of this world. May they teach Your love for all God's children, first and foremost by their own example. And may Your final gift to them be eternal happiness with You in heaven. And as for our Legislators, God's source of all wisdom, whose statutes are good and gracious and whose law is truth, guide and direct our Legislators, so that by just and prudent laws, they may promote the well-being of our mothers and mothers to be and

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

60th Legislative Day

May 14, 1997

their children and of all our people. God bless us all.
Amen."

Speaker Hannig: "We will be led in the Pledge today by
Representative Mike Boland."

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

Speaker Hannig: "Roll Call for Attendance. Representative Poe."

Poe: "Yeah, Mr. Speaker, all the Republicans are here and ready
to do the business of the State of Illinois."

Speaker Hannig: "Representative Hartke is recognized for excused
absences on the Democratic side."

Hartke: "Yes, Mr. Speaker, the Democrats are all here and ready
to do work, too."

Speaker Hannig: "Mr. Clerk, take the record. All 118 Members of
the House are present and a quorum is present. Committee
Reports."

Clerk Bolin: "Representative Phelps, Chairman from the Committee
on Elementary and Secondary Education, to which the
following Bills, Resolutions and Amendments were referred,
action taken on May 14, 1997. Reported the same back with
the following recommendations: 'be adopted' Floor
Amendment #1 to Senate Bill 226. Representative Woolard,
Chairman from the Committee on Agriculture and
Conservation, to which the following Bills, Resolutions,
and Amendments were referred, action taken on May 14, 1997.
Reported the same back with the following recommendations:
'be adopted' Floor Amendment #1 to Senate Bill 304.
Representative Giles, Chairman from the Committee on State
Government and Election Reform, to which the following
Bills, Resolutions, and Amendments were referred, action

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

60th Legislative Day

May 14, 1997

taken on May 14, 1997. Reported the same back with the following recommendations: 'be adopted' Floor Amendment #1 to Senate Bill 548. Representative Ronen, Chairman from the Committee on Children and Youth, to which the following Bills, Resolutions, and Amendments we referred, action taken on May 13, 1997. Reported the same back with the following recommendations: 'be adopted' Floor Amendment #1 to Senate Bill 780. Representative Dart, Chairman from the Committee on Judiciary I Civil Law, to which the following Bills, Resolutions, and Amendments were referred, action taken on May 13, 1997. Reported the same back with the following recommendations: 'be adopted' Floor Amendment #2 and 3 to Senate Bill 596. Representative Mautino, Chairman from the Committee on Insurance, to which the following Bills, Resolutions, and Amendments were referred, action taken on May 13, 1997, reported the same back with the following recommendations: 'be adopted' Floor Amendment #1 to Senate Bill 659. Representative Erwin, Chairman from the Committee on Higher Education, to which the following Bills, Resolutions, and Amendments were referred, action taken on May 13, 1997, reported the same back with the following recommendations: 'be adopted' Floor Amendment #2 to Senate Bill 529."

Speaker Hannig: "Representative Mitchell, for what purpose do you rise?"

Mitchell: "Thank you, Mr. Speaker. I rise on a Point of Personal Privilege."

Speaker Hannig: "State your point."

Mitchell: "Ladies and Gentlemen of the House, I'd just like to let you know that compliments of the 73rd District along with the help of Representative Mautino and Representative Leitch, we have supplied the students that will be the

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

60th Legislative Day

May 14, 1997

Pages today. On the Democratic side of the aisle, are a group of students from Bureau Valley School District with their sponsor and teacher, Kathy Harbird. On the Republican side of the aisle, we have three Pages from Dixon Middle School, Reagan Middle School in Dixon with their teacher and sponsor, Mr. Jeff Coon. I'd also like to take just one second to welcome back my twin from Rock Island. I guess I can't vote for him anymore now that he's here but, Mike, we certainly are glad to see you back and see you back in good health and may you have a long life and happiness. Thank you."

Speaker Hannig: "On the Order of Senate Bills - Second Reading. Senate Bill 56. Is Representative Novak in the Chamber? Out of the record. Senate Bill 73, Representative Lang. Is the Gentleman in the Chamber? Representative Flowers, on Senate Bill 80. Representative Flowers, do you wish to move this Bill from Second to Third? Out of the record. Senate Bill 222 for Representative Daniels. Out of the record. Senate Bill 226, Representative Cowlshaw. Representative Noland on Senate Bill 304. Would you like to move the Bill? Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 304, the Bill's been read a second time, previously. Floor Amendment #1, offered by Representative Noland, has been approved for consideration."

Speaker Hannig: "Representative Stephens, for what purpose do you rise?"

Stephens: "For the purposes of an announcement, Mr. Speaker. I want to remind the Members that the legislative fitness testing is taking place this morning, indeed until this afternoon, at 1:00 p.m. The card on your desk says Room 114. It's actually Room 118 and the Illinois Coalition

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

60th Legislative Day

May 14, 1997

promoting physical activity also left the gift on your desk this morning so I hope that all of our Members will go down and get tested to make sure that we're all physically fit and able to be here. Thank you."

Speaker Hannig: "And on the Amendment to Senate Bill 304, Representative Noland."

Noland: "Thank you, Mr. Speaker. Amendment #1 is the... amends the Oil and Gas Act on public lands. It essentially will prohibit or specify when we can drill for oil or gas on properties owned by the Department of Natural Resources. I'd appreciate your consideration on the adoption of this Amendment." Speaker Hannig: "And on the Amendment, Representative Novak."

Novak: "Yes, Mr. Speaker. Will the Sponsor yield?"

Speaker Hannig: "He indicates he will."

Novak: "Representative, can you be a little bit more definitive in your explanation of this Amendment. I know the Department of Natural Resources and the industries worked out some language. Just exactly, what does this do?"

Noland: "Mr. Novak, this specifies that where the Department of Natural Resources owns lands, if we own the surface rights and the mineral rights, we can prohibit the drilling. However, if we own the surface rights but do not own mineral rights, we then detail when and how they can drill. For instance, if it is a sensitive area, they may have to use diagonal drilling, come in from the side, so they don't spoil the natural resources. So, it specifies when and where drilling can be done for oil and gas on lands controlled by the Department of Natural Resources."

Novak: "Does the Department of Nat... does the department have an inventory currently of state parks in Illinois... now, first of all, let me preface this. Are we just talking

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

60th Legislative Day

May 14, 1997

about State Parks, Representative?"

Noland: "As I understand, Mr. Novak..."

Novak: "...or any state land?"

Noland: "As I understand, we're referring to DNR lands only."

Novak: "Does the department have an inventory of parks that have... there might be a possibility that there are minerals or oil beneath the surface of the parks?"

Noland: "The DNR does have inventory and then it... also in the Bill it separates out six different classifications of lands. And so, if the state owns 100% of the lands, it specifies lands that have endangered species, lands that are on the Illinois Natural Area Inventory Sites. The third one is nature preserves. The fourth is lands containing a wild or scenic river. Fifth, are lands under the register of land and water resources and the sixth land is lands in which federal or state laws prohibit the surface extraction or production. So, they have an inventory and then they specify different categories of those lands."

Novak: "Okay, well, let me ask an example here or let me put out a scenario. Let's say Kerr-McGee, a major mining corporation, just happens to have surface rights in a park in Southern Illinois or in state land. Would they, under this Bill, would they still be allowed to mine on the surface if they had the surface rights, title?"

Noland: "Mr. Novak, we're referring to oil and gas. So, are you referring to... are you referring to mining, as in coal? This only deals with oil and gas."

Novak: "Okay. Now, is there any opposition to this? Are there opponents and proponents lined up for and against this, Representative Noland?"

Noland: "There is no known opponents. The Illinois Oil and Gas

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

60th Legislative Day

May 14, 1997

Association and the Petroleum Council are neutral. The proponents are the Sierra Club, the Association of Park Districts, and sportsmen's organizations, as well as DNR."

Novak: "Okay. So, the industry is on board on this Amendment? This is an agreed Amendment with the industry?"

Noland: "If you refer to the industry as the Oil and Gas Association and the Illinois Petroleum Council, they are neutral."

Novak: "Okay, they are neutral. Okay, no further questions."

Speaker Hannig: "Is there any further discussion? On the Amendment, all in favor say 'aye'; opposed 'nay'. The 'ayes' have it and the Amendment is adopted. Any further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hannig: "Third Reading. Representative Churchill on Senate Bill 316. Out of the record. Representative Winters on Senate Bill 317. Representative Winters. Representative Winters on (sic-Senate Bill) 317. Representative Winters on Senate Bill 317. Do you wish to call it? Out of the record. Representative Leitch. Is the Gentleman in the Chamber? The Gentleman's not in the Chamber? Representative Novak on Senate Bill 348. Is the Gentleman in the Chamber? Out of the record. Representative Brosnahan on Senate Bill 368. Representative Brosnahan, (sic-Senate Bill) 368. Out of the record. Representative Roskam on Senate Bill 381. Out of the record. Representative Saviano in the Chamber? Representative Steve Davis. Representative Wirsing on Senate Bill 529. The Gentleman's not in the Chamber. The Gentleman... Representative Wirsing, do you wish to move (sic-Senate Bill) 529? Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 529, the Bill has been read a second

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

60th Legislative Day

May 14, 1997

time, previously. Floor Amendment #2, offered by Representative Wirsing, has been approved for consideration."

Speaker Hannig: "Representative Wirsing."

Wirsing: "Thank you, Mr. Speaker. Amendment #2 to Senate Bill 529 simply is what's called a rate Bill. It's providing for the distribution and equalization of grants to community college districts that have a low property tax base. Provides at least \$50,000 a year will be provided to each community college district that is eligible for an equalization of the grant. And beginning in the FY '99, it permits the reduction of equalization grant to districts that have a tuition rate that under statewide averages by an amount set by the ICCB. I would move for its passage and answer any questions."

Speaker Hannig: "The Gentleman has moved for passage of House Amendment #2. And on that question, Representative Bost is recognized."

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

Speaker Hannig: "He indicates he will."

Bost: "Representative, in committee yesterday, it was suggested that this legislation has to... that it is a very important piece of legislation that has to pass to keep implementing this program. Is that correct?"

Wirsing: "That's correct."

Bost: "Okay, I have been looking at the... spent the evening looking over the Bill and there's two things that it does. It does provide that at at least \$50,000 a year will be provided to each community college district that has the... meets the requirements for the lower EAB. Is that correct?"

Wirsing: "That's correct."

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

60th Legislative Day

May 14, 1997

Bost: "All right. The other thing that it does do, and this is where I was concerned about in committee and am still concerned about, is that it sets a based funding level on what tuition should be charged to get this assessed evaluation equalizer. Correct?"

Wirsing: "It sets a parameter that may affect the tuitions that's being paid, but it doesn't actually put a value or an amount. But it does affect that, yes."

Bost: "Okay, it... Mr. Speaker, to the Amendment."

Speaker Hannig: "Yes, to the Amendment."

Bost: "The... this Amendment has many problems and the problems that I see as we are, and it was discussed when this was brought out as a Bill before, the problems I see are that right now there's about three colleges, three of our local community colleges that, through this, are going to be forced to raise tuition rates based on an average. And being based on an average, that average will change as those tuition rates change. Now, the Sponsor, and I believe that they... I respect him tremendously and I respect the people that are trying to do this for the other part of this program that is in here which is the \$50,000 base level, however, right now we already have in place these rules and we can implement this program and have been implementing this program. If we continue with this piece of legislation, many colleges in the southern end of the state will be forced to... many junior colleges, community colleges, will be forced to raise tuition and I am opposed to this Amendment."

Speaker Hannig: "Representative Erwin."

Erwin: "Thank you. I just wanted to rise in strong support and make sure the Democratic Members know this is very critical to funding all of our community colleges in the coming

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

60th Legislative Day

May 14, 1997

fiscal year. Thank you."

Speaker Hannig: " Representative Black."

Black: "Yes, thank you very much, Mr. Speaker. First, an Inquiry of the Chair. Has Amendment #1 been adopted to the Bill?"

Speaker Hannig: "Mr. Clerk, what is the status of Amendment #1?"

Clerk Bolin: "Committee Amendment #1 was adopted to the Bill."

Black: "Okay, our file indicates it was a Floor Amendment, but you say it was a Committee Amendment, sponsored by Representative Erwin? Is that what your record reflects?"

Speaker Hannig: "Mr. Clerk, who sponsored Amendment #1?"

Clerk Bolin: "Amendment #1 was sponsored by Representative Wirsing."

Speaker Hannig: "Are you in order, Representative Black?"

Black: "Okay, all right, thank you very much. Will the Sponsor yield?"

Speaker Hannig: "He indicates he will."

Black: "Yes, Representative, our records indicate that Amendment #1 was sponsored by Representative Erwin. That evidently isn't correct. Was that your Amendment creating the Energy Conservation Act?"

Wirsing: "Yes, that's correct. It did start out... It was... Representative Erwin had one of the issues relative in Amendment #1."

Black: "Okay. So, Amendment #1 becomes the Bill and your Amendment then adds to the Bill. Correct?"

Wirsing: "That's correct."

Black: "Okay. Now, does Amendment... is Amendment #2 supported by the community college trustees and/or the community college board? I have no information on that."

Wirsing: "Thank you for asking. Yes, they support this and they are the ones who came to me with this Amendment and the need for it."

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

60th Legislative Day

May 14, 1997

Black: "Okay. I appreciate that information and I'll... I need to talk to you before this Bill on Third Reading so we can see what colleges are impacted, and I'm sure you can inform me of that and that's fine. Thank you very much, Mr. Speaker, I appreciate the Gentleman's response."

Speaker Hannig: "Representative Bradford."

Bradford: "Thank you, Mr. Speaker. I rise in a Point of Personal Privilege."

Speaker Hannig: "Yes, state your point."

Bradford: "I'd like to introduce to the House today, the third grade students from LeClaire School in Edwardsville, Illinois, who are here performing as part of Teen Illinois, and their parents in the Gallery."

Speaker Hannig: "Welcome to Springfield. Representative Hartke."

Hartke: "Thank you very much, Mr. Speaker. It's my pleasure to introduce also this morning, the kids from St. Anthony in Effingham, Illinois. They're in the Gallery at the present time."

Speaker Hannig: "Welcome to Springfield. On the Amendment, is there further discussion? All in favor say 'aye'; opposed 'nay'. The 'ayes' have it and the Amendment is adopted. Any further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hannig: "Third Reading. Representative Brunsvold on Senate Bill 547. Representative Brunsvold. Senate Bill 547. Representative Joel Brunsvold. Out of the record. Representative Crotty on Senate Bill 548. Representative Crotty, (sic-Senate Bill) 548. Do you wish to move the Bill? Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 548. The Bill has been read a second time, previously. Floor Amendment #1, offered by Representative Zickus, has been approved for

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

60th Legislative Day

May 14, 1997

consideration."

Speaker Hannig: "Representative Zickus."

Zickus: "Thank you, Mr. Speaker, and Members of the House. Amendment #1 adds another license plate to Senate Bill 548, which right now provides for plates for mayors. This Amendment adds a special license plate designated as the Illinois and Michigan Canal License Plate. You may remember a few weeks ago, we passed House Bill 920 onto the Senate as a Vehicle waiting for the language for this plate. Unfortunately, we did not get the language in time to put it onto that Bill, so we're amending it onto Senate Bill 548. Let me give you a little history, 1998 marks the 150th anniversary of the opening of the Illinois and Michigan Canal. Its construction gave birth to the City of Chicago, opened the midwest to commerce and completed the water connection between New York and New Orleans begun in 1825 with the opening of the Eerie Canal. Designated as a National Historic Landmark, the Illinois Michigan Canal now serves as the centerpiece of the Illinois and Michigan National Heritage Corridor, designated by the U.S. Congress in 1984. It extends from Chicago to LaSalle Peru. Provides access to a rich mosaic of historic, natural and recreational resources to be protected, preserved and enhanced for the present and future generations. The I and M Canal is under the jurisdiction of the Illinois Department of Natural Resources and \$25 of the plate will be deposited with IDNR for the I and M Canal Fund. I ask for your adoption."

Speaker Hannig: "All in favor of the Amendment say 'aye'; opposed 'nay'. The 'ayes' have it, and the Amendment is adopted. Any further Amendments?"

Clerk Bolin: "No further Amendments."

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

60th Legislative Day

May 14, 1997

Speaker Hannig: "Third Reading. Senate Bill 603, Representative Churchill. Saviano, the Gentleman's not in the Chamber. Representative Boland on Senate Bill 610. Would you like to move that to Third? Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 610. The Bill has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Representative Dart. Representative Dart on Senate Bill 619. (Sic-Senate Bill) 619. Do you wish to move this to Third? Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 619. The Bill's been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Representative Brady on Senate Bill 659, Representative Brady. Shall we read the Bill, Mr. Brady? Okay, read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 659. The Bill's been read a second time, previously. Floor Amendment #1, offered by Representative Brady, has been approved for consideration."

Speaker Hannig: "Representative Brady."

Brady: "Thank you, Mr. Speaker, Ladies and Gentlemen. Floor Amendment #1 was approved by committee yesterday, unanimously. It is... it makes this Bill identical to House Bill 1552, which passed unanimously out of this House, but did not get out of Senate Rules. I ask for your favorable vote."

Speaker Hannig: "Is there any discussion? All in favor of the Amendment say 'aye'; opposed 'nay'. The 'ayes' have it and the Amendment is adopted. Any further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hannig: "Third Reading. Senate Bill 670, Representative

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

60th Legislative Day

May 14, 1997

Bugielski. Senate Bill 670. Do you wish to move this from Second to Third? Okay. Out of the record. Senate Bill 709, Representative Cowlshaw. The Lady's not in the Chamber. Representative Daniels on Senate Bill 720. Does he wish to move this Bill? Senate Bill 720 out of the record. Senate Bill 777 by Representative Ryder. Does the Gentleman wish to move that Bill? Out of the record. Representative Hassert on Senate Bill 778. Out of the record. Representative Dart on Senate Bill 789. Representative Tom Dart, 789 (sic-Senate Bill). Do you wish to move the Bill from Second to Third? Okay, out of the record. Committee Reports."

Clerk Bolin: "Representative Gash, Chairman from the Committee on Judiciary II, Criminal Law, to which the following Bills, Resolutions and Amendments were referred, action taken on May 14, 1997, reported the same back with the following recommendations: 'be adopted' Floor Amendment #1 to Senate Bill 6."

Speaker Hannig: "Representative Winters. The Gentleman's not in the Chamber. I'm sorry. Representative Winters, did you wish to call Senate Bill 780 or 791, 791? Mr. Clerk, read Senate Bill 780."

Clerk Bolin: "Senate Bill 780. The Bill's been read a second time, previously. Floor Amendment #1, offered by Representative Flowers, has been approved for consideration."

Speaker Hannig: "Representative Flowers on Amendment #1."

Flowers: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Floor Amendment #1 to Senate Bill 780 was originally House Bill 62, which passed out of the House 86 voting 'yes'; 29 voting 'nay'. And what this Amendment does, it would make it mandatory rather than permissive for

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

60th Legislative Day

May 14, 1997

all adoption agencies to participate in an adoption listing service. It would make it mandatory rather than permissive for the department to make every effort to place a child with a relative. It would also add a new section regarding the recruitment and the retention of foster care and adoptive placement. It would require the department to work with each licensed child welfare agency to insure that adoption and foster care workers receive training regarding the cultural diversity and the needs of special needs children, and it would authorize the department to enter into incentive contracts for those agencies who find permanent, loving homes for children, and also it would require the department to compile an annual report to all foster and adoptive placement taking place in Illinois, and I would move for the adoption of Amendment #1 to Senate Bill 780."

Speaker Hannig: "And on the Amendment, Representative Black. Representative Bill Black."

Black: "Thank you very much, Mr. Speaker. I apologize, I was on the phone. Will the Sponsor yield?"

Speaker Hannig: "She indicates she will."

Black: "Yes, Representative, how does this differ from House Bill 62?"

Flowers: "There was some language in House Bill 62 that the department wasn't comfortable with because in regards to the incentive for the agencies to be paid more. I patterned that after a Michigan law and there were some things that that law did not apply to the State of Illinois, so we modified it a little bit, and also we made it 'permissive' as opposed to 'they shall'."

Black: "Okay. Now, what happened to House Bill 62? Is it resting comfortably in the Senate or...?"

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

60th Legislative Day

May 14, 1997

Flowers: "Quite comfortably in the Rules Committee, mind you."

Black: "I understand. Ah, the graveyard of many a fine House Bills."

Flowers: "Absolutely, some of yours are over there."

Black: "So, by making it permissive and working with the department, they stand in full support of this Amendment, is my understanding, don't they?"

Flowers: "Yes, they... Yes."

Black: "Okay. And it doesn't do anything to expedite termination of parental rights or anything of that nature?"

Flowers: "Never."

Black: "Okay, thank you very much."

Speaker Hannig: "All in favor of the Amendment say 'aye'; opposed 'nay'. The 'ayes' have it and the Amendment is adopted. Any further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hannig: "Third Reading. Senate Bill 797, Representative Churchill. Out of the record. Senate Bill 837, Representative Morrow, from Second to Third. Out of the record. Senate Bill 856, Representative Moore, Andrea Moore. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 856. The Bill has been read a second time, previously. Amendments #1, 2, and 3 were adopted in committee. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Senate Bill 861 for Mr. Churchill. Out of the record. Representative Wait, on Senate Bill 954. The Gentleman's not in the Chamber. Representative Daniels on 1016 (sic-Senate Bill). Does the Gentleman wish to proceed? Out of the record. Representative Granberg on 1039 (sic-Senate Bill). The Gentleman's not in the Chamber. Representative Bugielski on Senate Bill 1076. The Gentleman's not in the Chamber."

