

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

129th Legislative Day

May 21, 1998

Speaker Madigan: "The House shall come to order. The House shall come to order. The Members shall be in their chairs. We shall be led in prayer today by the Reverend David Sickelka of the Grantfork United Church of Christ in Highland. Reverend Sickelka is the guest of Representative Ron Stephens. The guests in the gallery may wish to rise and join us for the invocation."

Reverend Sickelka: "Let us be united in prayer. Almighty and endlessly loving God, remind us of the power Your grace has among us in this time and place. As we assemble in this arena of public debate, keep us humble that we not think of ourselves more highly than we ought. Charge our memories that we not forget the many who will be affected by decisions made this day. Stir our faith that Your ways of justice and mercy might be the pattern of our lives. These things we ask in trust that You hear and answer. Amen."

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

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

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

Representative Currie: "Thank you, Speaker. Please let the record show that we are... that there are no excused absences at the start of today's Session, but that a little later in the morning Representative Schakowsky and Gash will be leaving for the funeral of Grace Mary Stern. So when they leave, they will let the Clerk know and they will be excused from that point on."

Speaker Madigan: "Mr. Cross."

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

129th Legislative Day

May 21, 1998

Cross: "Thank you, Mr. Speaker, if the record would reflect that Representative Verna Clayton is excused today. Thank you."

Speaker Madigan: "Let the record reflect that excused absence. The Clerk shall take the record. There being 117 people responding to the Attendance Roll Call, there is a quorum present. Mr. Clerk."

Clerk Rossi: "Committee Reports. Representative Jay Hoffman, Chairperson from the Committee on Transportation and Motor Vehicles, to which the following measure was referred, action taken on May 20, 1998, reported the same back with the following recommendation: 'be adopted' House Resolution 513. Representative Calvin Giles, Chairperson from the Committee on State Government Administration and Election Reform, to which the following measure was referred, action taken on May 20, 1998, reported the same back with the following recommendation: 'be approved for consideration' Senate Amendment #1 to House Bill 1268. Representative Skip Saviano, Chairperson from the Committee on Registration and Regulation, to which the following measure was referred, action taken on May 20, 1998, reported the same back with the following recommendation: 'be adopted' House Resolution 505. Representative Coy Pugh, Chairperson from the Committee on Human Services, to which the following Resolutions were referred, action taken on May 20, 1998, reported the same back with the following recommendations: 'be adopted' House Resolution 375 and House Resolution 504. Representative Judy Erwin, Chairperson from the Committee on Higher Education, to which the following measures were referred, action taken on May 20, 1998, reported the same back with the following recommendation: 'be adopted' House Resolution 512. Representative Dan Burke, Chairperson from the Committee on

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

129th Legislative Day

May 21, 1998

Executive, to which the following measure was referred, action taken on May 20, 1998, reported the same back with the following recommendation: 'be approved for consideration' Floor Amendment #1 to Senate Bill 1225. Representative Carol Ronen, Chairperson from the Committee on Children and Youth, to which the following measure was referred, action taken on May 20, 1998, reported the same back with the following recommendation: 'be adopted' House Joint Resolution 69. Representative Larry Woolard, Chairperson from the Committee on Agriculture and Conservation, to which the following Resolution was referred, action taken on May 20, 1998, reported the same back with the following recommendation: 'be adopted' Senate Joint Resolution 63."

Speaker Madigan: "Mr. Black."

Black: "Yes, thank you very much, Mr. Speaker. I have an inquiry of the Chair."

Speaker Madigan: "State your inquiry."

Black: "Yes, I had two emergency Resolutions that I tried to present in committee. The one was SJR 42 and I went to the House Revenue Committee last evening and they never did get a quorum and then I had House Joint Resolution 68, that was posted for the House Insurance Committee, which was cancelled. I was just curious as to when those vitally important Resolutions might come to the floor?"

Speaker Madigan: "Representative Klingler."

Klingler: "Thank you very much, Mr. Speaker. A point of personal privilege."

Speaker Madigan: "State your point."

Klingler: "I'd like to recognize students and teachers from the Step-by-Step Learning Center here in Springfield, the day care center, and they are up in the balcony."

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

129th Legislative Day

May 21, 1998

Speaker Madigan: "Representative Wyvetter Younge."

Younge: "Thank you, Mr. Speaker. I'd like to recommit House Resolution 479 to Rules. The controversy has resolved and I do not wish to go ahead with this at this time."

Speaker Madigan: "You've all heard the Lady's request. Is there leave? Leave is granted. Mr. Giles, did you wish to call House Bill 644 on the Order of Concurrence? House Bill 644 on the Order of Concurrence, Mr. Giles."

Giles: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I offer a Motion to concur with Senate Amendment #1 and 2 to House Bill 644. Amendment #1, what it did was establish an electronic ballot form pilot program. The original Bill that we passed earlier during the year would have put this program in motion. The Senate Amendment allowed for this to be simply a pilot program and must report back to the General Assembly by January the 1st, the year 2000. Senate Amendment #2, what it did is, it gutted and replaced the House Bill and the Senate Amendment #1. And what this Amendment does is simply allow the State Board of Election to test electronic voters system in a mock... in a mock voting procedure, during a mock contested election. So, this Amendment here will simply allow the original language to be a mock election and all results must be reported and authorized by the General Assembly, and I ask for the concurrence of these two Amendments."

Speaker Madigan: "Mr. Black."

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

Speaker Madigan: "The Sponsor yields."

Black: "Representative, the underlying Bill generated, as I recall, considerable debate and discussion in the House. And, of course, I noticed then it went to the Senate, was

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

129th Legislative Day

May 21, 1998

amended, and as is usually the case it received a unanimous vote in the Senate. But... is this kind of like motor voter? I'm going to be able to vote on my laptop?"

Giles: "No, Representative. What Amendment #2, what the Senate did was added the Amendment that... simply what this is going to be now is a mock situation. The original Bill, what it did, it allowed for the State of Illinois, the Board of Election to have electronic voting systems. Earlier during the Session there were a displayer of the electronic voting system by a particular company to simply just to look at... to become a model. And the Amendments that we have now is simply not putting anything in motion but just simply having a mock situation and the State Board of Election will oversee that, and any type of result that comes from that will be reported to the General Assembly."

Black: "Okay, so this could not be initiated in any election jurisdiction unless the General Assembly were to enact legislation that would do that?"

Giles: "That's correct."

Black: "All right. Okay. All right."

Giles: "Any results from that mock situation will come before the General Assembly."

Black: "Well, I realize that we're fast entering, in fact, we're already there, the electronic age. I still like the old ballots that you go in and mark with that pencil, but those days are gone. But just for my edification, what is electronic voting? I mean, do you touch a screen or do you go into a voting booth and do a computer... do something on a computer, or how does that work?"

Giles: "Well, you're on the right track. What it is, is you have a terminal that has friendly user (sic-user friendly) TelePrompts that will direct you from one stage to another

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

129th Legislative Day

May 21, 1998

stage and actually cast a vote... a ballot vote for a candidate. It's very friendly user (sic-user friendly). We had a demonstration and we'll probably have one back here again."

Black: "Okay. Fine. Thank you, Representative, I appreciate your indulgence. Thank you, Mr. Speaker."

Speaker Madigan: "Mr. Giles to close."

Giles: "Thank you. Once again, this is simply a mock situation that the State Board of Election will oversee. We're going into the Twentieth Century and this is a good thing just to adhere to. And I ask for the concurrence of these two Amendments."

Speaker Madigan: "The Gentleman moves that the House do concur in Senate Amendments #1 and 2. Those in favor of the Motion signify by voting 'aye'; those opposed by voting 'no'. Third Reading Roll Call. Have all voted who wish? The Clerk shall take the record. On this question, there are 115 people voting 'aye'; 1 person voting 'no'. The Gentleman's Motion that the House do concur in Senate Amendments #1 and 2 was adopted and this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Turner, Mr. Arthur Turner. On the Order of Concurrence on page 6 of the Calendar, there's House Bill 1422. Did you wish to call the Bill? Mr. Clerk, House Bill 1422. The Chair recognizes Mr. Arthur Turner."

Turner, A.: "Thank you, Mr. Speaker and Ladies and Gentlemen of the Assembly. I move to concur with Senate Amendments 1 and 2 to House Bill 1422. They were merely technical in nature in terms of changes. This Bill is known as the

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

129th Legislative Day

May 21, 1998

Right of Publicity Act and I think the debate that we had when the Bill was initially here in this chamber has not changed as a result of those Amendments, and so I move for the adoption of Senate Amendment 2 to House Bill 1422."

Speaker Madigan: "Mr. Black."

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

Speaker Madigan: "The Sponsor yields."

Black: "Representative, the Senate Amendment becomes the Bill, correct?"

Turner, A.: "That's correct."

Black: "Is this the issue that at one time we, half in jest, referred to as the Michael Jordan law?"

Turner, A.: "That's correct, Representative."

Black: "Now would Legislators or anybody in the public eye be covered under this Bill?"

Turner, A.: "That's correct, Representative. Bill Black would be covered under this... this Act."

Black: "So, if they were going to put my picture on the back of a CTA bus and indicate that I endorse a particular kind of hair tonic, they couldn't do that without my permission, right?"

Turner, A.: "That's correct. And, in fact, heaven forbid that you were not around, they could not do it without your family's permission after you're gone. And so, that's the intent of this legislation is to protect your image and likeness forever."

Black: "What was the genesis of the Bill? Was it that public figures' images were being used to advertise without their permission or without any remuneration? I know we have discussed this but it's been a year or two ago. I can't remember what the genesis of the... and what problem we're

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

129th Legislative Day

May 21, 1998

trying to solve."

Turner, A.: "Representative, I guess it would be fair to say that the example that you used in terms of using people's likeness for commercial purposes and the families not being remunerated was, in fact, the genesis of this Bill, but this is the state's answer to the Federal Act, the Lanham Act that deals with the unauthorized use of a person's likeness. So, it's a combination of the two with the state's response to what the Federal Government has done in regards to addressing that situation."

Black: "So, in other words, if a food establishment wanted to say that their cheeseburger and extra spicy chili was endorsed by Speaker Madigan, they couldn't do that without Speaker Madigan's permission?"

Turner, A.: "That's correct."

Black: "But we're still able to enter into an agreement or an endorsement for remuneration, that doesn't change that, does it?"

Turner, A.: "No, it does not change that. If you pay... if you pay, you can play."

Black: "Okay. All right. The staff indicates that no entity signed into opposition to the underlying measure or the Amendment? Is that your understanding?"

Turner, A.: "That's correct, Representative."

Black: "Okay. Has... have we been in contact with a star of the status of say, a Michael Jordan? Are they okay with this, or... I want to make sure we don't limit their ability to... in the brief career that many of them have, for example, the new pitching phenomenon for the Chicago Cubs. I'm sure he's going to be flooded with endorsement offers or use of his name, and he should be compensated for that, obviously, and their careers are relatively short. So,

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

129th Legislative Day

May 21, 1998

we're not doing anything to inhibit or harm the ability of a public figure to capitalize on their particular expertise or fame, are we?"

Turner, A.: "Absolutely, Representative. In fact, it is my hope that not only, and we don't know how busy Michael's going to be over the next couple of weeks, we hope he remains quite busy. But at the time of the Bill signing, if not Mike, we'll take Scottie, if not Scottie, we'll take the new Mr. Woods for the Cubs or we'll take Tiger or better yet, we'll take Bill Black."

Black: "Okay. Okay. I would be honored to be in that company. Thank you very much."

Speaker Madigan: "There being no further discussion, Mr. Turner to close."

Turner, A.: "Thank you, Mr. Speaker, and I just would like to say that we move for the favorable adoption of Senate Amendment 2 to House Bill 1422."

Speaker Madigan: "Mr. Turner moves that the House does concur in Senate Amendment #2 to House Bill 1422. Those in favor signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? The Clerk shall take the record. On this question, there are 115 people voting 'aye'; 0 voting 'no'. This Bill... This Motion, having been adopted and the Bill, having received a Constitutional Majority, is hereby declared passed. The Chair recognizes Mr. Saviano for a Motion. Mr. Saviano on Senate Bill 1203. Turn on Mr. Saviano at Representative Crotty's desk. Mr. Saviano, Senate Bill 1203."

Saviano: "Thank you, Mr. Speaker. I would make a Motion to refuse to recede from House Amendments 1 and 2 and send to

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

129th Legislative Day

May 21, 1998

Conference Committee."

Speaker Madigan: "The Gentleman has made his Motion. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Motion is adopted. Mr. Arthur Turner, you're the Sponsor of House Bill 3579, on the Order of Concurrence on page 7 of the Calendar."

Turner, A.: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House."

Speaker Madigan: "Mr. Turner."

Turner, A.: "I move for the concurrence of Senate Amendments 1 and 2 to House Bill 3579. They are, won't say technical in nature. Basically, they become the Bill and, in fact, what it does, it just... it allows CJ (sic: Criminal Justice) a position of standing in regards to rent collection and the eviction process."

Speaker Madigan: "Mr. Turner moves that the House does concur in Senate Amendments #1 and 2. There being no discussion, the question is, 'Shall the House concur in Senate Amendments #1 and 2?' Those in favor signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? The Clerk shall take the record. On this question, there are 117 people voting 'aye'; 0 voting 'no'. The Motion to concur in the Amendments is adopted, and the Bill, having received a Constitutional Majority, is hereby declared passed. Is Representative Lou Jones in the chamber? Would you like to call House Bill 3575? House Bill 3575, Representative Lou Jones. Representative Lou Jones."

Jones, L.: "Thank you, Mr. Speaker and Members of the House. House Bill 3575, if you can remember, it went over to the Senate as a Shell Bill, and at that time, it is now an

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

129th Legislative Day

May 21, 1998

Agreed Bill with the Department of Revenue, the City of Chicago, the Chicago Park District, the County Assessor, everybody's in agreement with this Bill. This Bill is designed to help speed up the trend towards public/private partnerships. Currently, Chicago CHA-owned land is exempt from all property taxes. This Bill would allow CHA to lease some of its land to private developers who have construc... who would construct mixed income developments in the parcels. A good example of this Bill is actually what's happening with Cabrini Green now, and I ask for a favorable vote."

Speaker Madigan: "The Lady moves that the House does concur in Senate Amendments #1 and 2, and on that question, the Chair recognizes Mr. Black."

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

Speaker Madigan: "The Sponsor yields."

Black: "Representative Jones, this is the Bill that you and I have talked about and I appreciate that. The Senate Amendments do become the Bill, correct?"

Jones, L.: "Absolutely."

Black: "It appears that it only affects... or would only impact Cook County."

Jones, L.: "Yes."

Black: "Let me make sure that I understand now. It appears that it's trying to encourage private investment on land, perhaps owned by the Chicago Housing Authority or a public entity, to create low income or reasonable cost housing. So, it's kind of a unique, I guess you could call it an experiment to blend a tax exemption on public land with private capital to build moderate cost housing or rental units, correct?"

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

129th Legislative Day

May 21, 1998

Jones, L.: "You're correct."

Black: "And the Amendment #2 appears to make certain that, that county clerk would scrutinize any certificate that would request the exemption to make sure that the... it in fact, is doing what it said... that it would be used for low or moderate income housing. Not that we would grant an exemption to a huge corporation to build a luxury condominium."

Jones, L.: "Absolutely not."

Black: "Okay. Fine. That's what I wanted to clarify. Thank you very much for your indulgence. Thank you."

Speaker Madigan: "Representative Andrea Moore."

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

Speaker Madigan: "The Sponsor yields."

Moore, A.: "Representative, did you make... has there been a change in this to provide for an abatement rather than an exemption?"

Jones, L.: "Beg pardon. I can't hardly hear you."

Moore, A.: "Were one of the Amendments that were provided for in the Senate change... did it change it from an exemption... a tax exemption to a tax abatement?"

Jones, L.: "Yes, I did."

Moore, A.: "So that really significantly changes how it works from a policy perspective. I think it was a very good change. The other thing that I think should be made really clear is that only the units occupied by CHA residents will be involved?"

Jones, L.: "Yes."

Moore, A.: "And the abatement will actually be revoked once the CHA lease ends?"

Jones, L.: "Absolutely."

Moore, A.: "I think this is a very good incentive and a very good

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

129th Legislative Day

May 21, 1998

Bill, and I would urge an 'aye' vote."

Jones, L.: "Thank you, Representative."

Speaker Madigan: "Representative Lou Jones moves that the House does concur in Senate Amendments #1 and 2. Those in favor of that Motion signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? The Clerk shall take the record. On this question, there are 98 'ayes'; 19 'noes'. The Lady's Motion to concur in Senate Amendments #1 and 2 is adopted and the Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Reitz, do you wish to call HJR 51 on page 7 of the Calendar? It's on the Order of Concurrence. The Chair recognizes Mr. Reitz."

Reitz: "Thank you, Mr. Speaker. HJR 51 is... creates a board for the... Well, I'm trying to look and see what it does. HJR... We're setting up a task force, a 12 member task force, to study the feasibility of eliminating the sales tax and look at other ways to make Illinois coal a better product, more attractive to markets in the area. Coal is a very important part of my district and this board should help to explore ways and report back to the General Assembly on what ways that we can help sell Illinois coal. So, I'd appreciate your support."

Speaker Madigan: "The Gentleman moves for the adoption of the Resolution. The Chair recognizes Mr. Black."

Black: "Thank you very much, Mr. Speaker. I simply rise in support of the Resolution. I have attempted to introduce legislation that would abolish the sales tax on Illinois coal which didn't get very far and perhaps, the study will convince some people that it's what we need to do. I've had an entrepreneur open a coal mine in my legislative

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

129th Legislative Day

May 21, 1998

district, the first one that's opened in decades, and he's doing very well and he's employing people, but Indiana can put us at a competitive disadvantage because of the fact we charge the sales tax on a ton of coal. So, a penny can make a great deal of difference in how you sell that product, and I simply stand in support of the Gentleman's Motion to concur with the Amendments and hopefully pass HJR 51."

Speaker Madigan: "Mr. Skinner."

Skinner: "I wonder if the Gentleman would yield?"

Speaker Madigan: "The Sponsor yields."

Skinner: "Are you talking about the whole sales tax, the state's share and the local share?"

Reitz: "This commission will look at both of that, but I think we'll mostly look at the state's share."

Skinner: "It's my understanding, if I remember correctly, a Bill that I cosponsored in the 1970's, that the sales tax... the local sales tax is now paid to the municipality or county where it is mined. Is that correct?"

Reitz: "Excuse me, Representative?"

Skinner: "Is the sales tax now paid to the local community where the mine is located?"

Reitz: "Yes, it's at the mine mouth, at the source where it comes up from the ground."

Skinner: "And you certainly wouldn't want to abolish that part because that would perhaps devastate the local community, correct?"

Reitz: "Right. We will look at this and try to... that's what this commission will look at as what... if it's worth taking off the sales tax... I mean, there are some, you know, some people that think it's not, but if... we would try not to affect the local districts."

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

129th Legislative Day

May 21, 1998

Skinner: "Thank you very much."

Speaker Madigan: "Representative Mulligan."

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

Speaker Madigan: "The Sponsor yields."

Mulligan: "Representative, I can understand, even though I don't come from that area, the importance of coal, particularly, to areas that are depressed where that used to be a large economy. Has there been any consideration and perhaps the task force would look at, instead of totally getting rid of the sales tax, using some of that sales tax to go back and reenergize some of the projects as far as how to burn coal cleaner, change those things rather than, since some of the federal money has dried up, I have a... I know what you call it... not-for-profit organization in my area called the Institute for Gas Technology, that does research for the whole... they have the largest library in the world on this, and they used to do a lot of research in this area until the federal money dried up in Illinois, let the money fall by the wayside too, because they felt that there was no progress. And I'm not knowledgeable enough to know, you know, whether this was a good way of spending the money, but I would hope that if we were to vote for this, the task force might look instead of absolving the sales tax, using some of that money to go back into technology to make it more clean burning and to look at that. This particular group gives away the patents that they find and the work that they do, and I would think it would be an excellent idea to look for somebody that would do that, if it's the University of Illinois, a group such as this not-for-profit that's in my area that gives away the technology that they develop. But not just to take away the sales tax, but to also maybe use that money for something more profitable for

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

129th Legislative Day

May 21, 1998

the long term industry."

Reitz: "Well, I appreciate those comments and we... that's exactly what the task force is for, to see if it... try to study and see if we would think it would help if we eliminate the sales tax, but I'm almost like the same thought as you, that we might be better off using that money, investing it at times into the coal market into clean coal technology. We already have money that will be... that is part of the deregulation Bill we had last year. We have \$150,000,000 in bonding authority to help clean coal projects, and this commission, this simply sets up a 12 member task force to study this issue, to look at the sales tax on two fronts: one; maybe to eliminate it, and which would give us about a dollar a ton. The average coal price is \$20, so we have... we're at a dollar a ton disadvantage at times from states that don't charge the sales tax in the midwest. But the other part to look at is whether or not this money could be better used and one of the problems that we do have is trying to determine... we have conflicting reports from the Department of Revenue and other interested parties on how much money the sales tax has actually generated, but because of the way they collect their monies. So, this task force will look at all options and, you know, yours... we appreciate your input."

Mulligan: "Thank you."

Speaker Madigan: "The Gentleman has moved for the adoption of the Resolution. Those in favor of the adoption of the Resolution will vote 'aye'; those opposed will vote 'no'. Have all voted who wish? This is on the adoption of a Resolution. Would someone vote Representative Slone please? Record Representative Slone as 'yes'. Have all voted who wish? Have all voted who wish? The Clerk shall

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

129th Legislative Day

May 21, 1998

take the record. On this question, there are 116 people voting 'aye'; 0 voting 'no'. The Gentleman's Motion to adopt the Resolution is adopted. On the order of Senate Bills Second Reading, on page 5 of the Calendar, there appears Senate Bill 1884. Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "Senate Bill 1884. The Bill has been read a second time, previously. Floor Amendment #2 has been adopted to the Bill. Floor Amendment #3, offered by Representative Smith, has been approved for consideration."

Speaker Madigan: "Representative Smith. Michael Smith. Is the Gentleman in the chamber? Is Mr. Smith in the chamber? Mr. Clerk, you can take this matter out of the record. Mr. Saviano, on page 6 of the Calendar, on the Order of Concurrence there's a House Bill 2589. It's concerned with barbers. Do you wish to call the Bill? Mr. Saviano, House Bill 2589."

Saviano: "Thank you, Mr. Speaker. I did not hear these Amendments in committee as of yet. To... "

Speaker Madigan: "The Clerk advises me that the Motions are still in the Rules Committee, so we'll come back to this later. Thank you. Mr. Black."

Black: "Thank you very much, Mr. Speaker. I have an inquiry of the Chair. I have filed a Motion in writing with the Clerk, and I'm asking that we discharge the Rules Committee from further consideration of House Joint Resolution 66, and to advance that measure for immediate consideration by the House. The hour grows late. All this Resolution does, it's about four sentences, and it says we reject the recommendation of the Compensation Review Board. I think that we should vote on that. I think we should vote on it now, because of the way it's configured, both the House and

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

129th Legislative Day

May 21, 1998

Senate have to act on the same Resolution. I'm confident that a number of Members of the House would join me in seeking a record vote to discharge House Joint Resolution 66, and let us vote on the question of rejecting the recommendations of the Compensation Review Board. Mr. Speaker, I... "

Speaker Madigan: "Mr. Black, could I simply... Mr. Black?"

Black: "Yes, Sir?"

Speaker Madigan: "Could I simply tell you that we plan on meeting in the Rules Committee today, and that's one of the matters that will be approved for consideration by the Rules Committee?"

Black: "Will I be able to plead my case before the Rules Committee? I've always received a sympathetic hearing from them."

Speaker Madigan: "The Democratic Members of the committee are going to vote to approve that Resolution for consideration."

Black: "They're outstanding, upstanding citizens, and I look forward to that meeting. And... "

Speaker Madigan: "And they're very anxious to listen to your speech on this matter."

Black: "Yes, obviously. Another inquiry of the Chair, Mr. Speaker? The television camera that is in front of the well, is this something that... are we doing a Illinois Lawmakers or the Speaker sleeps at night or, you know, a documentary? We are just curious?"

Speaker Madigan: "I believe it's educational, Mr. Black."

Black: "Well, it's very educational. We were just curious. We wondered... all right. Thank you."

Speaker Madigan: "Thank you, Mr. Black. Mr. Moore."

Moore, E.: "Yes, Mr. Speaker, I rise on account (sic: point) of

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

129th Legislative Day

May 21, 1998

personal privilege."

Speaker Madigan: "State your point."

Moore, E.: "At this time, I would like to introduce to the Body the H. McNelty School that's in my district. They're located in Melrose Park. They are up in the gallery. Let's give them a warm welcome to Springfield."

Speaker Madigan: "On page 6 of the Calendar on the Order of Concurrence there appears House Bill 1552, Mr. Mautino. Mr. Mautino."

Mautino: "Thank you, Speaker and Ladies and Gentlemen of the House. I move to nonconcur in Senate Amendments 1, 2, 3 and 4. The reason that this is necessary is we have had negotiations on the diabetes portion of that Bill, which is controlled in Section #2. We now have agreements from the Med Society, the business groups, the diabetes groups; I'd like to set it into conference and then put the language back in exactly as it's been agreed to."

Speaker Madigan: "The Gentleman moves to nonconcur in the Amendments. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it, the Gentleman's Motion is adopted. Mr. Hartke in the Chair."

Speaker Hartke: "Agreed Resolutions."

Clerk Bolin: "House Resolution 503, offered by Representative Ronen. House Resolution 506, offered by Representative Cowlshaw. House Resolution 507, offered by Representative Gash. House Resolution 508, offered by Representative Brosnahan. House Resolution 509, offered by Representative Hartke. House Resolution 510, offered by Representative Schoenberg. House Resolution 514, offered by Representative Morrow. House Resolution 516, offered by Representative Poe. House Resolution 517, offered by Representative Righter. House Resolution 519, offered by

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

129th Legislative Day

May 21, 1998

Representative Eugene Moore. House Resolution 520, offered by Representative Tom Johnson. House Resolution 521, offered by Representative Fantin. House Resolution 522, offered by Representative Fantin. House Resolution 523, offered by Representative Dart. House Resolution 524, offered by Representative Dart. House Resolution 525, offered by Representative Dart. House Resolution 528, offered by Representative Bugielski. House Resolution 529, offered by Representative Bugielski. House Resolution 531, offered by Representative Hoffman. House Resolution 532, offered by Representative Tim Johnson. House Resolution 533, offered by Representative Brady. House Resolution 534, offered by Representative McCarthy. House Resolution 535, offered by Representative McCarthy. House Resolution 536, offered by Representative Erwin. House Resolution 537, offered by Representative Slone. House Resolution 538, offered by Representative Joseph Lyons. House Resolution 539, offered by Representative Andrea Moore. House Resolution 540, offered by Representative Granberg. House Resolution 541, offered by Speaker Madigan."

Speaker Hartke: "You've heard the Resolutions, all those in favor signify by saying 'aye'; those opposed by saying 'no'. In the opinion of the Chair, the 'ayes' have it, and the Agreed Resolutions are passed. Is Mr. Black in the chamber? Representative Black. Will Mr. Black come to the chamber, please? The Clerk for an announcement."

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

Speaker Hartke: "For what reason does Representative Cross seek recognition?"

Cross: "Well, Mr. Speaker, I have a Motion, an inquiry of the Chair. Does that Supplemental Calendar contain Senate Bill 3? We haven't gotten it yet."

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

129th Legislative Day

May 21, 1998

Speaker Hartke: "Mr. Clerk."

Clerk Bolin: "Senate Bill 3 is not on Supplemental Calendar #1."

Cross: "Wow! I guess I'm shocked. Well, Mr. Speaker, we are now one day from adjourning, assuming all goes well and I have every reason to believe we may be out of here tomorrow. It's May 21st and we have now gone for approximately five months and have completely ignored, completely ignored the teachers of this state. We might as well just turn our backs on all of them. We've given them no indication when we are going to consider the 2.2 Bill. We haven't even given them any hint of when we are going to do the 2.2 Bill. Not only are we discouraging and insulting the current teachers in this state, but I think the real tragedy here is that we are saying to every potential teacher, every student at I.S.U., Eastern Illinois, Southern, U of I, any student that is even thinking about being a teacher in this state, don't do it because we don't care about you. Don't finish your education degree or get your education degree because you won't get a pension that is fair. You might as well go to another state because other states, just about all of them, with the exception of Illinois, treat their teachers fairly and with a great deal of respect. But no, not us, not Illinois. We won't even call their Bill. We won't even kick it out of Rules. We won't even go to committee. We won't even let the people of this Body vote on it. So, Mr. Speaker, in the interests of teachers and in the interests of students and in the interests of future teachers, I move to discharge the Rules Committee from further consideration of Conference Committee Report 1 to Senate Bill 3 and advance that measure for immediate consideration by the House. I'd like a Roll Call vote. I'm joined by the requisite number of

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

129th Legislative Day

May 21, 1998

people on our side of the aisle, and I'm anxious to hear your response, and a response that passed."

