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Speaker McPike: "The House will come to order. The Chaplain for the day is Reverend Ron Orr of the CANA Baptist Church in Creal Springs, Illinois. Reverend Orr is the guest of Representative Woolard. The guests in the balcony may wish to rise and join us for the invocation."

Reverend Ron Orr: "Let us pray. Father we thank You for this day and Father we thank You for the blessings You have given us. Lord we pray that You will lay Your hands on each one here today. We pray You will give them the wisdom to see right and wrong when making laws governing our state. Lord we know in our hearts and mind and soul we are in Your hands. You will bless our state and our nation. Father we know that whatever is true and honest and just and pure, lovely, of good report You will bless. Because we will learn, receive of You. We will see and hear and do the will. We know Your peace will be on them to guide them, to make a better place to live and to grow in this great state in which we live in. Lord we also pray for our families that You will lead and guide them. Lord we pray that all things will be worked out of the great institution, construction book, the Bible that was written by inspired men of Yours who wrote the new and the old testament. Father of Salvation come and we put our trust in You to live here and hereafter. We see in Ecclesiastes, 12th Chapter, 14th verse says, 'for God shall bring every work into judgement for every sacred thing whether it be good or whether it be evil.' Father all this we give and pray in Your Holy Name above. Amen."

Speaker McPike: "We will be led in the Pledge of Allegiance by Representative Pankau."

Pankau - et al: "I pledge allegiance to the flag of the United States of America, and to the Republic for which it stands,

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

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

Currie: "Thank you, Speaker. Let the record show that Representative Shirley Jones and Representative Raschke-Lind are both excused today."

Speaker McPike: "Representative Kubik."

Kubik: "Thank you, Mr. Speaker. Let the record reflect that all Republican Members are present."

Speaker McPike: "Mr. Clerk, take the roll. One Hundred and Fifteen Members answering the roll call, a quorum is present. Operations, Second Reading, Senate Bill 580, Mr. Granberg. Senate Bill 1159, Mr. Schoenberg. Senate Bill 1724, Mr. Novak. Representative Brunsvold."

Brunsvold: "Thank you, Mr. Speaker. While we have a lull I would like to remind the Members that the sportsmens caucus has a celebrity shoot coming up a week from tomorrow in Oakland, Illinois. This is a...this is the second annual sporting clays tournament that the caucus has had and it looks like it's growing year by year. We've got a lot of Legislators taking part, a lot of government people, conservation people, some people from the Governor's Office. So it's going to be a fun time and let me give you an idea of who is supporting the...the sporting clay celebrity shoot a week from Saturday on the 11th of June; 3M company, Olin Corporation, Norfolk Southern, Hines Farms, I-4, which is the Illinois Federation of Outdoor Resources, Illinois Rifle Association, Ducks Unlimited, Quail Unlimited, Coca-Cola Bottling Company, Ceril, National Rifle Association, Plano Molding Company, George Bartlme Sales, Midwest Target Company, Pheasants Forever and Ironhold

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Bakery out of Danville, Illinois. So we've got a great bunch of sponsors for the event and if any of the caucus members that haven't already signed up and want to sign up, we would like to have you there because it's a fun day. So we'll see you a week from tomorrow, June 11th in Oakland, Illinois. If you need directions or anything let me know or let Larry Wennlund know, on the other side of the aisle, Vice-Chairman of the caucus. And we will provide directions of how to get there and it is a fun day. You just get there and we'll provide everything else. So let's have a good time and we'll shoot some sporting clays and you can enjoy the company of a lot of good groups in this state. Thank you, Mr. Speaker."

Speaker McPike: "State and Local Government, Second Reading, Senate Bill 1232, Mr. Homer. Senate Bill 1595, Representative Cowlshaw. Senate Bill 1693, Representative Black. Mr. Clerk, this Bill has been read a second time previously. Are there any Amendments?"

Clerk Rossi: "Amendment #1 was adopted in committee. No Motions have been filed. Floor Amendment #2, offered by Representative Black."

Speaker McPike: "Mr. Black."

Black: "Yes. Thank you very much, Mr. Chairman. It is my understanding that Amendment #2, I'm joined in this by Representative Levin, becomes the Bill. It amends the Illinois Income Tax Act to create a income tax checkoff to a lot of contributions to be made to the Korean War Memorial Fund and it also allows an Illinois income tax checkoff for contributions to the Heart Disease Treatment and Prevention Fund. I'd move, I would ask your favorable consideration of Amendment #2."

Speaker McPike: "Representative Granberg."

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Granberg: "Will the Gentleman yield?"

Speaker McPike: "Yes."

Granberg: "Representative Black you indicated yesterday and I assume that this is an emergency, this is an emergency Amendment?"

Black: "Well, yes, I think it could be considered an emergency Amendment. Actually the underlying Bill was the emergency but I couldn't get that out of committee without accepting this Amendment. The emergency is, we would like to get the Korean War Memorial built in time for the 50th anniversary at the end of that conflict which is already past. So we'd like to do it as soon as possible and we think this will help us do that. So I would say it is an emergency."

Granberg: "Excuse me, Mr. Black. You say the 50th anniversary has already past?"

Black: "Yes. I think it has. No, no."

Speaker McPike: "I'm sure you're right the Korean War ended in 1944."

Black: "Yes. You're right."

Speaker McPike: "The same time that...I think it ended on D-day. I think we declared..."

Black: "I did, I got confused because of D-day."

Speaker McPike: "Yes. I think you're right."

Black: "It think it's the 40th."

Speaker McPike: "No. You're right, the 50th."

Granberg: "Representative Black indicated yesterday that he was working on the Governor's bonding program for Medicaid so this..."

Black: "He's mumbling again, Mr. Speaker. I couldn't hear a word."

Granberg: "Well, as long as he thinks this is an emergency and we're for it."

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Black: "Thank you very much. I appreciate your help."

Speaker McPike: "Representative Hartke on the 50th anniversary of the Korean War."

Hartke: "Will the Sponsor yield?"

Speaker McPike: "Yes."

Hartke: "Representative Black, I don't have any problem with this Amendment. I'm just curious, how many checkoffs do we have on the income tax form now?"

Black: "You know I really don't know. Eight, I've been told, the staff just told me we have eight, eight checkoffs."

Hartke: "How do they drop off if they don't reach a certain amount. But what if they all go over this certain amount? Do we have more than eight or just eight?"

Black: "Yes. No, they drop off if they fail to attract \$100 thousand in donations."

Hartke: "I think a couple weeks ago, didn't we decide to split one of these and it was under one name but the funds were divided between two organizations?"

Black: "Gee, I don't know. I don't remember that. I really don't."

Speaker McPike: "Mr. Kubik."

Kubik: "Thank you, Mr. Speaker. Maybe I can help Representative Black to answer Representative Hartke's question. A couple of weeks ago, what we did Representative, was when we initially agreed to do an age checkoff last year. The language was written in a way that it gave money to a particular group, as opposed to the cause, you know, the general cause of fighting AIDS. So, the language was presented in an effort to allow a number of groups access to the dollars that were generated by the age checkoff. So there is no real change in the checkoff other than to make sure that a number..."

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Hartke: "So, if you receive more than \$100 thousand or whatever, it will stay on the..."

Kubik: "Right."

Hartke: "Form. Who...maybe that's not relevant here but who determines which of these organizations gets part of that? Is there a board created for that one too?"

Kubik: "The...what happens is that they have to...they have to be involved in pediatric AIDS research and they would apply for the money."

Hartke: "Okay."

Kubik: "But they also would have to reach the \$100 thousand threshold or they would be knocked off."

Hartke: "Okay. Thank you, Mr. Kubik. Mr. Black?"

Black: "Yes."

Hartke: "What is this memorial projected to cost?"

Black: "Representative, I have that information back in my office. Approximately \$1 million and I think they are about half way to that goal, as I recall from the discussion with the Korean War Veterans. I think they want to start construction yet this year, hopefully dedicate it...let me check. Hopefully by Memorial Day of '95. And I think this checkoff has a time line in it, that it falls off regardless of the contributions. Because we don't want this to go on and on, we just want to get enough money to build it and then it goes off."

Hartke: "Okay. Thank you very much."

Speaker McPike: "Representative Moseley."

Moseley: "Thank you, Speaker. I just rise in support of this Amendment. I've been involved with the fund, or with the effort to raise funds for this memorial because one of my constituents, a Mr. Carl Greenwood, is spearheading this effort in Sangamon County. But I would also like to point

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out that I am a little concerned that Representative Black is carrying this Bill because, this Amendment, because there may be some self interest involved with the heart disease checkoff. Given his recent events and experiences with the hospital he may want to consider having a Co-Sponsor, which I would gladly do, so that he can disavow himself of any self interest. So, if that is agreeable with you, Mr. Black, I will gladly Co-Sponsor this Amendment and ask for your favorable consideration."

Speaker McPike: "Representative von Bergen-Wessels."

von Bergen-Wessels: "Thank you, Speaker. Will the Sponsor yield?"

Speaker McPike: "Yes."

von Bergen-Wessels: "Representative Black, just for my own information. Do we have a limit on the number of checkoffs that can be put on the income tax?"

Black: "The staff informs me that we're limited simply by the amount of physical space on the income tax form. I don't know what that number would be, it might vary or...it certainly couldn't be very many. Let me ask Mark, just a second. Mark tells me that there's seven on there now, there is generally room for eight but two may go off for next year. Because they probably..."

von Bergen-Wessels: "Do I understand you correctly in that when the million dollars or so is raised for the memorial then this will automatically go off."

Black: "Yes. In fact I think, if the language is intact from my original Bill, we put a one year time line it. I hope that's in the Amendment because all we want to do is make an attempt to help them build it and then that's it. We, obviously, don't want this on the income tax checkoff for two, three, four years down the road."

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von Bergen-Wessels: "Well, I certainly support this Bill and support our veterans of the Korean War. The women's caucus has had some discussion about contributions to the memorial to honor all of the women veterans throughout our country's history by the building of a memorial in Washington. And that memorial is seeking donations from states, so we actually brought this idea, this kind of idea up, perhaps being able to do an income tax checkoff for them for a very limited period of time. So hopefully your idea will help us formulate ours a little better. Thank you."

Black: "Thank you."

Speaker McPike: "Representative Murphy."