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

60th Legislative Day

May 14, 1997

Representative Lindner, Senate Bill 1099. Representative Lindner. No, out of the record. Senate Bills - Third Reading. Senate Bill 159, Representative Scott. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 159, a Bill for an Act to amend the Sanitary District Act of 1917. Third Reading of this Senate Bill."

Speaker Hannig: "Representative Scott."

Scott: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. Senate Bill 159 amends the Sanitary District Act which would allow the board of trustees to defray the cost and expenses of the construction of drainage, sewers, laterals, and other necessary adjuncts by special assessment. That's already in the law. What this does, is prohibits the language of prohibiting a special assessment upon property situated outside the district. What happens a lot of times is, districts are forced to go through a two or three step process to try to achieve these results. It's more costly for the district and when they have to go back and retrofit items that are... properties that are going to eventually be in their district, it's more expensive for the customers, as well. So, this is actually a good Bill for both of the waste water treatment facilities and also for the customers. I'd ask your favorable support."

Speaker Brunsvold: "Representative Brunsvold in the Chair. On the question, is there any discussion? Is there any discussion? Seeing none, the question is, 'Shall Senate Bill 159 pass?' All in favor vote 'aye'; all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on that question, there are 118

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

60th Legislative Day

May 14, 1997

voting 'yes'; 0 voting 'no'; 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Burke, on Senate Bill 160. Senate Bill 165, Mr. Kubik. Out of the record. Senate Bill 171, Mr. McKeon. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 171, a Bill for an Act to amend the Juvenile Court Act of 1987. Third Reading of this Senate Bill."

Speaker Brunsvold: "The Gentleman from Cook, Representative McKeon."

McKeon: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I present to you Senate Bill 171, which is the Juvenile Court, teen court Bill. Very similar to House Bill 2146, which was passed out of the House and is now in Rules on the Senate side. Senate Bill 171 actually enhances the previous House Bill and allows a minor who admits guilt to be referred to a teen court to adjudicate penalty phase which could include up to 60 hours of community service and I'll gladly answer any questions from Members of the House. Thank you."

Speaker Brunsvold: "The Gentleman has asked for the passage of Senate Bill 171. On that, is there any discussion? The Gentleman from Cook, Mr. Giglio."

Giglio: "Mr. Speaker, is Amendment #2 on the Bill?"

Speaker Brunsvold: "Mr. Clerk, what Amendments are on the Bill?"

Clerk Bolin: "Committee Amendment #1 and Floor Amendment #2 have both been adopted to the Bill. "

Giglio: "Thank you, Mr. Speaker."

Speaker Brunsvold: "Any discussion on the Bill? Seeing none, the question is, 'Shall Senate Bill 171 pass?' All in favor vote 'aye'; all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have

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

60th Legislative Day

May 14, 1997

all voted who wish? Mr. Clerk, take the record. On that question, there are 118 voting 'yes'; 0 voting 'no'; 0 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Senate Bill 166, Mr. Novak. Out of the record. Senate Bill 186, Mr. Acevedo. Would you like that Bill called, Sir? Take the Bill out of the record, Mr. Clerk. Senate Bill 237, Mr. Daniels, Mr. Leitch. Out of the record. Senate Bill 279, Mr. Scott. Mr. Clerk, please read the Bill."

Clerk Bolin: "Senate Bill 279, a Bill for an Act to amend an Act in relation to certain land. Third Reading of this Senate Bill." Speaker Brunsvold: "The Gentleman from Winnebago, Mr. Scott."

Scott: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. House... or Senate Bill 279 affects only the Rock... what used to be the Rockford National Guard Armory. During the last Session, we sold that particular piece of property to OIC, which is a disadvantaged youth job training program. We sold it to them for a dollar. There was a reverter clause in that particular sale transaction. It's making it very difficult for OIC to obtain some loan funds to pay for some renovation of the property. When we sold it to them, the place actually had negative value because there wasn't any... the state had no use for it anymore and the cost of repairing it was much greater than the actual worth of the facility. So, we got that to them, they're doing a good job working on some job training programs. They're going to be even more important as we do welfare reform. And the reverter clause in there is hampering them in their ability to work on the building. I should note that it's right next to a public facility, the Rockford Museum Park. They have expressed an interest if

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

60th Legislative Day

May 14, 1997

the building should ever fall out of the hands of OIC that they would like to have it. So, it would still stay in a public purpose for then. And I'd just ask a... your favorable support on giving this group the opportunity to use that building to its fullest."

Speaker Brunsvold: "And on the question, is there discussion? Any discussion? Seeing none, the question is, 'Shall Senate Bill 279 pass?' All in favor vote 'aye'; all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk... is everyone recorded? Have all voted who wish? Please record yourself. Mr. Clerk, take the record. And on that question, 114 voting 'yes'; 0 voting 'no'; 0 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Senate Bill 186. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 186, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of this Senate Bill."

Speaker Brunsvold: "The Gentleman from Cook, Representative Acevedo."

Acevedo: "Mr. Speaker, Ladies and Gentlemen of the General Assembly, this Bill would authorize certain vehicles to use rotating and flashing lights. This legislation inserts a paragraph to authorized vehicles that are equipped and used exclusively as organ transport vehicles to use red and blue flashing lights. These lights shall be activated only during emergency by a transport team or a representative of the organ organization. I ask for your favorable vote."

Speaker Brunsvold: "The Gentleman has asked for the passage of this Senate Bill. Is there any discussion? Is there any discussion? The question is, 'Shall Senate Bill 186 pass?' All in favor vote 'aye'; all opposed vote 'no'. The voting

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

60th Legislative Day

May 14, 1997

is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on that question, there are 118 voting 'yes'; 0 voting 'no'; 0 voting 'present. This Bill, having received a Constitutional Majority, is hereby declared passed. Senate Bill 299, Mr. Novak. Mr. Clerk please read the Bill."

Clerk Bolin: "Senate Bill 299, a Bill for an Act to amend the Environmental Protection Act. Third Reading of this Senate Bill."

Speaker Brunsvold: "The Gentleman from Kankakee, Mr. Novak."

Novak: "I'm sorry, Mr. Speaker. I had to get my file out. Senate Bill 299 amends the Environmental Protection Act. Provides that a subsequent owner of a new pollution control facility is not required to submit proof that the location of the facility has been approved pursuant to the local siting review process, if the location has already been approved by a local siting body. The Pollution Control Board or a court of competent jurisdiction prior to the transfer of ownership to the subsequent owner. This has been a situation that arose in Illinois because of some litigation. The underlying intent of this Bill is that if one individual owns, let's take for example, a landfill or a transfer station, and they wish to sell that... to sell that business to another individual or to another group, the succeeding group that's purchasing, let's say, the landfill, for example, should not have to go through the siting process again because they are not changing the business at all. Now, if they wanted to expand or change the nature of the business, they would have to go through the siting process. But since ownership is being transferred from one party to another, there certainly

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

60th Legislative Day

May 14, 1997

shouldn't have to expend hundreds of thousands of dollars for a siting process all over again when the facility is physically not going to be changed or moved to any other place. There was some concerns with the EPA. Those concerns were addressed by the EPA. It gave them more review and more authority on checking the background and the financial conditions and other pertinent information about the succeeding owners. This Bill is exactly the same as a House Bill that I sponsored that passed out of here on a unanimous vote. I would be more than happy to entertain any questions."

Speaker Brunsvold: "On that question, is there any discussion? The Gentleman has asked for the passage of Senate Bill 299. On that question, all those in favor vote 'aye'; all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On that question, 113 voting 'yes'; 4 voting 'no'; 1 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Senate Bill 250, Mr. Bost. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 250, a Bill for an Act concerning the Illinois Coal Development Board. Third Reading of this Senate Bill."

Speaker Brunsvold: "The Gentleman from Jackson, Representative Bost."

Bost: "Thank you, Mr. Speaker, Members of the House. Senate Bill 250 amends the Energy Conservation Coal Development Act and provides that the Illinois Coal Development Board shall have 16 members, which is now 13, and a quorum of that will be nine instead of seven. It adds to the board, the Deputy Director of Bureau Business and Development within the

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

60th Legislative Day

May 14, 1997

Department of Commerce and Community Affairs. It adds four Legislators and it removes two co-chair persons and makes them an advisory committee. I'd be glad to answer any questions."

Speaker Brunsvold: "And on that question, is there any discussion? Is there any discussion? Seeing none, the question is, 'Shall Senate Bill 250 pass?' All those in favor vote 'aye'; all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On that question, there are 117 voting 'yes'; 0 voting 'no'; 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Senate Bill 329, Mr. Leitch. Out of the record. Senate Bill 340, Mr. Lopez. Mr. Lopez. Out of the record. Senate Bill 355, Ms. Gash. Out of the record. Senate Bill 436, Mr. Saviano. Out of the record. Senate Bill 452, Mr. Kenner. Out of the record. Senate Bill 457, Representative Feigenholtz. Out of the record. Senate Bill 463, Representative Feigenholtz. Out of the record. Senate Bill 536, Mr. Lyons. Joe Lyons. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 536, a Bill for an Act to amend the State Salary and Annuity Withholding Act. Third Reading of this Senate Bill."

Speaker Brunsvold: "The Gentleman from Cook, Representative Joe Lyons."

Lyons, J.: "Thank you, Mr. Chairman (sic-Speaker), Ladies and Gentlemen of the House. Senate Bill 536 amends the State Salary and Annuity Withholding Act to provide that an employer and an annuitant may authorize the withholding of a portion of his salary, wages or the annuity for contribution of an organization found qualified by the

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

60th Legislative Day

May 14, 1997

Comptroller, under the requirements of the Voluntary Payroll Deduction Act of 1983. What it basically does, it allows annuitants to authorize deductions for approved charitables just like we, as House Members, and other state employees may authorize these deductions for charities of their choice and it flew through the Senate and also through Executive Committee and I ask for your favorable vote on this issue. Thank you."

Speaker Brunsvold: "And on that question, the Gentleman from Will, Representative McGuire."

McGuire: "Thank you, Mr. Speaker. On the last Bill I was off the Floor. I would like to be recorded as an 'aye' on 299 (sic-Senate Bill). Senate Bill 299, I'd like to be recorded as an 'aye'." Speaker Brunsvold: "The record will so reflect, Mr. McGuire."

McGuire: "Thank you."

Speaker Brunsvold: "Mr. Lyons has asked for the passage of Senate Bill 536. Is there any discussion? Seeing none, the question is, 'Shall Senate Bill 536 pass?' All in favor vote 'aye'; all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on that question, 118 voting 'yes'; 0 voting 'no'; and 0 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Senate Bill 543, Mr. Acevedo. Mr. Clerk, read the Bill."

Clerk Bolin: " Senate Bill 543, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of this Senate Bill."

Speaker Brunsvold: "The Gentleman from Cook, Representative Acevedo."

Acevedo: "Mr. Speaker, Ladies and Gentlemen of the General Assembly. The legislation would permit the City of Chicago

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

60th Legislative Day

May 14, 1997

to utilize an automated red light enforcement system to enforce red light violation which result or involve a motor vehicle accident. Over 300 persons died last year in Chicago due to traffic accidents. The city identified 100 sections where the highest number of accidents occurred. Under the system, cameras would be attached to traffic control signal devices for purposes of photographing a vehicle's response to a red light. The vehicle... the registered owner of the vehicle would be liable for the violation except in case where the vehicle was stolen or leased at the time of the violation, or where the State's Attorney makes the determination that the photographic evidence does not support liability of the part of the registered owner, and I ask for a favorable vote."

Speaker Brunsvold: "And on that question, is there any discussion? Seeing none, the question is, 'Shall Senate Bill 543 pass?' All in favor vote 'aye'; all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on that question, 117 voting 'yes'; 1 voting 'no'; 0 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Senate Bill 509. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 509, a Bill for an Act to amend the Counties Code. Third Reading of this Senate Bill."

Speaker Brunsvold: "The Gentleman from St. Clair, Mr. Holbrook."

Holbrook: "Thank you, Mr. Chairman (sic-Speaker). Senate Bill 509 is an initiative of the Sheriffs' Association. It sets up three qualifications for sheriff, the office of sheriff, that he be a U.S. citizen, be a resident of the county for at least one year, and not a convicted felon. There are also two Amendments from the Cook County Sheriff's, which

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

60th Legislative Day

May 14, 1997

makes some technical changes and adds two appointment members by him if approved by the board and it's at their request." Speaker Brunsvold: "And on that question, is there any discussion? The question is, 'Shall Senate Bill 509 pass?' All in favor vote 'aye'; all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on that question, 118 voting 'yes'; 0 voting 'no'; 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Senate Bill 550, Mr. Schoenberg. Mr. Clerk, please read the Bill."

Clerk Bolin: "Senate Bill 550, a Bill for an Act to amend the Criminal Code of 1961. Third Reading of this Senate Bill."

Speaker Brunsvold: "The Gentleman from Cook, Representative Schoenberg."

Schoenberg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 550 is a measure which has passed out of the Senate unanimously and with no opposition in committee. Senate Bill 550 requires that local law enforcement agencies, when they recover a firearm from a young person under the age of 21 who is not allowed... permitted legally to carry it, that they shall use the best available information, including a firearm trace, where necessary, to determine how and from where the person received the firearm. This legislation would enable local law enforcement agencies, the state police, and the federal bureau... and the ATF, the federal ATF to better interface their exchange of data on the acquisition of unlawfully used firearms by minors. There is no opposition to this Bill in committee, from anyone, and I'd be happy to answer any questions. I urge your support."

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

60th Legislative Day

May 14, 1997

Speaker Brunsvold: "The Gentleman has asked for the passage of the Senate Bill. Is there any discussion? The Gentleman from Tazwell, Mr. Ackerman. Does not wish to speak. Any discussion? Seeing none, the question is, 'Shall Senate Bill 550 pass?' All in favor vote 'aye'; all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On that question, 118 voting 'yes'; 0 voting 'no'; 0 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Well, Mr. Phelps, is he around? There he is. Senate Bill 561, Mr. Phelps. Mr. Clerk, please read the Bill."

Clerk Bolin: "Senate Bill 561, a Bill for an Act to amend the Illinois Human Resource Investment Council Act. Third Reading of this Senate Bill."

Speaker Brunsvold: "The Gentleman from Saline, Representative Phelps."

Phelps: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This Bill requires that the work force preparation and developmental goals and implementation strategies within the state be recommended to the General Assembly and a Governor rather than the Human Resources Investment Council. The current goals and strategies are deemed temporarily adopted until passed by Joint Resolution. And this Bill was amended to include any such temporarily adopted goals and strategies that are not ratified by the General Assembly by Joint Resolution within seven months after the effective date of this Amendatory Act, are deemed revoked. I appreciate your support."

Speaker Brunsvold: "And on that question, is there any discussion? The question is, 'Shall Senate Bill 561 pass?'"

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

60th Legislative Day

May 14, 1997

All in favor vote 'aye'; all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On that question, 117 voting 'yes'; 0 voting 'no'; 0 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. The Gentleman from Vermilion, for what purpose do you rise?"

Black: "Yes, thank you very much, Mr. Speaker. And they're leaving the Gallery, I just wanted to introduce two people from my district, Mr. and Mrs. Paul Manion and they have a German foreign exchange student with them whose name I would butcher. But the German foreign exchange student's mother and father are visiting with him and they're from Hoopeston, Illinois. We're glad to have you with us today."

Speaker Brunsvold: "Welcome to Springfield. The Gentleman from St. Clair, Representative Holbrook, for what reason do you rise?"

Holbrook: "Thank you, Mr. Chairman (sic-Speaker), I tried to vote 'yes' on that last Bill but the switch didn't work. I'd like it to be recorded that my intentions were to vote 'yes'."

Speaker Brunsvold: "You will be so recorded. The Chair would like to remind the Members that lobbyists are not allowed on the Floor. Of course, registered lobbyists, groups that come to Springfield that might not be registered lobbyists but are lobbying for a particular piece of legislation, should refrain from any activity on the House Floor. Senate Bill 569, Mr. Stephens. Out of the record. Senate Bill 574, Mr. Fritchey. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 574, a Bill for an Act to amend the Illinois Municipal Code. Third Reading of this Senate

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

60th Legislative Day

May 14, 1997

Bill."

Speaker Brunsvold: "The Gentleman from Cook, Mr. Fritchey."

Fritchey: "Thank you, Mr. Speaker, Members of the Assembly. Senate Bill 574 it would per.... is a permissive Bill which would allow Home Rule municipalities to set up an administrative proceeding by which they could try all municipal code violations other than parking and reportable vehicle offenses. This would permit both municipalities and respondents to save the time and expense of going through court proceedings. There are qualifications set forth in the Bill for the qualifications of hearing officers and, as far as the process of the hearings themselves, as well as for enforcement of any fines which would be issued subsequent to those proceedings. As many of you may be aware, there were some early differences with the realtors. We have worked out those differences. This is an amended version of the Bill, which is before us now. The realtors have removed their objection from the Bill and with that, I know of no other objections to this Bill. I'd be happy to answer any questions there may be."

Speaker Brunsvold: "And on that question, the Gentleman from Cook, Mr. Durkin."

Durkin: "Will the Sponsor yield?"

Speaker Brunsvold: "He indicates he will."

Durkin: "Representative, could you tell me what types of violations will be covered under this type of adjudication?"

Fritchey: "It could be anything from building code violations, graffiti violations, public nuisance violations. Any type of municipal code... any type of municipal code offense other than parking or vehicle."

Durkin: "You mean there's going to be no type... a speeding

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

60th Legislative Day

May 14, 1997

violation or any type of traffic violation, would that be covered under this...?"

Fritchey: "No, Sir."

Durkin: "All right. Could you briefly explain to me what the... I mean there's individuals... are there going to be hearing officers that are going to be hired from each municipality to oversee these types of violations?"

Fritchey: "Correct." Durkin: "And could you explain to me the qualifications that are required for each one of these individuals? Who's going to be possibly appointed to that position?"

Fritchey: "Right now, the criteria that one would meet under this Bill would be that they meet one of the following criteria, either they be licensed to practice law in the state or they have previously served as a hearing officer for at least one year in this state or they have at least four years of professional experience in the subject area of code violations that they are adjudicating."

Durkin: "Now, is there any type of training which is required prior to these individuals being considered for this type of position?"

Fritchey: "Yes, the Bill does require that the hearing officers go through a training program, including backgrounds on the types of hearings... types of violations that they will be hearing and go through... going through mock hearings, as well, to familiarize them with the process."

Durkin: "Well, is there any type of continuing education requirement in this Bill for these individuals who would be... who are going to be hearing officers?"

Fritchey: "If you're talking about something like a CLE requirement, no, there's not."

Durkin: "All right. Let's... I'd like to ask a couple questions."

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

60th Legislative Day

May 14, 1997

I mean, who's going to have the power to... it says here that the hearing officers shall have the ability to issue subpoenas directing witnesses to appear and give testimony at the hearing upon the request of the parties or the representatives. Now, are you saying that it's only in the... it's only in the hands of the hearing officer? Are they the ones who have the ability to issue subpoenas or will an individual who has been cited with a violation, do they have the ability to issue subpoenas on themselves?"

Fritchey: "They don't... this envisions that you would be able to apply to the hearing officer, to have the hearing officer issue a subpoena."

Durkin: "Okay. Let me ask another question. Specifically, in your Bill in the Amendment on page 4, I'm not quite sure what you mean by this, but we're talking about the rules of evidence. It says, 'The rules of evidence shall not govern.' It states that, 'Evidence, including hearsay, may be admitted only if it is a type commonly relied upon by a reasonably prudent person in the conduct of their affairs.' What does that mean?"

Fritchey: "This is language that was actually put in at the request of the realtors. This is more of an informal proceeding than a court proceeding and what we had hoped to do was allow individuals to come in without lawyers if they so chose and you don't want to hold them to the standard of having to introduce and produce and present evidence in accordance with the rules. So, what this would say, that there's a more relaxed standard that the rules would not apply and hearsay type evidence could come in if it is, and again, this is language that was proffered by the realtors, if they feel that it is something that would be reasonable to rely on, on the time. It puts the discretion within..."

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

60th Legislative Day

May 14, 1997

it vested discretion in the hearing officer."

Durkin: "Well, I'm still not quite sure. I mean, it says... what type of evidence would be found reliable in these types of hearings because I'm still very confused by this statement as to what the evidentiary standards are for these types of hearings? I mean, are there certain types of hearsay which are going to be prohibited or is it going to be very loosely interpreted?"

Fritchey: "It... it admittedly vests a wide range of discretion within the hearing officer as far as the... whether to allow the evidence. I think what would most likely happen, is that the testimony would be allowed and that the hearing officer would have the ability to determine how much credibility to put in that offer of evidence."

Durkin: "Well, is it necessary to even have this language in here if we're going to say that rules, general rules of evidence won't apply but by adding this last sentence, I think it's going to raise some concern as to what exactly is relevant, what is not relevant, especially, when we say it's the type commonly relied upon by a professionally prudent person in the conduct of their affairs. I still having trouble just trying to interpret what that is supposed to mean and...."

Fritchey: "Representative, I don't disagree with you. This was compromised language. It was put into the Amendment. Again, I think that it's something that the same effect could have been achieved if the statute were just to be silent on the issue."

Durkin: "I believe you had a Bill, it was a House Bill. What was it...?"

Fritchey: "Nineteen eighteen. (sic-Senate Bill 1918)."

Durkin: "Nineteen eighteen (sic-Senate Bill 1918). Is there any difference between that Bill and this Bill?"