Speaker Hartke: "Yes, Mr. Cross, your Motion has been accepted, but there's been an objection by Representative Madigan. Since there's been an objection, would you like to have another Motion? Representative Cross."

Cross: "Well, you're certainly right. That's different and you've got us there. I really have no choice, Mr. Speaker, with all due respect, to override the objection by the real Speaker and you, and I understand, assuming we're following House rules today, that you'll allow some debate on this Motion to override the Chair?"

Speaker Hartke: "Absolutely. It's within your right."

Cross: "And we'll get a Roll Call vote on that?"

Speaker Hartke: "Absolutely."

Cross: "Incidentally, on that objection by the Speaker, is the nod just that he's objecting enough? Just like that nod. Where you don't even have to go down to your chair and say 'I object', you're just going to nod and smile and say 'Representative Cross, I object.' All right, but I'm going to persist with my Motion to Override the Chair."

Speaker Hartke: "The Motion is, 'Shall the Chair be sustained?' Is there any discussion? Seeing none... there's not a light lit. Oh, the Chair recognizes the Gentleman from Vermilion, Representative Black."

Black: "Yes, thank you very much, Mr. Speaker. Mr. Speaker, are you in the... is it Speaker Hartke right now or Speaker Madigan? I'm not sure who is in the Chair."

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

Black: "All right so, Mr. Speaker, I would yield the balance of my time, and with permission of the Chair, to revise and extend his remarks and to make this an unlimited debate

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

129th Legislative Day

May 21, 1998

item, may I present to you and yield my time and request for unlimited debate, to the right Honorable John Turner."

Speaker Hartke: "Mr. Turner. We will give you a full five minutes."

Turner, John: "Well, Mr. Speaker, I speak pretty slowly but I don't know if I can make this a five minute presentation or not but, you know, we're sort of joking around about this a bit, but I can't imagine that I'm the only Representative in the House that doesn't get called by a teacher every single day. The teachers have been here several times lobbying us. They call us in our offices. They call us in our district offices. They want 2.2 and the question is, is that too much to ask? Teachers don't receive Social Security. Teachers depend on their retirement and pension benefits as their sole source of income once they retire. The 2.2 plan provides a reasonable and affordable increase for teachers' needs. It's not a hand out. Teachers' contribution increases along with the state and school district increase. Teachers are willing to contribute more and why do we continue to tell them no? It just isn't fair. You know, Mr. Speaker, there's a report of the Compensation Review Board that's out. It's recommending that the Governor receive a raise up to... a salary of \$135,000. It's recommending the Lieutenant Governor get \$103,000. That the Secretary of State get \$119,000. Comptroller: \$103,000. State Treasurer: \$103,000. The Attorney General: \$119,000."

Speaker Hartke: "Representative Turner, is this to the Motion?"

Turner, John: "Absolutely."

Speaker Hartke: "You could have fooled me."

Turner, John: "Well, I'm going to tie it all in together. And here we go. It also recommends that the Judiciary is going

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

129th Legislative Day

May 21, 1998

to get some gigantic salary increases. A Judge of the Supreme Court would be making \$142,000. An Associate Judge would be getting \$114,000. There is even a pay raise for states attorneys, that just about makes me bawl like a baby, \$120,595 annually for states attorneys in counties over 30,000 people. Now, with these kinds of recommendations for these officials, how could it not be right to simply give teachers a pension under the 2.2 plan? Representative Biggins supports 2.2. Representative Stephens supports 2.2, and I know they want a chance to talk on this as well, Mr. Speaker. The teachers have been here, they've been to your office, they've been to my office, they've been to every single office of each and every State Representative. They deserve 2.2. They have a right to have their Bill debated. They have a right to have this pension. Please let the Bill out of Rules. Thank you, Mr. Speaker."

Speaker Hartke: "The Chair recognizes the Gentleman from Jefferson, Representative Jones."

Jones, John: "Thank you, Mr. Speaker."

Speaker Hartke: "To the Motion."

Jones, John: "You know, I think it's high time that we let Senate Bill 3, the 2.2, out of the Rules Committee. If you look up there in the gallery, each and every Member of this General Assembly goes all over this state touting the greatest asset we have in the State of Illinois are youth, our children, and the teachers that teach those kids. It's high time that we recognize the teachers in this state for the valuable job that they do in the State of Illinois. Last year, we told the state employees, including those working at state universities, that they deserved a pension increase and we gave them one. The plan we're currently

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

129th Legislative Day

May 21, 1998

debating would only raise Illinois' school teachers' pension benefits to that same level. By ignoring our requests to bring it to a vote, you're telling the teachers that they're not as valuable, not as deserving of an adequate retirement system. You and I have an adequate retirement system if we spend a few years here. You've been here long enough that your pension is very good, and it's high time that in the State of Illinois that we bring Senate Bill 3 out of the Rules Committee, bring it for a vote, let it stand on its own merit, you'll see it fly out of here with 100 plus votes. It's time to do it now, Mr. Speaker, and I demand that you call Senate Bill 3 out of Rules Committee at this time. Thank you."

Speaker Hartke: "According to rules, we allowed two people to speak to the Motion to override the Chair. Mr. Stephens, for what reason do you rise?"

Stephens: "Well, Representative Turner mentioned my name in debate. A point of personal privilege. I'd like to respond."

Speaker Hartke: "Please respond."

Stephens: "I am sitting here trying to communicate with a very special group of people from my legislative district, and each of us have this group of graduating high school seniors, and I'm trying to advise them of financial assistance that they might apply for and want to certainly make them aware of, and isn't it ironic that many of these high school seniors we are encouraging to go onto college and to get a degree in education and return to the classroom that they sit in today, and teach the next generation about the values that we hold so dear. And I'm interrupted by Representative Turner who uses my name in debate to talk about 2.2 and then I've got to tell these

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

129th Legislative Day

May 21, 1998

children, 'Well, maybe you should reconsider, and not get a degree in education.' So, Representative Turner brings my attention to this point and I understand why he uses my name in debate and it reminds me that reading The Chicago Tribune, people on your side of the aisle, Representative Hannig goes into Rules Committee, he mentions that to The Chicago Tribune... "

Speaker Hartke: "Please bring your remarks to a close."

Stephens: "He supports retirement enhancement for teachers, so we welcome his support. We would like to see his vote with us to override the ruling of the Chair. Discharge this Bill from the Rules Committee and put it before a vote. I know that that Bill will pass and now, if Representative Turner doesn't mind, I'm going to return to signing these letters to these successful graduating seniors from our district."

Speaker Hartke: "Further discussion? Representative Biggins, for what reason do you seek recognition?"

Biggins: "Well, thank you, Mr. Speaker. My name was also mentioned in debate and I would like to comment on the issue at hand."

Speaker Hartke: "We'll give you one minute to respond."

Biggins: "Thank you. I received my first phone message last evening from a constituent who found my apartment number in Springfield and left a message demanding that I ask the Speaker of the House, Speaker Madigan, to call the 2.2 Bill today for a vote. Now, I don't believe in demands of that nature upon people that operate from the Chair of this place, however, I do make a strong request that the Speaker accedes to the request from my constituent just to call it for a vote. And I also want... I'm interested... this is not a one-sided issue, we've only heard from Members on our side of the aisle. We heard from Representative Jones and

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

129th Legislative Day

May 21, 1998

we also... I'd like to hear from Representative Tenhouse because Representative Jones was down in his district recently. And I wonder if Representative Tenhouse has an opinion. But we have heard yesterday, some very good comments from Representative Scully on the other side of the aisle, about a major issue which he has taken very seriously, a very serious issue, regarding taxpayers in his district, and I wonder where he is on the 2.2 issue. We could hear from others from all over who have those... Thank you. County boundary difficulties. Representative Giglio is another one who has a district that borders on two counties. But I note from the budget, I haven't seen it yet, but I'm looking forward to reviewing it in its entirety, that there is \$32,000,000 in the budget for it, so why don't we just put it for a vote, put the matter before the Assembly, let us vote on the issue and then we will go about the rest of the business of the day as, hopefully, as we prepare to accept the budget and our deliberations this spring. Thank you, Sir."

Speaker Hartke: "The Chair recognizes Representative Black. For what reason do you rise?"

Black: "Yes, thank you very much, Mr. Speaker. An inquiry of the Chair."

Speaker Hartke: "State your inquiry."

Black: "Yes, when I yielded my time to Representative Turner, I clearly stated for the purposes of unlimited debate, and the Chair did not deny that. If you check the transcripts, I'll be more than happy to stand at ease. The Chair did not deny that request for unlimited debate, and I just wanted to... you know, I had mixed emotions about this until I read the letter that appeared in the editorial page of The Chicago Tribune, oh, about a week ago...

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

129th Legislative Day

May 21, 1998

Representative Hannig. It was signed by Representative Hannig. It was an outstanding letter, co-signed by Senator Bomke, taking the Tribune to task for their editorial against the teachers' pension. So I cut that out. In fact, I have that somewhere in my files or my office and... so I know that Representative Hannig is probably on the record and up to speed on this issue, as I'm sure many people are in this chamber. So, I know you'll do the right thing, Mr. Speaker, and... Was that an important call, Mr. Speaker? I didn't mean to interrupt an important call. You can come back to me later."

Speaker Hartke: "You have 18 seconds."

Black: "Oh. Something tells me you're... something tells me you're serious. You've got that serious look on your face. Mr. Speaker, in all due respect to you and Representative Lang, can you tone the lights down above... "

Speaker Hartke: "The question is, 'Shall the Chair be sustained?' All those in favor of the Motion vote 'aye'; all those opposed vote 'no'. The polling is open. Have all voted who wish? Mr. Clerk, take the record. On this issue there are 58 Members voting 'yes'; 57 Members voting 'no', and the Motion fails. Representative Black, Senate Joint Resolution #42."

Black: "Yes. Yes, thank you, Mr. Speaker. What is Senate Joint Resolution 42?"

Speaker Hartke: "It's yours."

Black: "Oh, is it mine? Oh. Let me go through my files here. See, there isn't anything on the board, I was totally confused. Oh. Ah, yes. Okay, yes. Thank you very much, Mr. Speaker. Oops, the board is down again."

Speaker Hartke: "Representative Black."

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

129th Legislative Day

May 21, 1998

Black: "Yes. Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. This Resolution was sent over by the Senate where it passed almost unanimously, not quite, and the Senate asked if I would pick it up and anyone who would like to be a cosponsor, I'd certainly welcome their input. We had hoped to present this in the Revenue Committee last night, but we couldn't get a quorum in that committee. Senate Joint Resolution 42 was introduced in the Senate by Senator Lauzen, simply requests that the Congress of the United States enact legislation to abolish the Internal Revenue Code by December 31st of the year 2000. The General Assembly requests that the Congress enact this legislation and replace it with a new method of taxation which, in essence, will lower taxes, create new job opportunities, foster growth by encouraging work and savings, be fair and equitable for all taxpayers, be simple enough for all taxpayers to understand, be neutral allowing people and not government to make choices, be visible so that people could know the cost of government, and could plan for the future. I think we're all familiar with the complexity of the current Internal Revenue Code... "

Speaker Hartke: "Representative Black."

Black: "Yes."

Speaker Hartke: "Could you just hold your thought for a second, please?"

Black: "Yes, I can."

Speaker Hartke: "Representative Black."

Black: "Yes, Mr. Speaker. I'm getting confusing signals. I feel like a quarterback for the Bears. Am I passing, punting, or running here? What's the signal? If you could just give me some kind of... "

Speaker Hartke: "The Motion is to discharge committee."

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

129th Legislative Day

May 21, 1998

Black: "Oh. Oh. We were a little ahead of ourselves."

Speaker Hartke: "A little bit."

Black: "Yes. Yes. Well, thank you very much for the opportunity, Mr. Speaker. I would move that we pursuant to Rule 18... what is it (g)? Yeah. I think pursuant to Rule 18, subsection (g), I would move to discharge the Rules Committee from further consideration of Senate Joint Resolution 42 and move for immediate consideration."

Speaker Hartke: "You've heard the Motion. All those in favor signify by saying 'aye'; those opposed 'no'. In the opinion of the Chair, the 'ayes' have it and Senate Joint Resolution #42 is passed... is discharged. Introduction of Resolutions."

Clerk Rossi: "House Resolution 547, offered by Representative Lopez and House Resolution 555, offered by Speaker Madigan are assigned to the Rules Committee."

Speaker Hartke: "On page 5 of the Calendar, appears Senate Bill 1884. Mr. Clerk, what is the status of that Bill?"

Clerk Bolin: "Senate Bill 1884. The Bill has been read a second time, previously. Floor Amendment #2 has been adopted. Floor Amendment #3, offered by Representative Smith, has been approved for consideration."

Speaker Hartke: "Representative Smith."

Smith: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Amendment #3 is an attempt to address some of the issues which were raised yesterday when we did an Amendment #2, and really had to do with the underlying Bill. This Amendment addresses the issue of serious gambling addicts in the state and would allow spouses to protect financial assets when they believe that their spouse has a serious gambling addiction. Currently, those individuals can seek a guardianship, but the amount of time and waiting for a

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

129th Legislative Day

May 21, 1998

decision is about a month to a month and a half. This legislation would allow for a temporary restraining order that would allow an immediate freeze on the assets and this is, I would point out again, only for spouses. We have changed what was in the original Bill, and actually changed what was in a previous Amendment so that now only spouses would be allowed to do this, and I would move for its adoption."

Speaker Hartke: "Discussion on the Amendment? The Chair recognizes the Gentleman from Cook, Representative Lang."

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I rise in support of Mr. Smith's Amendment. Yesterday, when the Amendment was put on this Bill regarding the home health care workers, I spoke in favor of that Amendment and I said, 'But be careful, we're putting a very good Amendment on a very bad Bill.' Mr. Smith has worked very hard with this Amendment to dramatically improve the rest of the Bill and, in fact, he has done that. The Bill originally would have allowed anyone to start a procedure to freeze somebody else's assets if they were thought to be an addictive gambler. Now, the issue isn't so much gambling, but the issue was to me, and to the other Members of the Judiciary Committee, should we allow a private citizen to freeze the assets of some other private citizen without due process and of course, that did not make a lot of sense to a lot of us. But it does make sense to address what Representative Smith sees as a problem, and that problem is there are many families in Illinois where some member of the family has been spending and squandering family assets on gambling. Even as an outspoken proponent of expanded gambling, there's no question that we have to acknowledge that this happens. People have lost their

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

129th Legislative Day

May 21, 1998

homes, they've lost their jobs, and other members of the family have been left defenseless. There have been many, many women in Illinois that have raised the issue of their husbands charging gambling debts and on and on and on, and pretty soon they turn around and the assets are gone. And of course it happens the other way as well. And so, Mr. Smith has narrowed this dramatically so that rather than any person in Illinois being able to come forward and freeze your assets if you gamble, the only person who could do this would be your spouse. A person who actually has a stake in whether you squander all the family assets or not. A person who would share in those family assets and a person whose future security is a dependent upon a stable family financial situation. So, I applaud Representative Smith for this Amendment. With this Amendment, we're going to have an excellent Bill that we ought to pass, an excellent Bill that will protect family assets and also, help those home health care workers. I support the Amendment."

Speaker Hartke: "Mr. Clerk, for an announcement."

Clerk Bolin: "Introduction of Resolutions. House Resolution 545, offered by Representative Hassert. This Resolution is referred to the Rules Committee."

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

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

Speaker Hartke: "The Sponsor indicates he will."

Parke: "It seems obvious to me that the spouse ought to be concerned about the assets of the family, but I'm not sure I understand all the ramifications. What if the spouse lies, and wishes to freeze the assets because of a

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

129th Legislative Day

May 21, 1998

paternity problem, or because they're just mean-spirited? Doesn't this cost that family money to litigate it in court? Don't they have to each hire a lawyer and further deplete the assets of the family in the first place?"

Smith: "Representative Parke, I understand your concerns. I think it's important to point out that we're talking about very rare cases. A spouse has to be willing to seek a guardianship first of all, because that's the procedure we're really talking about. They have to prove at least five of ten recognized points in the definition of gambling, and these are... is a definition accepted by the... it's a diagnostic definition by psychologists. So, there are a number of safeguards to prevent what you're talking about from happening. And, also, I should point out that that the individual certainly has the right to challenge that at any point."

Parke: "What happens if they actually have very little assets and really can't afford a lawyer? Will they have to seek a court-appointed lawyer? I mean, you know, you may have, you know, assets of 5,000 or a home that's not liquid, and have very little other assets to pay a lawyer. Will this require them to sell the home, or will there be a lien placed against the home? Are we just putting an undue financial burden on families because of this?"

Smith: "No, Representative Parke, that clearly is not the intent. In fact, it's just the opposite. This whole genesis of this legislation arose when a constituent came to Senator Shadid from our district. She knew that her husband was leaving that night and she knew that he was going to go through their entire financial assets and she had no protection to freeze those assets or to try to save the family home or what assets they had left. She could seek a

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

129th Legislative Day

May 21, 1998

guardianship, but that's not going to help her that night or that day. This legislation would allow her to do that."

Parke: "Does anyone... did you present this Bill in committee?"

Smith: "Yes."

Parke: "Did anyone object to it?"

Smith: "Yes, Representative Parke, I think it would be safe to say that there were a number of concerns raised in the Judiciary Civil Law Committee. I've talked to several of the Members. I think we have significantly tightened through this Amendment so that we're only talking about spouses being able to do this. As Representative Lang said in his remarks, originally, anyone could have sought this action."

Parke: "Were there any groups that put a slip in against this?"

Smith: "Any groups that put a slip in in opposition?"

Parke: "That is correct."

Smith: "No."

Parke: "Were there any groups there in support?"

Smith: "The Illinois Church Action on Alcohol is in support of the legislation."

Parke: "Was this a Bill at one time?"

Smith: "Was this a Bill?"

Parke: "Yes, was this another Bill?"

Smith: "No, this is the underlying Bill."

Parke: "It's a new idea? It's a new idea? This is a new idea that has not been in a Bill form before in the last year or this year."

Smith: "No, no. This is very similar to the underlying Bill, Senate Bill 1884 which passed out of the Senate 57 to 0."

Parke: "Thank you."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Kendall, Representative Cross."

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

129th Legislative Day

May 21, 1998

Cross: "Thank you, Mr. Speaker... before I get to that, we'd like a Roll Call vote on this, Mr. Speaker, on the Amendment."

Speaker Hartke: "You'll get a Roll Call vote."

Cross: "All right, thank you. Will the Sponsor yield?"

Speaker Hartke: "He indicates he will."

Cross: "Representative, I appreciate, in all seriousness, your attempt to clean this Bill up and I guess I'm still concerned about, and I think you've done a good job on it, but I have some concerns about the potential abuse from a spouse, you know, in a not so good marriage situation. How do you prevent a spouse from, you know, in a divorce situation or soon to be in a divorce situation, that wants to harass the other spouse? How do you prevent that under your Bill?"

Smith: "Representative Cross, they would have to prove at least five of the elements in the diagnostic definition of a gambling addiction when they seek this action."

Cross: "Is that something we've outlined statutorily?"

Smith: "Yes, we have."

Cross: "Where is that, Representative?"

Smith: "It's in the most current edition of the Diagnostic and Statistical Manual of Mental Disorders."

Cross: "Where do we find those manuals? Do we all have those on our desks? I can't find mine on my desk, Representative."

Smith: "Representative Cross, this is a document that I believe the courts are familiar with in other guardianship proceedings."

Cross: "Is it something that's outlined in the affidavit, that you file with the petition?"

Smith: "Yes."

Cross: "Now, does this affidavit that is required to be filed with the Motion, need to be signed by a physician?"

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

129th Legislative Day

May 21, 1998

Smith: "Representative Cross, it has to be filed, but it does not have to be signed by a physician and again, I understand where you are going, but you're talking about a further delay. You're talking about a further delay, and what we're talking about is trying to provide immediate relief for a spouse."

Cross: "I don't... I know what you're trying to do and I think... I mean, I understand it in concept, but the problem is, you know we want to do... we're going to have someone alleged to be disabled and we're going to allow a spouse who may just not like her husband because they are about to get divorced, to file an affidavit and I'm concerned that we're not using a physician or a psychiatrist that deals in the area of gambling abuse or gambling disorders to make a proper diagnosis. And I just see... It seems like we would want that to ensure that we have a creditable petition or Motion on file."

Smith: "Representative Cross, I don't believe it's necessary. I think if you would look at the ten points, I think that it doesn't necessarily take a doctor to testify to each of those criteria."

Cross: "Mike, I... can you... once again, I'm not... and I know you've done a lot on this. So, I know you are very sincere about it, so I'm not... I'm trying to have a not a partisan discussion about this. I think you just have... we have to really consider this. Where are those ten points that you're talking about? I know... are they in this manual? Does the statute refer to the manual?"

Smith: "Yes, the Amendment, Representative Cross, on line 12 of the Amendment, refers to the manual."

Cross: "All right, the Diagnostic and Statistical Manual of Mental Disorders?"

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

129th Legislative Day

May 21, 1998

Smith: "That's right."

Cross: "I'm assuming, without having it in front of me, that that's a manual written by a psychiatrist or psychologist?"

Smith: "That's right."

Cross: "What are the ten... can you name the criteria quickly without... "

Smith: "Sure. The ten criteria and again, they would have to meet at least five of them: Number 1, is that they be preoccupied with gambling; Number 2, that they need to... needs to gamble with significantly increasing amounts of money in order to achieve the desired excitement; Number 3, they've made repeated unsuccessful efforts to control, cut back or stop gambling; Number 4, restlessness or irritability when attempting to cut down or stop gambling; Number 5, gambles as a way of escaping from problems or relieving disphoric mood, such as feelings of helplessness, guilt, anxiety, depression; Number 6, after losing money gambling, they often return another day in order to get even; Number 7, lies to family members or others to conceal the extent of involvement with gambling; Number 8, committed illegal acts such as forgery, fraud, theft, embezzlement, in order to finance gambling; Number 9, they have jeopardized or lost a significant relationship, job, educational or career opportunity because of gambling; and finally Number 10, a reliance on others to provide money to relieve a desperate financial situation caused by gambling. Those are the ten points currently in the Diagnostic and Statistical Manual of Mental Disorders."

Cross: "Just a side issue, for a second, Representative. Let's assume that an order is entered by the court and I live in western Illinois, does this have any bearing on what I do

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

129th Legislative Day

May 21, 1998

in the State of Iowa if they have gambling?"

Smith: "Yes, it would. I mean, we are talking about freezing assets."

Cross: "You're going to be able to freeze my assets?"

Smith: "If I'm your spouse, yes."

Cross: "What is freezing the assets entail? Are you going to have my check garnished every week?"

Smith: "Representative, we would enjoin any person or institution holding assets of the alleged, disabled person from allowing any dissipation of those assets by the disabled person, the alleged disabled person or any person or institution from increasing the alleged disabled person's liability."

Cross: "So, I'm going to still get my paycheck every week?"

Smith: "Yes."

Cross: "I mean, isn't that the real problem, Mike, of people... isn't that one of the things we heard in committee, that people are taking their paychecks, going out to the boat every Friday afternoon and spending all of it?"

Smith: "Absolutely."

Cross: "Are we not... are we accomplishing what you want to accomplish by not... you're not taking care of the paycheck situation."

Smith: "I believe we are, Representative Cross. This is... again, we're only talking about 30 days, so this is only going to last 30 days."

Cross: "But I... I mean, if we really want to stop the person from gambling, they're going to get their check every Friday, or every whatever day, the 15th and 30th of every month and go spend it."

Smith: "No. We're not garnisheeing wages with this. We're only talking about protecting present assets."

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

129th Legislative Day

May 21, 1998

Cross: "All right. Well, I guess, Mike, I addressed my concerns in committee and I don't want to be repetitive. I do think there's some ripeness here for spousal abuse from either side and I do applaud you for cleaning it up, but I think we need to maybe take a real hard look at this. But thanks for your forward movement on it, Mike, and I know you're very sincere on it. Thank you."

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

Black: "Thank you very much, Mr. Speaker. I've not been able to hear all of the debate. We would like a Roll Call vote. Has that been requested and acknowledged?"

Speaker Hartke: "Yes it has and it's been granted."

Black: "Okay, I'm sorry. Would the Sponsor yield?"

Speaker Hartke: "It's your right. The Sponsor indicates that he will yield."

Black: "Thank you. Representative, the Amendment allows for a spouse to get the order. In the case where your spouse is deceased and perhaps it's an elderly parent living with a son or a daughter, who can seek the injunctive relief then?"

Smith: "Representative Black, under this legislation, no one could but the spouse. Other individuals could... could attempt to seek a temporary guardianship but that won't provide the immediate relief that a temporary restraining order would."

Black: "Don't you think that is a serious flaw in the measure? And I bring this up because if you've read the demographics of the riverboat or the gambling industry, I'm amazed at the age of the market base. It's not... they're not a young group. It's not unusual to see many senior citizens utilizing the... whatever they go to the boats for, and I

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

129th Legislative Day

May 21, 1998

know that many of them are widows or widowers and it would then, I think, be up to their children, assuming the children are living with them or the parent is living at home, to be able to get the injunctive relief. I think that's a flaw in the Amendment simply because of what I've seen demographically of the people who are attracted to the boats. How long would it take to get a temporary order if it was a child trying to get the order against a parent?"

Smith: "Representative Black, I don't disagree with what you're saying that there's no time limit for a child in a temporary guardianship. I think, you know, we've narrowed it to spouse to try to address some of the concerns that were raised by many Members of the Judiciary Civil Law Committee. I think it's important to point out the difference there is, that with a spouse, you're talking about joint assets. Perhaps you might be with a brother or sister or a child, but I think in most cases with spouses, we are talking about joint assets and a real concern that the spouse bringing the action be able to protect those."

Black: "And I don't really disagree with that, but I think in the real world situation, in your district and mine, many elderly parents are alone, they're somewhat self-sufficient, maybe they still live in the family home, and if their assets are completely dissipated from gambling, then the choices are they become a ward of the state? I.E., on Medicaid in a nursing home or, you know, may perhaps their children would take them in but the linear family isn't what it use to be. I understand we can't cover every base but if someone goes... if a spouse gets the order, if I heard you correctly in previous debate, that's good for 30 days. Right? Okay, now, during the 30 days, who is responsible for paying that

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

129th Legislative Day

May 21, 1998

individual's ongoing payments, i.e., the mortgage, insurance payments, whatever those payments might be? Who's the responsible party, then, to make sure that the individual under the restraining order or the injunction doesn't lose their house or their car or some major purchase because of a failure to pay on time?"

Smith: "First of all, Representative Black, I've been informed that it's 35 days not 30."

Black: "Okay."

Smith: "And in that case, the court would, in granting the temporary restraining order, appoint a temporary guardian to do those things you're talking about."

Black: "Do you have indigestion, Representative, or was that an earthquake? If that was thunder, I think perhaps we could adjourn to the basement."

Smith: "I think it might have been an earthquake. Maybe that was the Senate. I don't know."

Black: "Oh, no."

Smith: "No, probably not."

Black: "If it was, that just meant two of them fell over rather than before they could get in their chair and take a nap. Mr. Speaker. Mr. Speaker, was that thunder?"

Speaker Hartke: "I don't know. It did sound like a rumble, didn't it? Did you hear it rock the floor?"

Black: "Yes, I could feel it rock the floor. I haven't had that emotion since Elvis was a young man. But..."

Speaker Hartke: "I understand. It's your age. I understand."

Black: "I... If at the end of the 35 days..."

Smith: "Representative Black, there's two Members of the Senate here. I think they're very offended. Perhaps we need to apologize."

Black: "They should not be offended. For heaven sakes, they're

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

129th Legislative Day

May 21, 1998

up and awake at this hour of the day. I mean that's... "

Speaker Hartke: "They're leaving."

Smith: "I think one of them is even your Senator, but..."

Black: "And an outstanding Senator she is. And she's young enough that she doesn't need a nap, as some of her colleagues. Now you've made me lose my train of thought. All of a sudden I thought Elvis had left the Capitol. I... At the end of the period of time, if the spouse is concerned that they're going to go right back to the boat, credit cards in hand, then what do they do? They go back and get another order?"