Murphy, M.: "Thank you, Mr. Speaker, Ladies and Gentlemen. To point out about these checkoffs as revenue spokesman. I need to point out the urgency, anytime we put any of these checkoffs on. While many of my colleagues have battled for their various causes, to get checkoffs on, the important thing is not after it get on but what agency is going to control the checkoffs of the money coming in. Currently there are seven checkoffs on the state income tax return and the leading recipient of donations are the funds for animals, who regularly take in over 200 to \$250 thousand every year. So all those people who support this checkoff for the Korean War memorial, that will be here in Illinois not in Washington, would be...should be getting the word out to your groups so that when income tax time rolls around, between January and April of next year, that is when the important battle begins. Because surely this year out of the seven checkoffs that are on there, one or two or maybe three will fall off because they were not probably marketed. One of the beauty things about these checkoffs is, while we are putting the state in the donation

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business, it is also getting the groups to go out there and raise the consciousness and awareness for this cause. So it's not just getting these checkoffs on the income tax return that the battle is about, it's how well organized are the organizers going to be in order to get donations to meet that \$100 thousand hurdle. Representative Black is correct that his language, for the Korean Memorial, stipulates for one year only he will be on the income tax. So it is doubly important for them to get whatever money they can. But again I want you to know that it is incumbent upon all of us to get the word out on whatever our favorite checkoffs are, whether they are breast cancer, AIDS, the heart association, the heart disease one that Representative Dunn is proposing or the Korean War memorial. So again I urge support of this, these checkoffs are not taken lightly and again I urge a 'yes' vote. Thank you."

Speaker McPike: "Representative Lindner. You're on."

Lindner: "Thank you, Mr. Chairman. Just to shed my light on the number of checkoffs. There is a Senate Bill 1702, of which I am the House Sponsor, and this is Senator Rauschenberger's Bill in the Senate and it does repel the checkoffs which did not receive the required \$100 thousand minimum and there are nine of those checkoffs. So I think there will be room and if anyone cares to look at the list, I would be glad to provide it to them. Thank you."

Speaker McPike: "Representative Kubik."

Kubik: "Mr. Speaker. I would like to make sure, for the record..."

Speaker McPike: "Okay."

Kubik: "Mr. Speaker? For the record. I was in error when we did the roll call, we do have an excused absence and we

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would...would the record reflect that Representative Noland is excused today."

Speaker McPike: "Yes. Mr. Noland is excused and Mr. Clerk would you please remove him from the Attendance Roll Call? Question is, 'Shall Amendment #2 be adopted?' All in favor say 'aye'; opposed, 'no'. The 'ayes' have it. The Amendment is adopted. Further Amendments?"

Clerk Rossi: "Floor Amendment #3, offered by Representative Novak."

Speaker McPike: "Mr. Novak."

Novak: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Floor Amendment #3 to Senate Bill 1693 establishes a checkoff for funding for the Hemophilia Fund. There is a very active organization in the State of Illinois that promotes medicinal remedies to hemophilia. They have walk-a-thons and bike-a-thons and very active fund raising efforts. There's a corporation, in my district, that manufactures a chemical substance that treats hemophiliacs. Hemophilia we know is a debilitating, devastating disease that kills many people. It's a disease that people get by birth, it is a very unfortunate disease and we know nowadays, due to the incidents of the AIDS epidemic we have in our world, that hemophiliacs have to rely a lot of times on blood transfusions and other medical procedures. This checkoff would establish a fund for grants to organizations that assist hemophilia victims. And I would be more than happy to answer any questions. I would like to indicate that Representative Dave Leitch and I, for the past two years, let me just underscore that for the past two years, have Sponsored this Legislature for an individual checkoff. We realize that there are other checkoffs on the income tax form and everybody shall wait

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their turn, so to speak. Well, the hemophilia checkoff legislation has waited its turn, this is the second year that we have...that Representative Leitch and I filed this legislation. So we'll ask our colleagues, with deference, to the organization and to hemophilia victims to approve this Amendment."

Speaker McPike: "Representative Granberg."

Granberg: "Thank you. Representative Novak, by adding this checkoff, will this shave money from any of the other checkoffs?"

Novak: "I couldn't hear you, please. Repeat the question."

Granberg: "Will this shave something from the other checkoffs?"

Novak: "Not to my knowledge."

Granberg: "Thank you."

Speaker McPike: "Representative Andrea Moore."

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

Speaker McPike: "Yes."

Moore, A.: "Representative, I'm sorry, I didn't hear you. Did you say that there was a sunset provision included with this Amendment?"

Novak: "I'm sorry, I couldn't hear you."

Moore, A.: "Did you say that there was a sunset provision included with this measure, with this Amendment?"

Novak: "I don't believe there is. I did not indicate that."

Moore, A.: "Why?"

Novak: "Why?"

Moore, A.: "Why isn't there one?"

Novak: "Well, you don't need a sunset provision. If a checkoff fund does not accumulate \$100 thousand, that is documented by the Department of Revenue, it automatically goes off the income tax form."

Moore, A.: "Thank you."

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Speaker McPike: "The question is, 'Shall Amendment #3 be adopted?' All in favor say 'aye'; opposed, 'no'. The 'ayes' have it. And the Amendment is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker McPike: "Third Reading. Mr. Homer, Senate Bill 1232. Mr. Homer? Mr. Homer? Environment, Third Reading, Representative Persico would like to return 1721 to Second Reading, for purposes of an Amendment. Are there any objections? Mr. Persico have you talked to Mr. Kotlarz on this? Appears like he's against the...this."

Persico: "Is it Representative Kotlarz that is the biggest objector?"

Speaker McPike: "It looks that way."

Persico: "After what he did to me today, I don't think he should object."

Speaker McPike: "All right. The Gentleman has leave to return the Bill to Second Reading. The Bill is on Second Reading. Mr. Clerk, the Bill has been read a second time previously. Are there any Amendments?"

Clerk Rossi: "Amendments 1, 3, 4, 5 and 6 were adopted in committee. Amendments 7, 8, 9 and 11 were adopted on the floor. Amendment #2 has been tabled. Floor Amendment #10 has been withdrawn. Floor Amendment #12, offered by Representative Persico."

Speaker McPike: "Representative Persico."

Persico: "Thank you, Mr. Speaker and Members of the General Assembly. Amendment #12 exempts the proposed pollution control facilities in unincorporated Cook County from the SB 172 sighting. This is a Amendment that they would...that they wanted to put on there and I ask for its adoption."

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Speaker McPike: "Any discussion? Representative Dart."

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

Speaker McPike: "Yes."

Dart: "This is excluding existing pollution control facilities in Cook County from sighting requirements?"

Persico: "Would you repeat that question, Representative?"

Dart: "What exactly is the Amendment going to do?"

Persico: "It exempts a proposed pollution control facility in unincorporated Cook County, I believe it's the Bartley Balefill."

Dart: "What facility?"

Persico: "Bartley Balefill"

Dart: "So this effects the Bartley Landfill?"

Persico: "Current law right now says, that any proposed control facility in unincorporated Cook County is allowed this exemption. And this brings its back, we made a mistake in committee in putting an Amendment on that we are now doing over."

Dart: "This wouldn't be one of your mistakes, would it?"

Persico: "No, it was probably somebody in another area."

Dart: "And the only effect whatsoever is on Bartlett. This won't effect Robbins or any of the other sites?"

Persico: "It's the only one that I know of right now."

Dart: "Does Frank O'Neill know about this one? No further questions."

Speaker McPike: "Representative Novak."

Novak: "Yes. I would just like to rise and support this measure. As Representative Persico indicated, when Senate Bill 172 was passed, over a decade ago, concerning sighting landfill facilities and incinerators and other pollution control facilities within the State of Illinois. Unincorporated Cook County was exempt at that particular time.

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Representative Persico brought the Bill to my committee it was our understanding, at that time, that that exemption, which was taken out, was put back in. After the committee adjourned one of the Representatives from Cook County pointed out to me that the Amendment that we adopted in committee, the lines indicating the numbers, did not correspond to the text of the Bill. So this is the reason why we are here today, to pull this back to Second Reading and fix the situation so we can put the exemption back in the way it was when Senate Bill 172 was originally made law."

Speaker McPike: "Is anyone rise in opposition to this? Mr. Wennlund."

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

Speaker McPike: "Yes."

Wennlund: "Specifically, who would be exempt from the current 172 sighting process under the terms of this Amendment?"

Persico: "Current laws exempts all proposed controlled facilities in unincorporated area. We put an Amendment on in committee that took away this exemption, what this does is put it back in. This is the way that the Senate sent it over, they would like it to go back in the same form."

Wennlund: "So, when did the exemption terminate?"

Persico: "The exemption did not terminate, but if this Bill would pass in its present form, it would terminate. And what I am trying to do is take out that language and put this language in to keep this current exemption. Currently all these in unincorporated Cook County is...are exempted."

Wennlund: "That's what...that's what the current law is?"

Persico: "Correct."

Wennlund: "So why...if that what the current law is, why are we messing around with this Amendment?"

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Persico: "Because in committee, mistakenly, we put on a Amendment that would of taken away that exemption. So this Amendment puts it back in and exempts those things that they are exempted."

Wennlund: "So, this would be a little controversial, if you were in an area that was objecting to the Robbins incinerator or would that apply to Robbins incinerator which is in the village?"

Persico: "I don't believe Robbins is in unincorporated Cook County, is it?"

Wennlund: "Well, the proposed site in Robbins is in the village of Robbins. So this exemption wouldn't apply to that situation."

Persico: "That's correct."

Wennlund: "Okay. Thank you very much."

Speaker McPike: "Does anyone rise in opposition to this? Representative Hoeft."

Hoeft: "Thank you, Mr. Speaker. The balefill in Bartlett is a very, very controversial problem both in Tom Johnson, Representative Johnson, and my district. I have no Amendment here, I have no idea of the consequences of this. So I would ask of the Sponsor, this is going to make it more difficult for Bartlett and that area to block the balefill. Correct? Thank you I rise in opposition."

Speaker McPike: "Representative Persico."

Persico: "I'm sorry, Representative Hoeft, I didn't hear the last part of your question."

Hoeft: "This is going to make it more difficult for the community in and around Bartlett to block the balefill, is this not correct?"

Persico: "It is my understanding that this balefill is already been okayed."

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Hoeft: "There's a lot of negotiations going on on that and...in the federal and state level."

Persico: "Representative, from my understanding, this Amendment will insure that Bartlett does not go through the sighting process."

Speaker McPike: "Representative Pankau."

Pankau: "Will the Sponsor yield for a question?"

Speaker McPike: "Yes."