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

60th Legislative Day

May 14, 1997

Fritchey: "There's a lot of difference between that Bill and this Bill. Nineteen eighteen (sic-Senate Bill 1918) and 574 (sic-Senate Bill) were originally identical. What is before us now is 574 (sic-Senate Bill) amended. Gave in, and I quote the realtors, it gave the realtors 99% of what they wanted and removed their opposition to the Bill. The biggest thing in my mind that the Amendment did, was limit this... the applicability of this just to Home Rule municipalities. But then it made several other changes with respect to due process protections, enforcements of judgements, et cetera, that the realtors had requested of us."

Durkin: "All right. Could you tell me what is the... what are the appeal rights that these individuals... someone is... there's a municipal violation which is imposed upon somebody, they're found in violation of that municipal code, do they have any type of Appellate rights under this law?"

Fritchey: "They would be able to appeal the finding of the hearing officer to the Circuit Court just as any other administrative proceeding."

Durkin: "Okay. If an individual is not able to... I mean, if they are not able to afford counsel, are they allowed to have some type of representation appointed to them or... could you explain to me what... are they still on their own? If someone comes in and they are not represented by counsel, they feel that they have been unjustly treated within that administrative hearing, what are their...does this give them the right to counsel?"

Fritchey: "This will be no different than an administrative proceeding before the state right now, where if somebody wanted to appeal that if they had wanted to do it pro se,

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

60th Legislative Day

May 14, 1997

they'd be able to do that. If they were able to obtain counsel, they could do that. As you well know, unfortunately, not everyone has access to counsel at all times. But this, in no way, modifies the current procedure as it applies to administrative proceedings."

Durkin: "All right. I mean, are there any other communities which presently... are there any communities that have this type of process already in place or...?"

Fritchey: "The City of Chicago has a Department of Adjudication and they have had hearing officers have heard building code violations, et cetera. What this allows them to do, it's more of a formal, more of a formal system and it allows those proceedings to then be appealed to the Circuit Court, and it gives them many protections that don't currently exist. But I know, just from personal experience, that the city has this and I don't know if there's any other towns in the state that do this. Under this Bill, any Home Rule municipality would be able to set up and adjudication department or an administrative division to allow them to do this."

Durkin: "Is this going to preempt Home Rule authority?"

Fritchey: "This applies only to Home Rule municipalities. It's permissive and it does not preempt."

Durkin: "But, a question of the Chair. Is this going to require 71 votes?"

Speaker Brunsvold: "We will look at the Bill and get back to you."

Durkin: "Thank you. I just have a few more questions. If you'll just give me a second."

Fritchey: "Representative, let me also say, I've got a Home Rule impact note here. This was from 1918 (sic-House Bill), originally, which said that we had a finding that the Bill

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

60th Legislative Day

May 14, 1997

did not preempt Home Rule authority."

Durkin: "Well, I think, as you stated, that there is substantial differences between House Bill 1918 and this Senate Bill, so I'm not sure if that Home Rule note will apply to this situation. I have no further questions."

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

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

Speaker Brunsvold: "He indicates he will."

Turner, J.: "Representative, you've indicated that the realtors are no longer opposed to this. What change did you make to the Bill so that the realtors would take away their opposition?"

Fritchey: "The primary changes that were made and the ones that appeared to be the greatest importance to the realtors were limiting the scope of the Bill and the applicability just to Home Rule communities and we have put some additional language in there with respect to enforcement of judgements and how those judgements became recorded. There was a concern that a lien, which may result from a fine that was imposed during a proceeding, would be against the property and would be enforceable even though the same hadn't been recorded yet. So, we have put some language that the lien would be recorded the same as any other judicial lien and that the effect would take... the impact would take effect upon recording. The other changes were made were really just some stylistic and some language changes, but the issues that appear to be the main concern were with respect to the lien, and primarily, in limiting this to Home Rule authorities."

Turner, J.: "Thank you. I was trying to listening to the debate and at the same time read my computer. Did I hear someone

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

60th Legislative Day

May 14, 1997

say that there are not rules of evidence at these adjudicatory hearings?"

Fritchey: "The rules of evidence do not apply, formally."

Turner, J.: "Well, if there are not rules of evidence, how can you have a fair hearing which affords due process to the alleged violator?"

Fritchey: "The rules are relaxed the same as they are in any administrative proceeding now. The due process protections and, again, this is something else that was covered because we spelled it out a little more clearly. With.... The realtors had concerns with respect to making sure notice was received and that there were rights of appeal preserved and those protections are still in this Bill. They have been and they continue to be."

Turner, J.: "Well, one of the qualifications, as I understand your Bill, for the person to be a hearing officer is that they simply know the code violation. If that's the only thing they know is the code violation, and know absolutely nothing about rules of evidence, know absolutely nothing about due process, how in the world can that hearing officer afford the alleged perpetrator due process under the law?"

Fritchey: "Again, there will be a training program. There's a training program authorized to be set up under the Bill in which... the hearing officers would go through, not only additional training in the subject area, but training in the conduct of these proceedings so, as far as, how the proceeding is to be held, how evidence is to be taken, how subpoenas are supposed to be dealt with, what you do with the findings, appeal of findings, et cetera, et cetera..."

Turner, J.: "Well, I'm more concerned about what evidence is going to get in. We don't have any rules of evidence."

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

60th Legislative Day

May 14, 1997

You've got a hearing officer that has absolutely no training other than what you've spoken about, the minimum requirements under the Bill. There's liable to be all kinds of evidence coming in that's completely irrelevant and possibly slanderous or libelous against a person for an ordinance violation and this conduct or evidence that may come into question will have nothing to do with the alleged ordinance violation. Don't you think that we need to clean the Bill up as with regard to what the qualifications for a hearing officer should be?"

Fritchey: "I think that we have adequate safeguards as far as what the qualifications of what the hearing officer should be. Those are in there. Again, there will usually be counsel on behalf of the municipality and, more often than not, with the more minor violations, the type of concerns that you raise, while theoretically possible, aren't really going to come to fruition here."

Turner, J.: "Okay, give me an example of the type of violation that you're talking about."

Fritchey: "This could be anything from a building code violation to a graffiti violation, to a public urination violation, to..."

Turner, J.: "What kind of penalties are we talking about with regard to these violations? If we're calling it minor, I mean, are we talking about a \$25 penalty or \$500 penalty or a \$5,000 penalty? You know, at some point this is no longer minor."

Fritchey: "The vast majority, the overwhelming majority of penalties that you'd see out of these types of fines, I would imagine could be \$500 or less. If you're talking about a minor offense, \$50 or \$100, a building code violation may result in a finding of a nominal fine and an

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

60th Legislative Day

May 14, 1997

order to repair the unsafe condition."

Turner, J.: "So, it could be up to at least \$500, but you don't envision that there would be an ordinance violation, encompassed within this statutory scheme, that would impose a penalty in excess of \$500?"

Fritchey: "I'm saying, it would clearly be the exception rather than the rule."

Turner, J.: "Could it be, though, higher than that?"

Fritchey: "Could it be higher than \$500?"

Turner, J.: "Yes."

Fritchey: "Sure, you could have a multiple count violation. The larger violations, the more serious violations, would more often than not, wind up in a court of law."

Turner, J.: "And as I understand, most of the municipal codes, and not that I've read them all, of course, but I think it's pretty standard language that if there is an alleged violation, each day that it continues to occur, is a new fine and so if the original fine could have been for \$500, if it's not corrected for 30 days or something, you may have \$500 times 30, as a penalty that might be imposed."

Fritchey: "But what happens as a practical matter is you really want to get the individual into a hearing to address the violation. The monetary portion of the violation is almost secondary to curing the unsafe condition. With the administrative process allows a municipality to get an alleged offender into the process much more quickly than a courtroom proceeding does."

Turner, J.: "Okay. You say that you satisfied the realtors by requiring that the lien be recorded with the County Recorder of Deed's office. Here's my question. Can this lien be filed or recorded prior to the appeal that may be taken by the alleged perpetrator?"

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

60th Legislative Day

May 14, 1997

Fritchey: "The lien can be filed in accord... in a manner consistent with Article 12 of the code. So, it's like a judicial lien. If there was a appeal being filed, in the notice appeal you could also request a stay of any enforcements."

Turner, J.: "Okay, well, that's my problem with your Bill. The administrative hearing officer's finding is the equivalent of a judicial lien. Now, I don't think that's right. I don't think the hearing officer should make a determination, thereby allow the municipality to file or record the lien and, of course, foreclose on the lien if they so choose when a judge has not even heard the case. Why should a hearing officer's determination be... or have the equivalence of a lien that has been reviewed by a court of law?"

Fritchey: "Representative, what you're doing here is establishing almost a parallel court system, but if you were not going to allow them to do this, you somewhat eviscerate the Bill. If you say that you could establish and meet out a fine, but that fine has no meaning unless you go to court, all you've done then, instead of having an alternative process to take, you've got a duplicative process, and you're going through the same motions twice because you'd have to go and prove it up again in court. This streamlines the process. It allows both the municipalities and the respondents to save time and money of having to go to court initially. This language, again, and the lien issue and how the lien was going... what the effect of that lien was, this was done again, not reluctantly, but at the request of the realtors who wanted more security in this, and say, 'Well, if you're going to have the lien, make it a judicial lien.' It will be enforceable as a judicial lien. And again, if

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

60th Legislative Day

May 14, 1997

there was an appeal that was going to be filed, that appeal could then stay the enforcement of the filing of the lien."

Turner, J.: "Well, the realtors didn't go far enough with their request, because what you're allowing here to happen, is a lien to be placed on the property. There's a cloud on title then if that person wants to, for example, sell or exchange their property, and a court of law has not even reviewed it. Yet, there is the right to appeal to a court of law and only makes sense that the lien would be filed after that appeal right has been taken or the time to make the appeal has run. I think that is a major flaw in your piece of legislation."

Fritchey: "Once again, as a practical matter, you're not going to have a situation where a fine is set out and then the municipality runs and files the lien the next day. Steps are going to be taken to enforce the judgement to try to work out obtaining the judgement from the respondent. If those steps aren't fruitful, then you're going to get to the stage where the lien would be filed and recorded. That is going to be a much longer process than if the respondent was going to appeal from the finding, then that appeal would take place... you're shaking your head, and then that process would take place much more quickly than the filing of the lien by the municipality."

Turner, J.: "But why would you want to place a lien on someone's property until they have exhausted their appeal rights? That to me, just makes no sense, logically, whatsoever."

Fritchey: "As a practical matter, it's enforceable upon recording but what we're saying is, once you have that fine, then it is a judgement lien and it gives you the ability to go after the debtor, at that point, to attempt to collect it. Without that, you don't have any teeth for enforcement and

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

60th Legislative Day

May 14, 1997

I think you would have to concede that."

Turner, J.: "Well, I understand it is a judgement lien. I think we just have a difference of opinion. I agree it is a judgement lien, I don't think it should be a judgement lien. I don't think an administrative hearing officer's determination that one party has prevailed, being the municipality, should be then a judgement lien so that a cloud on title is placed upon a person's property until they've either, number one, appealed it to a court of law or at least had the opportunity and let the time run, so for that reason, I can't support your piece of legislation. Thank you."

Fritchey: "Well, I appreciate that and just in response, the lien would not be a cloud on title until it was recorded and it would not be recorded really until after the appeal process had run out, but I appreciate your concern as a practical matter, I don't think that you're going to see that type of impact in the use of this procedure."

Speaker Brunsvold: "The Gentleman from Cook, Mr. Saviano."

Saviano: "I Move the Previous Question."

Speaker Brunsvold: "The Gentleman has moved the previous question. All in favor say 'aye'; opposed 'nay'. The 'ayes' have it and the previous question has been moved. Mr. Fritchey to close."

Fritchey: "Thank you. Senate Bill 574, as I said, was brought by the mayor's office of the City of Chicago. It's permissive, it would allow for all municipalities, all Home Rule municipalities, to set up an administrative adjudication process. This is a good Bill for municipalities. It's a good Bill for the respondents. We have worked on this long and hard to reach a consensus Bill. We have done that. There is no opposition to the

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

60th Legislative Day

May 14, 1997

Bill anymore and I would request a favorable vote on this Bill. Thank you."

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

Cross: "Thank you, Mr. Speaker. Just two questions, one, an Inquiry of the Clerk. Have there been any Amendments filed, and if so, what's the status of the two Amendments? And second, has there been a request for a verification up to this point?"

Speaker Brunsvold: "Mr. Clerk, the Amendment status on this Bill?"

Cross: "And third, and last but not least, has there been a ruling on the preemption of Home Rule? And if not, could we get an answer?"

Clerk Rossi: "Mr. Cross, the only Amendment that is on the Bill is Committee Amendment #1 and it has been adopted to the Bill."

Cross: "Thank you."

Speaker Brunsvold: "Second question, Mr. Cross. There has not been a verification request on this Bill."

Cross: "And what was the answer to the third question?"

Speaker Brunsvold: "And the third answer is, this does not preempt Home Rule. The Parliamentarian says the word is 'may'. It does not say 'shall', so it takes 60 votes to pass."

Cross: "The fact, excuse me Mr. Speaker, the fact that there's the potential to preempt Home Rule, even with 'may', there's still the question... she's still ruling that it only needs 60 votes?"

Speaker Brunsvold: "The Parliamentarian indicates that this will take 60 votes. It does not preempt Home Rule because of the permissiveness of the Bill."

Cross: "And the answer about the verification was what? I've forgotten."

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

60th Legislative Day

May 14, 1997

Speaker Brunsvold: "No one has requested a verification."

Cross: "Okay. Thank you very much."

Speaker Brunsvold: "The question is, 'Shall Senate Bill 574 pass?' All in favor vote 'aye'; all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on that question, there are 76 voting 'yes'; 41 voting 'no'; 0 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Senate Bill 593, Mr. Biggins. Mr. Biggins, Senate Bill 593. Out of the record. Senate Bill 594. Mr. Moffitt. Out of the record. Senate Bill 663. Mr. Scully. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 663, a Bill for an Act amending the Telephone Solicitation Act. Third Reading of this Senate Bill."

Speaker Brunsvold: "The Gentleman from Cook, Representative Scully."

Scully: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I present to you Senate Bill 663, which amends the Telephone Solicitation Act to include services as one of the types of solicitation that is covered by this Act. Services as well as goods which was previously included. It also amends the Telephone Solicitation Act to give consumers the right to instruct a telephone solicitor that the consumer wishes to be taken off of that phone list for future solicitations by that operator. I think this is an important piece of consumer protection legislation. It gives consumers the right to tell solicitors to stop calling them. I'd ask for your favorable consideration."

Speaker Brunsvold: "And on that question, is there any discussion? The Gentleman from Vermilion, Mr. Black."

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

60th Legislative Day

May 14, 1997

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

Speaker Brunsvold: "He indicates he will."

Black: "Yes, Representative, Committee Amendment #1, and 2, have been added to the Bill. Is that correct?"

Scully: "Yes. Senate Amendment #1 was added and House Amendments 1 and 2, were added to exempt from the coverage of this Act licensed relators and members of the... registered members of the telecommunications industry."

Black: "I...it seems to me that most of the telephone calls that one gets at night are from telephone long distance carriers asking you to switch to their service. Why would we want to exempt them?"

Scully: "This was done at their request, and we thought it was a reasonable request on their part in terms of abuses in the telemarketing industry, we felt that although the telecommunications industry is making a lot of telephone calls, we didn't think they were abuses and they are already heavy licensed in regulated industry."

Black: "And why are we exempting relators, do they call and try to sell homes over the telephone or...?"

Scully: "Again, this was a request for exemption made by the realtors. It was in my opinion, they are not either a frequent user of telephone solicitations and certainly I have no information that they were an abuser of the telephone solicitations."

Black: "Okay. Let me ask you a hypothetical, if I might. During the election years, political parties often call repeatedly to do phone polling, issue polling, et cetera. Would your Act, if somebody is called and says, 'You know, I'd like to ask you questions about President Clinton, vis a vis, Bob Dole.' and under your Act then could they say, 'Look don't

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

60th Legislative Day

May 14, 1997

call me again. I don't want to be...I don't want to participate in this poll, I don't want you bothering me again.'? Would that be covered under your Act?"

Scully: "No, it wouldn't, Representative. The definition of telephone solicitation is a communication through the use of telephone by a live operator for soliciting sale of goods or services."

Black: "How about those people who call and ask you to donate money?"

Scully: "That is not a sale of goods or services, and would not be covered."

Black: "Okay. Thank you very much, Representative. Mr. Speaker, Ladies and Gentlemen of the House, to the Bill."

Speaker Brunsvold: "To the Bill."

Black: "You know, I think the basic Bill is a step in the right direction and I certainly don't have any problems with that. I'm going to withhold my vote on this Bill for a philosophical difference. The people who call me at home, time after time, after time, night after night, after night are telephone companies wanting me to switch to their service, and we have amended them out. I don't even know who has my long distance service anymore. I have switched so many times to get rid of the caller, I don't know who has my long distance service, and then on top of everything else, you know, in the last presidential election, the Democrat Party was calling me repeatedly to support Bill Clinton. They obviously had my name on a wrong list. I'm serious, this doesn't go far enough. The only people who bother me repeatedly are people asking me to switch to some long distance service, most of these people I have never heard of and this law, as amended, excludes them. I think it's a good Bill that doesn't go far enough, and that's

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

60th Legislative Day

May 14, 1997

why I'm going to vote 'no'."

Speaker Brunsvold: "Further discussion? Seeing none, Mr. Scully to close."

Scully: "I would just like to reiterate the comments of the last speaker that this is a good Bill and I ask for your support. Thank you."

Speaker Brunsvold: "The question is, 'Shall Senate Bill 663 pass?' All in favor vote 'aye'; all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on that question, there were 112 voting 'yes'; 4 voting 'no', 0 voting 'present', and this Bill having received a Constitutional Majority, is hereby declared passed. Senate Bill 680. Mr. Bugielski. Mr. Clerk, please read the Bill."

Clerk Bolin: "Senate Bill 680, a Bill for an Act in relation to Financial Institutions. Third Reading of this Senate Bill."

Speaker Brunsvold: "The Gentleman from Cook, Representative Bugielski."

Bugielski: "Thank you, Mr. Speaker, Members of the House. Senate Bill 680 would authorize but not require units of local government, community college districts and school districts to accept payments by credit card. Provides that the governing body may enter into agreements with credit card providers and provides for terms of such agreements, and I ask for a favorable Roll Call."

Speaker Brunsvold: "Is there any discussion? Is there any discussion? The Gentleman from Vermilion, Representative Black."

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

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

60th Legislative Day

May 14, 1997

Speaker Brunsvold: "He indicates he will."

Black: "Representative, there is just one thing that I don't understand about this Bill. There is always a discount rate when you use a credit card. So, if I walk into, if I walk into to the municipal treasurers office and I have to pay a business license or a fine, or whatever of \$50, the municipality, as I understand the way credit cards work, the municipality will not receive \$50 for that, it will be minus the commission or whatever the correct term is, to the credit card company. So, you might only get \$45."

Bugielski: "No, that would be...that's too high. You're going with a too high of a percentage. Most of the percentage service charges that the credit card companies will charge is about 2%, 2 1/2%, right in there. Now, the Bill has whereby the municipalities would be able to either pay the discount fee to the credit card provider or they may impose a surcharge or a convenience fee upon making the payment. So, you're giving the choice to the people just as the Secretary of State Office presently operates with the convenience fee when you order your stickers or license plates renewals over the telephone, they will charge like a dollar and a half convenience fee."

Black: "Okay. I think that, that I think is a very important topic that we all need to be aware of because one of my biggest fears was that the government would simply add rather than the fee being \$50, they'd add whatever fee to the Bill and say, 'Well, it's now \$52.' And in effect, I mean what about constructive notice so that when I go in there, I don't say, 'Hey, I've always paid only \$50 for this license and now all of a sudden you're telling me it's \$52.50.' Will there be constructive notice so that I know, I don't have to pay that \$2.50 fee if I don't want to use

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

60th Legislative Day

May 14, 1997

my credit card?"

Bugielski: "Right, the surcharge or the count may not exceed the cost of the equipment or the fee incurred by the local government agency. So, they would tell you that you could either pay by cash or by check and that would be \$50, but if you're going use a credit card, they would have to stipulate that there will be a service charge of \$51.50 or \$52."

Black: "Okay. Now, what safeguard is there to the public that they won't add a little sweetener to the fee. Say, 'Gee, if we're going to do this, we might as well send \$2.50 to the credit card company and why not just charge another .50¢ for our handling cost? Who's going to fuss about a \$3 charge?'"

Bugielski: "The Bill just states that the surcharge or the discount may not exceed the amount of the cost of the equipment and any fee incurred by the local government. I don't think you're going to see a problem with the local governments and they may charge like a 25¢ or 50¢, they are not going to get exorbitant because what it is, it's a convenience for the people that they are giving to the service... to the consumer and you're giving the consumer the choice. If you don't want to pay the extra \$1.50 service fee or, you know, the convenience fee, well then you just pay them by check or cash."

Black: "Okay, so there will be constructive notice?"

Bugielski: "Yes."

Black: "Now, who...I want to make sure we're not changing what I assume to be the current law. Let's say I don't pay the credit card company. Can you pay...let me just ask you, can you pay your property taxes under this...if this Bill becomes law, could you go in and pay your property taxes

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

60th Legislative Day

May 14, 1997

with a credit card?"

Bugielski: "At the present time, some municipalities may do it already. A lot of local districts do not do it. Some are doing this already. I am not aware of some municipalities that do accept or counties that will accept real estate taxes by credit card."

Black: "Okay. What I'm getting at, you know, I don't know what the default rate is on credit cards, but from what I read, it's relatively high. Now, if I go in and pay a substantial fine or fee to a governmental unit by credit card and I don't pay the credit card company, is that...does the credit card company make the government whole, or do they come back on the government entity and say? 'Hey, the individual didn't pay us, we're not going to pay you.'"