Smith: "No. Then they're in the full proceeding of the guardianship. As I said at the beginning, a spouse has got to be willing to go through the whole guardianship proceeding. So, this is just a temporary effort. Within five days they've got to begin the filings for the guardianship proceeding."

Black: "And I guess that's... I'm a little concerned and I'm surprised. Just bear with me because I'm not an attorney and I haven't heard the attorneys get into this. I'm a little fearful that we may be moving people under guardianship who have no mental problems, emotional problems, health problems, except the fact that they like to gamble. And, you know... I mean, is that really a legal doctrine that we want to establish where we're going to take over the guardianship of somebody who is in good health, good faculty, they just simply like to go play the slot machines?"

Smith: "Well, Representative Black, it's not just someone who likes to gamble. I think, currently...currently, this is being done. In very rare cases you can seek a guardianship. And as we spell out in the diagnostic

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

129th Legislative Day

May 21, 1998

manual, there are certain points that really have to establish a serious gambling addiction, and I think some would say that it is a mental disorder in these cases."

Black: "Well, how... what is going to be the standard of proof? I mean, I saw that on television news this morning where 72,000,000 tickets were sold yesterday for that Powerball game that Illinois does not participate in in our infinite wisdom. I mean, could somebody go to court and say, you know, my spouse spent \$20 on Powerball tickets yesterday alone and I want to invoke this law? The person is just... I just cannot... I've tried talking with him and he refuses to stop buying these Powerball lottery tickets, therefore, I want a restraining order. He's not to buy lottery tickets anymore."

Smith: "No, that would not be the case, Representative Black. Again, I'd refer you back to the diagnostic manual and the definition of gambling where the spouse bringing this action would have to meet five of the current ten criteria in the definition of gambling disorder."

Black: "All right. So it's... Well, I appreciate your indulgence in answering the questions and I'm sure the Bill on Third will get a full and fair debate, but I just felt another twinge of thunder and I'm thinking of going to the basement. Thank you."

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

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

Speaker Hartke: "He indicates he will."

Mulligan: "Representative, I was interested in the fact that Representative Black asked you if it was other than a spouse. Because in many instances you have siblings that own a family business together that are gambling away the

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

129th Legislative Day

May 21, 1998

assets of the business and before you know it, the business is gone or siblings that have opportunity to access a parents money, or someone that is not married, that could be in this position but is a detriment to himself. But you've only considered spouse, and have you considered or discussed in committee expanding this to other..."

Smith: "Actually, Representative Mulligan, we did just the opposite after taking it before the committee and I understand what you're saying, I think that is a concern. I would... I would just say that I think this is a very important first step and I think we need some more dialogue on those other instances with siblings or parents or children. I think that's a very valid concern, but we have tried to narrow it because of the concerns raised in committee to be just spouses."

Mulligan: "Several years ago, I think before you were here, I passed a Bill that instituted a hotline and made casinos and other gambling entities put a 1-800 number which the state has never fully funded. Since then I've also tried to pass additional legislation that would allow a court to address gambling addiction in the way they do alcohol and drug abuse so that you could take it into consideration when giving someone probation, restitution and treatment. I found there was a problem when we went to do that legislation with the fact that the court was not eager... the court was not eager to make the determination in that type of addiction because they feel it's hard to diagnose. But I also think in working in this area over the past four years or so, that I think there's also a good connection to mental illness with people that have this type of addiction, particularly from some studies that were done at the University of Illinois. But how... just based on this

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

129th Legislative Day

May 21, 1998

ten point step which sounds to me like it's also based on maybe what AA would use to determine if you're an alcoholic. Who is going to plead that for the party that wants the injunction? And how do you think the court... have you talked to anybody in the court system as to how they're going to address this or how they feel about what you're trying to do?"

Smith: "Again, I think that's a good point, Representative Mulligan, and I agree, I think this is a growing area. Certainly, this definition, I think, is... is... continues to be updated. We've not taken it before the Judiciary to see what they think about these criteria. I do believe that this diagnostic manual is used, though, in other instances in court proceedings."

Mulligan: "So, are you just trying to freeze the ability of a creditor to come after assets with this injunction or just limiting the person's ability to access them themselves?"

Smith: "I'm sorry, I didn't hear the beginning of the question."

Mulligan: "With your injunction, are you trying to freeze the ability of a creditor to come after that person's assets or are you trying to keep the person from accessing like joint assets?"

Smith: "We're trying to prevent access from the person accessing their financial assets and also from getting additional credit."

Mulligan: "If you're just trying to keep the person from accessing joint assets, how would a casino or someone that issues them credit know that there is that injunction, particularly since one of the arguments we've had is that there should not be ATM machines in places where you gamble so that people can get access to more money or that they should not be allowed a line of credit. In some European

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

129th Legislative Day

May 21, 1998

casinos what they do is, the family is allowed to put a compulsive gambling member, such as what you would be doing with an injunction, on a list that would not allow them to access credit or allow them to even enter, which I thought was a really good idea because it keeps the person away, although, I'm sure they'll find other places to gamble. I mean, there's a lot of ways to do it legal and illegal but at least it hits them in a few spots. So, I don't know how your injunction would stop them from continuing to spend the money with people that didn't know that there was the injunction."

Smith: "I think the intent is that the... that the restraining order would be... would be sent to those types of places. I know that may be difficult, but I think the spouse bringing the action would probably have an idea of where this is occurring."

Mulligan: "Who would have the responsibility for notifying those particular places that there was an injunction filed and 35 days isn't a very long time?"

Smith: "The court would. The court would have that responsibility."

Mulligan: "So, when you go to file for this, would whoever does the work on it give them a list of places that they feel... You know, it would be pretty hard if the person is really addicted to say, the lotto. Wouldn't be so hard if they were really addicted to going to a certain casino in their area because you could deliver the injunction to that casino, but you certainly couldn't deliver an injunction to wherever they sell Lotto or Powerball tickets."

Smith: "I think that would be very difficult, but, again, we're probably talking about someone that has more than just an addiction to the Lotto."

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

129th Legislative Day

May 21, 1998

Mulligan: "I agree with you. But usually people that are addicted do it all."

Smith: "Right. Right, I understand."

Mulligan: "I mean it's not... It depends on what's going on. If you have the NBA championship going on, if you have baseball going on. I mean, they find whatever there is and access that particular form of gambling. So, where it may be partially successful, it would be different. I think it would be hard to be totally successful. I think this may be a first good effort, but I think you need to know how the court looks at it because, I mean, a judge would have to agree with you. I know in DuPage County, it's not where I come from, but in DuPage County there were a group of judges that were very interested in the Bill that I had that would have looked at probation and treatment rather than prison. But it's going to take awhile. I think this is a hard Bill to pass. I certainly would be willing to help you at some later date and looking at some of the other issues cause I've worked with a lot of people on these issues. It's interesting, but I don't think it covers everything yet. And I also think the problem you have when you go into committee to talk about it, people get nervous about peoples rights and so they cut the Bill for you and then it actually isn't as effective as it could be. Thank you."

Smith: "That's right. Thank you, Representative Mulligan, and I would be happy to work with you to continue to improve this idea and other issues on this topic."

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

Durkin: "To ask the Sponsor a question regarding this Amendment."

Speaker Hartke: "Well, Mr. Turner is next. We'll get back to you

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

129th Legislative Day

May 21, 1998

just as soon as you... Representative Turner."

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

Speaker Hartke: "He indicates he will."

Turner, J.: "Representative, I've been reading through the Amendment. I don't see where any notice is required to be given to the alleged disabled person. Is that an omission on your part? Is it suppose to be in here or not, or have you done that intentionally?"

Smith: "Yeah, Representative Turner, that's not addressed in the Amendment as you pointed out. And, again, we're talking about, you know, some type of immediate relief here and a notice would delay that proceeding further."

Turner, J.: "Well, why would a notice delay that proceeding? Don't you think you should at least require some attempt for notice?"

Smith: "Are you talking about notice that the proceeding is going to happen or notice that the..."

Turner, J.: "I'm talking about... if you're talking about doing a preliminary injunction or a TRO, don't you think that there's some responsibility to give notice to the person to whom the injunction is going to issue if, indeed, they can be served?"

Smith: "We're saying because it's an emergency situation that there wouldn't be time to do that, Representative Turner."

Turner, J.: "Where in here does it say it requires an emergency situation? Does it use the language, 'immediate', and/or 'urgent necessity', or any of that type of language which you typically would find?"

Smith: "I think that's implied. You know, that's the whole basis of this procedure."

Turner, J.: "You say it's not in here but it's implied? So it has to be an emergency, is that what you're saying?"

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

129th Legislative Day

May 21, 1998

Smith: "Right. Currently, someone could proceed with the guardianship procedure as they're doing now under existing law. But this is a temporary restraining order and I think that just by its very nature it's an emergency situation."

Turner, J.: "So it's your understanding then, that you don't, even in an emergency situation, that no notice or even an attempt to give notice is required? That's would you intend with this legislation?"

Smith: "That's right."

Turner, J.: "Do you use the language TRO, temporary restraining order, or preliminary injunction? Now what's the difference in those two? It says the court can do either one. What's the difference?"

Smith: "The temporary restraining order only lasts for ten days. It would have to be renewed after the end of the ten days. The preliminary injunction would be for the full 35 days."

Turner, J.: "Is there any opportunity during the ten day period while the order is in effect or the 35 day period, whichever is applicable, for the alleged disabled person to have a hearing before the court?"

Smith: "Yes, there is. They can challenge it at any time."

Turner, J.: "Well, how? Is it in here, I'm missing it? Does it say in here someplace that they have the right to challenge, file a counter-petition? How do they get back into court?"

Smith: "Well, Representative, five days after the granting of the temporary restraining order or the preliminary injunction, they have to file the full guardianship... have to make the full filing for the guardianship proceedings."

Turner, J.: "Yeah, the petitioner makes the full filing. When does the alleged disabled adult get a chance to have his or her word in court?"

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

129th Legislative Day

May 21, 1998

Smith: "That's spelled out, I think, in existing law for temporary guardianships. There's a set time where they would be given notice and would have an opportunity to respond."

Turner, J.: "But do you know what that law is? I have not looked at the law on TROs or preliminary injunctions for a long time. Can you tell me what that is?"

Smith: "I'm sorry, Representative. It doesn't have a... It doesn't have a set time, I'm told. It's just that they can... they have the right to respond at any time."

Turner, J.: "Well, they have the right to file something in court, but that doesn't mean you get in front of a judge. It sometimes can take days, if not weeks or months to get in front of a judge. So that's the only remedy they have is to file an objection and then wait till a judge may give them a hearing. Is that what you're telling me? Why don't we move on from that. Let's suppose they do make a filing. Let's suppose that they do get their day in court and they succeed. Now, they probably have to undergo the costs and expense of hiring a lawyer. Who pays for that if they're successful?"

Smith: "That would be up to the judge to decide."

Turner, J.: "So, you're saying the judge... It's the intent of your legislation then that the judge may order the petitioner to pay the attorney fees of the alleged disabled adult if the disabled adult is successful at a hearing on the allegations of disability? Is that your intent in this statute, this piece of legislation?"

Smith: "Right. That's not addressed in this Amendment or in the Bill, Representative Turner. I can't say that that's the intent. I think that's, you know, would be up to the normal procedures of the court at that time."

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

129th Legislative Day

May 21, 1998

Turner, J.: "No, I don't think so. I don't think a court has that authority unless you put it into the statute or unless it's some kind of written agreement, which you're clearly not going to have a written agreement in this. Let me move on to another topic."

Speaker Hartke: "Excuse me, Mr. Turner. Could you hold that thought just a second? The Chair recognizes Representative Brosnahan."

Brosnahan: "Thank you, Mr. Speaker. I rise on point of personal privilege."

Speaker Hartke: "State your point."

Brosnahan: "Mr. Speaker, it is my pleasure to introduce to the House, the award winning band from MacGougan Junior High in Oak Lawn, Illinois. They just performed in the rotunda for the last half hour or so. They did a wonderful job and I hope everyone here gives them a warm Springfield welcome. Thank you."

Speaker Hartke: "Welcome to Springfield. I'm sure that was the thunderous applause we heard a few minutes ago. Thank you, Mr. Brosnahan. Representative Turner, please continue."

Turner, J.: "All right. So, there's no notice requirement in your proposed legislation. A petitioner simply goes into the court and persuades the court to issue an order. Now, the order, as I understand it, can be against any person or institution holding assets. Is that what you intend?"

Smith: "That's right."

Turner, J.: "All right. So, you're saying, by your legislation, that a court can issue an order against a financial institution and that financial institution doesn't even have a right to come into court and be heard. They're not a party to the lawsuit, but an order can issue against them even though they're not a party to the suit. Is that your

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

129th Legislative Day

May 21, 1998

intent?"

Smith: "Yes, that's the same case if they're seeking the temporary guardianship."

Turner, J.: "Excuse me?"

Smith: "That would be the same as if they were seeking a temporary guardianship. What you're saying is already the case with a temporary guardianship proceeding that's already in the law."

Turner, J.: "Where?"

Smith: "Representative Turner, that procedure for a temporary guardianship is spelled out in the statute. I believe you'll find it in this Amendment on page 3, starting with line 1."

Turner, J.: "It spells out in there that an order issues against a financial institution or several financial institutions or any other person even when they don't get any notice and they are not a party to the suit."

Smith: "It doesn't spell that out. It doesn't spell that out, but that is what a temporary guardianship does."

Turner, J.: "Well, how's the bank going to know about this order if it's issued against them? What does it mean when they're ordered to not dissipate assets?"

Smith: "The court is going to notify them."

Turner, J.: "From my experience, I've never seen court notify institutions. I've never seen courts notify individuals. I think it's going to require someone else to make this notification. I don't see where that is a requirement in your piece of legislation. I don't believe a judge is going to do that. But you're saying that's your intent with this legislation, is the judge is going to take it upon himself or herself to notify financial institution or any other person holding assets. Is that right?"

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

129th Legislative Day

May 21, 1998

Smith: "That's right."

Speaker Hartke: "Representative Turner, are you finished with your..."

Turner, J.: "No, I didn't get a response to the last... that last inquiry."

Smith: "Yes. Yes, you did, Representative Turner. I said, yes."

Turner, J.: "Well, all right. The answer is, yes, then that the court is going to make the notification. I'm not sure I believe that's going to be done. Maybe the court can order the circuit clerk to make the notification. It seems like to me though, that that obligation ought to be upon the petitioner. But what does dissipation of assets mean? Does that mean everything is frozen? Can the person get any money out of the bank? Can they get money to go buy groceries? To make a car payment? To make the rent payment? That dissipates the account. Is that dissipation of assets? Is that what you intend to do, a total freeze?"

Smith: "Representative Turner, as I said previously, that a temporary guardian would be appointed to be the guardian over those assets. So those type of transactions would be done by the temporary guardian."

Turner, J.: "Well, then, why do you need an order on a bank if you're going to appoint a temporary guardian. A temporary guardian could decide whether or not they want to take the assets from the bank or any other person. If the temporary guardian has that kind of authority, you don't need an order on a financial institution, do you?"

Smith: "Representative Turner, I believe the feeling is that the temporary restraining order would carry more weight, if you will, with the bank."

Turner, J.: "I couldn't hear you, Representative."

Smith: "I'm told that the temporary restraining order would carry

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

129th Legislative Day

May 21, 1998

more weight with the bank and would be a more immediate action."

Turner, J.: "I think banks are going to be pretty confused by these orders. I think they're going to find it amazing that they've had an order issued upon them by a court when they've had no notice. I don't think they're going to know how to respond to it. I think it's going to cost banks money because they're going to have to go to their lawyers and figure out why they've been restrained when they've not even had any notice of a pending suit against them. I think that the guardian ought to be allowed to make the decision. I don't know why you need an order on the institution. I've taken up way more than five minutes. I'll save any further questions for the Bill. Thank you."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from... He no longer seeks recognition. The question is... Representative Smith to close on the Amendment."

Smith: "Thank you, Mr. Speaker. Again..."

Speaker Hartke: "Excuse me. Representative Durkin."

Durkin: "Thank you, Mr. Speaker. I just have a brief... a few brief questions for the Sponsor. Now, Representative, the purpose of this is to prohibit the expenditure of some type of funds during a period of disability. Now, will the spouse who is seeking the freeze onto these assets, will they be able to have access to these assets during the period of either during the TRO or during the period of whatever the period of the injunctive relief period?"

Smith: "The court will appoint a temporary guardian. In most cases the temporary guardian would probably be that spouse, I would imagine."

Durkin: "Will the... will that other spouse... person who is

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

129th Legislative Day

May 21, 1998

alleging that the other spouse has a disability, you're saying that they will be able to get access to those assets during that period or are we going to leave that to the... leaving that up to the whatever duties of the guardian over the..."

Smith: "Right. It would be up to the guardian. That is correct."

Durkin: "Now, one of the... As I'm reading through this, I'm assuming that during the TRO period and the injunctive period you have to establish, at least with some type of reasonable evidence, that this person is disabled under the law. What is the burden they must establish? Is it the same during this TRO period or is it... and is it elevated perhaps at the injunctive stage?"

Smith: "No, it would be the same."

Durkin: "And could... could you just briefly tell me what is the burden that they have to establish. Cause, I mean, if someone is going to contest it, they want to be at least... want to go back into court. They probably won't during the TRO period, but at the time of the injunction. They want to be able to go in and they can challenge it, whether or not they believe they are under a disability."

Smith: "I'm not sure that that's in the statute or in the legislation. I think it would be clear and convincing evidence."

Durkin: "Okay. Will these orders... If the TRO is successful or the injunction, do these orders... will other states recognize these orders if the spouse does decide to leave Illinois?"

Smith: "That's our intent, Representative Durkin."

Durkin: "Okay. Just one last question. If the spouse who is not the disabled spouse decides to, let's say, move to Indiana

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

129th Legislative Day

May 21, 1998

and they would like to have this... these assets freezed under this law, can they apply Illinois law in an Indiana court, or are they going to have to return back to the State of Illinois just to have an order prepared to have the assets frozen?"

Smith: "I would think they would have to return to Illinois to do that, yes."

Durkin: "Okay. Thank you very much."

Speaker Hartke: "Further discussion? Seeing none, Representative Smith to close."

Smith: "Thank you, Mr. Speaker and Members of the House. Again, this is an attempt to clean up the existing language in the Bill to allow a spouse to protect financial assets when they believe that their spouse, and they can prove through diagnostic analysis, that their spouse has a gambling addiction. This, I think, is an important step in the direction of protecting assets in very serious and very rare cases of gambling addiction and I would encourage an 'aye' vote on the Amendment."

Speaker Hartke: "The question is, 'Shall the Amendment... House #... Amendment on House #3 on Senate Bill 1884 pass?' There has been a request for a record vote. All those in favor signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On Floor Amendment #3 to Senate Bill 1884, there are 115 Members voting 'yes', 0 voting 'no' and 0 voting 'present', and this Amendment is adopted. Are there further Amendments?"

Clerk Rossi: "No further Amendments."

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

Clerk Rossi: "Committee Reports. Representative Barbara Flynn

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

129th Legislative Day

May 21, 1998

Currie, Chairperson from the Committee on Rules, to which the following measures were referred, action taken on May 21, 1998, reported the same back with the following recommendations to the floor for consideration: House Amendment #2 to Senate Bill 1225; House Resolution 545; House Resolution 547; House Resolution 555; Amendment #1 to House Joint Resolution 65; House Joint Resolution 63; House Joint Resolution 66; and Motion to Recede on... from House Amendment #1 to Senate Bill 1215. Supplemental Calendar #2 is being distributed."

Speaker Hartke: "The Chair is prepared to go to some Resolutions. The Chair recognizes Representative Fritchey for House Resolution 513. Representative Fritchey."

Fritchey: "Thank you, Mr. Speaker. House Resolution 513 requests the City of Chicago and the Chicago City Council and the CTA to accelerate review and hopefully, completion and development of a mixed use facility for housing and commercial space over and above the terminus of the Ravenswood Brown Line, which is a train line that runs through the middle of the city and terminates in my district. I'd be happy to answer any questions."

Speaker Hartke: "Is there any discussion? The Chair recognizes the Gentleman from Vermilion, Representative Black."

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

Speaker Hartke: "The Sponsor indicates he will."

Black: "As I understand this Resolution, Representative, you're asking the City of Chicago and the City Council of Chicago and the Chicago Transit Authority of Chicago to approve and accelerate the construction of a Kimball CTA project. For those of us who don't live in the city, where is that?"

Fritchey: "That is in the northern end of my district in a

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

129th Legislative Day

May 21, 1998

community called Albany Park. It is right near the area where the districts of myself, Representative Lyons and Representative Bradley, all come together."

Black: "So I assume that when we're talking about the Kimball Street project, you're asking for a station to be built. Is that it?"

Fritchey: "There, right now, is an existing train station. Members from the community have put forth plans to put a development over and above the train station, which would include senior housing, much needed parking space, some medical office space and some commercial space. It is hoped that this project would be an economic catalyst for the community, would relieve traffic congestion, ease some environmental concerns that we have over there, address the laudable need of senior housing at an affordable rates. There's a number of benefits that can be realized from this project."

Black: "Representative, do you have an approximation on what the cost of this would be?"

Fritchey: "The project cost is approximately \$18,000,000. The overwhelming amount of that is going to come from private development funds. This Resolution is not seeking any funding from the state or from the city. It's asking that the city review their plans to see if it makes sense for the CTA, specifically, to obligate funds for this project and for an improvement of the station."

Black: "All right, now, if I heard you correctly, you said that the approximate cost would be \$18,000,000, not 1.8."

Fritchey: "One, eight."

Black: "Okay. Now, I would assume that since it's a transportation, mass transit type of project, that it would be eligible for some state funding, would it not?"

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

129th Legislative Day

May 21, 1998

Fritchey: "I would imagine that the CTA might be able to seek some state funding for a portion of the project. But, again, it's tough to explain without having a model in front of us here. But right now, what you have is simply the terminus of a train line and this is looking to put a housing development and parking structure on top of that terminus."

Black: "All right. The staff was telling me that the CTA estimates that it would take about \$300,000,000 worth of work on the roadbed, the track line, to bring it up to standards to be able to run on it."

Fritchey: "No, that's absolutely erroneous. I don't know where that's coming from."

Black: "Okay. Staff... staff points out to me here that it says the CTA has stated publicly that the Ravenswood (Brown Line) is in need of some three to \$400,000,000 worth of work. What, have they got a bad track?"

Fritchey: "That's a completely unrelated issue to this. The Brown Line is in need of repairs and improvements that's presently the source of some attempt to get funding at the federal level through the 'ICT' package. That is a separate issue from this. It's the same train line, but a wholly unrelated animal."

Black: "What was the last station? I know that they've been redoing a number of them up there. So I can get an idea of how it breaks down onto cost, what was the last CTA station to be completely rehabbed or rebuilt or..."

Fritchey: "I couldn't tell you that offhand. I've got to clarify, Representative, this is not a matter of rebuilding a train station. There exists a train station right now, there's an entrance area with fare takers, et cetera. This is talking about taking that whole parcel of land and on

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

129th Legislative Day

May 21, 1998

top of the train station, putting approximately 160 apartments for seniors, putting about 18,000 square feet of medical office space, putting some commercial space on there. So it would all be done by a private development. There would be improvements made to the CTA facility and that would be at the cost of the CTA, but the rest of this project, this is not... when you envision a train station being built or improved..."

Black: "Okay."

Fritchey: "... this is not the type of thing you would normally envision."

Black: "But the CTA improvement, if I heard you correctly, the CTA improvement could be 18,000,000?"

Fritchey: "No, no. The complete project cost is estimated presently at approximately \$18,000,000. I believe about ten percent of that would be CTA cost."

Black: "Okay. But there is a possibility when you deal with Chicago Transit, obviously they have... they can access state and local road dollars, can they not?"

Fritchey: "You would know that better than I."

Black: "I think they can and I think that's what concerns me at this point. Thank you, Representative, I appreciate your indulgence. Mr. Speaker, to the Resolution. In the questioning, it becomes apparent that it's a little more than just a... When it first started, in all sincerity, I thought it was just rehabbing or building a new commuter stop for the CTA. And, obviously, as the Representative has indicated and we appreciate his forthright answer, it goes much further than that and it may very well involve significant private dollars. But the bottom line is, when you get into transit projects, you will get into state transportation funds. And to my downstate colleagues, and,

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

129th Legislative Day

May 21, 1998

again, I know how important mass transit is to the City of Chicago and I don't stand in opposition to every mass transit concept that Chicago brings to us, but my fears are founded on what I think is the inability of this General Assembly to address the diversion of road fund dollars. We've tried to get that Bill out of Rules and I won't go into that and bore you with that, but we've not been able to get it out of Rules so that we stop diverting road fund dollars. Our good friends in Washington cannot seem to pass a highway funding Bill and many of us are going to go home to deteriorating roads, deteriorating bridges, and without bringing messages of hope for people who rely on this. And, so, while it's only a Resolution, it could end up costing money. I'm confident that the State Transportation Department would be asked to fund a portion of this and I don't think the Resolution is going to make or break this project. But I must tell you and I hate to appeal to regionalism in such a blatant way, but I'm going to do that. This roll call could be construed as sending more of our road dollars, our transportation dollars, to a CTA project in the City of Chicago when we have bridges and roads that are substandard. And as I've said before and you think I'm in jest, but I'm not, many roads in my district are literally dirt roads, or ten foot single slab concrete roads that were poured in the 1920's. I can't, in good conscience, vote for this Resolution until we can resolve the either the diversion of road funds dollars or get a federal road fund Bill that will let us get on with the business of fixing our highway infrastructure from Chicago to Cairo. I would urge a 'no' vote on the Resolution."

Speaker Hartke: "Further discussion? Seeing no one is seeking

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

129th Legislative Day

May 21, 1998

recognition, Representative Fritchey to close."

Fritchey: "Thank you. And with all due respect to the Representative, this is not a Resolution which seeks funding. This is not a transit project. This is not a pork project for my district. This is a Resolution asking the City of Chicago and the CTA to further review the viability of this project. Transit based development is being heralded around the country as the future of urban investment and urban development to reduce suburban sprawl. It's a pro-environmental issue as well. If at any time in the future this project were to go forward and state funds were to be sought, that would have to come through this Body and then that matter could be discussed subsequently at that time. This Resolution simply urges the city to continue to look at this project, so the project can continue to move forward. I respectfully request your favorable consideration. Thank you."

Speaker Hartke: "The question is, 'Shall this Resolution pass?' All those in favor signify by saying 'aye'; those opposed 'no'. In the opinion of the Chair... The question is, 'Shall this Resolution pass?' All those in favor signify by voting 'aye'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On House Resolution 513 there are 88 Members voting 'yes', 27 Members voting 'no' and 0 voting 'present' and this Resolution, having received a majority, is hereby declared passed. House Resolution 504, Representative Black. Representative Black."

Black: "Yes, in the absence of Representative Schakowsky, it'd be my privilege to present House Resolution 504. It calls for building a Danville mass transit station in downtown

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

129th Legislative Day

May 21, 1998

Danville, the cost of which is somewhere in the neighborhood of \$150,000,000 with a direct rail link... with a direct rail link to the City of Chicago so that I can go up there and find out where Ravenswood is. Now that I have an actual copy, Mr. Speaker. Oh, I remember this now, yes. House Resolution 504. It instructs the Auditor General to conduct a survey to determine the cost of providing selected health and human services that are paid for by the Department on Aging, DCFS, the Department of Human Services, the Department of Corrections, and the Department of Public Aid through grants or contracts with providers. We'd just simply like to find that whether or not we're being as cost effective as we can in the mandated health programs that we're operating in many agencies throughout the state, and I would be glad to try and answer any questions you have. Would urge a favorable vote."

Speaker Hartke: "Discussion on the Resolution. The Chair recognizes the Gentleman from Cook, Representative Lang."

Lang: "Thank you. To the Sponsor. Relative to the first part of the Resolution, that rail link, if you would have it be between Danville and Skokie, Sir, I would join you in it because I know your constituents, as mine, have been clamoring for a way to get between Skokie and Danville. If you'll change that... make that Amendment, I'll be with you, Sir."

Black: "Well, I can't... I can't guarantee you in the absence of the Chief Sponsor, but I'm sure she'll take it under consideration."

Lang: "I assure you that her new congressional district is part of Skokie."

Black: "And it would be nice if we could even journey up to Evanston on occasion."

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

129th Legislative Day

May 21, 1998

Lang: "All right, that's great. I'm in."