Pankau: "Representative Persico, the Bartlett Balefill is not a done deal, I mean, it is still in hearings, they had hearings last year before the federal E.P.A. and the feds have not issued their final decision yet. So, by doing this Amendment, does it make it easier for the garbage to go in there or not? I guess that is the bottom line question. Because if it is easier for it to go in there, I'm against it. If it is harder for it to go in there, I'm for it. So what exactly does this Amendment do to that Bartlett Balefill?"

Persico: "Representative, from my understanding, this Amendment will not make it easier than it is now. All this Amendment does is bring it back to its current law. As I mentioned in committee, we mistakenly exempted that, now...I mean we took away that exemption. All we are doing with this Amendment is bringing it back to its current law. If it was easy to...obviously, it wasn't easy to have the Bartlett Bale filled, this doesn't make it any easier. All it does is put it back to where it was before the Amendment in committee was put on."

Pankau: "And if this Amendment is accepted onto...onto the rest of the Bill, will it then make it easier or harder for the Bartlett Balefill to actually start accepting garbage?"

Persico: "It will..."

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Pankau: "In other words, looking at the Amendment with the total picture, what does it do?"

Persico: "The total picture of whatever else is on this Bill? You're..."

Pankau: "Right."

Persico: "It's going to put it exactly the way it was last week."

Pankau: "So..."

Persico: "All this Amendment does is put it back to where it was before the Amendment in committee was put on."

Pankau: "So, if I vote for the Amendment, in essence, it puts the Bartlett Balefill back to zero and they still keep fighting?"

Persico: "Exactly."

Pankau: "Okay. Thank you."

Speaker McPike: "Representative Tom Johnson."

Johnson, Tom: "Yes. To the Amendment, here and to the Membership. Number one, I would request a Roll Call Vote on this and joined by the requisite number of my colleagues under Rule 55 (c). What this really is, is now once again removing the requirements of Senate Bill 172, which I'm sure this chamber is very much aware of, requires that public hearings and a sighting process for pollution control facilities be followed. It appears to me, that in terms of the broader contacts, I was not here when this was passed, and whether something is in a county or whether it is in a municipality should make no difference. These requirements were put in place for good reason and that is in terms of protecting the environment. This one is particularly aimed at Bartlett, which is in my district, to facilitate the development of the Bartlett Balefill. And I urge a strong 'no' vote on this. Not just in terms of my district but in terms of the environment as a whole. This

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Bill has been in place now for many, many years. It has served us well and it has served the public well. And I believe that the public ought to have the input and a full hearing on this sort of thing ought to occur whether it's in a county or not in a county or in a municipality. And therefore, I urge the Membership here on behalf of my residence in Bartlett but also you're prospective residence when they try to sight it in your areas for a 'no' vote on this. Thank you."

Speaker McPike: "Representative Andrea Moore."

Moore, A.: "Thank you, Mr. Speaker. I have a question for the Sponsor."

Speaker McPike: "Yes, proceed."

Moore, A.: "Representative, how long has unincorporated Cook County been exempt from the SB 172 process?"

Persico: "I'm not sure but I think it's from the beginning of SB 172, the Sighting Law."

Moore, A.: "And so is there any requirement to establish a record regarding sighting of a landfill?"

Persico: "I believe they have to go through a local zoning process."

Moore, A.: "So, in unincorporated Cook County, you can sight a landfill with the same requirements that we are proposing for a compost facility, as an example? Because we are proposing currently to try and sight compost facilities, only with zoning now. Okay. So it was only waste transfer? But you...in unincorporated Cook County then, right now, the requirements are that you can...you have no requirements, in other words?"

Persico: "No. You have to go through their local zoning process, whatever it is. And obviously, it is a very difficult and extended process because it has been going on for many year

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right now and there has been no landfill sighted in Bartlett, as of right now. They're still going through the process. This Amendment does not change the process in any shape whatsoever. All it does is bring it back to what the current law is...or on the books right now."

Moore, A.: "Well, without having some historical prospective on why unincorporated Cook County was exempted, I cannot support this. I don't think anybody should be exempted from the SB 172 process. That's where the record is established regarding several different criteria, that's where people can judge whether or not it is an appropriate place for a sighting. And that's where if there is a court challenge that record is then taken to the Pollution Control Board and sometimes subsequently to court. Without that process I think the people in the area are not properly protected. I don't think it should be exempted at all. And I would urge a 'no' vote on this."

Speaker McPike: "Representative Murphy."

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

Speaker McPike: "Yes."

Murphy, M.: "Representative, what is the genesis for putting it back? I'm sorry."

Persico: "Excuse me, I didn't hear the question."

Murphy, M.: "Here I am. Representative, why do you want to put it back, why do you want to establish exempting voters in unincorporated Cook County from having a say in the sighting process? You say we're restoring what was there, well what is your...what is the genesis for this Amendment?"

Persico: "As I mentioned earlier, current law already exempts them. What I am doing with this Amendment is rectifying a mistake that was made in committee. In order to put it

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back to current law."

Murphy, M.: "Do you...are you aware of any opponents by any environmental groups with regards to this Amendment?"

Persico: "I have not received any, you know, opposition that I know of. I'm sure there is opposition out there, obviously, there is opposition right here on the House floor."

Murphy, M.: "Well, perhaps you can help...my opposition right now appears to be the disenfranchisement of suburban, unincorporated Cook County residents from having a say in a sighting process. Is there anyway you can allay my fears and quell my opposition?"

Persico: "Representative, as I mentioned, this is just bringing it back to its current law. When Senate Bill 172 was drafted in its current form which is all that this Amendment is doing is keeping it in its current form. All of the environmental groups were a part of the process of coming up with Senate Bill 172. Now again, all I can, you know, reiterate is that this Amendment just brings it back to where it was, if this Bill...or previous Amendment in committee was not adopted."

Murphy, M.: "Well, my suspicions are because it is only for Cook County. Now is it possible that the Cook County Board has a sighting process? You know, is there a local element that comes in for a sighting process, maybe the Cook County Board does something?"

Persico: "The local zoning wherever they're trying to build a landfill would be part of that process in unincorporated Cook County."

Murphy, M.: "Are there any proposed incinerators or any other things that would fall under the sighting process that are in the works that this is a good example to fit?"

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Persico: "The only one that I am currently aware of is the Bartlett Balefill."

Murphy, M.: "I didn't hear that last."

Persico: "Just the Bartlett Balefill, that's the only one that I am currently aware of."

Murphy, M.: "All right. Well, to the Amendment. I am not a Member of this committee but I find it still questionable as to disenfranchising anyone from the sighting process. Even if it had been part of the Bill, I think it would be better to allow more people part of the sighting process and if it fit for those people in incorporated areas, it would certainly be fit for those than are in unincorporated areas. So at this time I still am holding to my reservations and I am urging a 'no' vote. Thank you."

Speaker McPike: "Representative Persico to close. Representative, you may close."

Persico: "Thank you, Mr. Speaker. Yes, I am asking for your...to adopt this Amendment. This Amendment, as I mentioned previously, all it does is restore to the original Senate Bill 172 sighting process. What was currently removed in a Committee Amendment and I ask for its adoption."

Speaker McPike: "Question is, 'Shall Amendment #12 be adopted?' All in favor vote 'aye'; opposed vote 'no'. Saviano, 'aye'. Mr. Skinner to explain his vote."

Skinner: "This is a real easy pro environmental vote, all you have to do is vote 'no'. It won't affect your area and it will end up on the Illinois Environmental Council's scorecard, probably. And if this should be a close vote, Mr. Speaker, Sir, Representative Johnson would like to verify the roll call of the positives."

Speaker McPike: "Have all voted? Representative Persico."

Persico: "Thank you, Mr. Speaker. This Amendment is extremely

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important to the overall concept of this whole Bill. This Bill will go back to the Senate and the Senate then will probably send this to a Conference Committee, this whole Bill, with all the Amendments, this Amendment #12 will end up in conference. Now, this is the time that we will be able to address this problem. I do urge that you adopt this Amendment to keep the process moving."

Speaker McPike: "Representative Homer."

Homer: "Thank you. Mr. Speaker, I would urge the downstate Members to carefully weigh their vote. The...and understand what it is you're voting against. Downstaters clearly should be voting 'yes'. For a long time there has been a debate in the state about whether downstate should be the recipient of Chicago's garbage. If you vote 'no' on this Amendment you're voting to encourage the shipment of this garbage downstate because this Amendment restores current law which would exempt Cook County from the Senate Bill 172 sighting requirements. Therefore, if you're a downstater and you don't want Chicago's garbage in your backyard, you should vote green."

Speaker McPike: "Have all voted? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this Motion, there are 61 'ayes' and 44 'noes'. Mr. Johnson do you wish to verify this? On this Motion, there are 61 'ayes' and 44 'noes'. The Amendment is adopted. Further Amendments?"

Clerk Rossi: "Floor Amendment #13, offered by Representative Persico."

Speaker McPike: "Mr. Clerk, is this printed?"

Clerk Rossi: "The Amendment has not been printed and distributed."

Speaker McPike: "Representative Persico."

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Persico: "Thank you, Mr. Speaker. Can you hold this Amendment or this Bill on Second Reading until?"

Speaker McPike: "Yes. Yes, I can. State Operations, Senate Bill 1730, Mr. Churchill. This Bill has been read a second time previous. Out of the record? I'm sorry, I can't see Mr. Churchill. Oh. All right. Out of the record. Senate Bill 1232, Mr. Homer. This Bill has been read a second time previously. Mr. Clerk, are there any Amendments?"

Clerk Rossi: "Amendments 1, 2, 3 and 4 were adopted in committee. No Motions have been filed. Floor Amendment #5, offered by Representative Skinner."

Speaker McPike: "Mr. Skinner. The Gentleman withdraws the Amendment. Further Amendments?"

Clerk Rossi: "Floor Amendment #6, offered by Representative Dart."

Speaker McPike: "Mr. Dart. Mr. Dart. Mr. Dart."

Dart: "Thank you, Mr. Speaker. Amendment #6 is a Bill that deals with crime. This is a police protection Amendment and I move for its adoption."

Speaker McPike: "Mr. Black."

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

Speaker McPike: "Yes, he will."

Black: "Representative, which one of these Amendments do we have PPA on now? I've got so many here I can't find it. These are your police protection Amendments that have been filed in the last week."

Dart: "Okay. They are probably all identical."

Black: "I can't find this one, is this a new one?"

Dart: "I don't know. You might...maybe you misplaced one of them."

Black: "Well, I could, there are so many here it is very

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difficult to keep track of them."

Dart: "It was printed May 23rd. So it should be in that group."

Black: "Printed the 23rd?"

Dart: "Yes."