Bugielski: "No, the credit card companies pay the local municipalities right away, then it's up to the credit card company to go after the consumer. Just as it is right now, if you go and purchase something from a department store, that department store or restaurant, if you go to a restaurant tonight and foot a \$200 bill, that restaurant is going to get their money, but now it's up to the credit card company to collect from you and they don't go back to the restaurant to collect their money. This would be the same situation in this case, too."

Black: "Okay. So, it wouldn't be any different than the current retail transaction using a credit card?"

Bugielski: "Correct. Correct."

Black: "So, there is, as far as I can see in your Bill, there's no risk that by using plastic or electronic means, there's no risk that the municipality is going to receive less money because you would add the fee up front. Correct?"

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

60th Legislative Day

May 14, 1997

Bugielski: "That is correct, Sir."

Black: "And the consumer will be given constructive notice and could decide that that fee is not something he or she wants to pay?"

Bugielski: "That is correct."

Black: "Okay. Fine."

Bugielski: "It's just as the Secretary of State has right now, it's specified distinctly that if you want to order by phone, there is a convenience fee and they give you what it is, I believe it's \$2 or something like that."

Black: "And this only affects your Bill, as I recall, only affects municipalities. Does it affect counties, or any unit of government?"

Bugielski: "Yes, it does. The only ones that are written out of the Bill...it does not limit the authority of clerks of the court, so they are exempt. This would not refer to them."

Black: "What about State Government?"

Bugielski: "State Government, yes. We do it now. The Secretary of State does it."

Black: "Okay."

Bugielski: "It's not covered under the Bill."

Black: "Okay, that's not even in the Bill."

Bugielski: "Right."

Black: "So if I wanted to pay my state income tax..."

Bugielski: "No."

Black: "...by credit card, this wouldn't give me that authority."

Bugielski: "No, we'll take cash. The state will take your cash."

Black: "I've tried that. I tried that this year and that division of governmental affairs guy, what's his name, Phil Wyatt wouldn't take my credit card, but whatever."

Bugielski: "I always thought that you always get a big refund from the state, Representative."

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

60th Legislative Day

May 14, 1997

Black: "Well, he asked me for identification and all I had was yours, and he said that wasn't good enough. So, whatever the case may be, I have some concerns about this, Representative, but I think you have addressed them. I think as long as constructive notice is a part of the Bill and my only fear is, and we may revisit this, I hope that governments don't decide to add on a little sweetener for their own cash flow because then, I think, that would destroy the very thing you're trying to do here. So, I appreciate your forthright answers to the questions. Thank you."

Speaker Brunsvold: "The Gentleman from Livingston, Representative Rutherford."

Rutherford: "Thank you, Mr. Speaker. I stand in support of this piece of legislation. Last year, when we had the Constitutional Officers Committee, Representative Mautino and I jointly held meetings across the state regarding this issue. Our focus at that time was trying to bring in statutory language to enable the state, other entities in State Government to participate in a credit card program. Unfortunately, we weren't able to come to an agreement between the various elements today, but the other part of our testimony was in regards to local units of government. We had a number of representatives from those entities come and participate in our hearings and I appreciate Bugs, moving forward with this piece of legislation. Stand in strong support of it."

Speaker Brunsvold: "Any further discussion? Seeing none, the Gentleman from Cook to close."

Bugielski: "Thank you, Mr. Speaker. I just ask for a favorable vote, a favorable Roll Call. I think it would be very beneficial to all of the Representatives here for their

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

60th Legislative Day

May 14, 1997

units of local government and I ask for a favorable Roll Call. Thank you."

Speaker Brunsvold: "The question is, 'Shall Senate Bill 680 pass?' All in favor vote 'aye'; all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On that question, there are 115 voting 'yes'; 1 voting 'no'; 1 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Senate Bill 681, Mr. Biggins. Out of the record. Senate Bill 685. Mr. Santiago. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 685, a Bill for an Act to amend the Consumer Installment Loan Act. Third Reading of this Senate Bill."

Speaker Brunsvold: "The Gentleman from Cook, Representative Santiago."

Santiago: "Thank you, Mr. Speaker and Members of the General Assembly. Senate Bill 685, it is the same Bill that passed out of here.. House Bill 597, I believe it was, which was a Saviano/Santiago Bill, would amend the Consumer Installment Loan Act to permit licensed lenders to make loans by electronic means. What this means is that this Bill will allow the lending industries to operate automated loan machines at locations that are approved and licensed by the Department of Financial Institutions. The industry will be able to station these automatic loan machines in shopping malls and other retail outlets. It will give the consumer the freedom to access their credit at their own discretion. It is simply done...how it works is, the consumer board approach one of these ALM machines, will touch a computer screen, an application form would appear and the questions have to be answered, just like a regular loan and you go

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

60th Legislative Day

May 14, 1997

from there on. I move for a favorable consideration. I will take any questions that you may have."

Speaker Brunsvold: "Any discussion? Mr. Black."

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

Speaker Brunsvold: "The Sponsor yields."

Black: "Representative, let me get all the pleasantries out of the road. I hold you in the highest regard and great respect, one of the fine Gentlemen in this chamber, but I'm not so sure I like your Bill. If I could ask you a few questions. Can you walk me through the process by which a borrower is going to take out a loan through an automatic loan machine?"

Santiago: "Basically, the borrower approaches a...one of these machines, puts in a drivers license. A credit card is required, puts it in the machine, a screen would appear, an application would show up on the screen and the individual will be asked questions. It's a touch sensitive computer screen and they will answer the questions. The information is recorded in a computer at one of these lending offices and they will determine then and then if the individual qualifies for a loan."

Black: "At what point in the process would the person using the machine to take out a loan be notified of any one-time fees that he or she is going to pay on this loan?"

Santiago: "The individual will be notified as soon as he is approved by...of the loan what kind of fee he will pay. It's included in the Bill that a \$300 fee is the cap."

Black: "So, the fees could go up as high as \$300 to originate the loan?"

Santiago: "Yes. Yes. Yes."

Black: "And would the consumer get notice on the screen or would

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

60th Legislative Day

May 14, 1997

there be a sign by the screen telling the consumer how high these fees might be, or would you not know until he had consummated the loan?"

Santiago: "I believe that the...that information will be available to the consumer once the loan is approved."

Black: "At what stage..., if I go to this machine to borrow money, at what stage will I be notified of the interest rate I will be expected to pay?"

Santiago: "Well, as you know, these are high-risk loans. The institution will make the determination on how high the rates are and the consumer is aware that these are, once again, unsecured loans that are basically...they are at the market rate which whatever it is. I mean, it could be the same as a credit card rate."

Black: "The underlying Bill says maximum amount of money I could borrow through this machine would be \$10 thousand. Is that, that's in the Bill."

Santiago: "Yes."

Black: "All right, now we're hearing that there is already a movement, if this passes and becomes law, that the next thing we'll see is to run it up to \$25,000."

Santiago: "Well, it's...that's why this institution is so wonderful and that's why this is America. I mean, we let the, you know, the consumer do whatever he wants to do. It's up to the consumer. If they don't want to pay the fees, you don't take the loan. If they don't want to...you know, it's up to them."

Black: "I saw some prohibitions in the language about where these machines could be located. They can't be within a thousand feet of a horse racing track, right?"

Santiago: "Or river boats."

Black: "Or river boats. How about a bingo parlor?"

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

60th Legislative Day

May 14, 1997

Santiago: "This is not in... in the Bill."

Black: "Okay. I assume that a great spot to put one of these machines would be a shopping mall, wouldn't it?"

Santiago: "Yes, that's where they are basically are located. In shopping malls, truck stops, and you know, whatever the consumer wants to have access to it."

Black: "Okay. Now..."

Santiago: "I think you should get into business, because I think it's a great business."

Black: "I think if we could license it and you and I owned the business, I might agree with you, but I've got some real concerns about this. At what point can I get out of this loan? If I see the interest rate is going to be 19% on a \$10 thousand loan, I mean, how much... once I start the process with the machine, how long do I have to get out of this thing? I take a look at it and say, 'Oh, wow, that's way too much interest or that's way too much money.'"

Santiago: "It has been explained to me that that's...once you approach the machine, that the instructions are there. It will tell you, it will just take you a step at a time and if you want to get out, you just get out. I mean, it's very simple."

Black: "But once I consummate the process at the machine, I am involved in a loan, correct?"

Santiago: "Not necessarily. If they approve your loan and if you want to go ahead with the approval and you want to take the money, then you go ahead and the instructions will tell you what to do."

Black: "Would I have any cancellation privileges? Would there be a certain amount of time that I could get out of the loan? Maybe I wanted somebody, a friend of mine to look at it and they say, 'This isn't really a very good rate, I'd cancel

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

60th Legislative Day

May 14, 1997

this loan.'" "

Santiago: "I believe there is already...in the Consumer Protection and the Consumer Act, that's already law that protects the consumer from that sort of thing."

Black: "Okay. One last question, Representative. How does the machine know or what data bank will the machine access, so that it knows something about my credit history?"

Santiago: "I believe that once you put in your drivers' license, give your information and you give a credit card, they will run a credit check on you."

Black: "And what provisions for fraud would then exist? What if I have somebody else's drivers' license or somebody else's social security number and I want to take out this loan obviously, but in somebody else's name?"

Santiago: "Well, that is the risk that institution takes, the lender takes."

Black: "Okay. So then, that risk factor would be a part of the cost for the loan, right? Obviously. Okay."

Santiago: "Yes. That's why you're paying high interest."

Black: "Okay. Thank you very much, Representative. As always, I appreciate your forthright answers. Mr. Speaker, if I might..."

Speaker Brunsvold: "Proceed."

Black: "To the Bill and Ladies and Gentlemen of the House. I realize that technology is here to stay and I would assume at some point this will probably be a very common way to execute a loan. But in 1997, if you take a look at this, somebody goes up to a machine and can execute a loan for up to \$10 thousand and they could be at a mall where the person has some impulse, you know, I just have to have to have that item, I'm going to go borrow money. I'm still not sure how the credit history gets involved. I assume

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

60th Legislative Day

May 14, 1997

that there would be a data bank where you couldn't go to three machines in one day and take out three \$10 thousand loans that you don't have any ability to pay back. The interest rate provision, while the Sponsor is well-intentioned and assumes that everybody is going to know that, I don't know how that's going to work. I know that a similar measure has already passed, but I think if you really take a look at this, who initially is going to go to these machines? As the Sponsor himself said, and I do hold him in the highest regard, I mean, after all, we share an office suite up on the penthouse and those of us who can survive on the 6th floor are relatively close and I have great respect for the Sponsor. My fear is, that the people who go to these machines are going to be people who should least go to a machine and pay an exorbitant interest rate to borrow money. I think the potential for abuse is great. You know, we debate on this Floor about risk and whether or not you ought to have a teller machine on a river boat. I think if these machines proliferate, and I'm sure they probably will, large lending institutions are going to get involved. You remove the human factor, you remove the counseling factor, I don't think this is really good public policy in 1997. I'm sure in the future we will see, but this is in its infancy. I cannot in good conscience support it and I think if you really take a look at this Bill, you better be willing to be able to talk to your constituents when they get tied up in a \$10 thousand loan at 20% interest. They are going to come to you to see whether or not you can get the interest reduced or whether or not you can get them out of the loan. I'm not sure this is...that we're ready in 1997 for this policy and that's why I stand in opposition."

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

60th Legislative Day

May 14, 1997

Speaker Brunsvold: "Further discussion? Seeing none, the Gentleman from Cook to close."

Santiago: "Thank you, Mr. Speaker. As my friend, Representative Black, says, people will get the impulse but people also have needs and if you have the need, you should be able to have access. And what this does and it will do, it will give the consumer the freedom of choice. The freedom to select and this...that is why we live in such a great country, Representative Black. America, the opportunity is there for you to access whatever you want to do. So, I move and I ask for your considerable consideration on this Bill. Thank you, Mr. Speaker."

Speaker Brunsvold: "The question is, 'Shall Senate Bill 685 pass?' All in favor vote 'aye'; all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all all voted who wish? Mr. Giglio, for what reason do you rise?"

Giglio: "Thank you, Mr. Speaker. I rise on a Point of Personal Privilege. I would like to welcome Mrs. Andrew Garitano, a P.E. teacher from Nathan Hale School in Lansing. They performed just a few minutes ago down in the rotunda in honoring Shape up Illinois and if we could please welcome them; from Nathan Hale School in Lansing, Illinois."

Speaker Brunsvold: "Welcome to Springfield. Have all voted who wish? Mr. Clerk, take the record. And on that question, there are 17 voting 'yes'; 87 voting 'no'; 13 voting 'present'. This Bill, not having received a Constitutional Majority, is hereby declared lost. Senate Bill 713. Mr. McGuire. Please read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 713, a Bill for an Act in relation to Fire Department Promotions. Third Reading of this Senate Bill."

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

60th Legislative Day

May 14, 1997

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

McGuire: "Thank you, Speaker Brunsvold. This Bill has been talked about the last few days. We've asked that it be sent back to the Senate, the Senate Sponsor is Senator Dudycz. The firefighters and the Municipal League are going to continue the work on this Bill and I would ask for your favorable vote to move it back to the Senate for further work. Thank you."

Speaker Brunsvold: "And on that question, is there any discussion? Seeing none, the question is, 'Shall Senate Bill 713 pass?' All in favor vote 'aye'; all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On that question, there are 73 voting 'yes'; 41 voting 'no'; 1 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Senate Bill 862. Mr. Parke. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 862, a Bill for an Act to amend the Illinois Highway Code. Third Reading of this Senate Bill."

Speaker Brunsvold: "The Gentleman from Cook, Mr. Parke."

Parke: "Thank you, just a minute. Senate Bill 862 provides that if the Department of Transportation obtains interest in any land right or other property, they must comply with the provision Land and Water Conservation Fund Act of 1965. They have the right to transfer this land, this property that they have had, usually unimproved property, to any not-for-profit organizations such as Historical Bridge Program or National and Historic Preservation Program. It is a way of getting property that was taken back under the Amendment that was passed on the Floor. It allows the

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

60th Legislative Day

May 14, 1997

people that they had purchased it from, first right of refusal, so that they can revert back to the people that IDOT either took or bought the land from. Usually, of course, they buy it, so I think it's a good idea. It allows people the right to get their land back, or to use it if it's sitting there and IDOT's no longer interested in using it, to put it actually back into a state of which would be natural, it would be...usually areas that have swamp or something like that. It's most often not property that has any real market value. So, I would ask that the Body allows us to do this."

Speaker Brunsvold: "And on that question is there any discussion? Seeing none, the question then is, 'Shall Senate Bill 862 pass?' All in favor vote 'aye'; all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On that question, there are 109 voting 'yes'; 9 voting 'no'; 0 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Senate Bill 910. Mr. Woolard. Senate Bill 910. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 910, a Bill for an Act in relation to the regulation of wine. Third Reading of this Senate Bill."

Speaker Brunsvold: "The Gentleman from Williamson, Representative Woolard."

Woolard: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 910 is one of those new areas in the agri-business industry in the State of Illinois and we feel that this council and the funding of this council will be a positive step forward for the grape growers in the wineries of the State of Illinois. It also has been amended to

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

60th Legislative Day

May 14, 1997

allow for an agreed Amendment that all parties believe would be positive. DCCA has agreed to provide through tourism the funds necessary to accommodate the implementation and hopefully success of this council. I would encourage each and everyone of you to vote 'yes'."

Speaker Brunsvold: "The Gentleman has moved for the passage. Is there any discussion? Seeing none, the question is, 'Shall Senate Bill 910 pass?' All in favor vote 'aye'; all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk...Mr. Clerk, take the record. And on that question, there are 118 voting 'yes'; and 0 voting 'no'; 0 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Senate Bill 918. Mr. Dart. Mr. Clerk, please read the Bill."

Clerk Bolin: "Senate Bill 918, a Bill for an Act in relation to sports and physical fitness. Third Reading of this Senate Bill."

Speaker Brunsvold: "The Gentleman from Cook, Mr. Dart."

Dart: "Thank you, Mr. Speaker, Members of the House. Senate Bill 918, it will give the Illinois Governor's Council on health and physical fitness the authority to establish minimum criteria for youth sports, coach, and game official educational programs. This is a Bill which has been receiving widespread support. It's supported by numerous health groups as well as physical fitness groups. It's something... it's an effort to try to increase the amount of knowledge that coaches and individuals playing sports has. I know of no opposition. I would appreciate a favorable vote."

Speaker Brunsvold: "The Gentleman has asked for the passage. Is there any discussion? The question is, 'Shall Senate Bill

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

60th Legislative Day

May 14, 1997

918 pass?' All in favor vote 'aye'; all opposed vote 'no'.
The voting is open. Have all voted who wish? Have all
voted who wish? Have all voted who wish? Mr. Clerk, take
the record. On that question, there are 117 voting 'yes'; 0
voting 'no'; 0 voting 'present'. This Bill, having
received a Constitutional Majority, is hereby declared
passed. Senate Bill 920. Mr. Winters. Out of the record.
Senate Bill 927. Mr. Smith. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 927, a Bill for an Act concerning
vehicles. Third Reading of this Senate Bill."

Speaker Brunsvold: "The Gentleman from Fulton, Representative
Smith."

Smith: "Thank you, Mr. Speaker and Ladies and Gentlemen of the
House. Senate Bill 927 is the Senate Companion Bill to a
Bill we passed out of here earlier this spring for the
cycle rider safety training fund administered by the
Department of Transportation. This Bill is different from
the House version in that it now includes a \$20
participation fee on the part of all the participants in
the training program. This is an initiative of Illinois
Abate and I believe that it addresses some of the concerns
that were voiced in the original House Bill. It does
reallocate a portion of the motorcycle registration fee
into the cycle rider safety training fund, plus the \$20
participation fee, should meet all of the financial
constraints on the program. This is a pro safety issue, a
pro motorcycle rider safety issue and I would encourage an
'aye' vote on this and would be glad to answer any
questions."

Speaker Brunsvold: "And on that question, the Gentleman from
Bureau, Representative Mautino."

Mautino: "Thank you, Mr. Chairman, or Mr. Speaker. I didn't hear

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

60th Legislative Day

May 14, 1997

over some of the noise in the chamber. I couldn't hear the explanation. Are there..."

Speaker Brunsvold: "The Gentleman will yield?"

Smith: "Yes."

Mautino: "Is any of this money coming from the Road Fund?"

Smith: "This includes the reallocation that we had in the original House Bill. Currently, a motorcycle registration is \$30. Eight dollars of that goes into the safety fund. This legislation would reallocate to make that \$10 as opposed to \$8. The remainder of that registration fee does go into the construction fund for IDOT."

Mautino: "Okay, so when we do this, what is going to be the impact on the road fund itself?"

Smith: "We're talking about the reallocation would amount to an additional \$360 thousand into the safety training program."

Mautino: "Okay, so it's \$360 thousand that's going to be... when you say, reallocated, I mean, we haven't done this in the past. It was... it's the same as another House Bill that went out, correct?"

Smith: "That's right. It's... that portion of it is identical to House Bill 380. and the cost on the Road Fund is \$380 thousand, \$375..."

Mautino: "And the cost of the Road Fund is \$380,000?"

Smith: "Three hundred and seventy-five, according to our analysis."

Mautino: "Okay, is there any provision for a pay back of these dollars?"

Smith: "No, there's no provision for a pay back. I think the important thing to point out is that this is money paid by motorcycle owners in the state and this is an allocation into a program that they directly benefit from."

Mautino: "So, the...Mr. Speaker. If you can get some order,

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

60th Legislative Day

May 14, 1997

please. I can't hear."

Speaker Brunsvold: "Yes. Let's give the Gentleman your attention."

Mautino: "So, under past...this is going to have an additional \$10 to the registration fee, correct?"

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

Mautino: "Or is that \$8?"

Smith: "The registration fee would remain at \$30. We're just reallocating where that...a portion of that \$30 goes. It does include a \$20 participation fee for all the participants in the training program. Currently, they pay a \$20 fee which is returned to them if they fulfill the program."

Mautino: "All right, so we aren't changing the fee itself for the motorcycle registration. It's if they want to go into the safety training program there's a \$20 voluntary fee. If they want to take part in it, they would pay that at that point."

Smith: "It would not be a voluntary fee, it would be a \$20 mandatory fee."

Mautino: "Okay. I guess probably...and after looking at the Bill, my concern is some of the Road Fund issues taking a little closer look at it, and that hit on the Road Fund. I think that if they're going to do this, they may want to look at...instead of replacing the dollars which go to build the roads and bridges throughout the State of Illinois, maybe looking at an additional fee on the registration which would go directly towards training. I do think that in the future that might be something they want to look at."

Smith: "Thank you, and if I could respond. I think the compromise was the mandatory fee for the participants in

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

60th Legislative Day

May 14, 1997

the program and that's an issue that Representative Feigenholtz had mentioned in debate on the House Bill."

Speaker Brunsvold: "The Lady from Cook, Representative Feigenholtz."

Feigenholtz: "Thank you, Mr. Speaker. Mr. Smith, since I have discovered that my photograph is at the Harley Dealership in Oak Lawn with a wanted sign underneath it, I thought I would ask you a few questions. How much money is this diverting from IDOT, about \$30 thousand a year? In about five years it's going to add up to quite a bit. Correct?"

Smith: "Representative Feigenholtz, I think you recall the debate we had on the House version of this issue. It's not a diversion in IDOT, it's an reallocation of money from one fund into another fund into very valuable safety programs."

Feigenholtz: "And part of the reason that we have to do this and you know, I'm a big, big proponent of cycle safety. I'm sure you've heard that is because... part of the reason we're doing this is because Illinois, up until this point, has had about \$20 deposit, am I correct, on motorcycle safety classes?"