Speaker Hartke: "Further discussion? Seeing none, the question is, 'Shall House Resolution 504 pass?' All those in favor signify by voting 'aye'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk... Mr. Clerk, take the record. On House Resolution 504 there are 115 Members voting 'yes', 0 voting 'no' and 0 voting 'present', and this Resolution, having received a majority, is hereby declared passed. On Supplemental Calendar #1 is House Resolution 505, Representative Kosel."

Kosel: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, this Resolution urges the U.S. Congress to ensure that federal financial aid assistance continues for cosmetology despite a report issued by the U.S. General Accounting Office, and I would ask for your positive vote on it."

Speaker Hartke: "Is there any discussion? The Chair recognizes... Representative. Oh. Mr. Clerk, would you put the correct Resolution up on the board... 505? Yes, Representative Black, for what reason do you rise?"

Black: "Let the record reflect that the Chief Clerk immediately tried to sneak out from the well so that he could blame the Assistant Clerk for the error. It was the Chief Clerk. Let the record reflect."

Speaker Hartke: "You surely don't mean that, Representative Black. Further discussion? Representative Parke."

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

Speaker Hartke: "Indicates he will... she will."

Parke: "Representative, this was heard in committee?"

Kosel: "Yes, it was."

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

129th Legislative Day

May 21, 1998

Parke: "Which committee? Was it Registration/Regulation?"

Kosel: "Yes, it was."

Parke: "Did anybody object to this?"

Kosel: "No, there was no objection to it."

Parke: "And in essence, it tells the Federal Government that they ought to give more grants and financial aid to those women and men who are seeking a career in cosmetology?"

Kosel: "No, it actually says that they should consider doing it. According to the Auditor General, they have said that it is an oversupplied industry and that is not true. Some of the processes that they go through for determining what is an oversupplied occupation are not accurate and we literally deal with that in the Resolution. So, this is an idea to keep it on the list for financial aid."

Parke: "Okay. Did the Cosmetology Association of Illinois and of Chicago testify or object to file any slips on this?"

Kosel: "Absolutely not."

Parke: "Did they show support for this?"

Kosel: "I'm sure that they would."

Parke: "Okay, thank you, Representative."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, Representative Kosel, would you like to close?"

Kosel: "I would please ask for your favorable vote on this Resolution. Thank you."

Speaker Hartke: "Representative Bost, for what reason do you seek recognition?"

Bost: "Yeah, I will be voting 'present' for conflict of interest."

Speaker Hartke: "The question is, 'Shall House Resolution 505 pass?' All those in favor signify by saying 'aye'; those opposed 'no'. In the opinion of the Chair the 'ayes' have

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

129th Legislative Day

May 21, 1998

it and House Resolution 505 is hereby declared passed. House Resolution 512, Representative Howard, Connie Howard. Representative Howard."

Howard: "Thank you, Mr. Speaker. House Resolution 512 urges the Board of Higher Education to build on efforts in FY '99 to equalize salary levels at state institutions of higher education. Public universities and community colleges are additionally encouraged to distribute salary increases in a manner that moves faculty and staff toward equity with their peer groups. By November 1st of this year, public universities and community colleges are asked to respond and report to the Board of Higher Education regarding salary equity efforts. I'm willing to answer questions."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition the question is, 'Shall House Resolution 512 pass?' All those in favor signify by voting 'aye'... saying 'aye'; those opposed say 'no'. In the opinion of the Chair the 'ayes' have it and the Resolution is hereby declared passed. On Supplemental #2 there are Agreed Resolutions. Mr. Clerk, would you read the Resolutions. Excuse me. House Resolution 545. Representative Hassert."

Hassert: "Thank you, Mr. Speaker, Members of the General Assembly. Yesterday, the end of a 'Rat Pack' era came in Beverly Hills when Francis Albert Sinatra was laid to rest. Although he is loved by millions around the world, he has a special plate (sic-place) in the heart of Illinoisans. Sinatra has loved the City of Chicago for most of his adult life, and he has told the world about it through Jimmie Van Husan and Sammy Conn's song 'My Kind of Town'. Although he last performed that song here in a final appearance on October 22, 1994, his fondness for the city never wavered."

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

129th Legislative Day

May 21, 1998

He has entertained us for nearly six decades by making over 17 hundred recordings, appearing in 58 films, and making countless concerts and benefit appearances. He was a true patriot and won an Oscar for the short film and song of this same title 'The House I Lived In', which extols the virtues of being an American. For every mood there is a Sinatra song to express it. There's not an entertainer that could match his sheer artistry and interpretation of American popular song. The voice may have been silenced by the music... The voice may have been silenced but the music will live on forever. We join the family and legions of fans in the State of Illinois, particularly of Scott Hombart, who made me do this, and around the world at the passing of the 'Chairman of the Board'. Through his song, 'That's Life', he has told of riding high in April and being shot down in May, but he came through the last 82 years doing it 'his way'. Thank you."

Speaker Hartke: "Discussion on the Resolution? The Chair recognizes the Gentleman from Kane, Representative Hoeft."

Hoeft: "Thank you, Mr. Spokesperson (sic-Speaker). Could we have the Sponsor sing his favorite song for us?"

Speaker Hartke: "There's been a request for the Sponsor of the Resolution to sing his favorite song."

Hassert: "I prefer not to, but I'm sure Representative Phelps might be able to sing a few bars of something."

Speaker Hartke: "Representative Phelps. Representative Phelps. There's been a request for you to sing a few bars of your favorite Frank Sinatra song. Do you know one?"

Phelps: "I... I'm one of those kind of listeners to the Frank Sinatra song that just knows the tunes, and I don't know many of the words. But it's, you know... (sings) Start spreading the news, we're leaving Springfield... Anyway,

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

129th Legislative Day

May 21, 1998

those are the kind of... you just know the tunes like that.
But I don't know... Yeah, my kind of town, Chicago. I love
that. (Sings) Chicago, Chicago... Get over here and sing
this. I'm sorry, I don't know enough, but anyway...
(sings) That's life... "

Speaker Hartke: "Thank you. The Chair recognizes Representative
Persico. Possibly, he wants to sing us... sing a song."

Persico: "No, I really don't because I don't know the words
either, but even though I am a very large Frank Sinatra
fan. But will the Sponsor yield?"

Speaker Hartke: "He indicates, reluctantly, that he will."

Persico: "Representative Hassert, I would like to know,
concerning House Resolution 545, were you reluctant to sing
any song that you know of Frank Sinatra or is it because
you really don't even like Frank Sinatra?"

Hassert: "Tell you the truth, I'm not a Frank... Frank Sinatra
fan. But Scott Hombart begged me to do this and I honored
his request. But realizing I've been in your car a couple
times and as soon as you turn on the radio, Frank Sinatra
does come on. It kind of scares me, but I'm sure you
could..."

Persico: "Well, it's called a CD player, not a radio. I mean,
it's very difficult to always get a Sinatra song on the
radio. You have to have either a tape or a CD player."

Hassert: "And that's what you have in your car?"

Persico: "Yes, I do. It's high tech, it's called and....
Another question of the Sponsor. Since you admittedly say
that you're not a Sinatra fan, why is a non-Italian
introducing this Resolution then?"

Hassert: "Well, that's a very good question. I have horses...
Let's see, horse's head in the bed... Let's see, I really
don't have a good response for that, Representative, other

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

129th Legislative Day

May 21, 1998

than we didn't want to hear Skip talk and we would of made him waste time."

Persico: "Well, in fact, I notice that there are, out of five Sponsors on this Resolution, there are three non-Italians and I was wondering why other Italians were not, you know, put on this Resolution. But I did get some information that one of the Sponsors, Representative Capparelli, is a huge Frank Sinatra fan. In fact, I hear that he does a very good rendition of, 'My Way', and I was wondering if Representative Capparelli would like to entertain the Body?"

Speaker Hartke: "The Chair recognizes Representative Brady."

Persico: "No, Capparelli."

Speaker Hartke: "Representative Capparelli."

Capparelli: "Well, thank you, Mr. Speaker. In 1952 we used to have the night of stars in Chicago, and I was very fortunate at that time to meet Frank Sinatra, Dean Martin, and Jerry Lewis and they asked me or... my uncle came up and he said go out and get them a bottle of scotch. And I brought this bottle of scotch back stage and the three of them consumed it in about 10 minutes. I mean... But they were great guys, all three of them, and Frank was certainly a very fine guy and I guess his favorite song was; (Sings) And now the end is near and so I face that final curtain. My friends... If only my friend here had his accordion here I think we could really go on, but that was his song... But if some night if you'd like to hear me sing the complete version, come over to the bar where my good friend Dan Burke will be playing the piano and we'll give you a taste of 'My Way'. Thank you."

Speaker Hartke: "Further discussions? Seeing none, Representative Hassert to close."

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

129th Legislative Day

May 21, 1998

Hassert: "Thank you, Mr. Speaker. I think that with leave of the Body we should add everybody to this Resolution."

Speaker Hartke: "The question is, 'Shall House Resolution 545 pass?' All those in favor signify by saying 'aye'; those opposed 'no'. In the opinion of the Chair the 'ayes' have it and the Resolution is adopted. House Resolution 547, Representative Lopez."

Lopez: "Thank you, Mr. Speaker. I stand today in support of this House Resolution 547 which urges the passage of us urging the House of Representatives' Bill 1951 and Senate Bill 1391, which would permit and allow donations from American not-for-profit organizations, foundations and charities, from delivering food, medicine and basic supplies that can prevent human suffering. Thousands of Cuban-American citizens, religious organizations and thousands of charitable groups have sought different means to deliver donations to Cuba. It is the right thing to do, it is the best thing to do, and it's the most humane thing to do and I urge all of your support for this Resolution. Thank you."

Speaker Hartke: "Is there any discussion? The Chair recognizes the Gentleman from Livingston, Representative Rutherford."

Rutherford: "Thank you, Mr. Speaker. I rise in support of the Resolution. I've worked with Representative Lopez on this. Some of you may know in my private sector life I'm actually involved very much with international business, and the economy and the opportunities for what Cuba, as a nation, will have in the future is going to be very much a part of the global economy. As far as the... as far as the citizenry, the people of Cuba, they're a very dynamic people, have contributed significantly to the American fiber and culture and the humanitarian needs that that

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

129th Legislative Day

May 21, 1998

country has and stands very keenly in the movement that many of us have felt that society should bring forward. And I stand in complete support with Representative Lopez in this Resolution, looking to bring humanitarian aid to the country of Cuba."

Speaker Hartke: "Further discussion? Seeing no one is seeking recognition the question is, 'Shall the House Resolution 547 be adopted?' All those in favor signify by saying 'aye'; those opposed 'no'. In the opinion of the Chair the 'ayes' have it and the Resolution is adopted. On page 11 of the Calendar appears House Resolution 486, Representative Hoffman. Representative Hoffman."

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Resolution 486 just asks that the Auditor General perform a performance audit with regard to arson investigators at the State Fire Marshal's. It's a bipartisan Resolution that I ask be adopted."

Speaker Hartke: "Is there any discussion? The Chair recognizes the Gentleman from Whiteside, Representative Mitchell."

Mitchell: "Thank you, Mr. Speaker. I rise in support of Representative Hoffman's Resolution. House Resolution 486. We've had a lot of problems and a lot of concern from the investigators of fires across the State of Illinois because of a change, a policy change, within the department itself, which has caused a great deal of delay in some of the rural areas. My fire chiefs from my area keep telling me that because of the problem, sometimes they have to secure a fire that needs investigating for up to 48 hours, when most of these rural fire departments are volunteer, and it's very difficult to do. You have to keep somebody on the site 24 hours a day and they're having a very difficult time keeping the fire scene secure until they can get an

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

129th Legislative Day

May 21, 1998

investigator. I think we definitely need the Auditor General to take a look at this, see if we need more investigators or see if we need some kind of a different policy, and I support the Resolution. Thank you very much."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Jackson, Representative Bost."

Bost: "Thank you, Mr. Speaker. I just want to echo what Representative Mitchell said. The problem is, from a firefighter's standpoint, many people don't realize that when a firefighter comes onto a scene, they have to take over the scene. If there's a possibility of arson, they cannot leave that scene and you cannot leave a police officer in charge of that scene. You have to have a firefighter because the police chief or the fire chief has to take control of the scene so that the evidence can be checked. So for many... many times, if you can't get somebody there in a short period of time, you can be up to two days leaving people there and then they're not able to fight other fires. I think this is an important Resolution and I stand in total support of it."

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

Stephens: "Well, thank you, Mr. Speaker. To the Resolution. I don't have a problem with the performance audit of the department, but I would suggest that the news attention that brought this to the Representative's attention, the news reports indicate that the problems that the State Fire Marshal had were pretty much related to one city in St. Clair County, and I would suggest that maybe we should ask that city to review its performance in reaction to fires and the security of the sites. So, I'm not sure that we

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

129th Legislative Day

May 21, 1998

want to lay all the blame here at the State Fire Marshal's Office, but the Fire Marshal certainly will withstand a performance audit on any day."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, Representative Hoffman to close."

Hoffman: "Well, this is a problem that's around the state. Otherwise, I don't believe that Representative Mitchell, Representative Bost, would have gotten up and would have talked on this Resolution and in favor of it. To suggest that this just has to do, or the problems just have to do with one city is absolutely erroneous. This is something that we're talking about statewide. We need to ensure that when there's a fire and a dangerous situation exists where lives could have been in danger, that we can rely on our state agency to ensure that the fire is investigated. To suggest that it has anything to do with just one city is absolutely ridiculous. This is a good Resolution and I ask for an 'aye' vote."

Speaker Hartke: "The question is, 'Shall House Resolution 486 be adopted?' All those in favor signify by voting 'aye'; those opposed by voting 'no'. The voting is open. Have all voted who wish? Mr. Clerk, take the record. On House Resolution 486 there are 114 Members voting 'yes', 0 voting 'no' and 0 voting 'present', and this Resolution is adopted. House Resolution 555, Representative Black."

Black: "Yes, thank you very much, Mr. Speaker. House Resolution 555, I'm joined... am I presenting this for the Speaker, Speaker Madigan?"

Speaker Hartke: "Yes, you are."

Black: "Okay. In Speaker Madigan's absence, let me try to do

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

129th Legislative Day

May 21, 1998

justice to the Resolution. It is asking that we ask the Health Care Facilities Planning Board to report back to the General Assembly that we analyze what the effect has been or will be on the continuing consolidation, merging and buyout of our health facilities throughout Illinois. There are fewer and fewer owners of hospitals and health care delivery systems, and I'm not sure that that's going to be ultimately healthy for any of us. And so, what we're asking in this Resolution is for the Health Care Facilities Planning Board to conduct a study on the impact on health facilities consolidation and report back to the House no later than March 1, 1999. Be glad to answer any questions you have."

Speaker Hartke: "Is there any discussion? Seeing none, the question is, 'Shall House Resolution 555 pass?' All those in favor signify by voting 'aye'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On House Resolution 555, there are 114 Members voting 'yes', 0 voting 'no' and 0 voting 'present', and this Bill... and this Resolution is adopted. On Supplemental Calendar #2 is Senate Joint Resolution #42, Representative Black."

Black: "Yes, thank you very much, Mr. Speaker. This was sent over to us from the Senate. Passed with 45 'aye' votes, 1 voting 'no' and 8 voting 'present'. Again, I got ahead of myself earlier and I explained it, so I won't take a great deal of time. It simply is a Senate Joint Resolution asking the Congress of the United States to enact legislation to abolish the Internal Revenue Code by December 31st of 2000. It simply goes on to say that they should replace the Internal Revenue Code with a new method

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

129th Legislative Day

May 21, 1998

of taxation which will lower taxes, create job opportunities, foster growth by encouraging savings, be fair and equitable to all taxpayers, be simple enough for all taxpayers to understand and be neutral, allowing people and not government to make choices so that people know, in fact, the cost of their government. I think we're all familiar with the complexity and the sheer volume of the current Internal Revenue Code. There's been a great deal of discussion about this on the national level. I would ask for your favorable consideration of SJR 42."

Speaker Hartke: "Is there any discussion? The Chair recognizes the Lady from Cook, Representative Currie."

Currie: "Thank you, Speaker and Members of the House. I rise in opposition to Senate Joint Resolution 42. We know that the Federal Government is embarked upon making bureaucratic reforms in the Internal Revenue Service and I think we should applaud those efforts. The idea that we abolish the revenue collecting agency at the federal level and hope that some future Congress will create something to take it's place, strikes me as putting the legislative cart well before the legislative horse. I think that's irresponsible on it's face, and for that reason alone this Resolution should be rejected. But in addition, of course, the central problem with the Federal Tax Code is not just a collection agency, it's the number of exemptions and loopholes and complexities that the Federal Congress has built into the Act. It isn't that it would be wonderful to have a simplified code, but that's not what this Resolution is about. This Resolution is about enforcement, not about the underlying structure about how we operate taxes. And you know and I know that Federal Legislatures, Session after Session, have done a little special break here and a

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

129th Legislative Day

May 21, 1998

little separate loophole there, and if you want to know why the Tax Code is complicated, it's the Legislators that ought to be blamed, not the Internal Revenue Service. So I urge you, let's keep horses before the carts, not the other way around. Let's not have egg on our collective faces by urging the Congress to do something in a backwards fashion. This Resolution should be rejected."

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

Biggins: "Well, thank you, Mr. Speaker. I rise in support of House Joint Resolution 42, and with the previous speaker's comments in mind, I'd like to remind the Body that the most successful property tax reduction program in the history of the United States - well, second most, Proposition 13 in California was the most successful - was when Michigan decided to change their method of funding education back in 1994. But at the time they did that, the first thing they did was abolish their current system. They did it in the heat of the summer and they solved it before the first snowfall in December. At that time, they rolled back property taxes immensely, they funded their schools, they substituted taxes because they knew they had to replace some or all of the lost revenues with a different taxing system. And until you get rid of the system that you have that appears near unanimous, that is in disagreement of the American people, then you can't really begin to fix it. And maybe if we start with the Federal Code and abolish the IRS, replace it with a better system at the federal level, we can then come to Illinois, change our property tax system, our method of funding schools, eliminate part of the Illinois Department of Revenue. How does the gallery like that? Maybe they left. Everybody to vote 'yes' on

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

129th Legislative Day

May 21, 1998

Senate Joint Resolution 42 and let's start changing the way we tax our citizens and make our whole state and Federal Government better performing and more accountable."

Speaker Hartke: "The Chair recognizes the Lady from Cook, Representative Currie."

Currie: "Yes, with a point of parliamentary procedure."

Speaker Hartke: "State your point."

Currie: "The Supplemental Calendar on which this measure appears, says that the Rules Committee recommended it's adoption. That's inaccurate information and I think perhaps the issue should be taken out of the record so that we can have a proper calendar entry for this item. It's my understanding that the Rules Committee was discharged from consideration of this matter and the Calendar seems to say that it was the Rules Committee that recommended it's adoption. That's not accurate."

Speaker Hartke: "Your inquiry is correct and the Rules Committee just requested it be discharged. So, Mr. Clerk, take this Resolution out of the record. On page 10 of the Calendar appears House Resolution 365, Representative Slone. Representative Slone."

Slone: "Thank you, Mr. Speaker, Ladies and Gentlemen. House Resolution 365 would create what we're calling the Illinois Smart Growth Task Force. And the basis for this concept comes from the report of the American Farmland Trust of 1997, which named the areas of the country that have the most threatened prime farmland in the United States. The first of those areas was in California; the second, in the Chesapeake Bay area in Maryland and the third most endangered prime farmland is found in northeastern Illinois. The main cause of this problem is suburban sprawl, which has many other adverse effects as well, such

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

129th Legislative Day

May 21, 1998

as traffic congestion, reduced open space and increased infrastructure costs for roads, sewers, schools, and transportation. Many states have taken action to combat this problem, including Michigan, Wisconsin, Ohio and most recently Maryland, with it's Smart Growth Program. The State of California in the central valley area where they have the prime farmland, is looking into this and taking very aggressive measures at the regional level. This Resolution would begin that process in Illinois by creating a House task force to examine statewide land use policy and development incentives. The task force would have ten House Members, 14 members from interested groups like farmers, developers and planners. It would meet over the summer and report back to the General Assembly next January, recommending state land use planning policies and any changes and incentives that might help encourage compliance with those policies. I would urge your favorable consideration of the Resolution. Be happy to answer any questions. Thank you."

Speaker Hartke: "Is there any discussion? The Chair recognizes the Gentleman from McHenry, Mr. Skinner."

Skinner: "Mr. Speaker, I'm one of maybe four or five Legislators that heard the presentation by the Maryland State Senator from one of the most congested counties in Maryland, by the way, tell us about how Maryland does Smart Growth. And after I came away from the evening at the Renaissance, it occurred to me that I had heard the same arguments before and it was from the proponents of the Regional Transportation Authority, that if we just passed the Regional Transportation Authority..."

Speaker Hartke: "Let's give the Gentleman some attention in the chamber. Please move your conversations to the rear of the

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

129th Legislative Day

May 21, 1998

chamber. Mr. Skinner, continue."

Skinner: "If we just pass the Regional Transportation Authority, growth would be rational. It would be along the lines of the railroad tracks. Schaumburgs wouldn't exist. Hoffman Estates wouldn't exist. And while I consider these, the proponents of the RTA and the Sponsor perhaps a bit naive about suburban growth patterns, I see no reason not to study it."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Jo Daviess, Representative Lawfer."

Lawfer: "Thank you, Mr. Chairman (sic-Speaker), Ladies and Gentlemen of the House. Will the Sponsor yield?"

Speaker Hartke: "Indicates she will."

Lawfer: "Representative, I have just been able to pull this up on the little computer here and trying to look through here. It talks about agriculture to some degree here and I... It talks about the conversion of prime farmland to non-agriculture uses and so on and evidently, that would be the purpose of the task force. Is that correct?"

Slone: "Yes, to look into some of the reasons why that is so and to see if there's anything that can be done at the state level that would help encourage that process to slow down a bit."

Lawfer: "How do you foresee... or how do you foresee the task force being made up of what membership?"

Slone: "The way that the Resolution would have it done would be there would be ten members, five would be appointed by the Speaker and five by the Minority Leader, and then there would be Representatives of various interest groups that have indicated that they would like an opportunity to attend any public hearings and participate in the work of the task force."

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

129th Legislative Day

May 21, 1998

Lawfer: "Do you foresee that the Members of this task force would be appointed, possibly, would they be urban people or would they be people from downstate Illinois?"

Slone: "Well, whomever the leadership chooses to appoint, but we would certainly hope to have people who have an interest in serving on the task force, have some interest in the issues that we would be studying and that would serve from a variety of parts of the state."

Lawfer: "But there would be no requirement that agriculture or rural areas would be represented on the task force?"

Slone: "We've had interest expressed by agricultural organizations that the agricultural seats on the task force be, you know, that they hold those seats and we would certainly attempt to accommodate that."

Lawfer: "Okay, and..."

Slone: "So, for example, the Farm Bureau, the Soil and Water Conservation Districts have expressed an interest."

Lawfer: "Well, looking further in there, it... the Resolution calls for people to be appointed from different categories and I think I read about seven or eight different categories, agriculture being only one of those eight categories. Do you think that that's fair?"

Slone: "Well, you know, we're not going to do anything that isn't purely advisory. We would certainly be happy to see anybody from an agricultural area of the state who's interested in serving, we'd be happy to have on the membership from the Legislative membership."

Lawfer: "I'm sorry, I did not hear that last answer, Representative."

Slone: "We'd be pleased to have to have anybody from the... among the membership of the House who is from an agricultural area and has an interest in the issue, who would like to

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

129th Legislative Day

May 21, 1998

serve, to serve on the task force with us if the task force Resolution passes."

Lawfer: "Yeah, what do you see as how many meetings would be held in this regard?"

Slone: "We would anticipate, this is very informal so far, but we have been talking about perhaps three or four meetings during the course of the summer."

Lawfer: "Where would they be located?"

Slone: "Haven't decided that yet, probably at least one here in Springfield, one up in the collar counties, and we'll see where we have need for others, perhaps down in the metro-east area."

Lawfer: "How would you see that county government would be involved in this?"

Slone: "Well, we've had an expression of interest, I know, from the metro counties that they might be asked to be part of the task force if it's appointed."

Lawfer: "Do you have, or will the task force have a definition of what they consider prime farmland? Has that been designated?"

Slone: "I'm sorry? I'm sorry, Mr. Lawfer, I couldn't hear you."

Lawfer: "The Resolution talks about preserving prime farmland. How do you... has that been defined, or will that be up to the task force to define that?"

Slone: "The American Farmland Trust that released the report that I mentioned in debate has made a definition of that, and I suppose that we would have no reason not to use their definition, unless somebody has a better one."

Lawfer: "Well, I think there's two definitions going around on prime farmland. The Farmland Trust has one and I think also then the Soil Conservation Service or the NCRS, now, they have used one for federal farm programs. I think that's a

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

129th Legislative Day

May 21, 1998

very vital definition there on how that would be defined. Is prime farmland productive farmland or is it... does it have to meet certain geographical standards such as productivity and slope in that regard? So, well, I think... I think that overall, the... it's important to recognize our productive farmland that we have here in Illinois and I would hope that if the task force, as they move forward, would realize that the agriculture is already doing a good job of producing a product at a reasonable cost for the consumer, not only here, but abroad. And so, anyway that we can preserve this farmland and preserve the property rights of those that have invested in farmland are most important, so I thank you for your answer and indulgence, Representative."

Slone: "Thank you."

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

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

Speaker Hartke: "She indicates she will."

Black: "Representative, what are you hoping to accomplish? Well, first of all, what is smart growth?"

Slone: "Smart growth is what they call this in Maryland and it sounded really snappy, so we thought we'd use it."

Black: "In Maryland? You mean the State of Maryland?"

Slone: "The State of Maryland in establishing their package of Legislation. That was the terminology that they used."

Black: "So, we've what... so, we're adopting something that they tried in the State of Maryland?"

Slone: "I hope you don't mind, Mr. Black. We can call it something else if you prefer."

Black: "Well, no, I... "

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

129th Legislative Day

May 21, 1998

Slone: "As long as you vote 'yes'."

Black: "I'm just going to tell you there's going to be a lot of people in rural counties that are going to be upset about this. Those are the counties that have rejected zoning time and time again, land use ordinances time and time again. When this gets in the press, and they're going to call me and say, 'What is a 'smart growth task force?'' And I'm going to tell them as of right now, I don't have a clue. What is it?"

Slone: "Well, it doesn't exist currently, Mr. Black. It won't exist unless we pass the Resolution."

Black: "I... what answer was that?"

Speaker Hartke: "Short answer."

Black: "I don't think it was an answer. I'm serious. If she wants me to refer my constituents to her, I'll be glad to do that. I'll make you a bet in about two days she'll call me back. Now, I'm not going to field calls when this gets in the press from people who are very concerned about government intrusion as to what they can do with their land, who they can sell it to, what they can use it for and they're going to ask me, 'What is the 'smart growth task force?'' And I'm not going to read the Resolution to them. What is it? What's the point here? Where are we headed? Give me an answer."

Slone: "Mr. Black, the attempt here is going to be to get a lot of people at the table, who have some concerns about this issue, to discuss it and to see if there are any state policies in place or any state policies that might reasonably be put in place that would help us preserve some of our prime farmland from being paved over. Any incentives that would be put in place would obviously have to be volunteer. We can't tell people what to do with

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

129th Legislative Day

May 21, 1998

their land, but there are state policies..."

Black: "Oh, okay now. Make sure that's on the record. What did you just say?"

Slone: "We can't tell people what they have to do with their land."

Black: "Okay, so, you're not headed in that direction. Would you state your intent is not to come up with a statewide land use plan or a statewide zoning law?"

Slone: "No, Sir."

Black: "Ah ha. Okay, now we're making some progress. Anything that would come out of the committee, any recommendations, would have to come to the General Assembly prior to being implemented. You're not asking in the Resolution for any kind of authority to tell a county what... an ordinance that they should adopt or anything that the committee would recommend must come to the General Assembly for action. That's certainly your intent, is it not?"

Slone: "That's correct. Any recommendations would be... would come back to the General Assembly in the form..."

Black: "Okay."

Slone: "... of a brief report with recommendations that perhaps suggestions for legislative action that might be pursued."

Black: "Okay. Now, I noticed that our staff gives me a sheet where it's kind of heavy, the resolution is kind of heavy in saying the continued vitality of our agricultural land and I certainly would support that. Did the Farm Bureau testify... were they notified when this was in committee? Did they testify on this Resolution?"

Slone: "They were aware of it. I don't recall if they testified, but I know I've talked to Farm Bureau representatives on a number of occasions and they are certainly interested in having a role in participating in the task force."