Black: "Do we really need this, you know, this is only one weeks worth of this same Amendment. Do we really need all of these?"

Dart: "From what I understand, it is the only way I'm going to get that soybean award."

Black: "Yes but you know I've looked all over these Amendments and I can't find that it is printed in soybean ink. That's what's got me a little worried. Not to mention the fact that I think two rain forests have been severely damaged by the printing of this Amendment. Thank you, Representative. I know you're doing ...you're doing the work of...well of someone, I'm not sure. I have an inquiry of the Chair. Is this Amendment germane on the underlying Bill? That has something to do with reduction of crime."

Speaker McPike: "Yes."

Black: "Yes."

Speaker McPike: "Yes. The Amendment is germane. We've checked this previously."

Black: "I thought probably it was. All right."

Speaker McPike: "Question is, 'Shall Amendment #6 be adopted?' All in favor say 'aye'; opposed, 'no'. The 'ayes' have it. The Amendment is adopted. Further Amendments?"

Clerk Rossi: "Floor Amendment #7, offered by Representative Leitch."

Speaker McPike: "Mr. Leitch. Mr. Leitch. Representative Johnson would you like to handle this for Mr. Leitch? Representative...oh they withdraw. The Amendment is withdrawn. Further Amendments?"

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Clerk Rossi: "Floor Amendment #8, offered by Representative Stephens."

Speaker McPike: "Mr. Stephens. Withdraws the Amendment. Further Amendments?"

Clerk Rossi: "Floor Amendment #9, offered by Representative Tom Johnson."

Speaker McPike: "The Gentleman withdraws the Amendment. Further Amendments?"

Clerk Rossi: "Floor Amendment #10, offered by Representative Biggert."

Speaker McPike: "Representative Biggert."

Biggert: "Thank you, Mr. Speaker. Amendment #10 is to permit the sheriff in a county of 3,000...3 million or fewer inhabitants, with the approval of the county board, to operate an impact incarceration program for persons who would otherwise be sentenced to a term of imprisonment and this is commonly known as the Boot Camp Bill and I would ask your support."

Speaker McPike: "Representative Dart."

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

Speaker McPike: "Yes, she will."

Dart: "How many Bills is this Amendment on, Representative?"

Biggert: "I believe this is the third one, Representative Dart. And I had said I didn't think I was going to place it on anymore but..."

Dart: "Change of heart."

Biggert: "Since you remarks how important it was to put on your police funding Bill I thought that maybe I should have a little margin of safety here in having this heard."

Dart: "What's good for the goose is good for the gander. Right?"

Speaker McPike: "Representative Johnson."

Johnson, Tom: "Yes. Just briefly, I rise in strong support of

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this Amendment as it relates to the boot camps. This passed out of Judiciary II in a very timely fashion under House Bill 2950. It was put out on short debate. It is a good Bill and would urge everybody's support of this."

Speaker McPike: "Question is, 'Shall Amendment #10 be adopted?' All in favor say 'aye'; opposed, 'no'. The 'ayes' have it. The Amendment is adopted. Further Amendments?"

Clerk McLennand: "Floor Amendment #11, offered by Representative von Bergen-Wessels."

Speaker McPike: "Representative von Bergen-Wessels."

von Bergen-Wessels: "Thank you, Speaker, Ladies and Gentlemen of the House. This Amendment requires the department to notify the local State Representative and State Senator who represents the area where a proposed expansion and prison facility is planned. The provision only applies when the department plans to expand an existing facility by construction of new facility or additions or both, for the purpose of providing additional houses...housing for committed persons. The Amendment further provides that the department may hold a public hearing and provides an opportunity for public comment before the letting of bids for construction of the facility. This Amendment is the same as HB 4025 which passed out of Judiciary Committee 16 to 0. And is...the Department of Corrections is neutral on this Amendment and I would urge your support and welcome any questions."

Speaker McPike: "Question is, 'Shall Amendment #11 be adopted?' All in favor say 'aye'; opposed, 'no'. The 'ayes' have it. The Amendment is adopted. Further Amendments?"

Clerk McLennand: "Floor Amendment #12, offered by Representative Ronen."

Speaker McPike: "Representative Ronen."

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Ronen: "Thank you, Mr. Speaker. House Amendment 12 was formally House Bill 409 which passed out of this House overwhelmingly. It amends the privacy of child victims of Criminal, Sexual Offenses Act by expanding the scope of the Act to include victims over the age of 18 as well as victims under the age of 18. I move do pass."

Speaker McPike: "Question is, 'Shall Amendment #12 be adopted?' All those in favor say 'aye'; opposed, 'no'. The 'ayes' have it. The Amendment is adopted. Further Amendments?"

Clerk Rossi: "Floor Amendment #13, offered by Representative Black."

Speaker McPike: "Mr. Black."

Black: "Yes. I have an inquiry of the Chair. Oh, it deals with the state police. I'll withdraw it."

Speaker McPike: "The Gentleman withdraws the Amendment. Further Amendments?"

Clerk Rossi: "Floor Amendment #14, offered by Representative Granberg."

Speaker McPike: "Mr. Granberg withdraws the Amendment. Further Amendments?"

Clerk Rossi: "Floor Amendment #15, offered by Representative Homer."

Speaker McPike: "Mr. Homer."

Homer: "Thank you, Mr. Speaker. House Amendment #15 is identical to House Bill 3983 which passed the Counties and Townships Committee by unanimous vote, the Bill was put on the Consent Calendar and then when...when relations broke down here the Bill didn't get called on Third Reading. Very briefly, the Bill would remove...repeal a law that was passed in 1967 which provided that individuals registering as conscientious objectors for the draft would be ineligible to serve as deputy sheriff's. And this Bill has

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had an adverse impact on a constituent in my district. And this Amendment would repeal that archaic law and I would move its adoption."

Speaker McPike: "Representative Tom Johnson."

Johnson, Tom: "Will the Sponsor yield?"

Speaker McPike: "Yes."

Johnson, Tom: "Representative, this Bill or this Amendment as I read it deals with, of course, the removing of conscience objector. Now, as I recall, coming out of the Vietnam era, you know, we had a number of individuals who filed conscience objector status and I'm sure they believed in what they were saying back in that era. What was the basis for conscience objector status? Was it not relating to the fact that I'm opposed to war or shooting or carrying armaments?"

Homer: "Well, it was based generally, as you remember back at that time, there were different draft classifications, there was 1A, which meant eligible."

Johnson, Tom: "That's what I was."

Homer: "That's what I was. In fact, I went in..."

Johnson, Tom: "So did I."

Homer: "To serve in combat arms. But there was 4F, were that was individuals who were medically unable to serve or unfit for service. And individuals could sign up as a conscience objector if their religion or some personal conviction, militated against them bearing arms and firing upon another human being. Now that didn't mean they were exempt from the draft, they could still and were drafted, many of them were drafted, many of them served with valor and distinction on the battlefields as medics. I think that was probably the most common assignment for CO's was as medics. They just didn't carry a gun and yet many of them

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were subjected to hostile fire."

Johnson, Tom: "Okay. How do you perceive then that this relates to law enforcement, which of course is a pretty violent profession, there's a lot of risk involved there. Obviously, our law enforcement community is armed and, of course, we'll have to use arms on occasion."

Homer: "Okay. Well the individual..."

Johnson, Tom: "How does this..."

Homer: "All right. The individual that could be advert, that is adversely affected by the Bill in my district, serves as a jail administrator. He doesn't...he not required to bear arms. So there are people who work in law enforcement who are not required to bear arms. His religion would prohibit him from doing that."

Johnson, Tom: "Well, what about going through the training process to become a sheriff or a police officer? You know, you have to go through armament training and so on, as I understand it, through the police academy."

Homer: "But Representative Johnson, you know the irony of this? There are really two, for some reason the legislature back in '67 only precluded deputies. You know, you could be a state policeman, you could be a prison guard and have been a CO or...or as you remember some of our friends back then took off for Canada and deserted and under President Carter they were pardoned. Now they come back and they can be a deputy but this poor guy who was an Apostolic Christian, who was willing to serve but in a CO status, he's not allowed to be a deputy, were the deserter is and I think that..."

Johnson, Tom: "I agree with those comments and I certainly believe that this objector...I'm just concerned about some people who I know of, who in fact did dodge the Vietnam

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war, using the objectors status and it was an abusive situation back then. That now, you know, they come back and benefit under this type of a scenario and I don't...there are many people, as you say, who use that status in a very honorable way and serve and they don't deserve to be discriminated as far as these sorts of hiring practices. But I am concerned about those people who did dodge their responsibility using that precise status during the Vietnam era who now want to come back in and enjoy these types of benefits."

Homer: "Okay. But..."

Johnson, Tom: "I'm going to support this."

Homer: "All right."

Johnson, Tom: "Because it is time we bury all of this."

Homer: "I agree, Representative Johnson, you know, I remember college friends back then doing things to themselves that would create a 4F status or getting a doctor to fabricate a medical condition that didn't exist or before their physical they would do something to cause their blood pressure to go up and they would get 4F status, they would be exempt all together, they were dishonest, they cheated and avoided their patriotic responsibility and yet they can be deputies. This guy who was an Apostolic Christian was honest, his father forbade him the religious faith, forbade him from bearing arms and he signed up as a CO, saying I'm willing to serve in noncombat role even if it's on the battlefield and it makes no sense for him or anyone else to be discriminated against in that fashion. Particularly, when it only applies to deputies and not to other police officers. It is time to repeal this old law and put that war to bed. You know, as we celebrate D-day invasion."

Homer: "Thank you."

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Speaker McPike: "Representative Stephens."

Stephens: "Thank you, Mr. Speaker. Representative Homer, I have very strong feeling about this and you're aware of those feelings. And I thought that you were also aware that we had an agreement that this issue was not to be called this year. I thought we made that agreement at your desk about two weeks ago."

Speaker McPike: "Mr. Homer."

Homer: "Well that's just absolutely not true, Representative Stephens. I asked you to remove your habitus corpus Amendment and you agreed to do that and then made some kind of a remark that of course in response you will withdraw your Amendment won't you? And my response to you was, no that I wouldn't do that, that I would not put the press release out on you blasting you for holding these Bills. And we had a little laugh about that. I never agreed to not call this Amendment."

Stephens: "No. Representative, we had two conversations. One we had at my desk, when we talked about the habitus corpus Amendment which I just kept my commitment by removing. The other conversation we had, Sir, at your desk."

Homer: "You had no such conversation with me at my desk."

Stephens: "I never talked about Hal Fish?"