Smith: "That's right and I'm sure that you will favor the proposal in this Bill which now makes that a mandatory fee. So, the participants in the program will be paying \$20 which will go to fund the program."

Feigenholtz: "In the grand scheme of things in this country, what is the average cost of a motorcycle safety course, do you know?"

Smith: "No, I'm sorry I can't answer that. I've heard that some states charge up to \$200 for the program, but..."

Feigenholtz: "And would you consider that a little too high?"

Smith: "I would say so, yes."

Feigenholtz: "What would you consider a reasonable fee? Do you

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

60th Legislative Day

May 14, 1997

think \$20 is reasonable?"

Smith: "I think that \$20 is reasonable as proposed in this legislation, taking into account the \$30 registration fee that is paid annually to own a motorcycle."

Feigenholtz: "When you were drafting this legislation, Mr. Smith, which I'm sure you worked night and day on, did you think that perhaps, because you do represent a county in a district that has a great deal of respect for the Road Fund that perhaps if we increased this fee by maybe another \$10, \$20, or \$30, that we might not have to divert money?"

Smith: "I'm not sure that that was considered. I think that..."

Feigenholtz: "Do you think maybe that's something that we ought to do? I mean, I've just come out of an Educational Meeting. I've got children's hospitals in my district that are having a very difficult time with what's going on with them economically. Do you think maybe we ought to pull this Bill out of the record, and study it further, and possibly consider increasing that fee from \$20 to \$50?"

Smith: "No, Representative Feigenholtz. I think... I'm really shocked and appalled that you would not support this issue because I think the comments you made on the floor of the House, on the House version were in support of the Amendment that the Senate put on allowing for the participation fee. So, I was hoping to see your name on the board as a cosponsor of this pro-safety legislation."

Feigenholtz: "You know what? I've never heard this term 'participation fee' before. Could you indulge me? What is a participation fee?"

Smith: "That is the fee that we were just speaking about. It's a \$20 fee to participate in the program. Previously, that's been returned once you have completed the program."

Feigenholtz: "Mr. Smith, with all due respect, I really think we

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

60th Legislative Day

May 14, 1997

ought to reconsider what we're doing here. I really do. I think that I have been and read about some states in this country who have been charging a reasonable amount of money and have not had to divert road money, and I know that this is a precious little account in the State of Illinois. I know that we're getting letters, I'm getting letters from my constituents who are concerned about a potential gas tax hike and they don't want to pay for it. So, why are we doing this? Please, tell me why we're doing this. Why don't we try to consider...why don't we try doing this by increasing, let's say \$40, \$50? Go back to the table and see that it is more equitable for the taxpayers of the State of Illinois."

Smith: "Was that a question, Representative, or was that a closing comment?"

Feigenholtz: "I don't know, what do you think?"

Smith: "I think that was more a closing comment."

Feigenholtz: "Thank you."

Speaker Brunsvold: "Any further discussion? Any further discussion? Seeing none, the Gentleman from Fulton to close."

Smith: "Thank you, Mr. Speaker. Again, I would reiterate, this is a pro-safety piece of legislation for motorcycle riders in the state. This includes the reallocation of a portion of the fee that they pay already for their registration. It also includes a \$20 participation fee. The money generated from both of these efforts will allow the safety program to be fully funded to replace some much-needed equipment and to meet all the waiting...people on the waiting list who have not been able to participate in the program in the past. As Representative Black said, previously, on the House version, this is a small effort

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

60th Legislative Day

May 14, 1997

for motorcycle registrants in the state, who really cause very little damage to the highways of this state and they're just asking for a portion of their fee to train motorcycle registrants and owners in the state on how to be more properly... use their motorcycles in a more safe manner. I would encourage everyone to vote 'yes' on this Bill. Thank you."

Speaker Brunsvold: "The question is, 'Shall Senate Bill 927 pass?' All in favor vote 'aye'; all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On that question there are 98 voting 'yes'; 18 voting 'no'; 0 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Representative Turner, in the Chair."

Speaker Turner, A.: "The Gentleman from Cook, Representative Lyons. For what reason do you rise?"

Lyons: "Mr. Speaker, on Senate Bill 927, I missed the vote. I was right here, thought I hit it, but didn't, but I would like to be recorded as 'yes'."

Speaker Turner, A.: "The record will so reflect. Mr. Clerk, on the Order of Third Reading we have Senate Bill 946. Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 946, a Bill for an Act amending the Nursing Home Care Act. Third Reading of this Senate Bill."

Speaker Turner, A.: "The Gentleman from Rock Island, Representative Brunsvold."

Brunsvold: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 946 would simply extend a pilot program on nursing homes. The program now has... this Bill would extend that program by two years and require a final report due in 2001. And I know of no opposition to the Bill and

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

60th Legislative Day

May 14, 1997

ask for the passage."

Speaker Turner, A.: "Are there any questions? Seeing none, the question is, 'Shall Senate Bill 946 pass?' All those in favor vote 'aye'; all those opposed vote 'no', and the voting is now open. 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 117 voting 'aye'; 0 'noes'; 0 'presents'. This Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Third Reading, we have Senate Bill 1001. Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 1001, a Bill for an Act amending the Metropolitan Water Reclamation District Act. Third Reading of this Senate Bill."

Speaker Turner, A.: "The Lady from Cook, Representative Crotty."

Crotty: "Thank you, Mr. Speaker. Senate Bill 1001 is the same as the House Bill 2125. It reorganizes and consolidates the statute concerning the Water Reclamation District's Authority to regulate the content of waste water discharged into the districts sewers. It also codifies the district's present practices concerning the administrative level hearings and the Bill was written with the assistance of the Illinois Manufactures' Association and the Chicago Chamber of Commerce, and I know of no opposition. If there's any questions, I would be happy to answer them."

Speaker Turner, A.: "The Gentleman from Kendall, Representative Cross. For what reason do you rise?"

Cross: "Will the Sponsor yield?"

Speaker Turner, A.: "She indicates she will."

Cross: "Representative, what prompted this Bill or what was the genesis behind it?"

Crotty: "The Water Reclamation had come to both myself and

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

60th Legislative Day

May 14, 1997

Senator Rauschenberger. It needed to update its definition section and it also had to be consistent with the environmental practices that they have and the terminology. They also needed to clarify the right of the access to the companies, and it's only the industry, promises during reasonable business hours for the purpose of taking samples. It also had to provide a hearing officer to set a specific date for discontinuing a discharge after a violation had been cited, and it allowed liens for unpaid civil penalties, and it also helps the district to recover cost of storing mobile equipment when that equipment was found to be dumping pollutants into the system, so there were a lot of loopholes when industries would take them to court. So, it really... it's going to be a cost savings to the Metropolitan Water District, not only in court costs, but also, and just after... there has been violations, helping them to be able to collect the fines."

Cross: "Representative, I guess I'm a bit...well, first of all, does this...does your language only apply to the Metropolitan Water Reclamation District?"

Crotty: "Yes, it does."

Cross: "No other sanitary districts in the state?"

Crotty: "No."

Cross: "Doesn't the EPA, either the Illinois EPA or the Federal EPA have the ability to access fines and regulate discharge right now?"

Crotty: "The fines have been delved out to the industry, but then some, only a few of those industries, tend to ignore it, so it is very hard to collect those fees, those fines. You know, it's important to let you know that this Bill is both pro-environment as far as I'm concerned and it's also pro-business. It's cracking down on illegal polluters, who

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

60th Legislative Day

May 14, 1997

discharge prohibited substances into the sewer system and from the pro-business aspect of it, it targets violators to help reduce that cost to the lawful users right now of the system."

Cross: "Did any of the environmental groups put slips in at the committee? Our analysis...we're trying to ascertain if the Environmental Council, if the environmental groups are in support of this Bill and up to this point, we don't know."

Crotty: "There was no slips put in, but I would imagine the environmental groups would be in favor for this. It stops polluting...pollution of the sewage system which goes into the river and..."

Cross: "Well, I'm sure you know by now, Representative, assuming it gets us all in trouble. Can you hold this Bill a little bit and let us know or have someone from the Environmental Council tell us if they are supportive of this Bill?"

Crotty: "There was no opposition, Representative Cross."

Cross: "But no proponents?"

Crotty: "Well, I...there was none at my hearing. I don't know that at Senator Rauschenberger's hearing."

Cross: "Do you have any idea..."

Crotty: "There is no opposition to this Bill."

Cross: "But we don't know if they support it. For all we know, they didn't oppose it."

Crotty: "There's no opponents. And it was worked with the Illinois Manufactures' Association and the Chamber of Commerce in Chicago."

Cross: "All right. Let's..."

Crotty: "It's a good Bill."

Cross: "We're now giving your sanitary district or the Metropolitan Water Sanitary District the power to implement ordinances, rules, and regulations necessary to implement

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

60th Legislative Day

May 14, 1997

this Act. Are we taking away any control from local governments or from the state? What if there is a conflict between Metropolitan Water Reclamation Sanitary District and Illinois EPA's laws?"

Crotty: "There is no... right now, everything in this Bill is law. There's only two new provisions in the entire Bill."

Cross: "Why do we need the Bill if everything is law?"

Crotty: "Because it had to change some of the definitions and the terminology to bring it more up to date, environmentally..."

Cross: "All right. Let's..."

Crotty: "...from the time that it was written over 20 years ago."

Cross: "The Board of Commissioners... how many commissioners are there? It says in here that the Board of Commissioners may assess any penalties against a person who makes a prohibited discharge. Can you tell us what the mechanism is for assessing penalties? Is there a trial? Is there a hearing? Is it an administrative hearing? Is it a jury trial?"

Speaker Turner, A.: "You've got one more minute."

Crotty: "There is a hearing set up."

Cross: "Can you explain the due process..."

Crotty: "Sure can."

Cross: "...portion of the hearing? Well, Mr. Speaker, we've taken about my last minute to get an answer that we haven't heard yet."

Crotty: "I'd be more than happy..."

Cross: "Maybe we can get some answers with Representative Durkin. Thank you."

Crotty: "On page 3, of your Bill...of the Bill, talks about the hearing, Representative Cross."

Speaker Turner, A.: "The Gentleman from Cook, Representative

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

60th Legislative Day

May 14, 1997

Durkin."

Durkin: "Will the Sponsor yield?"

Crotty: "Sure will."

Durkin: "Representative, in the Bill it states that the Board of Commissioners shall establish a panel of independent hearing officers to conduct hearings. What is the criteria? Is there any type of background which is required for these hearing officers, that you have in your Bill?"

Crotty: "I had asked that question and it's just supposed to be an impartial hearing officer."

Durkin: "Well, is there a requirement that..."

Crotty: "Not that I know of, a requirement."

Durkin: "First of all, are these individuals required to practice law in Illinois?"

Crotty: "I didn't ask that question, so I don't know that for sure."

Durkin: "I'm not sure, what was your answer? Do you have to be a licensed attorney to be a hearing officer?"

Crotty: "I don't know that for sure."

Durkin: "Could you find out?"

Crotty: "Pardon me."

Durkin: "Could you find out?"

Crotty: "I could probably find out. They have to be licensed attorneys. The hearing officers shall be attorneys licensed to practice law in this state."

Durkin: "All right. So, these individuals are going to be conducting hearings and they'll be assessing some type of civil penalties, correct?"

Crotty: "That's correct."

Durkin: "If it's warranted?"

Crotty: "If it's warranted."

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

60th Legislative Day

May 14, 1997

Durkin: "Now, don't you believe that there should be at least some type of years of experience or years of practice or perhaps a specialization in this type of area of law which is actually very, environmental laws are very...particular area of law which could be very confusing and I think it's a very highly regulated law. Do you believe that there should be some, at least some type of language in here which would place some type of requirement on the hearing officers? At least the years of experience or years of training or particular area that they practice in."

Crotty: "The due process...the due process criteria has already been written into this law."

Durkin: "No, my question is, it's not so much a question about the due process end of it, it's about who's going to be able to serve as a hearing officer. Is it somebody, I mean, the way I read it, it could be somebody who's...the day after they have been sworn into the bar, they could be appointed to be a hearing officer, correct? Which I believe we're talking about an independent, impartial hearing officer. I think that, you know, we start thinking about that and the question is, is this a person who's just been out of law school or somebody who has experience in this area of law and has conducted similar types of administrative hearings? All right, I've got a next question. Who's going to pay the salaries for these hearing officers?"

Crotty: "I would imagine the Water Reclamation District."

Durkin: "Well, my only..."

Crotty: "That would come out of... possibly could come out of the fines. It's not a cost to the state."

Durkin: "Well, my question is, if it's going to come out of the budget of the Reclamation District, do you believe that

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

60th Legislative Day

May 14, 1997

that would somehow raise a red flag of whether or not it's an independent hearing officer?"

Crotty: "I'm sorry, I didn't hear your question."

Durkin: "I said, if the salary is going to be coming out of the Water Reclamation District's budget, do you believe that that would somehow cast a shadow on the independence and the impartiality...?"

Crotty: "No."

Durkin: "Are you sure?"

Crotty: "I'm positive."

Durkin: "All right. Well, there's a lot...this is a big Bill. I think you have answered most of the questions. I'm done."

Speaker Turner, A.: "The Lady from Macon, Representative Curry. For what reason do you rise?"

Curry: "Thank you, Mr. Speaker. On Senate Bill 927, the records show that I voted 'no'. I would like the record to reflect that I would have voted 'yes'."

Speaker Turner, A.: "The record will so reflect. The Lady from Cook, Representative Davis. For what reason do you rise?"

Davis, M.: "I rise in support of Senate Bill 1001. This is the same legislation that passed out of here with an overwhelming vote, and I urge an 'aye' vote."

Speaker Turner, A.: "The Lady from Cook, Representative Crotty to close."

Crotty: "Thank you, Mr. Speaker. Again, I want to reiterate that this is the same Bill that we had at Senate Bill 2125. I'm picking it up for Senator Rauschenberger from the Senate to bring it over here. I ask that you have a positive vote for this environmentally sound Bill. I want to again reiterate that it was worked with in the Illinois Manufacturers' Association, the Chicago Chamber of Commerce and the Metropolitan Water Reclamation. Again, it tends...

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

60th Legislative Day

May 14, 1997

does work with the violators of persons who are polluting the metropolitan district's operation. It does not in any way..."

Speaker Turner, A.: "The question is, 'Shall Senate Bill 1001 past?' All those in favor shall vote 'aye'; all those opposed vote 'no'. Voting is now open. 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 96 voting 'aye'; 17 voting 'no'; and this question, having received a Constitutional Majority, is hereby declared passed. On the Order of Third Reading, we have House Bill...Senate Bill 677. Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 677, a Bill for an Act amending the Property Tax Code. Third Reading of this Senate Bill."

Speaker Turner, A.: "Representative Brunsvold, the Gentleman from Rock Island."

Brunsvold: "Thank you, Mr. Speaker."

Speaker Turner, A.: "Representative, hold on. The Lady from Cook, Representative Coulson, for what reason do you rise?"

Coulson: "I rise to ask if I can be recorded as a 'yes' on that last one. I missed my button. Actually, it was... I switched my button, so..."

Speaker Turner, A.: "The record will so reflect, Representative. Representative Brunsvold, continue."

Brunsvold: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. This Bill as it came from the Senate made another expansion on commercial industrial property abatement. This is a permissive Bill allowing them to do this. It adds the words, racetrack... car racing facility to what presently is there now and again, it's permissive. The House Amendment that was put on in committee is an issue from Rock Island County dealing with a sales tax for

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

60th Legislative Day

May 14, 1997

housing and job development. This has been worked on by the elected officials of Rock Island County along with the Chamber of Commerce and the media and the newspaper there in Rock Island County. So, I know of no opposition to the Bill and would ask for the passage."

Speaker Turner, A.: "Are there any questions? Seeing none, the question is, 'Shall Senate Bill 677 pass?' All those in favor should vote 'aye'; all those opposed vote 'no'. Voting is now open. 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 101 voting 'aye'; 14 voting 'no'; and this Bill, having received a Constitutional Majority, is hereby declared passed. On the Order of Third Reading, we have Senate Bill 897. Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 897, a Bill for an Act amending the Real Estate License Act of 1983. Third Reading of this Senate Bill."

Speaker Turner, A.: "The Gentleman from Rock Island, Representative Brunsvold."

Brunsvold: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. This is a Realtors' Bill. There is no language in present statute that deals with written contracts and release of escrows money. Our statutes are silent on that. This addresses that situation. It has no opposition and I would ask for the support."

Speaker Turner, A.: "Are there any questions? Seeing none, the question is, 'Shall Senate Bill 897 pass?' All those in favor should vote 'aye'; all those opposed vote 'no'. Voting is now open. 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 voting

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

60th Legislative Day

May 14, 1997

'aye'; 0 'noes'; 0 'presents'. This Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Third Reading, we have Senate Bill 1031. Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 1031, a Bill for an Act amending the Illinois Vehicle Code. Third Reading of this Senate Bill."

Speaker Turner, A.: "Take this Bill out of the record, Mr. Clerk. We'll get back to it. On the Order of Third Reading, we have Senate Bill 1048. Representative...read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 1048, a Bill for an Act creating the Diabetes Self-Management Training and Education Act. Third Reading of this Senate Bill."

Speaker Turner, A.: "Take the Bill out of the record, Mr. Clerk. On the Order of Third Reading, we have...on the Order of Second Reading, we have Senate Bill 54. Read the Bill, Mr. Clerk. (sic-Senate Bill) 54."

Clerk Rossi: "Senate Bill 54, the Bill has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Turner, A.: "Third Reading. On the Order of Second Reading we have Senate Bill 315. Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 315, the Bill has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Turner, A.: "Third Reading. On the Order of Second Reading we have Senate Bill 454. Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 454, the Bill has been read a second time, previously. Amendment #1 was adopted in committee. No Motions have been filed. Floor Amendment #2, offered by

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

60th Legislative Day

May 14, 1997

Representative Noland, has been approved for consideration."

Speaker Turner, A.: "The Gentleman from Macon, Representative Noland, on Amendment #2. The Gentleman from Washington, Representative Deering."

Deering: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Floor Amendment #2, is an Amendment offered by Representative Noland. It affects a problem in Representative Noland and Representative Julie Curry's district. They're having some problems with the courts in, I believe, Macon County. When roads are closed down, tickets are being issued because people are on roads because a judge claims that they found a glitch in the law. It just says that the signs have to be posted, whose order of posting has to be placed on the sign is all the Amendment does. It was in a House Bill that we passed out of here unanimous some time ago. So, I'd ask for the adoption."

Speaker Turner, A.: "The Gentleman from Macon, Representative Noland."

Noland: "Thank you, Speaker. I believe, Mr. Deering answered correctly. All this does is remove the words, 'by whose authority'. In Macon County they gave someone a ticket for going on a road that was closed. The court threw it out because they didn't say the sign indicated by whose authority. The Department of Transportation supports it and the all local groups and I'd appreciate your support to it for the adoption."

Speaker Turner, A.: "The question is, 'Shall the Amendment be adopted?' All those in favor say 'aye'; all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. Amendment #2 is adopted. Further Amendments?"

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

60th Legislative Day

May 14, 1997

Clerk Rossi: "No further Amendments."

Speaker Turner, A.: "Third Reading. Senate Bill 80. Read the Bill, Mr. Clerk. (Senate Bill) 80."

Clerk Rossi: "Senate Bill 80, the Bill has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Turner, A.: "The Lady from Cook, Representative Flowers."

Flowers: "Mr. Speaker, there is a Floor Amendment, a technical Amendment that I would like to have amended, please."

Speaker Turner, A.: "The technical Amendment that you speak of, Representative, has not been approved by Rules. Would you like the Bill to remain on Second Reading?"

Flowers: "Yes. Thank you."

Speaker Turner, A.: "The Bill shall remain on Second Reading. Senate Bill 3. Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 3, the Bill has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Turner, A.: "Out of the record. Senate Bill 6. What's the status of the Bill, Mr. Clerk?"

Clerk Rossi: "Senate Bill 6, has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Dart, has been approved for consideration."

Speaker Turner, A.: "Out of the record. Senate Bill 120. Representative Dart. What's the status of the Bill? Take it out of the record. Senate Bill 317. Read the Bill, Mr. Clerk. Out of the record. Senate Bill 345. Representative Dart. Out of the record. Senate Bill 381. Representative Roskam. Senate Bill 381. Out of the record. Senate Bill 460. Representative Steve Davis, the Gentleman from Madison."

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

60th Legislative Day

May 14, 1997

Davis, S.: "I believe there's a Floor Amendment filed on that."

Speaker Turner, A.: "It's not ready at this point. Take the Bill out of the record. Senate Bill 715. Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 715, a Bill for an Act amending the Property Tax Code. Second Reading of this Senate Bill. Amendment #1, was adopted in committee. No Motions have been filed. No Floor Amendments."

Speaker Turner, A.: "The Lady from...Third Reading, Mr. Clerk. Senate Bill 778. Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 778, a Bill for an Act amending the Environmental Protection Act. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Turner, A.: "Take it out of the record. The Gentleman from Vermilion, Representative Black. For what reason do you rise, Sir?"

Black: "Yes, thank you, Mr. Speaker. An Inquiry of the Chair."

Turner, A.: "State your inquiry."

Black: "I don't know if I can stand this hectic pace. It's very hard for me to keep up with what we're doing. I just wondered if maybe we could stand at ease, and perhaps go get a bite to eat or, you know, something of that sort?"

Turner, A.: "Representative..."

Black: "Would you take that under advisement?"

Speaker Turner, A.: "Take that under advisement."

Black: "I do have a relatively noncontroversial Resolution you could go to."

Speaker Turner, A.: "You weren't recognized for that Motion."

Black: "That's what I was afraid of."

Speaker Turner, A.: "Mr. Clerk, read Senate Bill 25."