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

129th Legislative Day

May 21, 1998

Black: "Okay. I'm not familiar with Maryland as much as I am California and I know that in California I don't think it was state-initiated, but it might have been. I think it was county and they did establish what are called green belt laws where that land must remain agricultural, you know, forever, and while most people could, I think, sign on to that, it has created problems in that certain farmers whose land is worth so much more to a developer, then begets... becomes very nervous and says, 'Well, under the Green Belt Law, you know, you're really denying me my highest and best use of my land.' Is it your intent to take this committee in a direction where we might be recommending the absolute preservation of some farmland, that it could never be used for any other purpose?"

Slone: "I believe you are referring, if I'm not mistaken, to the Urban Growth Law... Urban Growth Boundary that they have in the State of Oregon, in Oregon, around Portland."

Black: "Right. Well, particularly more pronounced up north."

Slone: "That's probably the most extreme form of where you might go with something like this that we have in the United States. The more recent Maryland law is much more incentive based and less regulatory and I would think we would want to move more in that kind of direction."

Black: "Okay. All right. Are the developers and the home builders going to be represented on the committee?"

Slone: "Yes, they would like to be."

Black: "And I would assume that those people who are professionals in the emerging field of economic development trying to entice industry into an area, particularly in southern Illinois, will they be involved on the committee, as well?"

Slone: "There's room for development interest on the committee."

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

129th Legislative Day

May 21, 1998

Black: "Okay. That's fine. Yet the final... I want to make sure people in my district understand this. The committee will have no enabling authority?"

Slone: "None at all. It's purely advisory."

Black: "Okay. Fine. Thank you very much. I appreciate your indulgence."

Slone: "Thank you."

Speaker Hartke: "Further discussion? The Chair recognizes the Lady from DuPage, Representative Andrea Moore. Excuse me, that's Lake."

Moore, A.: "Lake. Thank you, Mr. Speaker. I rise in support of this Resolution. Representative Slone has an idea whose time has come. These issues are extremely important to Illinois. Certainly prime, agricultural farmland is one of our most valuable assets as we continue to discuss regularly on this floor, and I would urge an 'aye' vote."

Speaker Hartke: "Representative Slone for a short closing."

Slone: "The only kind I'm capable of, Speaker. Thank you very much. We'd appreciate a favorable vote. Thank you."

Speaker Hartke: "The question is, 'Shall House Resolution 365 be adopted?' All those in favor signify by voting 'yes', those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? On this Resolution, there are 113 Members voting 'yes', 2 Members voting 'no', and 0 voting 'present', and the Resolution is adopted. Ladies and Gentlemen, I'd like to announce we have about 20 or so Resolutions that we'd like to adopt. We spent around a half hour on that one Resolution, so if we could keep our remarks brief, we can get through this Calendar. Page 10 of the Calendar is House Resolution 273, Representative Lang."

Lang: "I move to table."

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

129th Legislative Day

May 21, 1998

Speaker Hartke: "All those in favor of the Gentleman's Motion, say 'aye', opposed 'no'. In the opinion of the Chair, the 'ayes' have it and the Resolution is tabled. Now, if we all followed that example, we could get done very quickly. House Resolution 317, Representative McGuire. Out of the record. A very good example. House Resolution 325, Representative Deuchler. Representative Deuchler."

Deuchler: "Mr. Speaker, Ladies and Gentlemen of the House, I'm going to make this very brief. This is establishing state policy that would recognize the Native Americans, who were here first, after all, for their contributions in food and medicine and set aside the month of October to commemorate Native American Month in Illinois."

Speaker Hartke: "Is there any discussion. No one seeking recognition, the question is, 'Shall House Resolution 325 be adopted?' All those in favor signify by saying 'aye', those opposed 'no'. In the opinion of the Chair, the 'ayes' have it and the Resolution is adopted. House Resolution 354, Representative Morrow. Out of the record. House Resolution 395, Representative Black. Out of the record. House Resolution 423, Representative Zickus. Representative Zickus. Are you ready to do this Resolution? Out of the record. House Resolution 395, Representative Black."

Black: "Oh, thank you very much, Mr. Speaker. House Resolution 395 has been run by the Transportation Committee. It's been run by the Illinois Department of Transportation. I know of no opposition. It was brought to me by a gentleman in my district who had served in the Korean War and has been very active in the Illinois Korean War Veterans' Association. Route 1, of course, runs from south Chicago down to around Carbondale or Cairo, and he would just

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

129th Legislative Day

May 21, 1998

simply like, and I would join him in asking that we give a memorial designation to Illinois Route 1 as the Illinois Korean War Veterans' Memorial Highway."

Speaker Hartke: "Any discussion? The Chair recognizes the Gentleman from Winnebago, Representative Scott."

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

Black: "Yes."

Scott: "Thanks. This is just a question that I... when we rename something like this, a state road, I mean, I don't have any problem with what you're trying to rename, but do we have to do that as a Joint Resolution? Doesn't the Senate have to act on that, as well?"

Black: "I think there is a Senate Resolution separate. I think my Senator has it and you may be right. I don't know. I followed the format that was given to me by the Department of Transportation. So, if I haven't done it correctly, obviously, nothing is going to be done. But it isn't going to change anything on maps or any of that sort. At some place, I assume in my district, there will be an appropriate plaque..."

Scott: "Put a plaque up or signs designating it as that."

Black: "... or notice. Right. It isn't..."

Scott: "I mean, I don't have any problem with that. I just wanted to make sure that what we were doing was the right way to do it, so..."

Black: "Well, by this time in the Session, I'm never sure what we're doing, but I've tried to follow the advice of the Department of Transportation, an agency near and dear to my heart, to the very best of my ability, which sometimes isn't very good, but I think we're on the right track as long as we're on Route 1. One of the finer highways in Illinois and if I could get some more, if I could get some

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

129th Legislative Day

May 21, 1998

more road fund money, quite frankly, we'd like to make it two lanes."

Scott: "I appreciate that. I've been on that before. Thanks."

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

Wojcik: "Would the Sponsor yield for a question?"

Black: "No, not to the Lady from... oh."

Speaker Hartke: "He indicates he will not."

Wojcik: "Then I don't want to talk to you either."

Speaker Hartke: "Further discussion? Seeing none, the question is, 'Shall House Resolution 395 be adopted?' All those in favor signify by voting 'aye', those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On House Resolution 395, there are 115 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Resolution, having received a Majority, is hereby adopted. On Supplemental Calendar #1, appears House Resolution 375, Representative Cross."

Cross: "Thank you, Mr. Speaker. This Resolution honors an individual in my area... Aurora area, Fox Valley area. It is the new head of the P.O.W.s, Vietnam P.O.W.s and..."

Speaker Hartke: "Does anyone stand in opposition? Seeing no one is seeking recognition, the question is, 'Shall House Resolution 375 be adopted?' All those in favor signify by saying 'aye', those opposed 'no'."

Cross: "Thanks a lot... "

Speaker Hartke: "In the opinion of the Chair, the 'ayes' have it and the Resolution is adopted."

Cross: "Mr. Speaker."

Speaker Hartke: "Yes, Representative Cross."

Cross: "You're going to stay in the Chair a while this afternoon,

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

129th Legislative Day

May 21, 1998

aren't you? You're not going to make any changes? The House is running efficiently, right now?"

Speaker Hartke: "That's up to you. If someone else besides me to make that decision, but I'll stay here as long as I don't get hooked."

Cross: "We'd like you to stay, I mean, it's just... you know, it's nice to see the House running smoothly and efficiently and there's order in the Chamber. I just hope there are not any soon changes... any changes that are about to take place. Just curious."

Speaker Hartke: "Thank you, Mr. Cross. House Resolution 471, Representative McKeon. Representative McKeon."

McKeon: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Resolution 471 recognizes 39 individuals from the greater Chicago metropolitan area that participated in the initial Aids Vaccine Study. They were a part of a group of over 255 men and women, nationally, that volunteered to participate in this Phase II Trial across the country. In Chicago, this trial was conducted by the Chicago Prevention Research Project, a federally funded collaboration between two of the city's leading research institutions, the Howard Brown Health Center and the University of Illinois in Chicago. I'll gladly answer any questions from the Members."

Speaker Hartke: "Is there any discussion? Seeing no one seeking recognition, the question is, 'Shall House Resolution 471 pass?' All those in favor signify by saying 'aye', those opposed 'no'. In the opinion of the Chair, the 'ayes' have it and the Resolution is adopted. House Resolution 479, Representative Younge."

Younge: "That was referred back to Rules."

Speaker Hartke: "Out of the record. House Resolution 500,

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

129th Legislative Day

May 21, 1998

Representative Mautino. Representative Mautino."

Mautino: "Thank you, Mr. Speaker. House Resolution 500 creates a task force that will study the on-site waste water treatment facilities, and this will be four Members appointed by the Speaker, two by... or, excuse me, three by the Minority Leader, and they will look at the recent... at the changes in technologies. Our current laws are structured off of 1973 standards, see if they need a change, report back to us."

Speaker Hartke: "Is there any discussion? Seeing no one is seeking recognition, the question is, 'Shall the House adopt House Resolution 500?' All those in favor signify by... All those in favor signify by voting 'aye', those opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On House Resolution 500, there were 115 Members voting 'yes', 0 voting 'no', and 0 voting 'present', and the Resolution is adopted. House Resolution 527, Representative Black. Representative Black."

Black: "Yes, thank you, thank you very much. Now that you've enabled me to maybe get a second lane on Route 1, I'd like to have some State Police to patrol it. House Resolution 527 was introduced, not in jest, I have no bone to pick with the Illinois State Police. I've stood on this floor many times, I'm one of their biggest supporters and fans. But as I said on this floor a couple of weeks ago, I'm a little concerned about the inability of the General Assembly to have a great deal of oversight. All of a sudden the State Police are now responsible for police protection for the town of Cicero. We have been doing that in East St. Louis for a number of years. Former Governor

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

129th Legislative Day

May 21, 1998

Thompson, and that's fine, I understand why, made a pact with Mayor Daley and the State Police patrolled the Chicago Expressways and we got to sell lottery tickets at O'Hare. And many of my constituents were very happy about that. We travel O'Hare a great deal. But in all seriousness, what I'm asking the State Police to do, is to give the General Assembly a study, and do a comprehensive internal study of how their resources are being allocated. We constantly ask them to do more and more to run the Chicago crime lab, for example, and they seem to be involved a great deal in investigative matter and all sorts of things and the fact remains is that many of us in rural areas are concerned that those resources are no longer available to us in the same fashion or at the same strength that they were ten or fifteen years ago. I'm not mad at the State Police. It's not designed to get their attention or to bash them in the head. I just think all of us in the state need them to do a study of how these resources that are scarce and becoming more so, how they are allocated throughout the State of Illinois. I'd be glad to answer any questions you have."

Speaker Hartke: "Is there any discussion? The Chair recognizes the Gentleman from McHenry, Mr. Skinner."

Skinner: "Yes, I wonder if my floor Spokesman would tell me, you have urban and you have rural. Some of us seem... some of us think there's something between urban and rural called suburban."

Black: "Uh huh."

Skinner: "Do you care if we have any State Policemen?"

Black: "Absolutely. Absolutely. I stand four square for those State Police officers to have a presence in those suburban areas, too. My daughter lives in the suburbs now and my new two-week-old grandson lives in the suburbs up around

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

129th Legislative Day

May 21, 1998

Aurora."

Skinner: "Well, then... then you wouldn't mind if the State Police also looked at suburban counties..."

Black: "Oh, absolutely not. No, and I..."

Skinner: "... and perhaps reported that we have very few State Policemen doing anything except sitting on gambling boats."

Black: "And I would hope that they could give us that study about that allocation of very scarce resources, as well."

Skinner: "All right. Now, are you sending this to Washington D.C., this Resolution?"

Black: "No, I... well, I don't know, if the director is in Washington by the time we pass this, I'll send it to the new director or if the current director is still here in Springfield, I'll send it to him."

Skinner: "You don't want an investigation of how many State Police are on duty in Washington D.C. then?"

Black: "No, no, Cal."

Skinner: "Thank you."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, Representative Black to close."

Black: "Thank you very much..."

Speaker Hartke: "Representative Monique Davis, for what reason do you seek recognition?"

Davis, M.: "I just want to ask the Gentleman, Representative... Representative, are you suggesting that the Illinois State Police are being overburdened with the request of the urban areas, and is your intent to limit the activity of the Illinois State Police?"

Black: "They closed, I've already closed, but the Lady can interpret the..."

Davis, M.: "I didn't hear you..."

Black: "... the Lady can interpret the Resolution however she

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

129th Legislative Day

May 21, 1998

wants to. It's forthright. It doesn't say anything. I'm not bashing urban areas or anything else. It's just that the resources of the State Police seem to be somewhat confused lately, and that's all the Resolution does. If she cares to vote 'no', that's fine. I have no problem with that."

Speaker Hartke: "You're absolutely correct. Representative Davis, he was closed."

Davis, M.: "Well, I didn't hear him close, so I apologize. I really didn't hear him close and I thank you."

Speaker Hartke: "The question is, 'Shall House Resolution 527 pass?' All those in favor signify by saying 'aye', those opposed 'no'. In the opinion of the Chair, the 'ayes' have it and the Resolution is adopted. Mr. Clerk, Introductions. Mr. Klingler or Representative Klingler."

Klingler: "Thank you, Mr. Speaker. A point of personal privilege."

Speaker Hartke: "State your point."

Klingler: "I'd like to acknowledge in the gallery, the government class from Calvary Academy in Springfield, Illinois. Welcome."

Speaker Hartke: "On page 10 of the Calendar, is House Resolution 459, Representative Stephens."

Stephens: "Thank you, Mr. Speaker. House Resolution 459 proclaims August 16th of this year as National Airborne Day in Illinois. I would move the adoption of the Resolution."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall House Resolution 459 pass?' All those in favor, signify by saying 'aye', those opposed 'no'. In the opinion of the Chair, the 'ayes' have it and the Resolution is adopted. For what reason does Representative Black rise? On page 11

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

129th Legislative Day

May 21, 1998

of the Calendar, is House Joint Resolution 47,
Representative Mautino."

Mautino: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Joint Resolution 47 would ask to increase the number of beds at the LaSalle facility and change that to... increase it by 80 beds at both LaSalle and the Anna facilities."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall House Joint Resolution 47 pass?' All those in favor signify by saying 'aye', those opposed 'no'. In the opinion of the Chair, the 'ayes' have it and the Resolution has been adopted. House Joint Resolution 48, Representative Reitz. Dan Reitz."

Reitz: "Thank you, Mr. Speaker. House Resolution 48 urges the President and the Congress not to sign the Keoto Protocol Agreement, which we discussed in length yesterday, until at such times that there's a little more equity in it for all of the countries."

Speaker Hartke: "Is there any discussion? The Chair recognizes the Lady from Peoria, Representative Slone."

Slone: "This was a bad idea yesterday and it's a bad idea today. Vote 'no'."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, the question is, 'Shall House Joint Resolution 48 be adopted?' All those in favor signify by saying 'aye', those opposed 'no'. In the opinion of the Chair, the 'ayes' have it and the Amendment is adopted. House Joint Resolution #49, Representative Scott."

Scott: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Joint Resolution 49 simply asks that we designate April 21st as Cody Vespa Day of Pediatric Aids

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

129th Legislative Day

May 21, 1998

Awareness. Annually, within the State of Illinois there isn't any financial resources that are attached to this."

Speaker Hartke: "Is there any discussion? The Chair recognizes the Gentleman from Champaign, Representative Johnson."

Johnson, Tim: "Could you tell me what the number of that last House Joint Resolution was?"

Speaker Hartke: "House Joint Resolution 47."

Johnson, Tim: "And I certainly don't object to the voice vote being taken..."

Speaker Hartke: "Excuse me, it was 48, was the last one."

Johnson, Tim: "Forty-eight was the last one? But I wish you'd show, for the record, with all due respect to the Sponsor, that I was one of the people who said 'no', because I don't want to be recorded as 'yes' on that."

Speaker Hartke: "The record will so reflect. Representative... Representative Currie, for what reason do you seek recognition?"

Currie: "For the same reason as Representative Johnson. I want the record to show that I voted 'no', too."

Speaker Hartke: "Further discussion? The Representative from DuPage, Representative Pankau."

Pankau: "Mr. Speaker, would you... would the record please reflect that I was also a 'no' on House Joint Resolution 48?"

Speaker Hartke: "It's been suggested we dump the Roll Call and we take a Roll Call... or dump the Resolution and try a Roll Call on it. Let's finish this one and then we'll go back to the Resolution. Is there any questions, any discussion on the Resolution that is before us now, House Joint Resolution #49? Seeing no one is seeking recognition, the question is, 'Shall House Joint Resolution 49 be adopted?' All those in favor signify by saying 'aye', those opposed

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

129th Legislative Day

May 21, 1998

say 'no'. In the opinion of the Chair, the 'ayes' have it and the Resolution is adopted. Now, there's been a request for a Roll Call on House Joint Resolution #48. All those in favor signify by voting 'yes', those opposed vote 'no'. The voting is open. Have all voted who wish? Mr. Clerk, take the record. On this Resolution, there are 65 Members voting 'yes', 43 Members voting 'no'. Representative Ronen, for what reason do you seek recognition?"

Ronen: "I wish to verify the Roll Call, please."

Speaker Hartke: "It's kind of late to do that I do believe."

Ronen: "I had my light on."

Speaker Hartke: "I'm sorry, I did not see it. Your request is not timely. Thirty-six Members voting 'yes' on this Resolution... 65 Members voting 'yes', 43 Members voting 'no', and 3 Members voting 'present', 7 Members not voting, and this Resolution is adopted. Representative Black, for what reason do you seek recognition?"

Black: "Thank you very much, Mr. Speaker. I have an inquiry of the Chair. First of all, the Resolution only required a Simple Majority, is that not correct?"

Speaker Hartke: "That is correct."

Black: "Yeah, okay. So, a verification, I don't think, was going to be anything but an exercise in futility because it was a Simple Majority, but another inquiry of the Chair... "

Speaker Hartke: "State your inquiry."

Black: "By what Parliamentary maneuver did we adopt a Resolution on a voice vote and then without a written Motion being filed or a Motion... and a Motion to reconsider, of course, wouldn't have been in order since it was a voice vote. All of a sudden within three or four minutes, we have a Roll

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

129th Legislative Day

May 21, 1998

Call vote?"

Speaker Hartke: "Could we get back to you on that?"

Black: "Well, yeah, because I... and I think we should because if we're going to establish a precedent where once a oral Roll Call or an oral vote has been taken and two or three Members don't like that and can go back and request a Roll Call, I mean, there aren't enough hours in a day and there's no Parliamentary method that I'm aware of to do that. Well, if you'd get back to me, we'd appreciate it. I just want to make sure that we don't set a precedent where anything we do on an oral vote can be subject to challenge without a Parliamentary ruling and then subject to a Roll Call. Thank you."

Speaker Hartke: "I understand. House Joint Resolution #56, Representative Schoenberg. Representative Schoenberg."

Schoenberg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This is an advisory Resolution comparable to legislation that we have previously passed in this House with respect to asking law enforcement... law enforcement officials to be able to access the leads firearm tracing... the leads firearm tracing system so that we can return firearms to their rightful owners and discern trends in the use of illegally obtained firearms. There is no opposition to this, and as I indicated, a more binding version has been passed by the House earlier this Session."

Speaker Hartke: "Is there any discussion? The Chair recognizes the Gentleman from Cook, Representative Parke."

Parke: "Thank you, Mr. Speaker. I think the Body really ought to know what this says. Just because it was before, can the Sponsor please tell us what this does... and does this affect Second Amendment rights?"

Schoenberg: "No, hardly at all, Mr. Parke. You may recall that

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

129th Legislative Day

May 21, 1998

we put... that the House has considered a Bill and I will give you that Bill number in one moment. I believe you supported it."

Parke: "Do you have a copy of it?"

Schoenberg: "In the mean... Mr. Parke, well... Senate... you did... we have... you have on at least two occasions this year, as we all have, supported a bi... something which is more binding that makes it possible for law enforcement officials, locally, to access the federal ATF tracing for illegally used firearms so that they can see... so that they can help return stolen firearms to their rightful owner, as well as determine any trends in firearms that illeg... determine any trends in the trafficking and use of illegally obtained firearms. The Rifle Association has not opposed this measure in its more binding form. As I understand it, they have not opposed this version, as well. This is purely advisory and it's an initiative that Senator Parker and myself have put forward at the request of Senator Durbin, who has been working with the federal officials to make this technology more accessible."

Parke: "If we've passed this twice before, why do we need this?"

Schoenberg: "Could I ask you to hold on for one moment, Sir?"

Speaker Hartke: "Representative Parke, are you... "

Parke: "I am waiting for the Sponsor to respond."

Speaker Hartke: "Representative Schoenberg."

Schoenberg: "We passed... we passed House Bill 3758 with no opposition, which was with... which was more binding. We also passed House Amendment #1 to Senate Bill 1215. If you'll notice... if you were listening, the Rules Committee has recommended receding from that Amendment and... but nonetheless, we did support that, as well. That was more binding. This is advisory. This is merely setting as a

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

129th Legislative Day

May 21, 1998

matter of policy that we encourage law enforcement officials... local law enforcement officials, where it's possible, we encourage them to access this software, this data base, that's maintained by the Federal Bureau of Alcohol, Tobacco, and Firearms so that they are able to determine how to best get stolen firearms..."

Parke: "Representative, excuse me, Representative. I simply asked you, if I voted on this twice before and it's on the Governor's desk, why do we need to have this a third time if it's the same subject matters, same issue..."

Schoenberg: "Pardon me, Sir. What... it's not on the Governor's desk. Last year, to refresh your memory. Last year, we passed a Bill that went to the Governor's desk and became law which made it possible for local law enforcement officials to access this federal data base for illegally used firearms by individuals under the age of 21. That is what went to the Governor's desk. This year, we have sought to drop the age requirement, to drop the age threshold of 21 so that all... so that in any illegally used firearm, they could do that. Since we are going to table this matter for this year by receding from this House Amendment, this merely provides a reaffirmation of what we've already said and we're doing this at the request of Senator Durbin and I'm doing this in the House at the request of my Senator Parker. As I indicated before, there has been no opposition. The Attorney General supports this conceptually. The Chiefs of Police support this. The Rifle Association has taken no position on it. So, we're not regurgitating the same matter again."

Parke: "Well, I mean, why... I mean, I don't remember us saying that any of our colleagues in Congress have championed a cause by putting a Resolution out and then putting their

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

129th Legislative Day

May 21, 1998

name in it. I mean, this is almost blatantly political, rather than trying to achieve... establishing public policy or give direction. I mean, to me, you're almost... this is almost a political document for someone's benefit and Congress or the United States Senate, rather than what we ought to do. To put someone else's name in this Resolution, begs the issue of politics rather to achieve the goal of what you're telling the Body and I would ask that maybe in the future we watch whose names we put into legislation so it's not construed as political rather than it's an issue of good public policy. Thank you."

Speaker Hartke: "Further discussion? Further discussion? Seeing none, the question is, 'Shall House Joint Resolution 56 pass?' All those in favor say 'aye', those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it and the Resolution is adopted. Representative Morrow for an announcement."

Morrow: "Yes, thank you, Mr. Speaker, Ladies and Gentlemen of the House. I wanted to announce to everyone that we have some cake in honor of a newborn, not so newborn, he was born February 26th of this year, but for Justice Pugh, the son of Representative Coy Pugh, we have some cake in the front. Feel free to come down to get a slice. Thank you."

Speaker Hartke: "On page 11 of the Calendar, appears House Joint Resolution 67, Representative McGuire."

McGuire: "Yes."

Speaker Hartke: "Representative Mulligan, for what purpose do you rise?"

Mulligan: "Just an inquiry of the Chair. I'm presuming since our computers aren't rolling with the Resolutions, that it's incapable of doing that?"

Speaker Hartke: "Mr. Clerk."

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

129th Legislative Day

May 21, 1998

Clerk Bolin: "That is correct."

Mulligan: "So, in some instances, maybe you could give us an extra minute or two to pull them up because it takes a little longer to go in and pull them up."

Speaker Hartke: "Okay. We're on House Joint Resolution 67. Representative McGuire."

McGuire: "Thank you, Mr. Speaker. This Resolution urges the President of the United States and the 105th Congress of the United States to support the implementation of the Northern Ireland Peace Agreement. As you know, that will be voted on tomorrow in Ireland and I would urge your adoption of this Resolution. Thank you."

Speaker Hartke: "Is there any discussion? The Chair recognizes the Gentleman from DuPage, Representative Persico."

Persico: "Thank you, Mr. Speaker. Just a question to the Sponsor. I would just like you to go over and talk to Representative Hassert on noticing that you have a Resolution on Northern Ireland, and the Irish sounding names that are part of the Sponsorship, if you could go talk to Representative Hassert. He had an earlier Resolution that he didn't fulfill those same obligations. Thank you."

McGuire: "You're welcome. Thank you."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Rock Island, Representative Boland."

Boland: "Thank you, Mr. Speaker. I rise in strong support of this. This is an historic agreement and an historic vote that will taking place tomorrow throughout the island of Ireland, both in the Republic and in the counties of the North where there has been continuing problem of violence on all sides ever since 1972 and really, historically even going back into the 1500's. This agreement would for the

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

129th Legislative Day

May 21, 1998

first time, give all parties a voice in the government of Northern Ireland, both the Catholic minority and the Protestant majority, all political parties would be allowed to elect a people to a Northern Ireland assembly and a great praise must be given to both Prime Minister Tony Blair and the President of the United States for having... their efforts having brought these various factions together. So, I urge a strong vote, 'yes'. Thank you."

Speaker Hartke: "Further discussion? Seeing no one... that no one is seeking recognition, Representative McGuire to close."

McGuire: "Thank you, Mr. Speaker. I just urge an 'aye' vote. And thank you all."

Speaker Hartke: "The question is, 'Shall House Joint Resolution #67 be adopted?' 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 House Joint Resolution 67, there are 114 Members voting 'yes', 0 voting 'yes', and 0 voting 'present'. And the Resolution is adopted. House Resolution 423, Representative Zickus."

Zickus: "Thank you, Mr. Speaker. House Resolution 423 acknowledges that cardiovascular disease is the leading cause of death in Illinois. In 1994 it contributed to more than 45,000 or 43% of the deaths in Illinois. This will create a cardiovascular disease prevention task force to examine the incidence and causes of heart disease and strokes. In 1944, (sic-1994) it's estimated that the medical care costs and the costs resulting from lost productivity due to cardiovascular disease in Illinois approached more than \$5,000,000,000 and that's approximately \$500 per person. I feel that this is a very

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

129th Legislative Day

May 21, 1998

important health issue for the citizens of Illinois and urge a 'yes' vote. Thank you."

Speaker Hartke: "Is there any discussion... on House Joint Resolution 423? Representative Mulligan, have you had time to pull this up? The question is, 'Shall House Resolution 423 be adopted?' All those in favor signify by saying 'aye', those opposed by saying 'no'. Excuse me, I've been informed that we must vote on this. Vote 'aye', those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On House Resolution 423, there are 115 Members voting 'yes' and 0 voting 'no', and 0 voting 'present', and the Resolution is adopted. On Supplemental Calendar #1, appears House Joint Resolution #69. Representative Turner, Art Turner."

Turner, A.: "Thank you, Mr. Speaker and Ladies and Gentlemen of the Assembly. I move for the adoption of House Joint Resolution 69. It creates a red ribbon... It's a Resolution that was brought to me by the Illinois Drug Education Association. This Resolution creates a red ribbon committee to study the effects of alcohol and drug usage amongst teenagers and trying to see what we can do to try to address that problem, and I move for the adoption of that Joint Resolution."

Speaker Hartke: "Is there any discussion on House Joint Resolution 69. The Chair recognizes the Gentleman from McHenry, Mr. Skinner."

Skinner: "I'm sorry, I think I caught the topic, but what's it going to do? Do we have a committee being created, or what?"

Turner, A.: "It will be a committee of twelve people and they are to report to the General Assembly by March of 1999. They

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

129th Legislative Day

May 21, 1998

are to schedule a series of hearings throughout the state to discuss the effect of alcohol and tobacco and drug usage amongst teenagers."

Skinner: "And ways to control it?"

Turner, A.: "I didn't hear you."

Skinner: "And ways to control that use?"

Turner, A.: "Not ways to control, but to talk about possible solutions as to how we can address that problem. We first want to assess it and then we want to address it. So, we must assess, then address."

Skinner: "Well, I hope this committee is smart enough to go talk to the police department in Crystal Lake where they have passed a law emulating, I think Darian in DuPage County, that mere possession of a cigarette by a minor is cause for the police to go up and tap them on the shoulder. It's had..."