Homer: "You can oppose my Bill, I made no such agreement, I never had that conversation, Representative and I resent the idea that you would suggest that we had one. I never agreed not to call this Amendment. Never. And I never will."

Stephens: "Well, to the Amendment. Maybe my memory has faltered. Representative, I have all the respect for you in the world. But I hope that you will recall that I came to your desk and we talked about a medal of honor winner from Peoria and his concern and you expressed to me that, I

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thought you expressed to me, that you would regrettable call the person who's attention this Bill is directed toward and tell them, how badly I felt that they would be affected this way. I'm sorry that you don't remember that and I would ask Mr. Speaker, first of all, that we have a quoting Rule 55 (c) and joined by the appropriate number of Members on my side of the aisle, ask for a Roll Call Vote on this. I have strong feeling about the issue. Colonel Hal Fust was at my desk several weeks ago and we talked about this, and he has strong feeling about it, and I'm not questioning anyone's religious beliefs or their courage but I would say to you that we ought to maintain a law that has been in effect for the eight years, that the man who would benefit from this piece of legislation, has been employed by the department in violation of current state statute. I see no reason to change it for one individuals protection. What's good for one is good for the all. And I stand in opposition."

Speaker McPike: "Representative Tenhouse."

Tenhouse: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I also rise in opposition to this Floor Amendment 15. I think for those of us who are sitting here looking at the 50th observance of D-day when we're watching all that's going on and makes it seem a little bit ridiculous to talk about removing this obstruction now, as far as employment, as far as conscience objectors are concerned. And frankly, I think it's an insult to those who served in all the wars and have been some involved in our country's service to pass this Amendment at this time. And I would urge the Members on both sides of the aisle to vote 'no' on this Amendment."

Speaker McPike: "Representative Hartke."

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Hartke: "Thank you very much, Mr. Speaker, Members of the House.

I don't know what we're hung up about here. In Vietnam I served as a medic and many of my colleagues were also medics who were conscientious objectors. Many of them gave their lives, and I see no point in denying this serviceman who served the right to be a continued public servant as a police officer. My colleagues did not carry weapons but they died just as well. So, I stand in support of this Amendment and I cannot understand why Representative Tenhouse or Stephens are insinuating that these individuals should not be entitled to the same privileges that we give to other veterans. So, I stand in support of this Amendment."

Speaker McPike: "Representative Hawkins."

Hawkins: "Mr. Speaker, Ladies and Gentlemen of the House, I rise in opposition to this Amendment. I do not have any objections to conscientious objectors, however, I think it's inconsistent to be a conscientious objector and then be a sheriff and carry firearms. I think those are inconsistent and I oppose this Amendment."

Speaker McPike: "Representative Leitch."

Leitch: "Thank you very much, Mr. Speaker. I, too, rise to add my support to this Amendment. I think it's very important for us to recognize that in many parts of our state we are a diverse state. We have people who belong to a number of religious groups. In much of downstate the population is Apostolic Christian, it is Mennonite, it is Quaker. There are people who have very deeply held beliefs about this issue but they still are available to serve and indeed have served. In this case and in this instance we are talking about a distinguished individual. We're talking about a distinguished family. We are talking about a responsible

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individual. We're not talking about a draft dodger. We're not talking about someone who took off for Canada or who in any other way went out of his way to avoid his responsibilities, and I think that given the religious freedoms that we have in this country and the constitutional protections of that freedom, that it's only appropriate that we adopt this Amendment and I would urge favorable support."

Speaker McPike: "Representative Meyer."

Meyer: "Thank you, Mr. Speaker. I'd like to speak to the Bill...to the Amendment. I stand in opposition to this Amendment. Ladies and Gentlemen of the House, I find it very hard to believe that somebody who was that...that felt that deeply against carrying a weapon in a war situation where his country had provided that that war action take place, that that person now can carry a firearm in the preservation of domestic violence. I don't believe that that individual...or I would not feel safe with that individual protecting me in...if there was an armed person trying to attack me or trying to rob a bank that I might work at. Various situations like that. That person has already said on record that they do not want to bear a firearm, and part of law enforcement in our domestic society here in this state is to, in fact, carry that firearm and defend and protect those that employ you, the people of the state, the people of the county, the people of your municipality; and, I feel that that person that says they are a conscientious objector, that...that philosophy for that person goes much deeper than now 10 years, 20 years, 30 years later after you've exercised that right to be...declare yourself a conscientious objector, to now be able to carry that firearm. I do stand in

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opposition to this Amendment."

Speaker McPike: "Representative Mulligan."

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

Speaker McPike: "Yes."

Mulligan: "Representative Homer, have you received any direct communication from veterans groups in opposition to deleting this sentence?"

Homer: "No, none of the veterans groups have taken a position on the Bill."

Mulligan: "As it reads, 'by deleting the sentence', the sheriff would still have the ability to look over the individual's credentials and evaluate the individual on the basis of each merit for each person...merit of each person?"

Homer: "Right. Right. The...what we're striking is just a sentence that says that no conscientious objector may ever be appointed a deputy sheriff. We're just eliminating the prohibition."

Mulligan: "Do you have any idea if under employment law by deleting the sentence it would preclude the sheriff from the type of information that may allow him to judge on each individual as far as why they might have been a conscientious objector? Would it preclude that from ever coming into the discussion of their employment or appointment?"

Homer: "I'm not an expert on that, but I can't imagine...you know, I think that they could still ask what their draft board status is or was and that certainly is a public record as well."

Mulligan: "So, in other words, by deleting this you're still allowing the individual that's making the selection to take a look at the person as an individual and judge them on

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their on individual merits. Correct?"

Homer: "Correct. That's correct. That's correct."

Mulligan: "Thank you."

Speaker McPike: "Representative Murphy."

Murphy, M.: "Thank you, Mr. Speaker. To the Amendment. While the Sponsor is making or trying to make a convincing argument about the merits and the integrity of one individual, when we pass laws down here in Springfield we're suppose to look at the greater picture. And while it's a mere sentence or phrase that he is deleting, it is the application of the elimination of that phrase later on in future employment. We have been fighting in Springfield for preferential hiring practices for veterans, and from all the various conflicts that we've had, and I needn't enumerate them, but quite possibly conscientious objectors were not all treated the same way, and thus, there are those that have been conscientious objectors were more evading their duty than those that really espoused true religious convictions. And while we are sensitive to the religious convictions of others, it is the broader application of this elimination of this phrase in future employment and how insensitive it is to the veterans that did serve that we are not going to have preferential hiring of them and we'll be deferring to those that took another route. While this is their conviction and they expressed it back when the occurrence happened, there is some forward mobility with regard to responsibility of decisions you made in your youth or those in your 20's, and there are many of us that would like to go back and change decisions we had made but we are not always allowed to, and quite frankly know one said it would always be fair. But in order to be fair to a greater number of people, those that

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have served, those that we are proud of, and where we are trying to have some consistency with regard to preferential hiring of veterans I would have to urge a 'no' vote on Amendment 15. Thank you."

Speaker McPike: "Representative von Bergen Wessels."

von Bergen Wessels: "Thank you, Speaker, Ladies and Gentlemen of the House. The Representative who just spoke, spoke of showing insensitivity to the veterans who served by voting for this Amendment. Whenever these kinds of issues come before me I always try to think of what my husband would do and what he would think as a combat veteran from Vietnam, and I know that he would understand that one of the things that our men and women fight for when they go to war is religious freedom. It's fundamental to our society. And if we believe that one of the things that they do fight for is religious freedom, then I think that you have to support this Amendment."

Speaker McPike: "Mr. Homer to close."

Homer: "Thank you, Mr. Speaker. I appreciate the debate on this Bill and let me urge that this is not a partisan issue. I want to very briefly in my close refer to a letter that was written by the Minority Leader of the House of Representatives, Congressman Robert Michael who was a decorated World War II veteran and he's writing to Senator Pate Philip in support of this Bill, and he says, 'While I am not a Member of the Apostolic Christian Church, I have attended it all my life and my immediate family are all members of the church. We had any number of members from our congregation who served honorably in the military during World War II as conscientious objectors. I'm reminded that the first aid man who attended me in the field when I was wounded was a conscientious objector from

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another religious denomination but he was always in the thick of the most ferocious firefights and was decorated several times for his courage and bravery under fire.' So, for those of you who think that conscientious objectors avoided the draft or didn't serve, you're wrong. Many of them were designated as medics, many of them served in the front lines, many of them were killed and are today decorated heroes. So, it makes no sense, Ladies and Gentlemen, to have a law on the books that's outlived its usefulness. When it was passed in 1967 it was the middle of the debate on the Vietnam War. Since then we have tried to heal the wounds. It's time to remove the last vestige of discrimination that remains on the books. Let me assuage your concerns about the veterans groups. No veteran group is opposed to this Bill. This is the right thing to do, and if it's not the right thing to do, then you should offer an Amendment to ban conscientious objectors from being prison guards, from being state police, or serving in any police capacity because it makes no sense at all to have a law on the books that discriminates against an individual who serves as a deputy or as a jailer for a sheriff's office and that's what the law now does and that's why we need a 'yes' vote in order to remove that discriminatory provision. I would urge a 'yes' vote."

Speaker McPike: "The question is, 'Shall Amendment #15 be adopted?' All in favor vote 'aye'; opposed vote 'no'. Have all voted? Have all voted who wish? The Clerk will take the record. On this Motion there are 52 'ayes'...53 'ayes' and 50 'nos'. The Amendment's adopted. Further Amendments?"

Clerk McLennand: "Floor Amendment #16 offered by Representative

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Brady."

Speaker McPike: "Mr. Brady."

Brady: "Thank you, Mr. Speaker. Floor Amendment #16 is an Amendment that creates the offense of aggravated reckless driving. A person convicted of aggravated reckless driving would be guilty of a Class IV felony. It is a measure that passed unanimously out of the Judiciary Committee. I ask for your approval."

Speaker McPike: "The question is, 'Shall Amendment #16 be adopted?' All in favor say 'aye'; opposed, 'no'. The 'ayes' have it, the Amendment is adopted. Further Amendments?"

Clerk McLennand: "Floor Amendment #17, offered by Representative Maureen Murphy."

Speaker McPike: "Representative Maureen Murphy."