Clerk Rossi: "Senate Bill 25, a Bill for an Act amending the

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

60th Legislative Day

May 14, 1997

Housing Authority's Act. Second Reading of this Senate Bill. Amendment #1, was adopted in committee. No Motions have been filed. No Floor Amendments."

Speaker Turner, A.: "Third Reading. On the Order of Third Reading, we have Senate Bill 1031. Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 1031, a Bill for an Act amending the Illinois Vehicle Code. Third Reading of this Senate Bill."

Speaker Turner, A.: "The Gentleman from Logan, Representative Turner. Out of the record. On the Order of Third Reading, we have Senate Bill 457. Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 457, a Bill for an Act amending the Health Maintenance Organization Act. Third Reading of this Senate Bill."

Speaker Turner, A.: "The Lady from Cook, Representative Feigenholtz."

Feigenholtz: "Thank you, Mr. Speaker. Senate Bill 457 is an initiative that came over from the Senate without... consistently getting 'aye' votes, not one 'no' vote. It is an issue dealing with continuing care retirement facilities. HMOs are currently recruiting residents of these full service communities to join their programs. Those who subscribe to these HMOs actually give up their medicare benefits and opt for these alternative type of health care coverage. However, some residents of full service retirement communities who have signed up under these HMOs find that sometimes these HMOs won't pay for skilled nursing care to these residents through retirement communities, which they live and actually consider their home, and, instead, an individual may be sent to a nursing facility which is a strange and unfamiliar place to them, not integrated into their home support system in a place

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

60th Legislative Day

May 14, 1997

for the residents, and I encourage an 'aye' vote."

Speaker Turner, A.: "Are there any questions? Seeing no questions, the question is, 'Shall Senate Bill 457 pass?' All those in favor shall vote 'aye'; all those opposed vote 'no'. The voting is now open. 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 118 voting 'aye'; 0 'noes'; 0 'presents', and this Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Third Reading, we have Senate Bill 852. Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 852, a Bill for an Act amending...a Bill for an Act concerning rehabilitation services. Third Reading of this Senate Bill."

Speaker Turner, A.: "The Lady from Cook, Representative Coulson."

Coulson: "Thank you, Mr. Speaker and Ladies and Gentlemen. Senate Bill 852 is...provides that a designated state unit shall administer the vocational rehab program and it's because the federal law has required during our human services consolidation, for us to keep in compliance with the Federal Rehab Act and the American with Disabilities Act, that we have a designated unit of the new agency as primarily responsible for vocational rehab. This language is also necessary to insure that the Rehab Service Administration will not cut Federal Vocational Rehab Grants, and I would move for passage of the Bill."

Speaker Turner, A.: "Are there any questions? Seeing none, the question is, 'Shall Senate Bill 852 pass?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. 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 voting

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

60th Legislative Day

May 14, 1997

'aye'; 0 'noes'; 0 'presents'. This Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 160, on the Order of Third Reading. Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 160, a Bill for an Act to amend the Right of Conscience Act. Third Reading of this Senate Bill."

Speaker Turner, A.: "The Gentleman from Cook, Representative Burke."

Burke: "Thank you, Mr. Speaker and Members of the House. Senate Bill 160 is a matter that was considered as a House Bill, previously. It amends the Right of Conscience Act and it simply suggests that any institution can call on their right to not perform a particular procedure that would be offensive to their faith and their practice, so I would ask for the Body's favorable consideration."

Speaker Turner, A.: "The Lady from Cook, Representative Schakowsky, for what reason do you rise?"

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

Speaker Turner, A.: "He indicates he will."

Schakowsky: "I see that it adds pharmacists, for example, to this. I'm wondering if some prescription is brought in and it... is that not true?"

Burke: "It eliminates pharmacists."

Schakowsky: "The Bill, okay, here it says the Bill essentially adds pharmacists. Your Bill does not include pharmacists?"

Burke: "They are included now."

Schakowsky: "They are included now? Right. So, if a person brings a prescription to a pharmacist for birth control or for now RU-486 or something like that and the pharmacist says, 'I'm sorry, I can't fill that.' Is that now legal under this Act?"

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

60th Legislative Day

May 14, 1997

Burke: "Yes."

Schakowsky: "So, you are saying... and even if there's, let's say, only one pharmacy in a town, that that pharmacist does not... is not bound to provide a doctor-prescribed prescription to that woman?"

Burke: "I don't know of any pharmacist in the state where there is only one pharmacist."

Schakowsky: "Well, let's say, all pharmacists in a particular town, or even county, say that they don't want to provide that product, that prescription, you're saying that then would be not available to that person."

Burke: "Just as physicians in the state would have the opportunity to avoid treatment in a particular area, so would the pharmacist."

Schakowsky: "Well, to the Bill. Ladies and Gentlemen of the House, what this legislation says is that, if a woman goes to a doctor and is prescribed birth control pills or something that may be defined as an abortifacient, though legal, like RU-486, and goes to a pharmacist who says, 'Well, it's against my conscience. I don't believe in that, and so I'm not going to provide this particular prescription.' That would be perfectly legal under this legislation. In places where there are lots of options for people, that may not be so big a problem, but in a place where they have little access to transportation or there are few pharmacies..."

Burke: "Representative, let interrupt you for a moment. I was correct in my first statement. Pharmacists are eliminated. We did this by an Amendment, earlier on. Pharmacists are no longer considered in this legislation."

Schakowsky: "Never mind then about pharmacists. Then let me ask who is included besides physicians, now?"

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

60th Legislative Day

May 14, 1997

Burke: "Institutions."

Schakowsky: "So, a hospital or an HMO?"

Burke: "Institutions. Physical structures. The hospitals, the health care facilities."

Schakowsky: "And is that different from what current law is right now?"

Burke: "HMOs as well."

Schakowsky: "And is there any requirement that that HMO inform the individual that that service is not covered?"

Burke: "They would be advised, as the legislation would permit, the institution or the HMO would advise the patient, upon their presentation for a particular treatment plan, that they would not be able to accommodate by virtue of their exclusion under the Right of Conscience."

Schakowsky: "And so that language requiring some kind of disclosure of that decision is included in the Bill?"

Burke: "Not specifically."

Schakowsky: "I got a call from a woman who is part of an HMO who was... had a condition that required her... that was best treated by a... that was best treated by a birth control pill, even though she wasn't using it for birth control, and she only found out after she was enrolled, that it would not be prescribed to her and she would have to seek someone else for care. So, under this legislation, there is not any increased disclosure for that constituent of mine. Am I right?"

Burke: "I would say that situation you've cited would be quite rare. This legislation does not intend to preclude the treatment for ailment of one who has a certain exercise of their conscience. The physician would have to make their determinant decision based on the individual's physical presentation. So, it is not... again, this Bill does not

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

60th Legislative Day

May 14, 1997

intend to restrict or preclude one from normal treatment procedures.

Schakowsky: "Mr. Speaker, if this Bill passes, I would like to have a verification of the Roll Call. Again, to the Bill now that I understand... although pharmacists are not included in this legislation, we are now expanding the right... it's one thing for an individual physician to say that they will not perform certain required health benefits, but now to say that an entire group, maybe the largest source of health care providers in the community, will not provide abortion services, I think it's a serious problem and I would urge a 'no' vote."

Speaker Turner, A.: "The Gentleman from Madison, Representative Stephens."

Stephens: "Well, thank you, Mr. Speaker. For the seventh year in a row, health care professionals that have been voted most trustworthy are pharmacists. And, once again, we have pharmacists mentioned in debate, and I want to point out clearly to the Body, that this Bill has nothing to do with pharmacists or retail pharmacies, and any implication that this Bill affects them or their practice, is not the case, and I would just point that out for the Body. Thank you."

Speaker Turner, A.: "Thank you, Representative. The Gentleman from Madison, Representative Bradford."

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

Speaker Turner, A.: "He indicates he will."

Bradford: "Representative, I'm a little bit concerned in regard to HMOs that are servicing corporations, health care units under collective bargaining agreements, where there are partial payments by the bargaining units and the employer. Are you saying that those premiums can continue to be collected by the HMO then, as a matter of conscience, they

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

60th Legislative Day

May 14, 1997

can say, 'Well, even though you've paid your premium, we're not going to pay for your service as a matter of conscience?'"

Burke: "Representative, as you understand, in today's medical treatment world, there are HMO organizations that are religious based, and this legislation would affect those religious based HMOs. And when we talk about what services would be not rendered, we're talking about reproductive services. We're talking about experimental procedures that these religiously based HMOs have a conflict with. It is the distinct minority in the medical treatment world. There are very few of them but they needed this legislation to protect themselves in order to exercise the same right of conscience that every medical practitioner in this state currently enjoys."

Bradford: "But do you know that ahead of time, or after? If you're put into an HMO because your employer happens to be a particularly religious person and says, 'I want to do my business because of their premium rates and they're willing to accept me with 'XY Religious HMO'. Do you know, or don't you know?"

Burke: "I'm just as concerned as you may be with respect to a patient receiving proper and appropriate treatment. I would insist that any reasonable, either physician or any other medical professional would advise that patient on their presentation, that they could not perform a procedure or they could not treat based on the nature of that particular treatment with respect to the right of their conscience."

Bradford: "But with your HMO, you don't necessarily know that in terms of prescriptions or drugs that you are getting."

Burke: "Oh, you would be advised, based on your first

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

60th Legislative Day

May 14, 1997

presentation."

Bradford: "After your doctor gives you your prescription and you go to the drug store and you hand it to the druggist and it comes back through the computer system, your HMO is not going to pay."

Burke: "I think it's... you're making it appear to be broader than what the circumstances would be, Representative. We're talking about certain procedures and that would not be the normal course of treatment in most instances as one of the other previous speakers had suggested."

Bradford: "Are you telling me drugs are not in here as a matter of conscience?"

Burke: "Oh, everything would..."

Bradford: "Payment for drugs are in here, are they not?"

Burke: "Everything would be included. Everything."

Bradford: "So, if the HMO makes the decision that we're not going to pay for certain drugs, as a matter of conscience, you're not going to know that until after the doctor's prescribed it, you go to the pharmacists and the pharmacist says, 'Your HMO will not pay for these drugs even though you have a drug card from your HMO.'"

Burke: "I would have serious reservations with respect to that scenario. Any physician that would be treating a patient, would know prior to, based on the evidence of a particular ailment or a particular request of the patient, they would know in advance of anything..."

Bradford: "As to whether or not an individual HMO is going to pay for drugs?"

Burke: "Yes."

Bradford: "I don't think the physicians had..."

Burke: "We're talking about specific treatments here. Specific, either patient requests and basically the right of

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

60th Legislative Day

May 14, 1997

conscience is exercised, with respect to reproductive services."

Bradford: "Or, Representative, how about the instance in terms of certain religious organizations that do not recognize alternative choices in terms of lifestyle and refuse to pay for drugs in regard to AIDS treatment?"

Burke: "Well, you bring up a very good point. I don't think that that would something that would be included in this right of conscience."

Bradford: "You don't think it would be?"

Burke: "I don't believe that it would be. It is not the intention of this legislation."

Bradford: "I understand that, but the way I listen to them speak about that, that is a matter of right of conscience with them, too, and I suggest for that reason the Bill may be broader than you think it may be and it will be hard to support. Thank you."

Speaker Turner, A.: "The Lady from Cook, Representative Mulligan. For what reason do you rise?"

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

Speaker Turner, A.: "He indicates he will."

Mulligan: "Representative, there's no posting requirement or notification requirement for either a plan or a facility that they would have to tell you up front that they would object to this in this Bill?"

Burke: "No, there is not, Representative, and I didn't think, again, as this debate has surrounded the subject of one's previous or advanced notification. I would have to insist that a reputable, professional medical treatment would insist that one be advised prior to their being denied. It would not occur in midcourse of their treatment. They would present to the physician and the physician or the

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

60th Legislative Day

May 14, 1997

institution would advise that patient that they had a conflict and they are going to exercise their right of conscience. This would be done prior to any course of treatment being offered by an individual physician or an institution."

Mulligan: "What if your plan required you to go to a local hospital and in midstream, after paying premiums for a number of years, your plan or your hospital was sold to an entity that had a problem? Perhaps your wife would be pregnant or you'd be in the midst of something and you would not have an idea or would not be able to change plans and you would not have known this, but you are already paying premiums and you have a pregnant wife, or in that instance, some kind of an illness that they would object to, then what would you do? And you would have no notification of this."

Burke: "Well, given the circumstance that you have described, certainly that would be a concern. Again, it is not the intent of this legislation to preclude treatment of one who has a legitimate medical disorder. Again, this involves a very select population. We understand in this society and in our age that there are invitro fertilization procedures. There are all in the entire spectrum of reproductive services that these institutions that would call on the right of conscience, that would exercise their right of conscience, to not offer. I would hope, and maybe that's not important to you in this argument, that if that scenario would occur, if that HMO had been sold to a religious institution, that proper procedures would come into play to be certain that that individual patient received appropriate and proper treatment."

Mulligan: "Well, if per chance, no one posts or tells you, and

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

60th Legislative Day

May 14, 1997

you're a woman who is going to a Catholic hospital, and that's the only place you could go, or if you're in an area where there's multiple hospitals and you would have a choice but you're going where your obstetrician is going, and this particular instance has happened in my family where a woman is pregnant, she has a miscarriage, she's going to a Catholic hospital, but because she does not test hormonally not to be pregnant anymore, and the fetus has not passed, they will not perform a D&C until she tests not pregnant. I think that's an instance where I'd want to know up front that the hospital, number one, would not admit you and it would have to be a dire emergency before they would admit you, or that your doctor will not admit you and that I would want to know that prior to starting a course where you're paying for an obstetrician or planning on going to a hospital prior to this situation happening. So, I could see where they would have a right of conscience and be able to opt out of this, but I cannot see doing it without having some provision there that they would have to let the policyholder or the person who was seeking the services know up front, before they either contract for those services or expect them to be provided and then find out in an emergency situation that this is not covered. So, I don't think that I can support your Bill or vote for it this time. I think it needs a better Amendment. I think it needs to be up front about what services are provided or not. I think that's a very important thing for people to know up front, is what will not be provided."

Burke: "The Representative brings up a very good point, certainly, in view of the fact that this legislation is termed 'The Right of Conscience'. The scenario that she has just described, certainly would be unconscionable. I

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

60th Legislative Day

May 14, 1997

don't expect that those circumstances would occur. Again, the right of conscience has been on the books for many, many years. This is an area that just expands it to institutions, to religious institutions. There are currently laws that would protect offering... professionals offering medical treatment the opportunity to exercise their right of conscience. Things don't change with respect to the treatment to individual patients in this state. It simply says that institutions in our state have the same right of conscience as would their attending physicians and medical professionals."

Speaker Turner, A.: "Representative, there was one last question that needed to be answered. Let me recognize the Gentleman from Vermilion, Representative Black."

Black: "Thank you very much, Mr. Speaker. Representative Burke, is this Bill identical to House Bill 725?"

Burke: "Yes."

Black: "There isn't one commas difference between Senate Bill 160 and House Bill 725, is that correct?"

Burke: "Not one iota difference."

Black: "And if my memory serves me right, on the seventeenth of April, 1997, we passed House Bill 725 out of this Chamber with 113 'aye' votes and 1 'nay' vote. Is that correct?"

Burke: "You're absolutely correct, Representative."

Black: "I'll be doggone. Thank you."

Speaker Turner, A.: "The question is, 'Shall Senate Bill 160 pass?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. The Lady from Cook, Representative Schakowsky."

Schakowsky: "I don't persist in my request for a verification."

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

60th Legislative Day

May 14, 1997

Withdraw it."

Speaker Turner, A.: "The Lady withdraws her request. On this question, there 95 'yesses'; 17 'noes'. And this Bill, having received the Constitutional Majority, is hereby declared passed.

Speaker Turner, A.: "On the Order of Third Reading, we have Senate Bill 166. Take the Bill Out of the Record. Senate Bill 237, read the Bill, Mr. Clerk. Out of the Record. Mr. Clerk, on the Order of Third Reading, we have Senate Bill 569. Out of the Record. Senate Bill 593, read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 593, a Bill for an Act to amend the State Comptroller Act."

Speaker Turner, A.: "Out of the Record. Senate Bill 594, read the Bill, Mr. Clerk. Out of the Record. Senate Bill 681, read the Bill, Mr. Clerk. Out of the Record. Senate Bill 920, read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 920, a Bill for an Act concerning builders and developers. Third Reading of this Senate Bill."

Speaker Turner, A.: "Out of the Record. On the Order of Third Reading, we have Senate Bill 76, Representative Hannig. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 76, a Bill for an Act to amend the Civil Administrative Code of Illinois. Third Reading of this Senate Bill."

Speaker Turner, A.: "The Gentleman from Macoupin, Representative Hannig."

Hannig: "Yes, thank you, Mr. Speaker and Members of the House. As originally introduced in the Senate, this Bill would have been a very clear and pure generally accepted accounting practices accrual system of government. The

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

60th Legislative Day

May 14, 1997

Bill passed over from the Senate and at the request of the Governor's office negotiations began to take a look at whether or not that was really a good thing for the state to do with all its funds. So, the compromise that was reached was that a number of the dedicated funds where there's either low balances or where monies are never, for the most part, transferred the GRF, that it made no economic sense and there was no benefit from putting those on a gap-basis accounting. But we did get the Governor's office to agree that the General Revenue Fund, the Common School Fund, the Education Assistance Fund, the Road Fund, the Motor Fuel Tax Fund and the Agricultural Premium Fund would be agencies that from henceforth, if this Bill becomes law, we would budget on a accrual or modified accrual basis, and the purpose for that, is to try to give us, as Legislators, and the Governor and the public a clearer understanding of what it is we are doing when we go through the budget process. You know, we've seen under previous administrations where smoke and mirrors have been employed to run out the payment cycles to do certain one-time revenues and expenditures and the net effect, of all had been... was that in about 1990, the state was about a billion dollars in debt. But still... but for purposes of the way we calculated our monies, we could say we had a balanced budget, and I think it was very difficult for vendors who were waiting six months to get their payments from the state to understand that this was a balanced budget, because really it was not. This proposal, if enacted, would make it much more difficult, if not impossible, to engage in those kind of accounting gimmicks and tricks. It would say that we have to match up the revenues that were available in that period with the

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

60th Legislative Day

May 14, 1997

expenditures that were available in that period the way that you learn to do that in accounting school. So, it's a much more improved way of doing the budget. The initiative of this Bill came from the Comptroller's office, someone who works with the spending of dollars day in and day out and understands the difficulties. It certainly is a step forward. It is a compromised Bill, but now it is one that I think everyone can live with and certainly is something that I would urge all the Members to support."

Speaker Turner, A.: "The Gentleman from McLean, Representative Brady, for what reason do you rise?"

Brady: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I want to stand in support of this piece of legislation. I also want to compliment the Sponsor who has worked very hard to bring about a compromise package for us. I also want to compliment the Comptroller and the Governor's office. I think that all parties involved have worked very hard to bring about truth-in -budgeting. I think that what this will do was help the taxpayers better understand our finances. It will also help us better understand our finances and I recommend your strong support of this legislation."

Speaker Turner, A.: "The Lady from Cook, Representative Erwin, for what reason do you rise?"

Erwin: "Thank you, Speaker. I would like to echo Representative Brady's support of this Bill and comment that Representative Hannig has done a terrific job. I was the Sponsor of a House Bill, the negotiations were difficult indeed and I know that the Bureau of the Budget, the Governor's office, as well as, our Comptroller worked very hard in reaching an agreement and I think that this is something that all Legislators should be really supportive

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

60th Legislative Day

May 14, 1997

of since it will clarify a lot of what the real fiscal health is for the state. So I, too, urge an 'aye' vote."

Speaker Turner, A.: "Seeing no further questions, the question is, 'Shall Senate Bill 76 pass?' All those in favor shall vote 'aye'; all those opposed vote 'no'. The voting is now open. 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 118 voting 'aye'; 0 'noes'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Third Reading, we have Senate Bill 730. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 730, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of this Senate Bill."

Speaker Turner, A.: "The Gentleman from Boone, Representative Wait."

Wait: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This is similar to a House Bill that we put out of here. I think it got over 90 votes. This just says with interstate trucks, these are the ones that go from California to New York, that the local governments could not put, what they call a wheel tax on it. That the Secretary of State would be the exclusive agency to license these trucks. I would be happy to answer any questions."

Speaker Turner, A.: "Are there any questions? Seeing none, the question is, 'Shall Senate Bill... Representative Wait, I would like to inform you that the Parliamentarian advises me that this Bill requires 71 votes. Seeing no further questions, the question is, 'Shall Senate Bill 730 pass?' All those in favor vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall

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

60th Legislative Day

May 14, 1997

take the record. On this question, there are 110 voting 'aye'; 1 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. On the Order of Third Reading, we have Senate Bill 755. Out of the Record, Mr. Clerk. The Gentleman from Cook... the Gentleman from Will, Representative McGuire, for what reason do you rise?"

McGuire: "Mr. Speaker, on that last Bill that passed, I would like to be recorded as 'aye'. My button didn't seem to work when I pressed the green."

Speaker Turner, A.: "The record will so reflect."

McGuire: "Thank you."

Speaker Turner, A.: "And we'll have the electrician check your switch. On the Order of Second Reading, we have Senate Bill 1121. Read the Bill, Mr. Clerk, or what's the status of 1121?"

Clerk Bolin: "Senate Bill 1121, the Bill has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Turner, A.: "Third Reading. We're at Third Reading, we have Senate Bill 1121. Read the Bill, Mr. Clerk?"

Clerk Bolin: "Senate Bill 1121, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of this Senate Bill."

Speaker Turner, A.: "The Gentleman from Cook, Representative McCarthy."