Turner, A.: "To tap them on the shoulder? Is that all?"

Skinner: "Well..."

Turner, A.: "That's what they do in Crystal Lake? You should come to Lawn Dale and see what they do when you're caught with a cigarette."

Skinner: "It has had some very salutary unintended consequences."

Turner, A.: "You don't get tapped on the shoulder in my area. We'd take the tap any day, but that's the effect of this committee."

Skinner: "Well, we do live in a diverse state, Representative."

Turner, A.: "Oh, very diverse, Representative. So, we want to talk about some of this disproportionate treatment and how it's handled throughout the state."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House Adopt House Joint Resolution #69?' All those in favor

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

129th Legislative Day

May 21, 1998

signify by voting 'yes', those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk... Mr. Clerk, take the record. On House Joint Resolution 69, there are 114 Members voting 'yes', 0 voting 'no', and 0 voting 'present', and the Resolution is adopted."

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

Speaker Hartke: "Page 11 of the Calendar appears House Resolution 501. Representative O'Brien. Representative O'Brien."

O'Brien: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Resolution 501 passed the Labor and Commerce Committee with 20 'yes' votes, 0 'no' votes. And what it does is commends Cannon Hygiene, which is an English company for picking Illinois as its site to come into the United States to do business. They are a business that handles the proper disposal of feminine hygiene waste in women's restrooms in both public buildings and private work place buildings and I would urge an 'aye' vote."

Speaker Hartke: "Is there any discussion? The Chair recognizes the Gentleman from Vermilion, Representative Black."

Black: "Thank you very much, Mr. Speaker. I'm not sure that I really want to delve into this, but I have an inquiry of the Chair."

Speaker Hartke: "Go ahead."

Black: "This would appear to be a purely congratulatory Resolution that would not take action by the Chamber, I mean, you know, we do this all the time, 'Hey, congratulations to Cannon Hygiene or Frito Lay or Taco Bell or... ' I mean, do we really have to take a vote on this? I'm serious."

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

129th Legislative Day

May 21, 1998

Speaker Hartke: "Yes, the Clerk will explain."

Black: "I'd like the Clerk to explain this."

Clerk Rossi: "Representative Black, the Agreed Resolution process requires both sides of the aisle to approve a list of Resolutions. If any of those Resolutions are opposed by either side, they go on the Order of Resolutions as opposed to Agreed Resolutions. So, somebody opposed this Resolution being included as an Agreed Resolution."

Black: "Somebody opposed this Resolution? I'd like... I'd like... I don't want the name public, but at some point, I mean, I usually get asked about these things and I've never seen this before. I would... you know, I'd really like to know why in the world somebody opposed this, but in the interest of... Cal, you go where angels fear to tread. I... well, let's just move along here. This is a wonderful Resolution and an outstanding Sponsor and the fate of the entire State of Illinois hangs in the balance here, and I just want to support these good English companies that come over here to do business. So... Yes, Sir, I could see why... and you need a Roll Call vote, huh? Okay, all right."

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

Skinner: "Yes, I certainly want a Roll Call vote on this because it endorses a specific company providing an essential service. She's shaking her head no. I'll be happy to let her talk."

O'Brien: "No endorsement. All it does is commend them and to urge the public and private sector to consider implementation of these kinds of disposals, regardless of what company manufactures or sells them because it is a public health issue."

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

129th Legislative Day

May 21, 1998

Skinner: "Well, I misunderstood... I misunderstood the Resolution when I read it in committee. Let me ask you the same question I asked in committee? Will diapers be able to be disposed in these... in these receptacles, as well?"

O'Brien: "I'll give you the same answer that I gave in committee. I don't believe that they will be and if you'd like to introduce a Resolution regarding the proper disposal of diapers, then I will support you in that Resolution."

Skinner: "Well, it seems to me we ought to solve the E coli problem as well as the stuffing up of the toilets problem at the same time."

O'Brien: "Well, the blood-born diseases that I'm concerned with with this Resolution include HIV and Hepatitis."

Skinner: "Well, I'm concerned about water-born diseases."

O'Brien: "Well, and like I suggested to you, if you would introduce a Resolution, I'll support you in that."

Skinner: "Will these be placed in port-a-potties at beaches?"

O'Brien: "Pardon me?"

Skinner: "Will these be place in port-a-potties at beaches?"

O'Brien: "They are placed in public restrooms. I don't know if a port-a-potty would qualify. I know, currently, that there are no garbage disposal cans inside of port-a-potties that I'm aware of."

Skinner: "Have you asked the Department of Public Health, the State Department of Public Health for their assistance in spreading the word?"

O'Brien: "This Resolution urges both the public and private sector to consider doing a cost benefit analysis, so that's what I'm trying to do with this Resolution."

Skinner: "Well, as soon as the Public Health Department has the hint that there's a problem some place, they issue regulations, so I'm sure that by this time next year, this

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

129th Legislative Day

May 21, 1998

will be mandated throughout the state by the Public Health Department rules. Thank you."

O'Brien: "Well, I'm certainly not asking for a mandate."

Speaker Hartke: "Representative Black, do you have anything further to add to this Resolution? Representative Turner? Cross?"

O'Brien: "Are you sure, Gentlemen?"

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, the question is, 'Shall Resolution 501 be adopted?' All those in favor signify by saying 'aye', those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it and the Resolution is adopted. Mr. Clerk, Committee Reports."

Clerk Rossi: "Representative Currie, Chairperson from the Committee on Rules to which the following measure was referred, action taken on May 21, 1998, reported the same back with the following recommendation: 'be approved for consideration' Conference Committee Report #1 to Senate Bill 460. Supplemental Calendar #3 is being distributed."

Speaker Hartke: "House Joint Resolution #59, Representative Brunsvold. Is Representative Brunsvold in the chamber? Out of the record. For what reason does Representative Skinner seek recognition?"

Skinner: "Mr. Speaker, I rise to ask if we're going to do anything significant today, and if not, why is it taking so long to do so much insignificant stuff?"

Speaker Hartke: "Very good question. Representative Black, for what reason..."

Black: "Yes, thank you very much, Mr. Speaker. Inquiry of the Chair. I've waited very patiently and you said you'd get back to me. We called SJR 42 about an hour and a half ago and had just finished up debate and the esteemed Majority

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

129th Legislative Day

May 21, 1998

Leader raised a point of Parliamentary procedure. You know, I've negotiated that Senate Joint Resolution in good faith. I just want to know if it's gone forever or will reappear? It's... you'll recall, Mr. Speaker, it's a Resolution condemning a company that disposes of a great deal of my assets. Company is the wrong word, governmental agency."

Speaker Hartke: "Representative Black, we're still researching that issue."

Black: "Do you think we might be able to conclude our research before we adjourn today?"

Speaker Hartke: "Could be. Could be."

Black: "I see, well, all right."

Speaker Hartke: "On page 11 of the Calendar, appears House Joint Resolution 65, Representative Meyer."

Meyer: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Joint Resolution 65 deals with digitized record retention. Earlier this year, the House unanimously passed out a Bill and it was passed in the Senate and sent to the Governor, a Bill that dealt with the digitation of record retention documents up to year 10 of their life cycle. This sets up a task force consisting of 14 Members... "

Speaker Hartke: "Excuse me, Representative Meyer, is there an Amendment to be adopted?"

Meyer: "Yeah, that was where I was going next. I believe there's an Amendment that needs to be acted on."

Speaker Hartke: "Let's read that Amendment."

Clerk Rossi: "Floor Amendment #1, offered by Representative Meyer."

Speaker Hartke: "Representative Meyer."

Meyer: "Yeah, Floor Amendment #1 is an Amendment that comes out

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

129th Legislative Day

May 21, 1998

of a suggestion made in the committee to expand from 12 to 14 members of this task force. Includes representation from the Secretary of State's office as well as it defines the local records commission and also, the City of Chicago Records Commission as entities of the task force."

Speaker Hartke: "The Gentleman moves for the adoption of Floor Amendment #1 to House Joint Resolution 65. All those in favor signify by saying 'aye', opposed 'no'. In the opinion of the Chair, the 'ayes' have it and the Amendment is adopted. Now, Representative Meyer, on House Joint Resolution 65, as amended."

Meyer: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. As I indicated, this is follow-up task force to a Bill that was passed out and has been sent... now sent to the Governor dealing with records retention and digitization of that. This is a cooperative effort between both sides of the aisle as well as the Municipal League, the DuPage Mayors and Managers, City of Chicago, and the State Clerks' Association to attempt to identify whether records that have a life span of longer than 10 years can be stored using digitized methods and would be willing to answer questions or appreciate your support on this."

Speaker Hartke: "Is there discussion on the Resolution? The Chair recognizes the Gentleman from Cook, Representative McKeon."

McKeon: "Thank you, Mr. Speaker. I rise in strong support of this Resolution, and it will allow the public sector to finally take advantage of some of the technological improvements that have been developed over the last decade. I appreciate your 'yes' vote on this Resolution."

Speaker Hartke: "Further discussion? Seeing none, Representative Meyer to close."

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

129th Legislative Day

May 21, 1998

Meyer: "Thank you, Mr. Speaker. I'd just appreciate a 'yes' vote."

Speaker Hartke: "The question is, 'Shall the House adopt House Joint Resolution 65, as amended?' All those in favor signify by voting 'yes', those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On House Joint Resolution 65, there's 115 Members voting 'yes', 0 voting 'no', and 0 voting 'present', and the House does adopt this Resolution. On page 6 of the Calendar on concurrence, there appears House Bill 1268, Representative Durkin."

Durkin: "Thank you, Mr. Speaker. I'm asking that we concur with Senate Amendment 1 to House Bill 1268. House Bill 1268 is a revisory Bill that the Legislative Reference Bureau is required to do every second year of a General Assembly and basically, it is cleanup work in which they do in which often you have different Sections that add to the Act under the same Section number in order to achieve the numerical order within the Act. One or more of the Sections must be renumbered. This is all cleanup work. There are no substantive changes that we are making within this Act. This is the, like I said, this is the work of the Legislative Reference Bureau, which they have been compiling for the past year and it is nothing more than cleanup language for the existing Acts within our Illinois compiled statutes."

Speaker Hartke: "Is there any discussion? Seeing none, the question is, 'Shall the House concur in Senate Amendments #1 to House Bill 1268?' This is final action. All those in favor signify by voting 'aye', those opposed signify by voting 'no'. The polling is open. Have all voted who

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

129th Legislative Day

May 21, 1998

wish? Have all voted who wish? Have all voted who wish?
Mr. Clerk, take the record. On this question, there are
114 Members voting 'yes', 0 voting 'no', 0 voting
'present', and the House does concur in Senate Amendment #1
to House Bill 1268. And this Bill, having received a
Constitutional Majority, is hereby declared passed. On
Supplemental Calendar #3 appears Senate Bill 460.
Representative Turner. Representative Art Turner."

Turner, A.: "Thank you, Mr. Speaker and Ladies and Gentlemen of
the Assembly. I move to nonconcur and ask... in Senate
Bill 460 and ask that a Conference Committee be appointed
immediately. Immediately."

Speaker Hartke: "The Gentleman has asked for a Second Conference
Committee Report on Senate Bill 460. All those in favor
signify by saying 'aye', opposed 'no', and in the opinion
of the Chair, the 'ayes' have it and a Second Conference
Committee will be appointed. On page 7 of the Calendar
appears Senate Bill 1215, Representative Schoenberg."

Schoenberg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the
House. I move to recede from House Amendment #1 to Senate
Bill 1215."

Speaker Hartke: "Is there any discussion? The motion is to
recede from House Amendment #1 to Senate Bill 1215. All
those in favor signify by saying 'aye'... voting 'aye';
those opposed vote 'no'. The voting is open. Have all
voted who wish? Have all voted who wish? Have all voted
who wish? Mr. Clerk, take the record. On this motion,
there are 114 Members voting 'yes', 0 voting 'no', 0 voting
'present', and the House does recede from House Amendment
#1 to Senate Bill 1215. This Bill, having received a
Constitutional Majority, is hereby declared passed.
Supplemental Calendar Announcement."

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

129th Legislative Day

May 21, 1998

Clerk Rossi: "Supplemental Calendar #4 is being distributed."

Speaker Hartke: "For what reason does the Gentleman from Whiteside seek recognition? Representative Mitchell."

Mitchell: "Thank you, Mr. Presiding Officer. On House Resolution... whatever the last one was, Chuck, or Senate Bill 1215."

Speaker Hartke: "Yes, it was."

Mitchell: "I would have voted 'yes', but my switch... I don't think I hit it soon enough."

Speaker Hartke: "The record will so reflect."

Mitchell: "I'd like to be recorded. Thank you."

Speaker Hartke: "On Supplemental Calendar #4 appears Senate Joint Resolution #42. Representative Black."

Black: "Yes. Thank you very much, Mr. Speaker. I appreciate the indulgence of the Chair. We presented this earlier. I'll review it very briefly. It passed the Senate 45 'aye', 1 'nay', 8 voting 'present'. The Resolution simply asks that Congress enact legislation to abolish the Internal Revenue Code by December 31 of the year 2000 and replace it with a new method of taxation, in essence, which will lower taxes, create more favorable job opportunities, encourage savings, be fair to all taxpayers, and simple enough for all taxpayers to understand. We're all familiar with the Internal Revenue Code, volume after volume, after volume. This has been discussed in the national media and certainly has been discussed in the Congress. I think other states have enacted similar Resolutions. I'll be glad to answer any questions that you have."

Speaker Hartke: "Discussion on the Resolution? The Chair recognizes the Lady from DuPage, Representative Biggert."

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

Speaker Hartke: "He indicates he will."

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

129th Legislative Day

May 21, 1998

Biggert: "Representative Black, not necessarily to this Resolution, but it seems to me that we've been here for the last two and a half hours discussing Resolutions and most of them seem to be asking another Body, Congress, to do something. I thought this was the legislative Body that made decisions. Don't we have any work to do to discuss issues here, rather than ask another Body to do legislative work for us?"

Black: "Representative, I walked in here at 7:15 this morning ready to do the work of the people. I'm at the mercy of the Chair and the Calendar. It appears that all we're doing is calling Resolutions, and the Senate sent this over and asked if I would carry it, and so evidently the Senate thought it was a very important Resolution. I, too... I would much rather address some of the heavier issues of the day, like gas tax diversion, those issues, but I'm just a poor country boy in the Minority, for the time being, at the complete mercy of the Chair, and I just do the best I can to get along with the Chair."

Biggert: "Well, it seems to me that after listening to the debate this afternoon, if we really want to do something, we should all go to Congress so we can do it. Thank you."

Black: "Representative, I sleep better at night knowing that you're on your way to Congress and in fact, two of our Members may be in Congress next year and the Resolution..."

Speaker Hartke: "Three."

Black: "... will be moot. I'm sorry, there's three? Oh, that's... how quickly I forgot Representative Schakowsky. See what happens when she isn't here? Three. Yes, well, I knew you were going, Brother Phelps, no question about that, but... and then I'm sure that Illinois delegation will pursue this and perhaps render Senate Joint Resolution

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

129th Legislative Day

May 21, 1998

42 moot and come up with a system of taxation that's more fair and equitable and something that we can understand. You know, all of us have gone through that process of trying to figure out the Income Tax Code, and it is to the point where it is really and truly, if you're not an accountant, quite a task. So, the Resolution just simply asks Congress to perhaps abolish the IRS and, yes, further discussion is certainly in order."

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

Currie: "Thank you, Speaker, and Members of the House. We did discuss this Resolution before and I refer the Members to my earlier comments rather than to make them all over again, but I think this Resolution should be rejected."

Speaker Hartke: "Seeing nobody's seeking recognition, now, Mr. Black, you may close."

Black: "Well, obviously, it doesn't appear that it is going to get a unanimous vote, but I think everybody in the chamber is familiar with the Resolution, familiar with the problems of the Internal Revenue Code, and I might add, familiar with testimony that has been given in Congress with the outrageous abuse of citizens in this country by the IRS. I think they have completely forgotten that the... the IRS is supposed to work for the public. The public is not supposed to work for the IRS, so I think we could send them a message with this Resolution and I'd urge an 'aye' vote."

Speaker Hartke: "The question is, 'Shall Senate Joint Resolution 42 be adopted?' All those in favor say 'aye', those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it, and the Resolution is adopted. Committee Announcements."

Clerk Rossi: "The following committees will meet immediately:

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

129th Legislative Day

May 21, 1998

The Environment and Energy Committee in Room 114. The Insurance Committee in D-1. The Judiciary I Civil Law Committee in 122-B. The Revenue Committee in C-1. The Transportation and Motor Vehicles Committee in 118."

Speaker Hartke: "The House will be in recess for committees and we'll reconvene at the hour of 5:00 p.m. Representative Black."

Black: "Mr. Speaker, is there a list available on the floor as to what Bills are being heard, in what committee, so the Sponsors will know?"

Clerk Rossi: "Representative Black, that was passed out about an hour ago."

Black: "No, I didn't pass out. I hope you saw that. It was just now put on my desk. Thank you."

Speaker Hartke: "I think you did. The House is in recess till the hour of 5:00 p.m."

Speaker Hartke: "Members in the Stratton Building should return to the House Floor. We will be going back in Session in about five minutes. Thank you."

Speaker Madigan: "The House shall come to order. The Members shall be in their chairs. Mr. Clerk."

Clerk Rossi: "Committee Reports. Representative Novak, Chairperson for the Committee on Environment and Energy, to which the following measure was referred, action taken on May 21, 1998, reported the same back with the following recommendation: 'be approved for consideration' Conference Committee Report #1 to Senate Bill 545. Representative Eugene Moore, Chairperson from the Committee on Revenue, to which the following measure was referred, action taken on May 21, 1998 reported the same back with the following recommendation: 'be adopted' House Joint Resolution 54. Representative Jay Hoffman, Chairperson from the Committee

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

129th Legislative Day

May 21, 1998

on Transportation and Motor Vehicles, to which the following measure was referred, action taken on May 21, 1998, reported the same back with the following recommendation: 'be approved for consideration' Conference Committee Report #1 to Senate Bill 955. Representative Frank Mautino, Chairperson for the Committee on Insurance, to which the following measure was referred, action taken on May 21, 1998, reported the same back with the following recommendation: 'be approved for consideration' Conference Committee Report #1 to Senate Bill 659. Supplemental Calendar #5 is being distributed."

Speaker Madigan: "Mr. Durkin, do you wish to call your Resolution? On Supplemental Calendar #5 on the Order of Resolutions, there appears HJR 54, Mr. Durkin."

Durkin: "Thank you, Mr. Speaker. House Joint Resolution 54 is an initiative of the Illinois Restaurant Association in which merely are... requesting that Congress reinstate the 100% full deductibility of a business meal. This was after they made this the number 2 priority of all the small business delegates at the last White House Conference of Small Business and they ask if restoring this would greatly enhance more jobs and it would enhance their business, particularly, the restaurant business. Very simple, Mr. Speaker."

Speaker Madigan: "Mr. Black."

Black: "Yes, might request a verification... is it on the system? Wait a minute. Here's a copy. Excuse me, Representative Cowlshaw wants to look at my copy."

Speaker Madigan: "Mr. Black."

Black: "Yes, yes, Mr. Speaker."

Speaker Madigan: "We're getting numerous requests that you speak to this question. People don't feel right unless you speak

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

129th Legislative Day

May 21, 1998

on this question."

Black: "No, I understand. I'm conferring with Representative Cowlshaw as we speak. Yes, Mr. Speaker, will the Sponsor yield?"

Speaker Madigan: "The Sponsor yields."

Black: "Yes. Representative Cowlshaw and I was look... were looking at this. We think it is grammatically incorrect. It says that 'business meal users'. We thought business meals would be something you would eat, instead of use. Is it grammatically incorrect or...?"

Durkin: "Should... stating that perhaps 'business meal eaters' would be more grammatically correct?"

Black: "Consumers. Consumers might."

Durkin: "Consumers?"

Black: "Well, should we amend it on its face or do you want to run it as it is?"

Durkin: "It's nice... it's a nineties way of referring to it."

Black: "I see."

Durkin: "I... when I... this goes to the appropriate Bodies, Representative Black, I'm going to take the exact language in this debate and pass it along."

Black: "And I noticed it was the number 2 priority of the 1,600 small business delegates at the last White House Conference on Small Business. When was that conference?"

Durkin: "That was before the previous last White House Conference of Small Business."

Black: "I see, I see. That narrows it down considerably and... Well, Mr. Speaker, we can think of no other questions. We are prepared to vote on our side of the aisle if we could be joined by Members on your side."

Speaker Madigan: "Looks pretty good."

Black: "Okay."

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

129th Legislative Day

May 21, 1998

Speaker Madigan: "Alright, the question is, 'Shall this Resolution be adopted?' Those in favor signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? The Clerk shall take the record. On this question, there are 114 people voting 'aye', 0 voting 'no'. The Resolution is adopted. On the Supplemental Calendar... on Supplemental Calendar #1, there appears SJR 63. Mr. Ackerman. Mr. Ackerman. Mr. Ackerman."

Ackerman: "Thank you, Mr. Speaker. Senate Joint Resolution 63 is merely urging Congress to establish a trust fund for wildlife and it's similar to the trust fund that is now there that we have an excise tax on boot... or guns and ammunition and the like. This would be a very good thing for Illinois as it would get back about 13,000,000 where they would only be taxing 8,000,000. So, I would ask for a favorable vote on this issue."

Speaker Madigan: "Mr. Brunsvold on this question."

Brunsvold: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This would be a fund set up to support activities relating to the Department of Natural Resources and it very much mirrors the PR Funds, Pittman/Robinson Funds, that we now use in the state, we get from the Federal Government that is a tax on ammunition and firearms that are used and this tax, which is still being structured as an excise tax, would come back to the state about \$13,000,000 to be used by the DNR for programs in wildlife here in this state. So, I would stand in support of Senate Joint Resolution 63."

Speaker Madigan: "Mr. Ackerman moves for the adoption of the Resolution. Those in favor say 'aye', those opposed say

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

129th Legislative Day

May 21, 1998

'no'. The 'ayes' have it, the Resolution is adopted. Mr. Hartke."

Hartke: "Yeah, Mr. Speaker. I had my light on, I did want to ask a few questions about this Resolution, but is it too late?"

Speaker Madigan: "Yes, the Resolution's been adopted. Mr. Novak. Mr. Black, you filed a Resolution 66 on the report of the Compensation Review Board?"

Black: "Yes, Sir."

Speaker Madigan: "And there's also a Resolution by Representative Crotty, House Joint Resolution 63. Could I just suggest that we just take a Joint Motion?"

Black: "That would be fine."

Speaker Madigan: "On both?"

Black: "Are they identically drafted?"

Speaker Madigan: "The question is, are these Resolutions identical? I think the affect is the same."

Black: "Alright, is... just one inquiry of the Chair and this is fine with me. Has the Senate sent us a Resolution yet or do we have a copy of the Resolution? I would prefer not to get hung up with a word that is different than ours, vis-a-vis theirs."

Speaker Madigan: "The question is, have we received the Resolution from the Senate on this question? I don't think so, Mr. Black. While we're waiting for word from the Clerk, the Chair would like to advise all of those who are listening, that we are now on the matter of the pay raise. So, if there are people in their offices who would like to be in the chamber to vote on the question of a pay raise, they should come to the chamber immediately. Mr. Clerk, have we gotten a report from the Senate? The Clerk advises me that they have not sent a Resolution on this matter, and so, with your agreement, there'll be a Joint Motion on both

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

129th Legislative Day

May 21, 1998

HJR 66 and HJR 63. Mr. Black."

Black: "Yeah, that would be fine, Mr. Speaker. I appreciate that, and I would just urge the Chair that if the Senate is a little tardy in sending us their Resolution, that we certainly take that up prior to adjournment. I think that the sense of the Body would be that we want to make sure that both chambers adopt the same Resolution. These Resolutions are very simple. They just simply call for the disapproval of the Compensation Review Board Report. So, as I understand it, correct me if I'm wrong, Mr. Speaker, a 'yes' vote would mean that we were voting to deny the pay raises as recommended. A 'no' vote would mean that you were willing to accept the recommendation of the Compensation Review Board."

Speaker Madigan: "Mr. Black, that's my understanding. Did you wish to speak to your Motion?"

Black: "Yes, I think all of us here understand the issue. It does not appear to be divisible for those other... for the judges or other people under the Compensation Review Board. While the economy of Illinois has certainly enjoyed a robust health in the last two years, we are less than six months away from our last... excuse me, cost of living increase, and I think that we are adequately compensated. That doesn't mean that sometime in the future, I wouldn't speak against such a Resolution. But, I do not think that this is the time to accept the report of the Compensation Review Board. We were not able to do many of things that we would like to have done in this Session. There still remains serious questions of property tax relief, of road fund diversion, of COLA for our social service providers, and until we can get some of those key issues resolved, I do not think it is in the best interest of this General

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

129th Legislative Day

May 21, 1998

Assembly to accept the Compensation Review Board Report calling for an increase in the salary at this time. I would appreciate an 'aye' vote."

Speaker Madigan: "Representative Crotty on the Joint Motion."

Crotty: "Thank you, Speaker. For all the reasons that Representative Black has given, I feel the same way. I feel very strongly that there are things that the state needs, and I think the people that have sent us down here wish for us to use those dollars that they have given to us and their taxes more wisely than, at this time, to give ourselves a raise. I also would like to see the money used for a COLA, for education, and property tax relief. Thanks, Mr. Speaker. I ask for a favorable vote."

Speaker Madigan: "Mr. Bra... Mr. Brady."

Brady: "Thank you, Mr. Speaker. Inquiry of the Chair."

Speaker Madigan: "State your inquiry."

Brady: "Mr. Speaker, it's my understanding that if we were to pass this Resolution over to the Senate and they were not to take our Resolutions up, but were to pass their own Resolution over to us, do we... is it necessary simply, that the language be identical or do the same Resolutions have to pass both Bodies?"

Speaker Madigan: "Let me confer with the Parliamentarian, Mr. Brady and come back to you."

Brady: "There's a..."

Speaker Madigan: "Mr. Parliamentarian, did you hear the question? So, Mr. Brady, if you could restate the question."

Brady: "Certainly. If we were to pass these two Resolutions, and the Senate were not to pass them, but the Senate was to pass us a Resolution, the question is, is it necessary for us to pass... for these Resolutions to pass in the Senate or do we simply need to pass identical Resolutions in a

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

129th Legislative Day

May 21, 1998

language?"

Kasper: "Representative Brady, in response to your inquiry, I believe that the Compensation Review Act requires both chambers to pass a Resolution. So, I would interpret that to mean the same Resolution has to be adopted by both chambers."

Brady: "So, not only does the Resolution have to be the same in language, but it has to be the same Resolution, is that correct? Another inquiry of the Chair. Mr. Speaker, if the Senate for some reason passes us a Resolution that, in fact, rejects the Compensation Review Board's proposal, but does not pick up either one of these Resolutions, will you allow us to vote on that?"

Speaker Madigan: "If the Senate passes a Resolution, we will vote on it before we adjourn this spring Session."

Brady: "Thank you, Mr. Speaker. To the Resolution. Ladies and Gentlemen, in agreement with the previous speakers, I, too, rise in support of this Resolution to deny our pay raise. There are numerous other priorities in the state, COLA and others including tax relief to our citizens before we put provide ourselves. I encourage a 'yes' vote, denying the pay raise."

Speaker Madigan: "Mr. Tim Johnson."