Murphy, M.: "Thank you, Mr. Speaker. Ladies and Gentlemen, I bring new version of the Amendment that would allow victims to view an execution by close circuit T.V. creating a Class IV felony for illegal transmission of the taping of such an execution. Since last week when we had a vote on this, I've done some research, and in 1992, 77% of those voting in a general election in November of 1992 in Illinois, approved a victims' right Amendment, a constitutional change. To the point, we're trying to put some constancy again between victims and criminals and the rights that we give to victims families as opposed to those criminals. At one point of the victims' Bill of Rights requires that family members or victims, victims' family members may be at all proceedings where the criminal is. When we talk about the circus like atmosphere that we're trying to avoid, we don't think about that at the trials. The family members of victims are at the trial of these criminals and

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they don't have outbursts, and they go there because they want to make sure that justice is done, and when we allow 24 members of the press, we have lottery systems for press people to apply, we have to think of the, the family members in a sense of closure. It is all with seriousness that I bring this forward, because there are a number of executions that may be taking place this year. I'm not looking back at the last execution, we must look forward at the next one. The next execution involves a criminal that took the life of a woman married to a doctor. You may recall, he kept her in a trunk of his car for over three or four days as he drove around doing horrible, terrible things to her. He tricked her and let her go one time saying I will let you go, she ran naked running up to the door of a house, it was 1:00 in the afternoon, and no one was home. It allowed him to recapture her and throw her back in the trunk of the car and continue to drive around. There was quite a bit of press coverage on this crime, it was a nasty, terrible thing to do to any human being, and the woman ended up losing her life. It is my understanding that if there are family members of hers that want to make sure that this justice is meted out, until the director changes his opinion about family members being present, they will be disallowed from seeing justice done. So, it is with this seriousness that I really implore you to reconsider what your votes were last week, and please put criminals and now family victims on an even keel. We shouldn't be so concerned about the criminals, where they get every chance, and the victims' families take second place. I would urge an 'aye' vote on this, and I will, I am joined by many of my Members on this side of the aisle, according to Rule 55 (c) for a roll call."

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Speaker McPike: "All right, Representative Dart."

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

Speaker McPike: "Yes."

Dart: "Representative, I could sit here and go on with horror story after horror story of criminal victims. I unfortunately had to deal with them about six years of my life, more likely a great deal more time than you ever had. If we're serious about crime and about fighting some of this stuff, A: we might want to pass some serious measures like some assault weapon bans. We could probably also deal with this in another level too, Representative. If I'm not mistaken you were one of the witnesses at the last execution. More to the point now, as far as your Amendment goes, your Bill requires the Department, the director to, mandates him to allow all the victims relatives into the viewing room, correct?"

Murphy, M.: "It allows families of victims to view, yes."

Dart: "And, it mandates the director, he must, if they want to be there, he has to let them there, correct?"

Murphy, M.: "Correct, correct."

Dart: "Okay, now, is there any type of mechanism, what, what size room are you envisioning this being?"

Murphy, M.: "Well, since the, we're not looking past, we're looking forward, it could be the room we're in and there's no, nothing in the code that says it has to be in the room that the last execution took place in."

Dart: "Well, I will suggest to you that the way that your Bill is drafted, and it's drafted very unartfully, you are going to need football stadiums to have this done in, because the way that your Bill is drafted, you talk about relatives of victims as they're used as heirs of victims as determined by the rules of decent?"

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Murphy, M.: "Correct."

Dart: "Do you realize how large you're talking here?"

Murphy, M.: "Well, first of all Representative, I can only judge on the past performance and only because the last execution was regarding a serial killer, who had many relatives..."

Dart: "I'm talking about your Bill, though, your Amendment here. I'm talking about what's in it, not judging by what occurred. But the language of your Amendment, do you realize how large you're talking about?"

Murphy, M.: "How large as far as what? How many people are you, are you conjecturing would want to be attending which particular execution, Representative?"

Dart: "Well, for any execution, even if there is only one sole victim in this..."

Murphy, M.: "No, there's a second component part, Representative. There would have to be a willingness for them to attend and a desire."

Dart: "No, exactly, so they all want to be there."

Murphy, M.: "And if so..."

Dart: "I've dealt with victims far more often than you ever have, and I know that they would want to be there. So, given the fact that they all want to be there..."

Murphy, M.: "Do you want to deny victims their right to see them?"

Dart: "Where are you going to put all of them?"

Murphy, M.: "Well, firstly, if there is a problem with regard to that, because we don't know, and I disagree with your conjecture, Representative. Do you have another question?"

Dart: "This is your, you know this is your Amendment I'm talking about. The rules of this..."

Murphy, M.: "No, you're making a conjecture that I disagree with."

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Dart: "No, no, no. I'm dealing with what you have in black and white in your Amendment. You talk about rules of decent."

Murphy, M.: "It does not say football field in my Amendment, Representative."

Dart: "What's that? Excuse me?"

Murphy, M.: "It does not say football field in my Amendment. That was your words."

Dart: "You talked about the rules of descent here, okay."

Murphy, M.: "You were talking about football fields, and how many victims you care about."

Dart: "That's real tough on crime, Representative. I...I tell you what, I've dealt more for victims than you ever have..."

Murphy, M.: "Mr. Gacy or Speck didn't use an assault weapon, to kill any of his victims. Dahmer, Speck and Gacy didn't use an assault ban, and I was on the safe neighborhoods Bill Representative Dart. You took that Amendment out of there, go right ahead."

Dart: "Now, and then I also put it back on the floor and Representative I've done more for victims than you ever have or ever will."

Murphy, M.: "How would you know that, Representative?"

Dart: "Now, Representative, once again getting back to your Amendment..."

Murphy, M.: "I think this is out of order."

Dart: "Representative getting back to your Amendment."

Murphy, M.: "Does he have a question?"

Dart: "Representative, getting back to your Amendment here. Your language deals with the lines of decent. Now do you understand when you use that language how many people you're talking about?"

Murphy, M.: "Yes, I do, Representative."

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Dart: "Okay, how many are you talking about here?"

Murphy, M.: "I'm talking about, I can't tell how many will come forward, Representative. You're making a conjecture, how many are you talking about?"

Dart: "All right, what is the lines of decent? How is that defined?"

Murphy, M.: "It depends. I...you're the lawyer, you said, Representative, why don't you tell me?"

Dart: "This is your Amendment, not mine."

Murphy, M.: "Can...does he have another question, Mr. Speaker? I've answered it twice."

Speaker McPike: "No, you didn't. You said you didn't know. Answer your question. Would you repeat your last question?"

Dart: "What is the line of decent?"

Murphy, M.: "It is a variable that will change..."

Speaker McPike: "Just a minute, please. Just a minute, please. Just a minute, please? Mr. Dart, she did not hear your last question, would you repeat it?"

Dart: "What do you mean by lines of decent here? Can you just describe that, define it for me?"

Murphy, M.: "The lines of decent as prescribed by law according to inheritance."

Dart: "What does that mean?"

Murphy, M.: "Any, I understand that there can be quite a few relatives, if that's what you want me to say, but we, the variable that I want to speak to, Representative, in your conjecture. Is the variable that we cannot know, except on a case by case basis with how many people will come forward claiming to be relatives, and also co-commitment with an attitude and a desire to attend."

Dart: "And I understand that, and as I mentioned to you, I know a

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great deal about victims of violent crimes, okay. Now, I'm asking you to describe to me the lines of decent that we're talking about here?"

Murphy, M.: "As used in a subsection: relatives of a victim mean heirs of the victim as determined by the rules of descent."

Dart: "What are rules of decent?"

Murphy, M.: "I can't answer that at this time. Do you have another question?"

Dart: "Well..."

Murphy, M.: "Maybe if you ask it in a different manner, Representative."

Dart: "Well, you know, that's..."

Murphy, M.: "I can try to aluminate, do you want intent of legislation, Representative?"

Dart: "No, I'm asking you to..."

Murphy, M.: "How can I help you..."

Dart: "I'm asking you to describe what's in your Bill, is what I'm asking here, okay. And I'm asking you to describe that. I'll let you in on a little bit of a clue here. When you start talking about lines of decent here, you're talking about parents, let me finish here..."

Murphy, M.: "Okay. Thank you, Representative, I'm going to try to answer your question."

Dart: "Okay, read that to me."

Murphy, M.: "If there is a surviving spouse, and in the case that I'm talking about there is, and also a descendant of the descendant, meaning if you have children."

Dart: "Keep going, keep going."

Murphy, M.: "That's it. No, it has to do with how property that is given."

Dart: "I know, keep going though, that's not the rules of decent, keep going."

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Murphy, M.: "And if there is no surviving, if there is no surviving spouse which would of only of been one, no surviving spouse..."

Dart: "Okay. Keep going though."

Murphy, M.: "But a descendant of the descendant, a child, and if there are no children, now we keep eliminating those priors. We eliminated the spouse, we eliminated the children."

Dart: "Keep going though."

Murphy, M.: "And now we're going to the parents."

Dart: "You've eliminated that one side of the family by the way, not both sides."

Murphy, M.: "Correct. And so on, and so on."

Dart: "Okay, now if you, Representative if you care to read further..."

Murphy, M.: "So, the spouse would get to attend, if the spouse is deceased the children get to attend, if the children are, if there are no children, the parents get to attend, if the parents have predeceased then it could be brothers and sisters. But, it takes a lot of those variables."

Dart: "Now, but see your language..."

Murphy, M.: "Before we started cumulating football..."

Dart: "Your language does not say that, your language does not put in a hierarchy and says if these people are not there, this that and the other thing..."

Murphy, M.: "This says according to the law..."

Dart: "It talks about all the heirs of decent, and all the heirs of decent that you listed there are all the, the family it is cousins, first cousin, great grandparents, great grandmothers, the whole nine yards..."

Murphy, M.: "No, it does not. Are you talking about nine yards, are we back to football Representative?"

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Dart: "Well, apparently that's what we're going to need for your Bill. Now, Representative, here's a quick question now. What if all of these lines of decent..."

Murphy, M.: "Mr. Speaker, Mr. Speaker, I answered his question according to the laws of decent, he's drawing a conclusion, he's arguing the Bill. If he has another question, you know, I will be..."

Dart: "All right, Representative. All right, Representative, if your interpretation is correct here, now what occurs if all of the natural lines are deceased, all of them?"

Murphy, M.: "I'm sorry, I didn't hear that, Mr. Speaker."

Dart: "Under your..."

Speaker Steczko: "Excuse me, one moment. Representative Wojcik, for what purpose do you seek recognition? Representative Steczko in the Chair."

Wojcik: "Mr. Speaker, since we're getting nowhere with this rhetoric, I move the previous question."