McCarthy: "Thank you, Speaker and Ladies and Gentlemen of the House. Senate Bill 1121 is a Bill that the genesis comes from our local police chief in Orland Park and other communities which have now joined onto this Bill. We have police vehicles using all-terrain vehicles to help in their policing duties mostly of parks and rural type areas. The problem is that these vehicles are not licensed so they

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

60th Legislative Day

May 14, 1997

can't drive on the regular streets, so going between parks they have to be loaded up onto a trailer and brought from park to park and it causes the police departments to lose extra manpower from the trailer driver, as well as the people that are going to run in the all-terrain vehicle. It passed unanimously in the Senate and it passed unanimously in our Transportation Committee here in the House. So, I would appreciate your 'aye' vote and I would welcome any questions."

Speaker Turner, A.: "The Gentleman from Vermilion, Representative Black."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. I simply rise to support the Gentleman's Bill. This is simply... and a lot of people come up and say, 'Oh, there is a fee in here.' The only fee in this Bill is the license plate that a municipality or unit of government would apply for to put on this ATV so they can use it to patrol parks and unincorporated areas where automobiles or squad cars won't go. This is a good Bill. It's a good public safety issue and if you want to call a license plate to make this thing street legal, that costs eight dollars and is good forever. A fee increase, man we're in trouble. This is a good Bill. It ought to get 110 votes."

Speaker Turner, A.: "The Lady from Lake, Representative Moore, for what reason do you rise?"

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

Speaker Turner, A.: "He indicates he will."

Moore, A.: "Why is it that these all-terrain vehicles have to be licensed?"

McCarthy: "In order to drive on any of the roadways of the state, they are supposed to have a valid license plate, so that's

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

60th Legislative Day

May 14, 1997

what they're trying to do now. All-terrain vehicles are not, by state code, allowed to be licensed. These terrain vehicles have been sent back to the manufacturer to be redone so that they are approved for on-road use."

Moore, A.: "So, any kind of transportation that is approved to be on the roadway needs to be licensed?"

McCarthy: "Well, these would only be all-terrain vehicles used for police use only. Anything that's on the road, I guess, has to be licensed."

Moore, A.: "Okay. So... so, are we now licensing other transportation that does policing of trailways and things like that, if they go on the roads?"

McCarthy: "If they are motor vehicles, I would say they are being licensed, yes. I mean, I don't know which ones you would be talking about other than like motorcycles are licensed, if they're police motorcycles, police cars are licensed, and now..."

Moore, A.: "So, it's anything with a motor then?"

McCarthy: "Well, I don't know about anything with a motor but all-terrain vehicles with a motor would have to have a license plate to operate. This is, you know, mainly for the insurance benefits for the police department. They are afraid if they got hit on the way going from the police station to the park, they could be liable for an insurance claim."

Moore, A.: "Yeah, I'm not opposed to your Bill, Representative. It just seems like I'm not certain that we have to license these vehicles in order for the department to be able to utilize them for the purpose for which they're intended. It seems like we need to license everything. But, I mean, I'm not opposed to the Bill. I know that they use horses for many of these kinds of things also and I don't think we

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

60th Legislative Day

May 14, 1997

hang a license plate on the back end of a horse."

McCarthy: "Well, we have a very involved citizenry in Orland Park and we don't want people making citizens' arrest of our policemen when they're driving from the station to the parks, and so this could be a problem in the future so we decided we had better get a vehicle license plate on it."

Moore, A.: "Thank you."

Speaker Turner, A.: "Representative McCarthy, to close."

McCarthy: "Thank you, Mr. Speaker. I would simply ask for an affirmative vote."

Speaker Turner, A.: "The question is, 'Shall Senate Bill 1121 pass?' All those in favor should vote 'aye'; all those opposed vote 'no'. And the voting is now open. Have all... The voting is now open. 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... 117 voting 'aye'; 1 voting 'nay'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, what is the status of Senate Bill 1041?"

Clerk Rossi: "Senate Bill 1041, is on the Order of Senate Bill-Second Reading."

Speaker Turner, A.: "Out of the Record. The Lady from Grundy, Representative O'Brien, for what reason do you rise?"

O'Brien: "Mr. Speaker, on the previous Bill I would like to of been recorded as a 'yes' vote."

Speaker Turner, A.: "The record will so reflect it."

Speaker Brunsvold: "Representative Brunsvold in the Chair. Resuming on Second Readings. Senate Bill 460, Mr. Steve Davis. Out of the Record. Senate Bill 473, Mr. Scott. Senate Bill 603, Mr. Saviano. Out of the Record. Senate Bill 605, Representative Coulson. Out of the Record. Senate Bill 607, Mr. Burke. Senate Bill 670, Mr. Bugielski.

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

60th Legislative Day

May 14, 1997

The Gentleman from Washington, Mr. Deering, for what reason do you rise?"

Deering: "Thank you, Mr. Speaker. Will the Gentleman from Vermilion be in order for a Motion at this point and time?"

Speaker Brunsvold: "He is not in order for that Motion at this time. The Gentleman from Vermilion, Mr. Black. For what reason do you rise?"

Black: "Yes, thank you very much, Mr. Speaker. I was here late going over floor files. Is the Taste of Chicago in Springfield still going on?"

Speaker Brunsvold: "I believe they're gone, Mr. Black."

Black: "Oh, no. Well, perhaps you can explain to me, my car was parked out in the circular lot last night, you know, I'm usually here sunrise to sunset and beyond in the spring of the year, I've found a home in Springfield. There's a Chicago parking ticket on my car. I'm just wondering who I might be able to give that to?"

Speaker Brunsvold: "I believe Mayor Hasara would take care of that for you."

Black: "Outstanding idea. I'll say, I'll take care of that, thank you. I'm trying to make dinner plans. I'm on a new diet, so I'm trying to make dinner plans. Could you advise as to what our dinner plans might be?"

Speaker Brunsvold: "We will check on that. Right now I'm not aware of what..."

Black: "I would be very grateful. I... low sodium, low cholesterol, low fat, no taste. In fact, if you get tired up there, Mr. Speaker, we do have some tasty snacks, twigs and dried leaves and stuff down here if you would like to come join us."

Speaker Brunsvold: "Thank you, Mr. Black."

Black: "So, at the appropriate time, may I be recognized for a

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

60th Legislative Day

May 14, 1997

Motion?"

Speaker Brunsvold: "At the appropriate time."

Black: "Thank you. All right."

Speaker Brunsvold: "The Gentleman from Cook, Mr. Lang."

Lang: "Thank you, Mr. Speaker, I would like to yield 20 minutes to Mr. Black."

Speaker Brunsvold: "The Chair is going back to page two on Third Readings again and we would like to proceed through there and... If the Members would have any inclination at all to pass their Bill? Senate Bill 166, Mr. Novak. Representative Erwin, would you like to handle this Bill for Mr. Novak?"

Erwin: "Actually, I think, with the Speaker's indulgence, I will await the lead Sponsor."

Speaker Brunsvold: "Thank you, Representative Erwin."

Erwin: "Thank you."

Speaker Brunsvold: "Senate Bill 593, Mr. Biggins. Out of the Record. The Gentleman from Vermilion, Mr. Black."

Black: "Yes, thank you very much, Mr. Speaker. After lengthy deliberation, a great deal of heated discussion on our side of the aisle, I rise in all seriousness and I tell you, the press of today's business, I think my computer is burnt out. But I do have the permission of the Republican Caucus to recommend to the Body, in fact, I move to recommit the following House Bills to the Rules Committee. Senate Bill 618. Senate Bill 165. And all other Bills on the Calendar that the Sponsor has refused to move today."

Speaker Brunsvold: "Well, we'll take the first two, Mr. Black."

Black: "All right. Well, I'll settle for that."

Speaker Brunsvold: "The Gentleman has moved..."

Black: "Compromise is the art of the deal."

Speaker Brunsvold: "The Gentleman has moved to recommit Senate

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

60th Legislative Day

May 14, 1997

Bill 618 and Senate Bill 165 to Rules. All in favor say 'aye'; all opposed say 'nay'. The 'ayes' have it and those two Bills have been recommitted to Rules. Senate Bill 1031, Mr. Turner. Out of the Record. We've got a couple of Bills we would like to move from Second to Third. Mr. Clerk, Senate Bill 1041. Representative Cowlshaw. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1041, the Bill has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Brunsvold: "Third Reading. Senate Bill 682, Mr. Deering. Read the Bill."

Clerk Bolin: "Senate Bill 682, the Bill has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Brunsvold: "Third Reading. Senate Bill 521, Mr. Turner, Art Turner. Senate Bill 537, Mr Lyons. Please read the Bill."

Clerk Rossi: "Senate Bill 537, a Bill for an Act amending the Voluntary Payroll Deduction Act. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments."

Speaker Brunsvold: "Third Reading. Senate Bill 596, Mr. Scott. Senate Bill 698, Mr. Schoenberg. Senate Bill 596, Mr. Scott. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 596, the Bill has been read a second time, previously. Floor Amendment #2, offered by Representative Scott, has been approved for consideration."

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

Scott: "Thank you, Mr. Speaker. Floor Amendment 2 takes out the county designation. It was originally a Bill applying only to counties of 180 thousand or more. This takes it out so

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

60th Legislative Day

May 14, 1997

it's applied to any county. It's permissive language to allow counties to adopt a code hearing officer similar to what's currently in the Municipal Code."

Speaker Brunsvold: "The Gentleman has asked for the adoption of Floor Amendment #2. Is there any discussion? Seeing none, all in favor say 'aye'; opposed 'nay'. The 'ayes' have it and the Amendment has been adopted. Further Amendments?"

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

Speaker Brunsvold: "Mr. Scott, on Floor Amendment #3."

Scott, J.: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Floor Amendment #3 brings to counties the ability to license and regulate pawnbrokers and secondhand stores similar to that in the Municipal Code."

Speaker Brunsvold: "And on that question, the Gentleman from Kendall, Mr. Cross."

Cross: "Thank you, Mr. Speaker. An Inquiry of the Chair."

Speaker Brunsvold: "State your Inquiry."

Cross: "With this Amendment, I know, I know it... would there be a requirement of 71 votes? Is there a preemption of Home Rule here?"

Speaker Brunsvold: "We will check on that, Mr. Cross."

Scott: "I believe I can help with that, too, Tom, if you want."

Speaker Brunsvold: "Mr. Scott."

Scott: "Thank you, Mr. Speaker. The only Home Rule County right now is Cook County which can already do this. It doesn't preempt their authority to do what they already do right now and that... and since it pertains to counties, Tom, there's only one home rule county and it doesn't have any requirements that they do anything, so... It just says they can adopt the... the language."

Cross: "Now, what does the... This gives the county board the

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

60th Legislative Day

May 14, 1997

authority to license, tax, locate, regulate all places of business in dealers in junk, dismantle or wrecked motor vehicles. Don't counties have that authority to do that now, Doug?"

Scott: "No, it's not in the Counties Code. It's there for municipalities, Tom, but it's not there for counties."

Cross: "Are we..."

Scott: "And the language of the Amendment mirrors that that's in the Municipal Code."

Cross: "Do we have any... what's the... why are we amending the Pawn Broker Act?"

Scott: "Because that's where the... that's where the language is right now."

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

Speaker Brunsvold: "Mr. Cross, we're going to check on the extraordinary Majority requirement. Mr. Cross, this Amendment and, of course, when the Bill is on Second Reading, so this will require a Majority on Third Reading. You may renew your request regarding an extra ordinary Majority."

Cross: "Thank you."

Speaker Brunsvold: "Mr. Scott, to close on the Amendment."

Scott: "Yes, thank you. I believe... just ask for a favorable vote on the Amendment. Thank you."

Speaker Brunsvold: "The Gentleman has moved for the adoption of Floor Amendment #3. All in favor say 'aye'; opposed 'nay'. The 'ayes' have it. And the Floor Amendment has been adopted. Further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Brunsvold: "Third Reading. Mr. Clerk, what's the status of Senate Bill 463?"

Clerk Bolin: "Senate Bill 463 is on the Order of Third Reading."

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

60th Legislative Day

May 14, 1997

Speaker Brunsvold: "Place that Bill on Second Reading. Senate Bill 698, Mr. Schoenberg. Would you like that Bill moved? Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 698, the Bill has been read a second time, previously. Floor Amendment #2, offered by Representative Ronen, has been approved for consideration."

Speaker Brunsvold: "The Lady from Cook, Representative Ronen, on Floor Amendment #2."

Ronen: "Thank you, Speaker, Members of the House. Amendment 2 relates to child support enforcement and collections. We passed a Bill, previously, that said that for every three dollars in child support that's collected, two will be passed on to persons. Right now, current law provides that for persons on public aid, only \$50 is received. This would help to encourage greater collections of child support payments and would pass on greater payments to families. This is an agreed-to Amendment with the Department of Public Aid. We will be getting a federal waiver, so that this will have no fiscal impact on the State of Illinois. I urge Members to adopt this Amendment and I would be happy to answer any questions."

Speaker Brunsvold: "And on the Amendment, the Gentleman from Vermilion, Representative Black."

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

Speaker Brunsvold: "She indicates she will."

Black: "Yes, Representative, thank you for bringing an item of business to the Floor. I'm not sure I understand this Amendment. It has to do with the \$50 child support pass through that currently is deducted."

Ronen: "Currently, a family that's on public aid, no matter how much is collected in child support, only \$50 is given to

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

60th Legislative Day

May 14, 1997

that family. This would change that practice and we have a very successful Work Pays Program in Illinois that says for every three dollars that you earn, you're able... there's an income disregard on two of them."

Black: "Okay."

Ronen: "This would... for those families in that program, would apply the same principle to child support collection. So, for every three dollars that the state collects, two dollars would be passed on to the family. And this, as I said, is agreed to language with the department. We'll be receiving a federal waiver so there won't be any fiscal impact to the State of Illinois."

Black: "What would be the approximate number of recipients that you would... can you give us an idea on how many people would be eligible for this?"

Ronen: "I'm..."

Black: "It certainly wouldn't be everybody that's..."

Ronen: "No, it wouldn't. It's a small subset of persons on public aid, those who are in the Work Pays Program..."

Black: "Okay."

Ronen: "...and I'm looking here to see if I have the number. But it is... it is a small percentage of those that are on the program. I'm sorry, I don't have an exact number, but I would be happy to get that for you, Representative."

Black: "I just was talking with our staffer. It appears that it's probably fewer than two thousand clients."

Ronen: "That sounds correct."

Black: "Okay. Now..."

Ronen: "And I thank your staff for that... for that information."

Black: "Okay. Now, the provisions of the Amendment have an immediate effective date. Does the underlying Bill have an immediate effective date? As I... am I to assume that

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

60th Legislative Day

May 14, 1997

Representative Schoenberg is in agreement with this Amendment? He's been very quiet throughout this process."

Ronen: "Yes, he is and the underlying Bill does have an immediate effective date."

Black: "Oh. Does that means it requires 71 votes, or is that after June 1? I never could remember that."

Ronen: "I don't think so."

Black: "That's right. And we're not preempting Home Rule."

Ronen: "I'm sorry, I can't hear you."

Black: "We're not preempting Home Rule on this, are we."

Ronen: "Absolutely not."

Black: "Is there any significant difference between your Amendment and House Bill 1129?"

Ronen: "Well, it's the same principle as House Bill 1129. This language is different. I, to tell you the truth, was hard-pressed to see the exact difference, but this is language that the department tells us will meet federal muster to receive a federal waiver."

Black: "Okay. And what happened to House Bill 1129?"

Ronen: "Well, it received a 115 votes in the House and we sent over to the Senate and I think it remains in the Rules Committee."

Black: "Another one of our... another one of our fine Bills resting."

Ronen: "Exactly, exactly."

Black: "You know, we may really have to put out heads together and do something about that I... I... I'm not sure."

Ronen: "I would be happy to work with you on that."

Black: "Well, I... thank you very much, Representative. I appreciate your answering the questions. Mr. Speaker, to the Amendment."

Speaker Brunsvold: "Proceed."

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

60th Legislative Day

May 14, 1997

Black: "I'm joined by a requisite number of Members on my side of the aisle to request a voice vote on the Amendment."

Speaker Brunsvold: "Thank you, Mr. Black. The Gentleman from Cook, Representative Schoenberg."

Schoenberg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I would just like to reaffirm that Representative Ronen made an extraordinary good faith effort to work out the differences with the department, was successful in doing so, and we now have agreement between the advocates for this initiative, as well as the Department of Public Aid, and I would encourage you all to adopt the Amendment."

Speaker Brunsvold: "The Lady has asked for the adoption of Floor Amendment #2. All in favor say 'aye'; opposed 'nay'. The 'ayes' have it and Floor Amendment #2 is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Brunsvold: "Third reading. The Gentleman from Cook, Representative Parke, for what reason do you rise?"

Parke: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise on a point of personal privilege."

Speaker Brunsvold: "Proceed."

Parke: "I would like to introduce our past Member of the General Assembly, Jim Stange. He's with us today and I just want the Body to recognize him and welcome him."

Speaker Brunsvold: "Welcome, welcome back, Mr. Stange. Senate Bill 473, Mr. Scott. Senate Bill 475, Mr. Scully. Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 475, a Bill for an Act amending the Environmental Protection Act. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments."

Speaker Brunsvold: "Third Reading. Senate Bill 515,

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

60th Legislative Day

May 14, 1997

Representative Crotty. Representative Crotty. Out of the Record. Senate Bill 535, Mr. Art Turner. Out of the Record. Senate Bill 607, Mr. Burke. Out of the Record. Senate Bill 697, Mr. McGuire. (sic-Senate Bill) 697, Mr. McGuire. Out of the Record. Senate Bill 899, Mr. Lang. Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 899, this Bill has been read a second time, previously. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments."

Speaker Brunsvold: "Third Reading. Senate Bill 697, Mr. McGuire. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 697, the Bill has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Brunsvold: "Third Reading. Representative McGuire, your light is on, do you wish to speak? Okay. Thank you. Mr. Clerk, Senate Bill 607. Read the Bill."

Clerk Bolin: "Senate Bill 607, the Bill has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Brunsvold: "Third Reading. Committee announcements."

Clerk Rossi: "The Rules Committee is meeting, immediately, in the Speaker's Conference Room. Rules Committee, Speaker's Conference Room."

Speaker Brunsvold: "Rules Committee has met and referred Amendments to the floor. We're going down a list of Bills that have Amendments on them that were recommended to the Floor and we will proceed with that list now. Before that, Mr. Clerk, Committee Reports."

Clerk Rossi: "Representative Currie, Chairman from the Committee on Rules, to which the following Amendments and Bills were referred, action taken on May 14, 1997, reported the same

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

60th Legislative Day

May 14, 1997

back with the following recommendation/s: 'be adopted' Floor Amendment 1 to SB9. Floor Amendment 2 to SB71. Floor Amendment 1 to SB80. Floor Amendment 1 to SB120. Floor Amendment 5 to SB320. Floor Amendment 1 to SB437. Floor Amendment 2 to SB460. Floor Amendment 2 to SB476. Floor Amendment 1 to SB547. Floor Amendment 1 to Senate Bill 670. Floor Amendment 2 to SB777. Floor Amendment 1 to SB778. Floor Amendment 2 to SB954. Floor Amendment 2 to SB1020 and Senate Bills to the Order of Second Reading. SB557. SB560. SB303."

Speaker Brunsvold: "Senate Bill 80, Mr. Clerk. Representative Flowers. Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 80, a Bill for an Act amending the Illinois Food, Drug, and Cosmetic Act. Second Reading of this Senate Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Flowers, has 'been approved for consideration'."

Speaker Brunsvold: "The Lady from Cook, Representative Flowers, on Floor Amendment #1."

Flowers: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. I move for the adoption of Amendment #1 to Senate Bill 80 and, as amended, it would insure that the commercial firms that repossess medical devices, must be registered with the U.S. Food and Drug Administration, which has an extensive validated protocol to insure safety and reliability of reprocessed devices. And also, it would insure that hospitals that repossess medical devices do so in accordance with the regulations established by the Illinois Department of Public Health under the Illinois Hospital Licensing Act. It would also insure that the activities of the medical devices' reprocessing is only performed by the firms or hospitals that have met the

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

60th Legislative Day

May 14, 1997

conditions of this legislation. And I would move for the adoption of Amendment #1."

Speaker Brunsvold: "The Lady has moved for the adoption of the Amendment. On that, the Gentleman from Vermilion, Representative Black."

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

Speaker Brunsvold: "She yields."

Black: "Representative, does the Amendment become the Bill?"

Flowers: "No."

Black: "Or it adds to the Bill?"

Flowers: "Yes."

Black: "The underlying Bill had to do with using surgical devices more than once when those devices were only intended to be used one time. So, I assume that that would still be in the Bill?"

Flowers: "That's still part of the Bill."

Black: "And there is a criminal... well, criminal may be too strong a word. There's a misdemeanor offense for anybody who wants to use that more than once?"

Flowers: "Yeah, let me find the Bill. I think it's a thousand dollars."

Black: "Okay, so that would be a, I'm sorry, was it a Class A Misdemeanor or...?"

Flowers: "Let me see if I can find the Bill here. One minute, Representative Black. Representative Black."

Black: "Yes."

Flowers: "It would be a business offense with a \$1 thousand penalty."

Black: "Okay. I... I'm just simply not familiar. On the one hand, your Bill outlaws reusing these surgical or medical devices, but then on the other, it appears that the

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

60th Legislative Day

May 14, 1997

Amendment says, you can do so as long as you are a registered recycler, if you're, I don't know, regulated by the FDA or licensed by some federal entity or something."

Flowers: "Representative Black, when the Bill was first sent over here... well, to be quite frank with you, it was only yesterday that we found out that the FDA does have a process in which certain instruments could be recyclable, and, as a result, we amended the Bill to include those provisions."