Johnson, Tim: "Thank you, Mr. Speaker and Members of the House. The previous speakers, I don't disagree with. I don't think anybody wants to be or is in a position of demagoguing this issue. It's certainly important symbolically and there are other needs of this state. I don't think anybody would suggest that the Members of this chamber don't work hard, because we do, and so do the Senators, but I have a different reason for opposing this Bill and it's the same one that I've had, increasingly so,

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

129th Legislative Day

May 21, 1998

during my 22 years down here, and that is this. That I've seen over the course of the time since 1976, excuse me, over my years in the General Assembly, I've seen us become increasingly a full-time legislative Body. I'm sure there are a variety of reasons that contribute to that factor... to that fact, but the fact is, we have become a nearly full-time legislative Body. With the fading of the citizen legislator, with the diversion from the idea that our founding fathers had, both with respect to Congress and the state legislatures, that the liberty bodies ought to be made up of a variety of people from a variety of walks of life. And as a result, of our becoming a nearly full-time legislature, the body politic and the volumes of the Statutes of Illinois have grown from a volume and a half, when I first took office, to about nine volumes today. And with all due respect to my colleagues, who I have universal respect for in both chambers and who work hard, when you have full-time legislatures and pay people more money, they tend to want to justify their own existence to put in more Bills, to pass more laws, to regulate people's lives and to spend money. And I think when you eliminate, and we're on the brink, or at least on the way, to eliminating the farmer legislator, the teacher legislator, the lawyer legislator, the labor legislator, the mix, the diversity, that used to make up this Body and still does to a large extent, I think you lose a tremendous ingredient for good government in Illinois. When you become a Body of full-time legislators, all of whom I believe are very sincere and work very hard, a homogenous group of people who think only about passing laws rather than about the variety of backgrounds that they come from, I don't think produces good a result. The other practical affect, and

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

129th Legislative Day

May 21, 1998

let's me honest about it, of having full-time legislators that I believe this sort of pay increases contribute to, is that you're less likely to want to stake out controversial positions or take controversial votes on issues. You're less likely if you don't have any other way of making a living or at least in the immediate future of making a living, you're less likely to want to be a Dick Mugalian or a George 'Ray' Hudson as we had back in the '70s and '80s, and I don't think that's good. The bottom line is this, I believe the previous speakers are correct, I think we ought to set this pay raise aside, both for symbolic reasons, and also, and I don't think this is demagogic at all, and perhaps it's self interest to some extent, I believe that we ought to maintain and veer back towards the citizen legislature that spends less money, less time, passes less laws, and stakes out more independent decisions on issues that are relevant to the people of Illinois. But with all due respect to all my colleagues who work real hard and really deserve what they get, this is something that ought to be set aside and it ought to be set aside for the indefinite future, because of the reasons that I've set forth and I think of the reasons that many of my articulate colleagues in both the House and Senate have as well."

Speaker Madigan: "Mr. John Turner."

Turner, J.: "Thank you, Mr. Speaker. I've had my light on several minutes. I just want the record to reflect, that on the last Resolution which was taken under a voice vote, that was Senate Joint Resolution 63, that I would have voted 'no' had I been given the opportunity to do so with the Roll Call. Thank you."

Speaker Madigan: "Thank you, Mr. Turner. Representative Cowlshaw."

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

129th Legislative Day

May 21, 1998

Cowlshaw: "Thank you very much, Mr. Speaker. Ladies and Gentlemen of the House, I think it is most regrettable that this Compensation Review Board Report cannot be divided so that we vote on such things as pay raises for people in law enforcement and related fields, and not have to vote on our own as well as all the others in simply one vote. Because I am in a somewhat unique position and I think many people in the more highly populated counties other than Cook in the northeastern Illinois area, face the same sort of potential problem that I do. My friends, I truly believe that far and away, the most important position in any county, is its state's attorney. I believe that the state's attorney in any county is the pivotal position that produces the quality or lack thereof, of life and of protection from crime whether personal or on the basis of property. The state's attorney carries the banner for law enforcement and for quality of life in every county in Illinois. Now, for some of you, there is not a nearby, very large city with very large law firms, where someone who might choose to run for state's attorney, could make three times as much money, by practicing law in one of those Chicago law firms, rather than serving as the DuPage County State's Attorney. There is a significant pay raise in this proposal, Mr. Speaker, for state's attorneys. I would like to have that pay raise for the state's attorney in DuPage County. Where we have been very fortunate. We had Jim Ryan, and now we have Joe Burkett. Both of them are wonderfully qualified to be the state's attorney, but that will not always be so if we do not begin to pay those people the level of salary that makes them at least partially competitive with the amount of money they can earn in private practice in Chicago. And therefore, Mr.

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

129th Legislative Day

May 21, 1998

Speaker, not because I believe that I deserve or anyone of us deserves a raise in salary, but because I believe our state's attorneys ought to have that money, I stand in support of the report issued by the Compensation Review Board. Thank you."

Speaker Madigan: "There are now three people seeking recognition on this question. The Chair would suggest that we limit our remarks to one minute please. Mr. McKeon. For one minute, Sir."

McKeon: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I'd just like to concur with Representative Cowlshaw. There are employee groups in this report that deserve an increase. State's attorneys in particular have not had an increase for over eight years. I find it very unfortunate that we have to vote on this as a package. Although I concur with other Members of the House, that we do not need a 2% pay increase, it's unfortunate that others in this report are going to be penalized merely because of our position with respect to our own salaries. Thank you."

Speaker Madigan: "Mr. Brunsvold, for one minute please."

Brunsvold: "Thank you, Mr. Speaker. Ladies and Gentlemen, you go back home to your districts in a couple of days and you look around at your citizens and you stood on the lines as I have on picket lines when I was a teacher for a wage increase, you see your union members who negotiate for their wage increases, and just everybody back home is in a process of getting a slight increase, maybe 2%, 3% a year, and we support that. We sat on this House Floor and we voted for increases for county officials. I really think that we ought to consider the General Assembly Members once in a while. In fact, I don't remember the last time we had a raise other than the cost of living raise. I don't know

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

129th Legislative Day

May 21, 1998

how many years ago that was, but 2% I don't think is something out of the line that we should reject. I mean, we ought to get a raise, a minimal raise every once in a while, like the people that we represent back home. So, if now, if we don't get one now, when are we ever going to get one. So, you should consider your vote on this because, we should be as least as equal to our citizens back home on their requests for pay increases and we should be allowed once in awhile to have a pay increase. Thank you, Mr. Speaker."

Speaker Madigan: "Mr. Woolard, for one minute please."

Woolard: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I think consistency is important, and I am going to be the most consistent legislator I know on this issue. I intend to vote 'no' as I always have."

Speaker Madigan: "The question is, on the Joint Motion, Mr. Clerk, state the question. Where's Mr. Black when we need him? Mr. Black. Alright, the question is, 'Shall the Report of the Compensation Review Board be disapproved?' So, if you wish to vote against the pay raise, vote 'yes'. If you want to be for the pay raise, vote 'no'. Open the record. Once again, if you are against the pay raise, vote 'yes'. If you are for the pay raise, vote 'no'. There are many people who have not voted. Again, if you're against the pay raise, vote 'yes'. If you're for the pay raise, vote 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 92 'ayes', 19 'noes', and the Joint Motion relative to the two Resolutions, is adopted. On Supplemental Calendar #5, there appears Senate Bill 545. Mr. Mautino. Senate Bill 545, Mr. Mautino."

Mautino: "Thank you, Mr. Speaker, Ladies and Gentlemen of the

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

129th Legislative Day

May 21, 1998

House. I present Conference Committee Report #1 on Senate Bill 545. This amends the Environmental Protection Act and Environmental Protection Trust Fund to establish pretreatment market system for water treatment facilities, regulate businesses that store or use toxic chemicals, regulate potentially infectious medical waste, regulate air emissions, regulate hazardous waste fees, and regulate new public water supplies. This is a compilation of the department's... the EPA's changes to the Act. They are agreed. I know of no opposition. I believe it came out with no opposition from committee. I'd be happy to answer any questions if you have them."

Speaker Madigan: "The Gentleman moves for the adoption of the Conference Committee Report. Is there any discussion? There being no discussion, the question is, 'Shall this Report be adopted?' Those in favor signify by voting 'aye', those opposed by voting 'no'. This is a Third Reading Roll Call. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 115 people voting 'aye', 0 voting 'no'. This Report is adopted and this Bill having received a Constitutional Majority, is hereby declared passed. Senate Bill 955. Mr. Rutherford."

Rutherford: "Thank you, Mr. Speaker. As well, I'd also like the record to reflect that on Senate Joint Resolution 63, had I've had the chance to vote, even though it was on a Roll Call, I would have voted 'no'. And thank you, Mr. Speaker. I'm bringing to you now, the Conference Committee Report on Senate Bill 955, which is a collection of items on behalf of the office of the Secretary of State in regards to, in part, some audit findings. There's approximately ten points to it. I can go through them real fast. Generally,

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

129th Legislative Day

May 21, 1998

one of them is moving the date in which the collegiate license plate funds are to be transferred from the Secretary of State's office to the schools and also, changing it from going to the schools to go to the Board of Higher Ed to transfer it out. Also, it provides for the... for consideration for reclassification of a plate to get the credit if they're going from one level of plate to an upgrade, that they would get the credit for that lower level of plate. It would also eliminate the ten days in advance that a off-site vehicle dealer needs to attain a permit if they're going to sell their plates... if they're going to sell their cars off-site. It goes through putting in the opportunity for remedial training for those people with zero toler... who have violated the zero tolerance. There's a number of other provisions there. I'd be glad to answer any questions one may have."

Speaker Madigan: "Mr. Lang."

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

Speaker Madigan: "Sponsor yields."

Lang: "Representative, it sounds like these are just little changes, a lot of them. The only real question I have is, are there any fee increases or tax increases in this Bill at all?"

Rutherford: "No, Representative, there are no fee increases, there no tax increases. The underlying Bill had some language that one may have questioned as there was, so the Conference Committee Report is very explicitly, addressing issues that do not have any type of fee increase in it. In fact, there is a benefit to... there is a benefit to the individuals who have a certain license plate, and they go to reclassify in an upgrade previous to that, they would have to pay that higher fee. In fact, what this now does,

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

129th Legislative Day

May 21, 1998

Representative Lang, this will allow them to receive credit for their lower class and only have to pay the difference to go to the higher class. So, no, there is no fee increase whatsoever."

Lang: "Just one additional question."

Rutherford: "Yes, Sir."

Lang: "The original underlying Bill had a small fee increase. My understanding is that's been deleted, so the original Bill is no longer part of this Bill?"

Rutherford: "You are correct, Representative Lang. The underlying Bill is no longer a part of this Conference Committee Report."

Lang: "Thank you. I stand in support of your Conference Committee Report."

Rutherford: "Thank you, Representative Lang."

Speaker Madigan: "Mr. Rutherford... "

Rutherford: "Yes, Sir."

Speaker Madigan: "... to close."

Rutherford: "I would appreciate a favorable Roll Call."

Speaker Madigan: "The question is, 'Shall this Report be adopted?' All those in favor signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? This is a Third Reading Roll Call. 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 112 voting 'yes', 0 voting 'no'. The Report is adopted, and this Bill having received a Constitutional Majority, is hereby declared passed. On Supplemental Calendar #5, there appears Senate Bill 659. Mr. Brady. Mr. Brady."

Brady: "Mr. Speaker, I'd like to hold this Bill."

Speaker Madigan: "Thank you, Mr. Brady. On page 7 of the

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

129th Legislative Day

May 21, 1998

Calendar, on the Order of Nonconcurrency, there appears Senate Bill 1701. Mr. Noland. Duane Noland. Mr. Noland."

Noland: "Thank you, Mr. Speaker. I'd like to refuse to recede on House Amendments 1, 2, 4, 5, 6, 7, 8, and 9, on Senate Bill 1701. And..."

Speaker Madigan: "The Gentleman moves to refuse to recede on House Amendments 1, 2, 4, 5, 6, 7, 8, 9, 10. Those in favor... yes, Mr. Noland."

Noland: "Mr. Speaker, the Board does not show 10 but yet... It is #10?"

Speaker Madigan: "The Board won't hold it all, but it's in the record."

Noland: "Thank you."

Speaker Madigan: "You've all heard the Gentleman's Motion, those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it, the Motion is adopted. Mr. Tim Johnson."

Johnson, Tim: "Thank you, Mr. Speaker. I'd like to also be recorded along with an earlier speaker, as voting 'no'. I'm not asking for reconsidering, but voting 'no', on SJR 63, and I'd like the record to reflect that I orally voted 'no' on that Bill... Resolution."

Speaker Madigan: "Thank you, Mr. Johnson. On the Order of Nonconcurrency, on page 7 of the Calendar, there appears Senate Bill 1878. Representative Holbrook."

Holbrook: "Thank you, Mr. Chairman (sic-Speaker). I move to nonco... to refuse to recede and have a Conference Committee appointed."

Speaker Madigan: "You've all heard the Gentleman's Motion. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it, the Motion is adopted. On page 4 of the Calendar, on the Order of Senate Bills, Second Reading, there appears Senate Bill 1041. Representative Cowlshaw, do you wish to

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

129th Legislative Day

May 21, 1998

call the Bill? Representative Cowlshaw, Senate Bill 1041.
You don't wish to call the Bill? Representative
Cowlshaw."

Cowlshaw: "Mr. Speaker, could you please tell me if there...
could you please tell me if there are any Amendments that
have been filed to Senate Bill 1041?"

Speaker Madigan: "Mr. Clerk, on Senate Bill 1041, what is the
status of the Bill?"

Clerk Rossi: "Senate Bill 1041 has two Floor Amendments. One is
pending in committee and the other is pending in the Rules
Committee. Neither have been approved for consideration."

Cowlshaw: "Thank you."

Speaker Madigan: "Mr. Tim Johnson. Mr. Johnson would like the
record to reflect that his earlier remarks were related to
SJR 63, Mr. Johnson? Thank you. On Supplemental Calendar
#6, on the Order of Nonconcurrency, there appears Senate
Bill 600. Representative Feigenholtz."

Feigenholtz: "Thank you, Mr. Speaker. I would like to refuse to
recede and would ask for a Conference Committee."

Speaker Madigan: "You've all heard the Lady's Motion. Those in
favor say 'aye'; those opposed say 'no'. The 'ayes' have
it, the Motion is adopted. Mr. Saviano. Mr. Saviano. On
Senate Bill 1225, on page 4 of the Calendar, Mr. Clerk,
what is the status of that Bill?"

Clerk Rossi: "Senate Bill 1225 has been read a second time,
previously. No Committee Amendments. Floor Amendment #1,
offered by Representative Saviano, has been approved for
consideration."

Speaker Madigan: "Mr. Saviano."

Saviano: "Thank you, Mr. Speaker, Members of the House. Floor
Amendment #1 would delete the underlying Bill of Senate
Bill 1225. The underlying Bill was... the language was

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

129th Legislative Day

May 21, 1998

passed in a companion Bill over in the Senate and it's on its way to the Governor now. So, we would just leave in the language pursuant to the Amendment that was adopted yesterday in committee. Excuse me, I think I... we have two Amendments on here?"

Speaker Madigan: "Yes."

Saviano: "Alright, so Floor Amendment #1 I would ask be adopted to Senate Bill 1225. Floor Amendment #1 is an initiative of the Metropolitan Water Reclamation District, which would authorize the district to control their own salary levels. Currently, we, the Illinois Legislature, controls any increase in pay for the Water Reclamation District. When the district was originally set up, it is a creation of state statute, the intent was that the legislature would ultimately have control over the pay levels for commissioners that are elected to the board. In recent years, with the increased high profile of the district, through their flood control efforts, through their working with the federal government in assisting residents with flood control problems, they've become a much more high profile and necessary local unit of government. So, I would ask that we approve Floor Amendment #1 to Senate Bill 1225."

Speaker Madigan: "On that question, the Chair recognizes Representative Lindner."

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

Speaker Madigan: "Sponsor yields."

Lindner: "Yes, Representative, the Water Reclamation District is like any other sanitary district. Do you know if the General Assembly sets the salaries of other sanitary districts now, or is everyone different?"

Saviano: "I can't answer that for sure, but the thinking behind

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

129th Legislative Day

May 21, 1998

this was, every other local government board, village trustees, township trustees, county boards, all set their own salary levels and that's what we're trying to accomplish with this Amendment for the Water Reclamation District. But, I'm not familiar if other sanitary district boards do set their own salaries."

Lindner: "Well, thank you, Representative, for trying to answer my question."

Speaker Madigan: "Mr. Rutherford."

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

Speaker Madigan: "Sponsor yields."

Rutherford: "Representative Saviano, will the underlying language of this Bill still be in it if we adopt Floor Amendment 1?"

Saviano: "If we adopt Floor Amendment #1, yes, the underlying language will remain, and then Amendment #2 will delete the underlying Bill which is already been off to the Governor."

Rutherford: "Right, has Amendment 2 come out of Rules or are we going to be doing this next time?"

Saviano: "I believe Rules has already sent it out to the floor as a technical Amendment."

Rutherford: "Okay. Alright, what means will the MWRD determine whatever salary compensations they may decide to do if this did become law?"

Saviano: "I be... excuse me, Representative, I've just been informed, we'll table Amendment #1 because Amendment #2 will include this Amendment and delete the underlying Bill."

Rutherford: "So, it will effectively..."

Saviano: "So, I would make a Motion to table Floor Amendment #1."

Speaker Madigan: "Mr. Saviano requests that we withdraw Amendment #1. The Amendment is withdrawn. Mr. Clerk, is there an Amendment #2?"

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

129th Legislative Day

May 21, 1998

Clerk Rossi: "Floor Amendment #2, offered by Representative Saviano."

Speaker Madigan: "Mr. Saviano, on Amendment #2. Mr. Saviano, on Amendment #2."

Saviano: "Okay, Floor Amendment #2 to Senate Bill 1225, does delete the underlying language that was in the Bill and addresses the issue that we were previously speaking on in allowing the local commissioners... locally elected commissioners, set their own salary. The criteria from my conversations with them, that they would use, would probably be similar to what we've approved in the past for ourselves, whether it be COLAs, things like that. I've been assured that there's not going to some massive attempt to increase pay for them because obviously the attempt behind this Bill is to make them accountable for their own pay raises. Earlier, on a Resolution that we passed, we took the position that we didn't feel that at this point in time that we should accept a pay raise. I think they would be under the same restraints that we would be."

Speaker Madigan: "Mr. Rutherford."

Rutherford: "Thank you, Mr. Speaker. Representative Saviano, then just for the edification of the Body, that the members of MWRD are elected by the public?"

Saviano: "They are elected by the people of Cook County. They run county wide. Over the years, and now without straight party voting, I believe that they will really have to distinguish themselves in an election process, where before, they were usually carried in by straight party. This would make them even more accountable, so, I feel that myself as a legislator, I'm not very enthusiastic about voting on other people's pay raises when obviously there's a lack of accountability there. I'd rather have them vote

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

129th Legislative Day

May 21, 1998

for their own pay raises, and that's why I'm sponsoring this."

Rutherford: "Right, I happen to be inclined to agree with you, and I just do stand in support of the legislation. I think taking it out of this Body politic and leaving it in another body politic that's responsible to their own elected is probably a wise thing to do, so I stand in support of your Amendment Representative."

Saviano: "Thank you."

Speaker Madigan: "Mr. Lang."

Lang: "Thank you, Mr. Speaker. I rise in strong support of Floor Amendment #2. We believe in local control in this legislature, therefore, there's no reason that this elected body should not be setting its own salaries. Just like all sorts of other elected bodies do. Alderman all around the state, commissioners all around the state. These folks ought to be setting their own salaries. You should support this Amendment."

Speaker Madigan: "Mr. Cross."

Cross: "Mr. Speaker, I don't have a question. Thank you."

Speaker Madigan: "Mr. Saviano, on the Amendment. Those in favor of the Amendment say 'aye'; those opposed say 'no'. The 'ayes' have it, the Amendment is adopted. Are there any further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Madigan: "Mr. Saviano, do you wish to call the Bill on Third Reading?"

Saviano: "Yes."

Speaker Madigan: "Mr. Clerk, read the Bill for a third time."

Clerk Rossi: "Senate Bill 1225, a Bill for an Act in relation to public officials. Third Reading of this Senate Bill."

Speaker Madigan: "Mr Saviano."

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

129th Legislative Day

May 21, 1998

Saviano: "Thank you, Mr. Speaker, Members of the House. I believe this Bill now as amended, is something that the public would want. I think they really want to hold their local elected officials accountable. I think it takes a burden off of us, where we're not totally familiar with the day to day activities of a commissioner on a water reclamation district. They realize what their jobs entail, the hours that they have to put in. We're not familiar with any of that. I think between them knowing their jobs and the fact that they're held accountable through the election process. I think this is a good Bill. I think it's a Bill that comes with a new trend in Illinois politics, and I would ask that Senate Bill 1225 be approved. Thank you."

Speaker Madigan: "Mr. Black."

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

Speaker Madigan: "Sponsor yields."

Black: "Thank you. Representative, I'm sorry, trying to juggle two or three files here. Does this impact all sanitary districts or simply the Metropolitan Water Sanitary District?"

Saviano: "It only affects the Water Reclamation District of Greater Chicago."

Black: "Now that goes out beyond the boundaries of Cook now, as I understand it, right? Into how many counties? Will..."

Saviano: "It trickles over counties..."

Black: "No pun intended."

Saviano: "... I believe four or five... and no pun intended."

Black: "Alright."

Saviano: "Over five or six different counties."

Black: "Alright, so the provisions in a Bill would not have any

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

129th Legislative Day

May 21, 1998

impact on the operation of a sanitary district in any of our districts. It only affects the... is it called the MWRD or... ?"

Saviano: "That is correct."

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

Speaker Madigan: "Mr. John Turner."

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

Speaker Madigan: "Sponsor yields."

Turner, J.: "Representative, did you indicate earlier, I thought you did when you discussed the Amendment, whether the commissioners run on a nonpartisan basis? In other words, they're not listed as Republicans and Democrats."

Saviano: "No, they are listed as Republicans and Democrats in Cook County. Currently, we have two Republicans and seven Democrats serving on the board. There's nine commissioners total. There's nine commissioners total that serve six year overlapping terms, so, every three years they run county wide. The salary increase to be implemented, would have to be voted for... by a two-thirds majority of the board. So, it's a super majority that is required for any pay increases that pass."

Turner, J.: "Alright, I thought your last statement... there's a lot of confu... noise here. It takes a super majority vote in order for a pay raise to be given?"

Saviano: "That is correct."

Turner, J.: "And, what is the current salary of the commissioners?"

Saviano: "It's currently about \$40,000 a year."

Turner, J.: "And as I understand, if I'm reading it correctly, I'm just looking at an analysis, it isn't the county board that has anything to do with currently setting salaries, it's the General Assembly, and what you're trying to do is

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

129th Legislative Day

May 21, 1998

make that on a local basis?"

Saviano: "That's correct. The county board has no jurisdiction over the Metropolitan Water Reclamation District. They are their own entity, their own public body that controls everything themselves."

Turner, J.: "Okay. And I thought you said, I'm getting a little redundant, but I want to make sure I heard you correctly, that they run county wide?"

Saviano: "County wide."

Turner, J.: "Thank you for answering my questions."

Saviano: "Thank you."

Speaker Madigan: "Mr. Cross."

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

Speaker Madigan: "Sponsor yields."

Cross: "So, Representative, before I get to this Amendment #2, I believe, is that the only thing left in this Bill? Is everything else gone?"

Saviano: "Everything else is deleted except for this issue."

Cross: "All right. When... if this Bill becomes law, will the district board members have no salary? I mean, are we going to then have to set it here, or they'll have to set their own?"

Saviano: "No, it would remain at its current level, and any increases from here on in would be up to them."

Cross: "It looks like you've deleted in here, their salaries, and that's why I asked. What statutorily would give them their salaries?"

Saviano: "Yeah, it's a constitutional issue. It would be unconstitutional for us to... Yeah, their salaries would remain the same, and it's according to constitutional guidelines."

Cross: "Well, it just... and I'm not trying to give you a hard

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

129th Legislative Day

May 21, 1998

time on it, I'm going to support your Bill, but it just looks like we've deleted their salaries in here."

Saviano: "LRB, in having them prepare this, we've been assured by them that that was the language that was necessary, so that we didn't delete their salaries."

Cross: "Alright. Are they held to the same standard, and if they give themselves... if they vote in a pay raise, does it not go into effect until their next term?"

Saviano: "That would be held in an open meeting. It would be totally up to the commissioners on how that would operate."

Cross: "Alright. Thank you very much."

Speaker Madigan: "Mr. Rutherford."

Rutherford: "Thank you, Mr. Speaker. Just to clarify, Representative Saviano... just to clarify, there is no restriction in here that would provide for a salary increase during midterm for... "

Saviano: "Yes, there is. They cannot raise their salary in their current term."

Rutherford: "Okay. So, any salary increase would be necessitated for the newly elected body to come in? It would not be a salary increase for a sitting body to give themselves a pay increase during their term?"

Saviano: "That is correct."

Rutherford: "Okay. Great. Mr. Speaker, I stand in support of this piece of legislation because it does require a super majority of the board. The members of MWRD are elected themselves within their own body politic. I find it very uncomfortable, actually, to come before the General Assembly asking for pay raises for other elected officials. If we can find a way to move it off into their purview, I would stand in strong support of this legislation."

Speaker Madigan: "Mr. Saviano to close."

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

129th Legislative Day

May 21, 1998

Saviano: "Thank you, Representative. Just to clarify, I'd just like to just say that any action taken increasing commissioners' salaries would need to take place 180 days prior to taking office, and it would be effective after they get re-elected."

Speaker Madigan: "The question is, 'Shall this Bill pass?' All those in favor signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? The Clerk shall take the record. On this question, there are 63 'ayes', 49 'noes'. This Bill, having received a Constitutional Majority, is hereby... Mr. Black... hereby declared passed. Mr. Black."

Black: "Yes, thank you very much, Mr. Speaker. An inquiry of the Chair."

Speaker Madigan: "Mr. Black."

Black: "There seems to be a rookie member of the other Body up in the gallery. Is that Senator Demuzio up there bothering us? Senator Demuzio, Senator Demuzio... He never paid any attention when he was here either. Senator Demuzio, you can go back to the Senate now. Senator, you can go back to the Senate. We wanted you to come up there was all a joke. They don't want to interview you. So, you can go back to the Senate now. Ha, ha, ha."

Speaker Madigan: "On page 6 of the Calendar, on the Order of Concurrence, there appears House Bill 2950. Mr. Black. Mr. Black on House Bill 2950 for a Motion."

Black: "Yes, thank you very much, Mr. Spok... Mr. Speaker. Mr. Spoker. Ha, ha, ha, ha. Are we adjourning before long?"

Speaker Madigan: "Yeah, we better."

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

129th Legislative Day

May 21, 1998

Black: "Thank you. On behalf of Representative Ryder, I would like to move to nonconcur with Senate Amendment #2."

Speaker Madigan: "You've all heard the Gentleman's Motion. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it, the Motion is adopted. On page 7 of the Calendar, on the Order of Nonconcurrency, there appears Senate Bill 560. Mr. Phelps. Mr. David Phelps."

Phelps: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I move to refuse to recede and request a Conference Committee be formed."

Speaker Madigan: "You've all heard the Gentleman's Motion. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it, the Motion is adopted. On page 8, excuse me, on page 5 of the Calendar, there appears Senate Bill 1884. Mr. Michael Smith. Mr. Clerk, what is the status of this Bill?"

Clerk Bolin: "Senate Bill 1884 is on the Order of Senate Bills, Third Reading."

Speaker Madigan: "Mr. Smith on Third Reading. Mr. Clerk, read the Bill for a third time."

Clerk Bolin: "Senate Bill 1884, a Bill for an Act to amend the Probate Act of 1975. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. Black."

Black: "Yes, thank you very much, Mr. Speaker."

Speaker Madigan: "Mr. Black."

Black: "Has he... he's done with..."

Speaker Madigan: "He's made his presentation."

Black: "Okay, fine."

Speaker Madigan: "I'd like to handle this on standard debate if we could."

Black: "What? Standard debate?"

Speaker Madigan: "Means you plus two, for five minutes each."

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

129th Legislative Day

May 21, 1998

Black: "Alright, I think we can... We all know how we're going to vote on this Bill."

Speaker Madigan: "Yes."

Black: "Will the Sponsor yield?"

Speaker Madigan: "Sponsor yields."

Black: "Okay. Representative, you strengthened the Bill somewhat today on the compulsive gambler issue, and we debated that fully. I won't go back into that. There are some people who still think that by only limiting it to the spouse, that we're still leaving some people at risk."

Smith: "Thank you, Representative Black, and..."

Black: "I would like to concentrate on Floor Amendment #2, if I could. Floor Amendment #2 that you've added to the Bill, deals with fair share agreements, is that correct?"

Smith: "That is correct."

Black: "Do... Can you tell the Body what a definition is of a fair share agreement?"

Smith: "Representative Black, a fair share agreement is where employees who choose not to join the union, pay a fair share fee in lieu of union dues."

Black: "And who would they make this agreement with?"

Smith: "The agreement is between the department and the union who represents those individuals."

Black: "An agreement between the department?"

Smith: "That is correct."

Black: "Are you saying that personal attendants are employees of the Department of Human Services?"

Smith: "No, I didn't say that."

Black: "But, you said the department. Who's their employer?"

Smith: "They are employed by the disabled persons for whom they work."