Speaker Steczko: "The lady has moved the previous question. The question is, 'Shall the main question be put?' All those in favor will signify by saying 'aye'; those opposed by saying 'no'. All those in favor will signify by voting 'aye'; those opposed by voting 'no'. Voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk take the record. On this question there are 53 voting 'yes', 57 voting 'no'. The Motion fails. Is there any further discussion on the Amendment? Mr. Dart, for what... Mr. Dart."

Dart: "Thank you. To finish my question now..."

Speaker Steczko: "Mr. Dart, please, Mr. Dart. Mr. Dart, before you, before you begin, there was just about 30 seconds left on the timer. So, we're going to set you to one minute and then your time will have expired."

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Dart: "Fine. Representative, now if all the lines of decent are dead, who will then be allowed under your rules of decent to be witnesses?"

Murphy, M.: "This does not eliminate the requirement for witnesses."

Dart: "Representative Johnson, just answered the question. It's the State of Illinois. If there's no relatives, if this is an only child with no relatives, the State of Illinois under your Bill..."

Murphy, M.: "Did you want to ask Representative Johnson this question?"

Dart: "Under your Bill the entire State of Illinois would be allowed to view the execution under your Bill. That is what the rules of decent say. If we want to put victims in there to watch it, I'm all for that Representative. I'm, I am too, and I'm all for that. But, if you want to do that, let's be a little clearer about what we're talking about here. Right now, you're inviting the State of Illinois in there."

Speaker Steczo: "The Chair recognizes Representative Skinner. Mr. Skinner."

Skinner: "Well, by now we've probably figured out what we're talking about here, at least the general subject matter which is allowing the family of relatives of...the family of those who have been killed by murderers, to have, be some kind of a witness. This however, is very different from the Amendment that I was the chief Co-Sponsor of, and that they will not be allowed to be in the viewing room where the former Representative obviously thinks we're going to cram everybody in the State of Illinois. What we're suggesting in this Amendment, and what we're mandating with this Amendment is that the Department of

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Corrections have a T.V. camera in the execution room, and that T.V. camera be hooked up to a monitor in another room. It can be the same cell as Director Peters put the victims of Gacy, if they, the relatives of the victim of Gacy if that's what he wants to do. We don't care. The Amendment also says that there shall be no tape made, no permanent record made of the execution, it is only for the purposes of the family of the victims. Now, this is a step down from their being able to see the exact thing that all of the official witnesses and Legislators and press people were allowed to see. But, but it seems to me to be reasonable, the definition. You know, I really find it almost hilarious that the Chief Sponsor of this Amendment should be interrogated on something that the legislative reference bureau suggested be inserted, that is the lines of decent in order to avoid the semi-farcical conversation that Representative, that the Representative standing to the right of the Representative who formerly talked had with me on how to define a family. The lines of decent very clearly define who can be in this viewing room, I don't know why there should be a debate, I mean if you're a lawyer and you've done any inheritance work you ought to be able to figure out what lines of decent are. But, if you spend all of your time in a criminal courtroom maybe you don't know stuff like that. I would urge a favorable vote."

Speaker Steczko: "The Chair recognizes Representative Wennlund."

Wennlund: "Thank you, Mr. Speaker. On this House, we've considered this Amendment before and we've defeated it before. It's just a plain and inhumane idea. To send out notice to relatives, 14, 15 years ago, and, and cause them to rehash the horrible death of a victim, of a relative is

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just plain inhumane and a bad idea. You talk about making a circus atmosphere out of the whole process, that will do it. The statute of decent and distribution is long, includes great aunts, great uncles, great, great grandparents, it goes on and on and on. Representative Dart is right, you'll need a coliseum and maybe that's what we ought to do, we ought to have the executions in a coliseum, like Christians were thrown to lions, that's what we ought to do, maybe? What a dumb idea. This Amendment ought to be defeated like the rest of them have."

Speaker Steczo: "The Chair recognizes Representative Schoenberg."

Schoenberg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I think, I think that we learn a valuable lesson from the individual who purchased John Wayne Gacy's paintings, and the reason why he purchased all those paintings was so that the whole issue of this great human tragedy wouldn't become a cottage industry. So, that some would not seek to benefit through one way or the other through the misery of others. I think it's all fine and good when people are making representations on behalf of people who want to get on with their lives, and I'd like to know once we go to, to close circuit television what's going to be next? I suppose we're going to take the best of this and have it on plays of the week, on Sports Center. Where does it stop? I think that Mr. Dart is absolutely correct, I think that Mr. Homer was correct last week. I think we should spend more time devoting our lives to making the lives of people who are here better rather than rehashing the tragedies of the past, and purporting to represent the interests of people who really just want to be left alone and get on with their lives."

Speaker Steczo: "Representative Parke."

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Parke: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Here we go again. Here we go again. You only have to be a lawyer, a lawyer to explain these kinds of legislation. You have to have a legal background, you have to have worked with them for six years background. Only then can you present a Bill on the House Floor, with that legal background, well that's bunk, that's bunk. She has the right to present the Bill, in any form she wants to. She doesn't have to be a lawyer, she doesn't have to have the background, she has the right, she's represented her people to put up the points of view that she wants to. Ladies and Gentlemen, I think it's time that we talk about the merits of the Bill, and not trying to impress us with our college background, lawyer background, to try and convince people that they are so smart with the law. Debate the Bill on it's merit, if you don't like it vote 'no'. I happen to think it's a good idea on top of it, and I'm going to vote 'yes'."

Speaker Steczo: "Is there any further discussion? The Chair recognizes Representative Lang."

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

Speaker Steczo: "She indicates she will."

Lang: "Representative, the Amendment, the Amendment calls for the director of corrections to be mandated to do this, does the director want to do this?"

Murphy, M.: "I'm sorry, I didn't hear that."

Lang: "Your legislation requires a...mandate upon the department of corrections, does the director of the department want to do this?"

Murphy, M.: "I have spoken to him, and that's why we've changed the Amendment since last week."

Lang: "Does the director, signed off on this Amendment?"

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Murphy, M.: "Not at this time."

Lang: "So, the director does not..."

Murphy, M.: "We're working on that."

Lang: "So, the director does not want to do this, is that correct?"

Murphy, M.: "Well, he's not here, he has moved, he wanted it clarified as to who would be allowed."

Lang: "So, but he has not said to you Representative Murphy, I think this is great language."

Murphy, M.: "No, I do not, I do not control the calendar, Representative, and I am waiting to get that signage. I did not know this Bill would be called today, but I am prepared to support it."

Lang: "Let's try a different question. Can the director do this now, if he so chooses without this law."

Murphy, M.: "I'm sorry, Mr. Speaker, I didn't hear him."

Speaker Steczo: "Mr. Lang, please repeat your question."

Lang: "Can the director do this now if he chooses?"

Murphy, M.: "Yes, yes he could Representative. Thank you."

Lang: "Now, let me ask you this question. Does the, the Amendment says: Relatives of the victims of the person to be executed must be permitted into the viewing room if they so request. Is that what it says?"

Murphy, M.: "I believe so."

Lang: "What if the relative is nine years old, Representative..."

Murphy, M.: "If they request..."

Lang: "What if, what if, what if the, the relative who so requests is nine years old or ten years old, or eleven years old. What then?"

Murphy, M.: "They have parents that would participate in that decision."

Lang: "Does the Amendment say, except unless in the case of a

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minor, a parent says no."

Murphy, M.: "Well, you know Representative, it does not say that at all, and again some of these finite decisions about micromanaging could be the judgement call of the director. It wouldn't prohibit him from allowing, then you know what, maybe a son or a daughter, I don't know what would happen. Again, it's a variable, that I'm, we're not prepared to address, a future variable? The director would be quite able to eliminate under 18, he could set up just how the notification process happens."

Lang: "Representative, under the Bill that you have before us today, the director cannot do that. This Bill says: the director shall allow any relative who requests to be in the viewing room, the opportunity to be in the viewing room. You have no exemptions for minors, and if you want to talk about micromanaging, since the director can do this now, isn't it you who are micromanaging this system? Representative? Representative?"

Murphy, M.: "Was there a question there Mr. Speaker?"

Lang: "I'll try it again."

Speaker Steczo: "The Gentleman did ask a question."

Lang: "Since the director can do this today, is it not you who are micromanaging the Department of Corrections?"

Murphy, M.: "No. Representative, I am well acquainted with your fundamental disbelief in capital punishment, and you've told me about that in the past, and we engaged in debate on this privately and on the floor of the House. So, I know..."

Lang: "This Amendment has nothing whatsoever to do with capital punishment."

Murphy, M.: "Representative, I know I will not get your agreement on this, if you have a question, I will be very happy to

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respond."

Lang: "Mr. Speaker, to the, to the Amendment, to the Amendment. There is no sense at all in this Amendment, zero sense. Firstly, just from a legislative point of view the Amendment is poorly drafted. If we're going to direct the Department of Corrections to allow ten year old children at their own request to view an execution, what kind of state have we become. If that's really the intention of the Sponsor, then where are we going in the State of Illinois? Is this the message we want to send, if she does not intend for this to be the legislation, it's poorly drafted. There is no reasonable way that the Legislature can say, let's allow children to attend executions. We should not be in that business. Secondly, the director can do this now, if the director chooses. The director hasn't even told Representative Murphy whether he's in favor of this legislation. My information is, that he is not, but if he is, he hasn't said he is. If he wants to do this he can do it today. Finally, Representative Darts comments relative to the language in the Amendment on lines of decent are absolutely correct. The Amendment says lines of decent, and under the rules of decent of the State of Illinois, and I'm sorry that I'm a lawyer, but under the rules of decent of the State of Illinois, the entire State of Illinois could be required by the Department of Corrections to visit and view an execution, it's outrageous."

Speaker Steczo: "Is there any further discussion? The Chair recognizes Representative Mulligan."

Mulligan: "Thank you, Mr. Speaker. To the Amendment. I've heard this discussed a number of times and I chose to address it last time. I'm really tired of hearing it discussed over and over again, I think both sides of this issue could come

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to a compromise if they wanted to, to the benefit of people that are victims family members are victims, whether one is a target or one isn't a target, or whoever chooses to make light of this issue, I think the director denied family members the ability to perhaps have closure on something that was very important to them. I think that members of victims families are notified when there are such things as parole hearings, or when there is death anyway. I had suggested that before, that that would be the appropriate person, perhaps one out of a family if they so chose. Most members of families probably would not want to view that, but some will. I have two particularly in Gacy's execution, two constituents, one family member who the father of one of the victims has had severe health problems, it's changed his life and probably shortened his life. I think that those members of families may be the ones that would like to be suggested. I don't think there, this discussion could be compromised on a noncontroversial Sponsor of a similar Amendment, and both sides could get together on appropriate language. I think that what the Representative is trying to do here is address the members of victims families who felt they were excluded in something that they needed in their lives, and I think that if that's important, it ought to be addressed. Now, if it's because she's controversial, let's get together on both sides and let's stop talking about it. I, too am a victims family member, and I'm sick of discussing this. I think both people on this side and on that side of the aisle could come up with a compromise that would solve the problem and stop this ludicrous discussion."