Black: "Okay, so the Amendment then, is agreed language with the medical profession...?"

Flowers: "The Hospital Associations as well as..."

Black: "...hospitals and... this is a new one on me. I'm not familiar with them."

Flowers: "It was new for me too, Representative Black"

Black: "The Association of Medical Device Reprocessors, that's a new one."

Flowers: "Yes."

Black: "Well, we learn something everyday."

Flowers: "Everyday."

Black: "Thank you, Representative, I appreciate the answers to your question. The Amendment certainly seems to be a good Amendment."

Flowers: "Thank you, Sir."

Black: "I appreciate your cooperation."

Speaker Brunsvold: "Any further discussion? Seeing none, the Lady has asked for the adoption. All in favor of Floor Amendment #1, say 'aye'; opposed 'nay'. The 'ayes' have it and the Amendment has been adopted. Further Amendments?"

Clerk Rossi: "No further Amendments." Speaker

Brunsvold: "Third Reading. Senate Bill 71, Mr. Granberg.

Out of the record. Senate Bill 120, Mr. Dart. Read the

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

60th Legislative Day

May 14, 1997

Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 120, the Bill has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Dart, has been 'approved for consideration'."

Speaker Brunsvold: "The Gentleman from Cook, Representative Dart, on Floor Amendment #1."

Dart: "Thank you, Mr. Speaker, Members of the House. Amendment #1 becomes the Bill. What it does is, it requires that in the... this has been a problem in particularly in Cook County and when a judge is issuing their findings in adjudication for delinquency, they'll sometimes, quite often, will bunch the sentence together. This would require a judge to make a particular finding on each offense in which the juvenile is charged with. It doesn't increase or decrease penalties at all. It is just more of a clarification so that individuals will know what the charge was, and I would move for its adoption."

Speaker Brunsvold: "The Gentleman has moved for the adoption. On that, the Gentleman from Kendall, Mr. Cross."

Cross: "Will the Sponsor yield?"

Speaker Brunsvold: "He indicates he will."

Cross: "Tom, is DCFS, do they have a position on this at all?"

Dart: "Tom, I would tend to doubt it because this wouldn't deal with any of the abuse and neglect at all. It would be just straight-up delinquency and what it is, it would be more of an informational type of change so that people, both court and personnel, would be advised as to the particular offenses under which someone was being sentenced."

Cross: "The States Attorneys' Association is for this?"

Dart: "I believe they are, but I don't know that for sure, Tom. I'm pretty sure they would be."

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

60th Legislative Day

May 14, 1997

Cross: "I guess I... I don't see any problems with it, I would think this is... doesn't this happen now? Doesn't this happen now?"

Dart: "No, it doesn't. That's been the problem. Particularly in Cook County, it's been a real problem. They haven't been doing it."

Cross: "You don't have any other intentions with this Bill, do you?"

Dart: "No, I was just going to put this Amendment on and pass it over to the Senate."

Cross: "Okay, thanks."

Speaker Brunsvold: "Any further discussion? The Gentleman moves for the adoption of Floor Amendment #1. All in favor say 'aye'; opposed 'nay'. The 'ayes' have it and Floor Amendment #1 has been adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Brunsvold: "Third Reading. Senate Bill 320, Mr. Leitch. Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 320 has been read a second time, previously. No Committee Amendments. Floor Amendment #2, offered by Representative Currie, has been 'approved for consideration'."

Speaker Brunsvold: "On Floor Amendment #2, the Lady from Cook, Representative Currie."

Currie: "Thank you, Speaker and Members of the House. This Amendment bends door to door marketing in managed care programs for the state's medicaid clients, requires annual audits of the Managed Care Plan by the Department of Public Aid inspector general and generally provides consumer protections for the clients of the states who are enrolling in health maintenance organizations. I know of no opposition either from the department or from the industry,

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

60th Legislative Day

May 14, 1997

and I would appreciate your support for the Amendment."

Speaker Brunsvold: "The Lady has asked for the adoption of Floor Amendment #2. Is there any discussion? Being no discussion, all in favor of the Amendment say 'aye'; opposed 'nay'. The 'ayes' have it and Floor Amendment #2 has been adopted. Further Amendments?"

Clerk Rossi: "Floor Amendment #3, offered by Representative Leitch."

Speaker Brunsvold: "The Gentleman from Peoria, Representative Leitch."

Leitch: "Thank you very much, Mr. Speaker. This Amendment pertains to the ability to have pilot programs for case management. It's the same Amendment that yesterday we put on House Bill... or Senate Bill 237 and it's my intent to put it on this Bill and remove it from the other Bill, and I would ask for your support."

Speaker Brunsvold: "On the Amendment, is there any discussion? Being no discussion, all in favor of Amendment #3 say 'aye'; opposed 'nay'. The 'ayes' have it, and Floor Amendment #3 has been adopted. Further Amendments?"

Clerk Rossi: "Floor Amendment #4, offered by Representative Leitch."

Speaker Brunsvold: "The Gentleman from Peoria, Mr. Leitch."

Leitch: "Amendment #4 permits the University of Illinois, Chicago to participate in the Medicaid... Medicaid Plus Program in Chicago."

Speaker Brunsvold: "On the Amendment, is there any discussion? Seeing no discussion, all in favor of Amendment #4 say 'aye'; opposed 'nay'. The 'ayes' have it and Amendment #4 has been adopted. Further Amendments?"

Clerk Rossi: "Floor Amendment #5, offered by Representative Leitch."

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

60th Legislative Day

May 14, 1997

Speaker Brunsvold: "The Gentleman from Peoria, Representative Leitch."

Leitch: "Yes, this Amendment requires non-medicaid HMOs to use the same formulary as is in the medicaid program itself."

Speaker Brunsvold: "Floor Amendment #5, is there any discussion? The Gentleman from Vermilion, Representative Black."

Black: "Thank you very much, Mr. Speaker. Inquiry of the Chair. Has Floor Amendment #5 been printed and distributed?"

Speaker Brunsvold: "Pardon, Mr. Black."

Black: "Has Floor Amendment #5 been printed and distributed? It doesn't appear on my computer and I don't happen to have a copy in my file."

Speaker Brunsvold: "Let us check, Mr. Black. Mr. Clerk."

Clerk Rossi: "Representative Black, you need to download your computer."

Black: "I beg your pardon. The computer hasn't said one word to me about downloading. It's just been sitting here all day, it's practically worn out. How do I do that?"

Speaker Brunsvold: "Mr. Black, there should be some computer experts on your side of the aisle that can help you with downloading."

Black: "Oh, here's one right now. Yes, it's working now. So, thank you very much."

Speaker Brunsvold: "Any further discussion?"

Black: "No, we've taken a look at the Amendment. As always, Representative Leitch is right on top of the situation."

Speaker Brunsvold: "Thank you. Any further discussion? The Gentleman from Peoria asked for the adoption of Floor Amendment #5. All in favor say 'aye'; opposed 'nay'. The 'ayes' have it and Floor Amendment #5 has been adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

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

60th Legislative Day

May 14, 1997

Speaker Brunsvold: "Third Reading. Mr. Clerk, Senate Bill 460.

Mr. Steve Davis. Read the Bill."

Clerk Rossi: "Senate Bill 460, the Bill has been read a second time, previously. Amendment #1 was adopted in committee. No Motions have been filed. Floor Amendment #2, offered by Representative Steve Davis, has been 'approved for consideration'."

Speaker Brunsvold: "The Gentleman from Madison, Representative Steve Davis, on Floor Amendment #2."

Davis, S.: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Floor Amendment #2 simply eliminates and deletes all of Section 5 in Amendment #1 to Senate Bill 460. It was some objectionable language that was objected to in committee, so we have removed the objectionable language in the Bill. I would ask for its adoption."

Speaker Brunsvold: "Is there any discussion? Being no discussion, the Gentleman has moved for the adoption of Floor Amendment #2. All in favor say 'aye'; opposed 'nay. The 'ayes' have it and the Amendment has been adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Brunsvold: "Third Reading. Mr. Clerk, Senate Bill 476.

Mr. Parke. Read the Bill."

Clerk Rossi: "Senate Bill 476, has been read a second time, previously. No Committee Amendments. Floor Amendment #2, offered by Representative Parke, has been 'approved for consideration'."

Speaker Brunsvold: "The Gentleman from Cook, Mr. Parke, on Floor Amendment #2."

Parke: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Floor Amendment 2 solves a problem that clarifies that this provision that affects park districts, only

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

60th Legislative Day

May 14, 1997

applies to park districts, and it deletes a provision that would have allowed a minor to work from 7:00 a.m. to 10:00 p.m., not 9:00 p.m., during summer vacation. This Amendment is being offered to address a concern raised in committee. The underlying Bill, because of its drafting oversight, would have increased the hours that any minor under 16 of age would work during the summer months. This Bill limits the extended hours to apply only to those minors employed by park districts, which is the sponsor of the original underlying Bill."

Speaker Brunsvold: "The Gentleman has asked for the adoption of Floor Amendment #2. On that, is there any discussion? The question is, 'Shall the Amendment be adopted?' All in favor say 'aye'; opposed 'nay'. The 'ayes' have it and Floor Amendment #2 has been adopted. Further Amendments?"

Clerk Rossi: "No further Amendments, but a State Mandates Note has been requested on the Bill and has not been filed."

Speaker Brunsvold: "Hold that Bill on Second Reading. Senate Bill 437, Representative Kosel. Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 437, the Bill has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Kosel, has been 'approved for consideration'."

Speaker Brunsvold: "The Lady from Will, Representative Kosel, on Floor Amendment #1."

Kosel: "Floor Amendment #1 is a technical Amendment. It removes three words from the Bill and allows college credit to be used by fire and police boards for additional points in the hiring process. It does not remove the preference points. The Bill, as it stands or amended, will not remove the preference points for veterans. There has been no opposition to this Bill and I would move for the adoption

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

60th Legislative Day

May 14, 1997

of the Amendment."

Speaker Brunsvold: "The Lady has moved for the adoption. On that, the Lady from Cook, Representative Monique Davis."

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

Speaker Brunsvold: "She yields."

Davis, M.: "Okay. Representative, does your Bill state that if you have a four-year college degree that you get extra points in becoming a policeman?"

Kosel: "It states that... that a local fire or police board may, at their discretion, give extra preference points to either a two-year degree in the specific area of police or fire protection or a four-year degree in any field."

Davis, M.: "Well, I have to oppose your Bill and I will tell you why. There is some groups who are not given an opportunity as much as others to get a four-year degree or a two-year degree. So that would help to lower or diminish the number from that group in that... be represented in that body. For example, in Chicago we recently had a march by the African-American firemen because there are so few of them, and with the next group coming in, that number was going to be even lower. So a Bill like yours would even diminish that number. I know that your intentions are extremely noble, and with the greatest respect to you, I must say, I don't believe that because you have a college degree sometimes, that you have a greater ability to make a critical decision. I know we want to encourage people who have these degrees, perhaps, to apply for these jobs, but I believe there are some people who have absolutely no college, who make tremendously critical decisions that are right on target and I don't believe that because someone, through an accident of birth or because someone was able to give them a scholarship, that they should have a greater

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

60th Legislative Day

May 14, 1997

advantage on these government positions, therefore, I would urge a 'no' vote."

Kosel: "The Amendment, literally, prevents college credit from any university or college and it does not..."

Speaker Brunsvold: "The Gentleman from Vermilion, Representative Black. He does not wish to speak. Any further discussion on the Amendment? Seeing none, the Lady has moved for the adoption of Floor Amendment #1. All in favor say 'aye'; opposed 'nay'. The 'ayes' have it and the Amendment has been adopted. Further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Brunsvold: "Third Reading. Senate Bill 547. Out of the record, Mr. Clerk. Senate Bill 670, Mr. Bugielski. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 670, the Bill has been read a second time, previously. Floor Amendment #1, offered by Representative Bugielski, has been 'approved for consideration'."

Speaker Brunsvold: "The Gentleman from Cook, Mr. Bugielski."

Bugielski: "Thank you, Mr. Speaker, Members of the House. Amendment #1 is a technical Amendment. This brings the... there was a little concern with the Department of Financial Institutions of the Credit Unions. All we're doing is adding a phrase on line 21, 'unless otherwise prohibited by law', but otherwise the Bill stays the same. The context of the Bill is the same. It just is adding the phrase, 'unless otherwise prohibited by law', and I ask for its adoption."

Speaker Brunsvold: "Questions on the Amendment? Representative Black."

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

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

60th Legislative Day

May 14, 1997

Speaker Brunsvold: "He yields."

Black: "Yes, Representative, your... in the Amendment, the Amendment becomes the Bill?"

Bugielski: "No. The Amendment... well, yes, the Amendment does become the Bill because it carries the entire Bill before and all they did was add that phrase on line 21."

Black: "Okay. Your... the Amendment... well, it's hard to ask... excuse me, it's hard to ask a question about the Amendment because the Amendment becomes the Bill, but you incorporate the rest of the Bill, but in your amending of the Interest Act, this has nothing to do with interest..."

Bugielski: "No."

Black: "... that you might accrue by going to a machine?"

Bugielski: "Right. It has nothing to do with that."

Black: "Oh, that's right, that was another Bill."

Bugielski: "It has nothing to do with that, Representative."

Black: "That's another Bill. Thank you very much."

Bugielski: "Okay."

Speaker Brunsvold: "Further discussion? The Gentleman has asked for the adoption of Floor Amendment #1. All in favor say 'aye'; opposed 'nay'. The 'ayes' have it and the Amendment has been adopted. Further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Brunsvold: "Third Reading. Senate Bill 777, Mr. Ryder. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 777, the Bill has been read a second time, previously. Floor Amendment #2, offered by Representative Ryder, has been 'approved for consideration'."

Speaker Brunsvold: "The Gentleman from Jersey, Mr. Ryder."

Ryder: "Thank you, Mr. Speaker. The underlying Bill places into Code the Executive Order of the Governor concerning

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

60th Legislative Day

May 14, 1997

contracts, signatures, approvals, thereon, and the responsibility thereof. The Amendment that is before us today... this Senate Bill 777, makes changes so that the General Assembly is more appropriately designated. It was always intended that the General Assembly would operate under the same rules as all other agencies, but since we have a different structure, meaning fiscal officer, or executive officer, than would be in existence and an executive agency. We had to change that designation therein. I would be happy to answer any questions."

Speaker Brunsvold: "And on the Amendment, is there any discussion? The Gentleman from Cook, Mr. Schoenberg."

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

Speaker Brunsvold: "He yields."

Schoenberg: "Mr. Ryder, could you give us a hypothetical of what kind of situation may emerge as the result of this Floor Amendment?"

Ryder: "Specifically, the underlying Bill requires signatures for contracts in excess of \$250 thousand. So in the event that the Illinois General Assembly were to enter into a contract for \$250 thousand or more, for example to replace the computers that we see on the floor, there is an exact order of who has to sign off, so that they are aware of, have reviewed and approved, the contract, itself."

Schoenberg: "And under the Amendment, who would be those three individuals on behalf of the General Assembly who would need to sign off?"

Ryder: "For operations of the House itself, it is our Chief Executive Officer designated as the Speaker in the House, the President in the Senate."

Schoenberg: "That's only two signatures, who would be that third

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

60th Legislative Day

May 14, 1997

signator?"

Ryder: "They designate."

Schoenberg: "They designate the signatories."

Ryder: "Yes sir. I'm sorry, I didn't make that clear."

Schoenberg: "Okay. Thank you, no further questions."

Ryder: "Thank you."

Speaker Brunsvold: "Any further discussion? The Lady from Cook, Representative Monique Davis."

Davis, M.: "Mr. Speaker, I would just like to take this opportunity to introduce Miss Peggy Montez. She's a board member for the Dusable Museum and she's very grateful for the Dusable Museum state dollars that we often give them."

Speaker Brunsvold: "Welcome to the House. The Gentleman asks for the adoption of Floor Amendment #2 and all in favor say 'aye'; opposed 'nay'. The 'ayes' have it and the Amendment has been adopted. Further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Brunsvold: "Third Reading. Senate Bill 778, Mr. Hassert. Out of the record. Senate Bill 954, Mr. Wait. Mr. Black, for what reason do you rise?"

Black: "Yes, I believe we're filling out the paperwork, I'm assuming the Sponsorship of this Amendment."

Speaker Brunsvold: "That would be fine. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 954, the Bill has been read a second time, previously. Floor Amendment #2, offered by Representative Black, has been 'approved for consideration'."

Black: "Yes, thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. Floor Amendment #2 is a request of the office of the Secretary of State. It's amending the Vehicle Code. Simply states that a affirmation furnished

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

60th Legislative Day

May 14, 1997

by the Secretary of State may be used, as well as a notarized affidavit, on the application for certificate of title. I would be glad to answer any questions you have."

Speaker Brunsvold: "Any discussion on the Amendment? Seeing none the question is, 'Shall Floor Amendment #2 be adopted?' All in favor say 'aye'; opposed 'nay'. The 'ayes' have it and Floor Amendment has been adopted. Further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Brunsvold: "Third Reading. Senate Bill 978, Mr. Hassert. Excuse me, (sic-Senate Bill) 778, Mr. Clerk. (sic-Senate Bill) 778, Mr. Clerk. Mr. Hassert, please. Mr. Clerk, please read the Bill."

Clerk Bolin: "Senate Bill 778, the Bill has been read a second time, previously. Floor Amendment #1, offered by Representative Hassert, has been 'approved for consideration'."

Speaker Brunsvold: "The Gentleman from Cook, Representative Hassert."

Hassert: "Thank you, Mr. Speaker. Floor Amendment #1 just clarifies some language in the Bill. It's a technical Amendment. It deletes provision requiring DCCA to provide written notices to the IEPA if it elects to. I ask for its approval."

Speaker Brunsvold: "And on the Motion for the adoption, is there any discussion? Seeing none, the question is, 'Shall the Amendment be adopted?' All in favor say 'aye'; opposed 'nay'. The 'ayes' have it and the Amendment has been adopted. Further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Brunsvold: "Third Reading. Mr. Clerk, what's the status of Senate Bill 1020?"

Clerk Bolin: "Senate Bill 1020 has been read a second time,

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

60th Legislative Day

May 14, 1997

previously. Floor Amendment #2, offered by Representative Ryder, has been 'approved for consideration'."

Speaker Brunsvold: "On the Floor Amendment, the Gentlemen from Jersey, Representative Ryder."

Ryder: "Mr. Speaker, I'm going to ask for the indulgence of the House and the Speaker to hold this Bill on Second and hold this Amendment in this posture, but I do wish to make an inquiry that in the event that we see fit to proceed tomorrow, that we can proceed to adopt the Amendment and move on the Bill for final passage. Is that...according to what the Clerk just said, that is a possibility, correct?"

Speaker Brunsvold: "The Bill has been read a second time."

Ryder: "That is fine. Please, hold the Bill on Second Reading at this time without adopting the Amendment. Thank you."

Speaker Brunsvold: "Thank you, Mr. Ryder. Senate Bill 547."

Clerk Bolin: "Senate Bill 547, the Bill has been read a second time, previously."

Speaker Brunsvold: "Read the Bill."

Clerk Bolin: "Floor Amendment #1, offered by Representative Black, has been 'approved for consideration'."

Speaker Brunsvold: "On the Amendment, Mr. Black."

Black: "Yes, thank you very much. I appreciate the Speaker's indulgence in letting me add this Amendment to this Bill. It's a very technical Amendment that removes some obsolete language from the Horse Racing Act. Language that goes back hundreds of years."

Speaker Brunsvold: "And the Motion is, 'Shall the Amendment be adopted?' All in favor vote 'aye'... or say 'aye'; all opposed 'nay'. The 'ayes' have it, and the Amendment has been adopted. Further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Brunsvold: "Third Reading. Senate Bill 71. Mr. Clerk,

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

60th Legislative Day

May 14, 1997

read the Bill."

Clerk Bolin: "Senate Bill 71, the Bill has been read a second time, previously. Floor Amendment #2, offered by Representative Deering, has been 'approved for consideration'."

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

Deering: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Amendment #2, to Senate Bill 71 is identical to House Bill 2037 which Representative Cross carried. It takes a first time violation for an unlawful possession of a firearm in a vehicle or concealed on or about a person back to a Class A Misdemeanor, which now we created the felony conviction in the Safe Neighborhoods Act. This is...there's been some cases in the state, we've tried to do this for several years to take it back to..."

Speaker Brunsvold: "The question is, 'Shall the Amendment be adopted?' All in favor say 'aye'; opposed 'nay'. The 'ayes' have it, the Amendment has been adopted. Any further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Brunsvold: "Third Reading. Mr. Black, you are recognized for a Motion."

Black: "Mr. Speaker, it has been a grueling, exhausting day. I move we adjourn."

Speaker Brunsvold: "The Gentleman has moved we adjourn. Allowing Perfunctory time for the Clerk, the House will stand adjourned until May 15, Thursday, at the hour of 9:00 a.m. All in favor say 'aye'; opposed 'nay'. The 'ayes' have it and the House does stand adjourned."

Clerk Rossi: "The House Perfunctory Session will come to order. Introduction of Resolutions. House Resolution 160, offered

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

60th Legislative Day

May 14, 1997

by Representative Dart. House Resolution 161, offered by Representative Novak. Senate Joint Resolution 22, offered by Representative McAuliffe. Resolutions are assigned to the Rules Committee."

Clerk Rossi: "Senate Bills, Second Reading. Senate Bill 303, a Bill for an Act to amend the Jury Commission Act. Senate Bill 557, a Bill for an Act to amend the School Code. Senate Bill 560, a Bill for an Act to amend the School Code, in relation to state goals for education. Second Reading of these Senate Bills. The House Perfunctory Session stands adjourned."