Black: "A very... Now, Ladies and Gentlemen of the House,

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

129th Legislative Day

May 21, 1998

regardless of how you feel about this Bill, listen to this very carefully. The Representative is absolutely correct. He gave a very forthright and true answer. The employer of the personal attendant, is the disabled person. Now, personal attendants, in many cases, are a friend, a relative, or a neighbor, who comes into their home to care for them. The client is the one who hires them. The client in some cases is the one who fires them. Now, ask yourself, how can you have a fair share agreement in this case? The employer is a private individual. If you want a fair share agreement, you have to have an agreement between an employer and the employee organization. Are you going to tell me, you're going to make 23,000 separate agreements on fair share, and fair share for people who make \$5.30 a hour because we can't get to the COLA? And you're going to ask them to pay 2% of their wages to a union? They can't unionize, they have no employer. Each of them is employed separately by the disabled person. Where this Bill will take us, if you follow the path laid out by the Sponsor, and he gave a very honest answer, and I commend him, where this Bill will take us, is at some point, someone will say, 'These 23,000 attendants, are, in fact, employees of the State of Illinois.' Now, if you're willing to add 23,000 employees to the Department of Human Services, unionize them, which is fine if that's what you want to do, and pay the health benefits and then give them the state wage that they may very well deserve, that's okay. But be there for the taxes and the appropriation. What the Gentleman is attempting to do, is to say that you can have a fair share agreement with 23,000 personal attendants who work for the disabled person. I submit to you, that I'm not sure it's even legal. If it is legal, I'm not sure you could ever do

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

129th Legislative Day

May 21, 1998

it under any circumstance, and the only way to make it become a reality, is to somehow extend this logic and say, 'Well, therefore, they are in fact, employees of the state of Illinois and you will certainly pay them more than \$5.30 an hour.' Which they may deserve. And if we get to the COLA, that may happen. But, I think you need to be very careful of this Bill, as amended, under Floor Amendment #2. Because, unless you're willing to be there for the taxes, unless you're willing to be there for the appropriation, there is no way this Bill can work. In all due respect to the Sponsor, this Bill deserves a 'no' vote."

Speaker Madigan: "Mr. Cross."

Cross: "Mr. Speaker, in the event this Bill gets the requisite number of votes, we request a verification."

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

Cross: "Thank you."

Speaker Madigan: "Mr. Smith to close."

Smith: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I think we know the issues involved in this Bill. The underlying Bill has to do with protecting assets for serious... in cases of serious gambling addiction. It's a good piece of legislation. We've attempted to address the concerns that were raised both in committee and on the House Floor. The second part is to address a situation which has arisen between the approximately 20,000 personal assistants in the state who are represented currently by the Service Employees Union, and I would say to Members of this Body, that all we are doing is continuing the practice that the state has operated under for the last three years with the current contract. So, this is something that all of those personal assistants, who I think many of us go and speak to each time they invite us, they want to be

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

129th Legislative Day

May 21, 1998

represented by the Service Employees Union. This legislation will allow them to continue to be, and I would urge all Members of the Body to vote in favor of this legislation."

Speaker Madigan: "Mr. Lang. We've closed the debate, Mr. Lang. Mr... your light was flashing."

Lang: "Did he close?"

Speaker Madigan: "Mr. Smith just closed."

Lang: "I'm sorry."

Speaker Madigan: "Those in favor of the passage of the Bill, vote 'aye'; those opposed vote 'no'. Have all voted who wish? The Clerk shall take the record. On this question, there are 63 'ayes' and 52 'noes'. Mr. Clerk, read the names of those voting 'yes'."

Clerk Bolin: "A poll of those voting in the affirmative. Acevedo. Boland. Bradley. Brosnahan. Brunsvold. Bugielski. Burke. Capparelli. Crotty. Currie. Curry. Dart. Davis, Monique. Davis, Steve. Erwin. Fantin. Feigenholtz. Flowers. Fritchey. Gash. Giglio. Giles. Granberg. Hannig. Hartke. Hoffman. Holbrook. Howard. Johnson, Tim. Jones, Lou. Jones, Shirley. Kenner. Lang. Lopez. Lyons, Joseph. Mautino. McAuliffe. McCarthy. McGuire. McKeon. Moffitt. Moore, Eugene. Murphy. Novak. O'Brien. Phelps. Pugh. Reitz. Rodriguez. Ronen. Saviano. Schakowsky. Schoenberg. Scott. Scully. Silva. Slone. Smith. Stroger. Turner, Arthur. Woolard. Younge, and Mr. Speaker."

Speaker Madigan: "Mr. Cross."

Cross: "Yes, Sir, Mr. Speaker. Representative Art Turner."

Speaker Madigan: "Mr. Arthur Turner. Mr. Arthur Turner. The

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

129th Legislative Day

May 21, 1998

Gentleman is in the front of the chamber. Could you verify Representative Barbara Currie and Representative Arthur Turner?"

Cross: "By all means."

Speaker Madigan: "Mr. Cross."

Cross: "Shirley Jones."

Speaker Madigan: "Shirley Jones. Shirley Jones is in the rear of the chamber. Mr. Cross, could you verify Mr. Hannig in the center aisle? Thank you."

Cross: "Who's the guy next to him?"

Speaker Madigan: "Mr. Granberg. Could you verify Mr. Granberg? Thank you. Mr. Tim Johnson. Would you verify Mr. Tim Johnson? Mr. Cross. Mr. Cross, could you verify Mr. Woolard in the rear of the chamber?"

Cross: "Yes."

Speaker Madigan: "Thank you."

Cross: "Representative Capparelli."

Speaker Madigan: "Mr. Capparelli's in his chair. Mr. Cross, could you verify Representative Silva?"

Cross: "Sure."

Speaker Madigan: "Thank you."

Cross: "Representative Stroger."

Speaker Madigan: "Mr Stroger is in the center aisle."

Cross: "Representative Schoenberg."

Speaker Madigan: "Mr. Schoenberg is in his chair."

Cross: "Representative Bradley."

Speaker Madigan: "Mr. Bradley is in his chair."

Cross: "Is it my turn?"

Speaker Madigan: "Who?"

Cross: "Bradley."

Speaker Madigan: "Mr. Bradley, he's in his chair."

Cross: "Representative Moffitt."

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

129th Legislative Day

May 21, 1998

Speaker Madigan: "Moffitt is in his chair."

Cross: "Okay, there he is, yup. Representative Schakowsky."

Speaker Madigan: "Schakowsky. Representative Schakowsky's in her chair. And, Mr. Cross, Mr. Moore is in the rear of the chamber. Eugene Moore. Could you verify him?"

Cross: "Representative Morrow."

Speaker Madigan: "Mr. Morrow is voting 'present'."

Cross: "Wait, I'm sorry, I just found him."

Speaker Madigan: "Who? Who is it?"

Cross: "I made a mistake in trying to verify a 'present' vote. I apologize, Charles. Thanks for coming over here. Representative Scott."

Speaker Madigan: "Mr. Scott is in his chair. Mr. Cross, I think they're all here. Mr. Cross."

Cross: "Representative Flowers."

Speaker Madigan: "Flowers is in her chair."

Cross: "Phelps."

Speaker Madigan: "David Phelps. In front of the chamber."

Cross: "Brosnahan."

Speaker Madigan: "Mr. Brosnahan is in his chair."

Cross: "Alright, Woolard."

Speaker Madigan: "We verified Mr. Woolard."

Cross: "You're right, I apologize. Is Blagojevich still here?"

Speaker Madigan: "He went on to bigger and better things."

Cross: "Bigger and better. It appears that, that 63 is going to hold, Mr. Speaker. I'm going to stop."

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

Cross: "No, thank you."

Speaker Madigan: "Sixty three 'ayes', 52 'noes', the Bill having received a Constitutional Majority, is hereby declared passed. On page 5 of the Calendar, Senate Bills Second Reading, there appears Senate Bill 1617. Mr. Burke. Mr.

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

129th Legislative Day

May 21, 1998

Clerk, has this Bill... what is the status of this Bill?"

Clerk Bolin: "Senate Bill 1617, the Bill's been read a second time previously. Floor Amendment #2, offered by Representative Burke, has been approved for consideration."

Speaker Madigan: "Mr. Burke on the Amendments. Mr. Burke on the Amendments."

Burke: "Thank you, Speaker. Floor Amendment #2 deals with the issue of offering examination to roofing contractors. Currently, they are licensed, but no exam is offered for that particular class of individuals. And I might suggest to the Body, in considering this matter, should know that out of all home improvement complaints, the Illinois Attorney General's Office received the most against the roofing industry. Next to cosmetologists, the Illinois Department of Professional Regulation received the most number of complaints against this particular industry, as well. The IDPR has only two part-time investigators working on roofing complaints for the entire state, they are currently four months behind in responding. So, I believe that this test is important for contractors before they would get their license and I'd be happy answer any questions."

Speaker Madigan: "The Gentleman moves for the adoption of the Amendment. Mr. Black."

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

Speaker Madigan: "The Sponsor yields."

Black: "Yes, thank you very much. Representative Burke, are there... are there state... are there to be statewide standards for roofing contractors?"

Burke: "From what I understand, Representative, there, at this point in time, are not. But with respect to establishing

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

129th Legislative Day

May 21, 1998

the examination, there are 20 other states that currently have a testing requirement. So, in my estimate, I don't believe that we would need a new test design. We could probably use another state's test as a model for our state."

Black: "What would that test consist of? This is a shingle, this is a nail, this is a downspout, this is asphalt shingle, this is a cedar shake. I mean, what would the test consist of? This is a roof?"

Burke: "First of all, Representative, it's not, and this is something I believe the Department of Reg... Professional Regulation is most objectionable to, is the fact that the roofer, himself or herself, is not taking the exam, but the contractor is. So, the exam would have to do with general management principles and, in fact, building standards with respect to the installation of a roof and you might understand that to replace a roof on your home is probably one of the most expensive propositions a homeowner would have to undertake in the ownership of that property. And I know from my personal experience I receive more complaints from my older constituents with respect to disreputable roofers in my community. They are constantly being ripped off by this particular industry. This is an initiative that has been brought forward by the roofing industry and I believe it is a very good start, a foot in the door to continue to protect the consumers who have to deal with the roofing industry."

Black: "I didn't know there was a roofing industry in the State of Illinois. Who speaks for the roofing industry? Is there the Illinois Association of Roofers?"

Burke: "Yes, there is."

Black: "Where... where is their office? I've never heard from

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

129th Legislative Day

May 21, 1998

them. Do they have an office here in Springfield?"

Burke: "I can get that for you. I don't know where their office is, but I know who their lobbyist is."

Black: "I'll be darn, I'm surprised I didn't hear from him. You had an interesting comment a little while ago. If I was in the roofing business and I had a 100 employees and I was the owner of the ABC Roofing Company, I would take the test, correct? As the owner. Or I could designate a foreman, I suppose, but only one person in my firm would take the test, correct?"

Burke: "At this stage, yes, that's what this legislation would..."

Black: "Ah ha! So, one person takes the test, the 100 employees who have not taken the test, get in the trucks every morning go out and do the roofing. Now, where... where is that going to protect the consumer? The people swarming on the roof didn't take any test. The owner sitting back in the office doing the estimating and the dispatching took the test. How does that protect the consumer?"

Burke: "In my early remarks, Representative, I did suggest to you that it might seem incredulous that we would not be asking the actual laborer to take the exam, but roofers are not licensed in Illinois or in any other state. However, the contractor is. So, how could we offer an exam to an individual that's not even licensed? That's why the exam relates to the contractor. Maybe we should begin to license roofers individually. We do not license the laborers that are installing the roofs."

Black: "That's true."

Burke: "But we license the contractor."

Black: "Okay. But we currently do have a Roofing License Law in Illinois."

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

129th Legislative Day

May 21, 1998

Burke: "The contractors."

Black: "Right. Okay."

Burke: "Not the actual laborers."

Black: "You're right, and I think now we're on... we're on a convergent path, and we'll probably collide here shortly. But I don't see where this is going to change anything that we have now. What happens now is, do you have a roofing license, a roofing contractor's license? That individual can go out on the street, find two people who own a pickup truck and a ladder and say, 'I'm going to do a roof today down the street. Do you want to put the roof on?' And they say, 'Sure I'll put the roof on.' So, you have a licensed roofing contractor who hires literally day laborers, and they put the roof on, and it may work and it may not. So, how is this going to change that?"

Burke: "It would ultimately insist that the contractor is responsible for the workmanship and the terms of the contract. That is the issue it gets to. Who is responsible? There is no penalty currently for those that violate a contract with respect to..."

Black: "Okay. I agree... I agree. Currently, there is no penalty. Absolutely correct. Is there anything in this Amendment that adds a penalty clause or are we just chasing our tail?"

Burke: "It might very well appear that we are chasing our tail, but as I said earlier, as well, we are now just getting our foot in the door and coming to some point of accountability with respect to this industry. As we all understand, and I'm sure in your district and just for the last several days, I've heard you talk about your concern for senior citizens in our society."

Black: "Yes."

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

129th Legislative Day

May 21, 1998

Burke: "This is one of those industries that has a very unfortunate effect on our senior citizens. They are duped regularly. In all the local papers that I have observed lately, there are articles to the editor from individuals who have been taken advantage of by roofing contractors. Now, where... who is responsible? I don't necessarily blame the poor guy that's out on the roof in the beating sun. I blame the contractor that's making the profit. I blame the contractor that's negotiating with people in bad faith. I blame the business owner. That's why we're asking for that person to take the exam to understand that they have proper management skills and they understand individually the particular industry's requirements and the type of materials that should be appropriate for sale in our state."

Black: "That sounds very good."

Burke: "Right."

Black: "But I don't see... and rather than put our foot in the door let's put our foot on the roof. I don't see, other than taking an exam, where this adds anything to the current Illinois Roofing License, which I agree with you, is probably meaningless. And many people have asked, more than one of us on this floor, to repeal it and start all over and perhaps that's what you're doing. I may give you that. If the owner is, in fact, reputable and many of them are, they... they do a good job. But just because we have an owner take a test does not mean that the laborers doing the job know what they're doing. Don't we currently have recourse under a roofing company if they do a shoddy job? Surely, we have recourse in the courts, do we not?"

Burke: "Oh, most certainly. But as you understand, when an individual needs a roof, they need a roof. Now, if you're

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

129th Legislative Day

May 21, 1998

going to have to wait seven months to recover the cost of that roof, who's going to protect your furniture? Who's covering your head? Where do you sleep? What do you do? Are you going to sit there with baggies on your roof for seven months, hoping that a storm doesn't come? I should say not."

Speaker Madigan: "Mr. Black."

Burke: "We want immediate responsibility from these contractors."

Black: "Thank you very much."

Burke: "And this is the first step that can be taken in order to get that accountability. And for your seniors and my seniors and every other person in this state that needs a roof over their head, I say let's support this initiative. It is number one on the list of priority. We know that the department doesn't go for it but I'm more concerned with my seniors than I am with the Department of Professional Regulation having to deal with another license."

Speaker Madigan: "Mr. Black."

Black: "Excuse me. Yes, Mr. Speaker, I'll bring my remarks to a close. I think he just gave his close. I would just like to speak to the Amendment."

Speaker Madigan: "Mr. Black, am I correct in understanding that this Amendment would provide for regulation of roofing contractors?"

Black: "Well, we already do that and I would just like to summarize that in my remarks."

Speaker Madigan: "Maybe you could explain what the Amendment does."

Black: "Yeah. Well, I can't match the eloquence over there of the Gentleman from the County of Cook. But let me just say to many of us who have these problems, I would submit to you that if you look at the Amendment, it does not do a

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

129th Legislative Day

May 21, 1998

great deal to change the ineffective law that we already have. The only thing we're doing is requiring somebody to take a test. So, there's a testing company that will probably make some money off of us, there's no question about that. There are no state standards for a roofing contractor. There is no penalty provision in this Amendment. If you have a shoddy roofing contractor, a test does not guarantee they're going to be a good roofing contractor. And the last and greatest flaw in the Bill if we really want to protect seniors and those trying to stay in their homes, there's a grandfather clause in here. If you have a shoddy roofer, that shoddy roofer stays in business. The shoddy roofer doesn't even have to take the test. If you really want to toughen it up, this Amendment isn't where to start. You throw out the entire Roofing Contractor's Law in Illinois and you start all over and you don't grandfather anybody and you put a penalty clause in here and you make it a really good Bill from A to Z. I'm not sure where this Amendment comes... yes, I am sure where this Amendment comes from. It isn't going to do the job. You all know it. I think even the Sponsor knows it. He says it's a foot in the door. I don't think it is. Without a penalty clause, without removing the grandfather clause and without statewide standards, it really doesn't offer any more protection than we already currently have under a very weak law."

Speaker Madigan: "Ladies and Gentlemen, if I could have your attention. This is an Amendment. This is an Amendment and the rules on debate provide that on an Amendment, there shall be the Sponsor of the Amendment, one other person who is a proponent, two people in response and then we go to Roll Call. So, Mr. Burke has spoken for the Amendment.

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

129th Legislative Day

May 21, 1998

Mr. Black, has spoken against it. Is there someone else seeking recognition who wants to speak for the Amendment. Representative Lindner, for the Amendment and then there'll be one in opposition and we'll go to Roll Call. Representative Lindner."

Lindner: "Yes, Thank you, Mr. Speaker. To the Bill. I voted for this... I did not vote for this Bill in committee for a number of reasons that Mr. Black said, but then I went home and consulted my roofer who is a very good friend of mine and really the roofers feel very strongly about this Bill. He said that there are just too many weekend warriors out there and that it has made the industry have a... not responsible at all. He feels that licensing and the exam that you have to take would make this contractor responsible. Not only responsible for his employees, but responsible for workers' comp, responsible for insurance, and that the contractor by taking the exam would have to prove that he has the financial ability to support this company. So, none of us are roofers and I think that we ought to take the advice of those that are in the industry, that are doing a good job, and that know the things that they need to improve their industry. Also, this... taking this exam would allow them to learn the new roofing technology. We have passed other Bills this year to help people do that and I think I would urge an 'aye' vote."

Speaker Madigan: "Among those seeking recognition, do any of you wish to speak in opposition to the Amendment? Mr. Hartke, in opposition and then we'll go to Mr. Burke to close."

Hartke: "Well, thank you very much, Mr. Speaker and Members of the House. Will the Sponsor yield?"

Speaker Madigan: "Sponsor yields."

Hartke: "Mr. Burke, have you ever laid a roof?"

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

129th Legislative Day

May 21, 1998

Burke: "You'd be surprised to know that I have, and I've also installed toilets and I've done electrical and I've done plaster and I've done tile and I've done a number of carpentry and I don't think I've ever built a pig hut, though."

Hartke: "Oh. Well, maybe you should. Let me ask you a question. You know, we talk about this grandfather again, how many complaints... the department received against licensed contractors... against licensed contractors for laying bad roofs?"

Burke: "How many complaints?"

Hartke: "Yes."

Burke: "I would have to defer to the department for that. I don't think that..."

Hartke: "My information is, since last year they received some 2,000 complaints against licensed roofers. Now, how many have we had against unlicensed roofers?"

Burke: "They would have no recourse to the state if they were unlicensed."

Hartke: "No, but they're turned in and they're complaints. How many complaints have we had?"

Burke: "Many, several thousand."

Hartke: "It's my understanding 53. So, what we're doing is we're grandfathering..."

Burke: "Fifty three thousand?"

Hartke: "No, 53."

Burke: "I would argue against that number."

Hartke: "What we're doing is we're grandfathering all of those individuals in who are now roofers, correct? Licensed roofers in the State of Illinois. This is an absolute travesty. I don't think that... I don't think that any of these ideas and concepts that have come up with, in this

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

129th Legislative Day

May 21, 1998

piece of legislation, this Amendment, are worthy of our consideration at all. Mr. Speaker, I would request that we have a Roll Call Verification, should this Amendment receive the required number of votes."

Speaker Madigan: "Mr. Hartke, let me suggest that we're prepared to put the Bill on Third Reading. We can go to a Third Reading Roll Call. Mr. Hartke. Mr. Hartke."

Hartke: "Well, Mr. Speaker, that will... that will make a real bad Amendment on this Bill, and so I'd just as soon do it on both if necessary."

Speaker Madigan: "Fine. So, Mr. Burke to close."

Burke: "Thank you, Speaker. It's amazing how sometimes these issues that seem minor become major in this Body. Again, this initiative has been brought to us for consideration by the industry hoping to control in some small fashion, in some minor way, an industry that has had many, many major problems. For all... any of you that would consider voting 'no', let me offer you the suggestion of an individual in your community, maybe an 80 year old widow, who has been duped by a contractor, convinced that she needs a new roof, charged \$12,000 and discovers that after they do a poor job, she still has the same problem and the rain is coming in and she's left with nothing but a \$12,000 debt. How do you answer for that situation? How do you tell that person that there is no recourse through the state? And how can we, as Members of this legislature, insist that there shouldn't be further regulations over an industry that has been horrendous in terms of its reputation in this society. No, this is not a perfect Bill. No, I don't think there's anyone that we have considered in this Body, this Session, that has been perfect. But, yes, it is a start, it is the foot in the door to control an industry that has been

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

129th Legislative Day

May 21, 1998

unfortunate in this society that has taken advantage of poor people and elderly in our communities. I would ask that you stand up and say, the heck with that Department of Professional Regulation. I don't care if they have to work a little bit extra to get this license taken care of and its examination. And with respect to the remark that was made about a psychometrician maybe making some money off of it. There is no need to redesign an examination here. There are 20 other states that offer this in their government. Exams are being given in 20 states. The model is there. There's no need to recreate the wheel here. Ladies and Gentlemen of the Body, I would hope that you'd give this proper consideration and vote 'aye' on Floor Amendment #2. Thank you."

Speaker Madigan: "The Gentleman moves for the adoption of the Amendment. Those in favor of the Amendment vote 'aye'; those opposed vote 'no'. Those for the Amendment vote 'aye'; those opposed vote 'no'. Have all voted who wish? The Clerk shall take the record. On this question, there are 79 'ayes', 32 'noes'. The Amendment is adopted. Mr. Clerk."

Clerk Bolin: "No further Amendments. A Home Rule Note has been requested on the Bill as amended, and that note has not been filed."

Speaker Madigan: "Mr. Burke. Mr. Burke."

Burke: "Mr. Speaker, I would move that the Home Rule Note be ruled inapplicable. I don't see that there is any..."

Speaker Madigan: "You've all heard the Gentleman's Motion. Those in favor of the Motion vote 'aye'; those opposed vote 'no'. Have all voted who wish? The Clerk

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

129th Legislative Day

May 21, 1998

shall take the record. On this question, there are 68 'ayes', 43 'noes'. The Motion is adopted. Mr. Clerk, put the Bill on the Order of Third Reading and read the Bill for a third time."

Clerk Bolin: "Senate Bill 1617, a Bill for an Act to amend the Dance Studio Act. Third Reading of this Senate Bill."

Speaker Madigan: "For what purpose does Mr. Brady seek recognition?"

Brady: "Mr. Speaker, was there a Affordable Housing Note filed?"

Speaker Madigan: "Yes. Mr. Black. The question is, 'Shall this Bill pass?' Those in favor signify by voting 'aye'... Mr. Black."

Black: "I'm sorry, Mr. Speaker. I thought we could debate the Bill on Third. We debated the Amendment."

Speaker Madigan: "We haven't debated it yet, right."

Black: "What. Well, you were moving rather quickly. All of a sudden I thought you were Judge Breslin."

Speaker Madigan: "Because I believe the... I believe the Amendment is now the Bill."

Black: "No, I don't think so. I think if the Parliamentarian would look at it, it does not strip the underlying language."

Speaker Madigan: "Mr. Black, you're correct. Because the language which would delete language providing that the maximum payment amount under a contract for dance studio services shall be \$2500, is also included in the Bill. Mr. Burke... Mr. Burke has moved for the passage of the Bill. Mr. Black."

Black: "Yes."

Speaker Madigan: "We're on Third Reading. Mr. Black."

Black: "Excuse me. Was the inquiry of the Chair answered as to the note? Was that filed? I think, Representative Brady,

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

129th Legislative Day

May 21, 1998

had asked."

Speaker Madigan: "Yes, the Note was filed. I responded, yes."

Black: "Okay."

Speaker Madigan: "I responded, yes. Mr. Black."

Black: "Just one inquiry before I would debate the Bill, Mr. Speaker. The underlying Bill has something to do with dance studios. A subject very near and dear to my heart. You know, twinkle toes McBlack. The Amendment deals with the Roofing License Law. Now, unless we're talking about putting a roof on a dance studio, I would ask if the single subject matter is not being violated in this Bill?"

Speaker Madigan: "Mr. Parliamentarian."

Kasper: "Representative Black, on behalf of Speaker Madigan, House Rule 63 provides that no Motion or other legislative measure on a subject different from that under consideration shall be admitted under color of Amendment. There are no Amendments pending on the Bill. The Bill's on the Order of Third Reading, and for that reason I believe your... your inquiry is untimely."

Black: "Okay. So, I think the Bill may very well be constitutionally defective but that... that's fine. That's what the courts are for. To the Bill, Mr. Speaker, if I could. I was one of the few who voted against the underlying Bill. Now, some of you should look at the underlying Bill and I remember some of the arguments for it, because now that dancing is going to be an olympic sport, heaven forbid that we would limit a dance studio contract to \$2,500. I would remind some of you that if you remove that as the underlying Bill does, you think you're going to get complaints from senior citizens about roofs, wait until you get some lonely senior citizen who comes into you and says, 'You know, I went to this dance studio

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

129th Legislative Day

May 21, 1998

and now I find out that I'm signed up for \$15,000 worth of dance lessons,' and they have no recourse. You've taken away the \$2,500 cap. Now... and the only reason that I was given on the underlying Bill was that, well dancing is now an olympic sport and you can't... it'll take more than \$2,500 to learn how to be an olympic dancer. Oh, come on, holy Toledo, you're putting senior citizens at risk by taking off that contract cap. Now, mark my word, what the underlying Bill does... says, if I... if my 80 year old father goes to a dance studio and enters into a contract with a dance studio to learn how to dance the fox trot and the cha-cha and the rumba, they can sign him up for \$20,000 worth of dance lessons. Didn't we learn our lesson on health clubs years ago? The underlying Bill is flawed and let me just once again play Fiddler on the Roof with the roofing Amendment. And I think... I think Representative Hartke was on target. I don't quarrel with where Representative Burke wants to go with the roofing Amendment. In fact, if we can start over, I would like to join him in changing the existing law. But folks, those of you who do not live in urban areas, you've got dozens and dozens of roofing contractors to choose from. You get downstate and if we have a general contractor who can perhaps put an addition on your house, remodel your bathroom, maybe add a kitchen and he can also do a roof, these are the people that will be put at risk the way this Amendment is drawn. This is a very diverse state and I really think the Amendment came more from the populated areas, i.e., the city and suburbs than it did anywhere else in the state. I have plenty of roofing contractors and I went home, and I didn't have anybody tell me that this was a good idea, but that's because of the different area in

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

129th Legislative Day

May 21, 1998

which I live. So, you've got an underlying Bill that says there is no cap, none whatsoever, on what I can sign you up for for a dance studio lessons, I can sign you up for the next 20 years at \$10,000 a year, and you have a Roofing Contractor Exam Bill. It's not a licensing Bill, they're already licensed. That is not very well drawn. Now, you put the two together and I don't see how in the world these... this Bill meets the Single Subject Act, unless you intend to dance on your roof. So, for the safety sake, vote 'no'."

Speaker Madigan: "Mr. Saviano to close."

Saviano: "Mr. Speaker, I have one quick question of the Sponsor for purposes of legislative intent. Representative, the language contained in this Bill concerning the roofers, is there any intent in that language to put any of the current roofers out of business?"

Burke: "That is absolutely not the intent."

Saviano: "Okay, as you know... the amount of licensing Bills that we deal with the one thing that we're always concerned with that we do not put people out of business as a result of licensure, people who are law abiding businesses doing business in the State of Illinois. Thank you."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? The Clerk shall take the record. On this question, there are 70 'ayes', 41 'noes'. This Bill, having received a Constitutional Majority, is hereby declared passed. The Chair is prepared to adjourn. Committee announcements."

Clerk Bolin: "The Local Government Committee will meet

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

129th Legislative Day

May 21, 1998

tomorrow..."

Speaker Madigan: "Committee announcements. Please, listen up."

Clerk Bolin: "The Local Government Committee will meet tomorrow morning at 9:30 a.m. in Room 114."

Speaker Madigan: "Ladies and Gentlemen, I would recommend that everybody get a lot of rest tonight. Tomorrow will probably be a very long day. So, have a pleasant evening and a pleasant rest, and see you in the morning at 10 a.m. Representative Currie moves that the House does stand adjourned until ten a.m. tomorrow morning. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The House does stand adjourned until 10 a.m. tomorrow morning, providing perfunctory time for the Clerk."