Speaker Steczo: "Representative Hawkins."

Hawkins: "Would the Sponsor yield?"

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Speaker Steczo: "She indicates she will."

Hawkins: "Could the Sponsor tell me why she would support legislation that would allow nine or ten year old children to view executions?"

Murphy, M.: "I'm sorry."

Hawkins: "What's the rational behind that?"

Murphy, M.: "I'm sorry, I didn't hear it."

Speaker Steczo: "Mr. Hawkins, please repeat your question."

Hawkins: "Yes..."

Murphy, M.: "Yes, I would like to respond to that, it was about nine or ten year olds. First of all, it was a lengthy appeal process of 14 years. These children will be adults, number one...I was also informed for those of you wondering the Department of Corrections is now neutral on this, they were happy to hear of the idea, brought forth in this new Amendment to have a separate viewing room."

Hawkins: "So, you, so you're clear on this that you do want children to sit, view executions, is that right?"

Murphy, M.: "Quite rationally Representative, there would be no children."

Hawkins: "Is that the yes answer, 'yes' or 'no' question."

Murphy, M.: "Would I want to, no. But there will be no children with a 14 year appeal process currently, and many of you have the opportunity to change the appeal process."

Hawkins: "If the defendant waives all the appeal rights, it could be over a lot sooner than that, so the question still is, can you explain to me the rational, I may want to vote for this if you will explain the rational for allowing children, nine or ten years old to view an execution. What is the rational, would the Sponsor explain the rational for allowing children to view executions?"

Murphy, M.: "No, I really don't think this is part of the

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Amendment, and I think he's going beyond his..."

Hawkins: "It is absolutely part of the Amendment."

Murphy, M.: "Is there another question, Representative? I'd be happy to respond to."

Hawkins: "It is absolutely part of the Amendment."

Murphy, M.: "It is not part of my Amendment. I've answered the question."

Hawkins: "I suggest, I suggest that you take this Amendment out of the record, and change, at least change it to where minors are not allowed to view executions. Would you at least do that, or do you still intend for children to view executions? Will you please take the Amendment out of the record?"

Murphy, M.: "It is not in the Amendment."

Speaker Steczo: "Representative Hawkins, let Representative Murphy answer."

Murphy, M.: "I've answered this several times. Thank you."

Hawkins: "That's all I ask."

Speaker Steczo: "Answer Mr. Hawkins question."

Murphy, M.: "To close, may I close at this time?"

Speaker Steczo: "We're not, there are still other people seeking recognition. So, your answer to Representative Hawkins was..."

Murphy, M.: "It is not part of the Amendment, it is not part of the legislative intent."

Speaker Steczo: "Mr. Hawkins, do you have further questions?"

Hawkins: "I'm not getting an answer to my question. I just, I would just encourage her to take the Amendment out of the record and change it to, to prevent minors from viewing an executions. I think that's only fair, I think that is a reasonable request. I don't understand why you will not take this Bill out of the record, and change it so minor

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children won't be allowed to view executions. Thank you."

Speaker Steczo: "Is there any further discussion? The Chair recognizes Representative Black."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. I think this line of questioning has gone on long enough and I think it boards on the asinine. In all do respect to the Gentleman who just got up, this Amendment doesn't require anybody to do anything. I for one put a little more confidence in a family, a mother and a father if they weren't killed by the criminal, the grandfather or grandmother, if the parents were killed by a criminal that they can handle in the family structure, whether or not a child would witness an execution. I have a little more faith in the family than the previous speaker. Now, for crying out loud all this Amendment does is very simple, let's reduce it to it's simple terms and let's vote on it. If you believe that the victims of violent crime may want to see justice done to the person who killed their wife, their children, their parents, or their relatives, then vote 'yes'. If you believe that the victims families should not have that right, vote 'no'. There isn't anything in this Lady's Amendment that can't be handled by the rule promulgation process by the Department of Corrections, or the joint committee on administrative rules, and you all know that. You all know that. I think some of the questioning has gone far beyond the bounds of good taste and common sense, and I for one am sick of this whole line of questioning. Put your vote up where your mouth is, if you want to support the rights of victims, vote 'yes', there isn't anything in here that can't be handled by the rule process. If you say only politician should view executions so they can use it in a direct mail

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piece, then you vote 'no'. It's time to vote."

Speaker Steczo: "Representative Murphy to close."

Murphy, M.: "Thank you, Mr. Speaker and thank you Ladies and Gentlemen of the Assembly that I serve with for giving such consideration to this Amendment that has brought forth with such seriousness. Quite frankly, there are Members of this chamber that don't believe that criminals should be at the execution. Let's be certain of that, that is true. But, more importantly, get a copy of the victims Bill of Rights. Criminals are miranda. Criminals get every possibility to evade and avoid execution or justice, but the victims families have to go to the trials to see that justice is done, and they do go, and they do relive every day that family member has been taken away from them. And I implore you to think of the sense of fair play if someone wants to attend, and there were people that wanted to attend the last execution, and there will be people that want to attend the next one. They are related and are grieving on a daily basis. Why can't we give the victims families some consideration? The Department has sent me another message that they are happy with the viewing room, they wanted to keep the family members separate, and the director can address those concerns that were, I would hope sincerely brought up by my colleagues. I urge a 'yes' vote, and if it's, it is about closure for the victims. I cannot, I cannot under emphasize the victims families, and there are executions coming up, and they are not by electrocution anymore, their not by hanging, they are by lethal injection. And who are we to say who should or should not go. I think it's up to those people that feel a compulsion to go, that feel driven to meet the promise they may have made their loved one when they buried them, a loved one who

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was taken from them by the action of a criminal, and let it be sure when we spend \$1,000,000 on the defense of criminals, when the papers start telling us it's cheaper to keep them in prison for life than to execute them, we had better pay attention to this system of appeal after appeal, after appeal, and how fair is that to the families of the victims. This is quite simple those that wish to may be allowed in a separate viewing room, and the director can set up that room where and when he wants and how it can be done, and it's simply recognizing the deep feelings of family members of victims and how they want to put closure and go on with their life. I urge 'yes' votes. Thank you again for all your patience and consideration."

Speaker Steczo: "The Lady has moved for the adoption of Amendment #17. All those in favor will signify by voting 'aye'; those opposed by voting 'no'. The voting is open. Have all voted who wish? Representative Moffitt, one minute to explain your vote."

Moffitt: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I think because of the divisive nature, and misleading questions and suggestions that were made during this debate, feel the, it's necessary to just explain my vote, a vote certainly voting in favor of this Amendment. I am not in any way supporting, approving that children be allowed to view an execution, I would be opposed to that. So, this in no way means that I support that. I'm simply supporting the right of adult relatives who, on their own decision decide that they would want to view that, I feel that if they want to they should have that opportunity. I would even be in favor that as a Legislative Body, if this were to pass that we at some point in the future we define, and I think it should just be a immediate family, but any

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implications that, that were approving children viewing an execution, I am not doing that. Thank you."

Speaker Steczo: "Representative Weaver, one minute to explain your vote."

Weaver: "Thank you, Mr. Speaker. Ladies and Gentlemen, it's a well known fact in psychology that to allow the families of victims to heal, this may be a very helpful tool to do that, but I think it's helpful to understand that Chicago just last month came very close to setting a new record for murders in one month. Many of which were committed by juveniles, by children. I think we ought to allow the families of victims to heal, but I think more importantly we need to send a message to murderers that we're not going to tolerate this kind of activity any longer. I think we not only ought to let the families of the victims view the executions, we ought to seriously consider putting it on pay per view and make a little bit of money back on these murderers."

Speaker Steczo: "Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 47 voting 'yes', 64 voting 'no', 3 voting 'present'. The Amendment fails. Mr. Clerk any further Amendments?"

Clerk McLennand: "Floor Amendment #18 offered, by Representative Ostenburg."

Speaker Steczo: "The Chair recognizes Representative Ostenburg, on Amendment #18."

Ostenburg: "Thank you, Mr. Speaker and Ladies and Gentleman of the House. Over the course of the last several days we have had a lot of debate about state police officers, and where they are located, and how they're assigned. What this Amendment does, is it requires that state police, who

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currently are assigned to duty on riverboats in the State of Illinois, would be removed from that riverboat duty, and they could not be assigned to riverboat duty. I believe that state police belong on the streets and highways of the State of Illinois. They should be protecting the rights of all citizens of the state and to take as many as 60 officers especially at this time, when there is a desperate need for more police protection, and to put those officers on the riverboats I think that that is ridiculous notion, and I think that we should bring that to a stop. So, I would urge an 'aye' vote on this Motion, which would put police officers back on the street where they belong, and take them off of riverboats in the State of Illinois."

Speaker Steczo: "The Gentleman has moved for the adoption of Amendment #18, on that is there any discussion? The Chair recognizes Representative Black."

Black: "Yes, I just have one question, of the Sponsor. Will he yield?"

Speaker Steczo: "He indicates he will."

Black: "Are we back now on the Order of Amendments, on where the state police should be? Because if are, I intend to refile all thirty of mine."

Ostenburg: "As I recall Representative, a few days ago when we were debating an issue regarding state police, this measure was brought up by Representative Balanoff, who mentioned state police being on riverboats and you said, file that Amendment and I'll support it. So, that is exactly what we did?"

Black: "Representative, would you answer my question? I know what I said, and I know what I supported, and I know what I voted for, now do not get cute with me, answer my question. If we are back on the order of State Police Amendments,

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then I intend to refile all 30 of mine, I assume Representative Granberg will file all 30 of his. That is all I want to know? Are we back on that order?"

Ostenburg: "Representative that is your decision to make."

Black: "No, you are the one presenting it, so it is your call. It is your call make it."

Ostenburg: "I am presenting, an Amendment..."

Black: "That is fine, thank you very much, thank you very much Mr. Speaker."

Ostenburg: "...by police officers."

Black: "Thank you, very much."

Speaker Steczo: "Representative McPike. Mr. McPike."

McPike: "Thank you, Mr. Speaker. Perhaps the Sponsor, would consider withdrawing this Amendment. The state police are on riverboats to make sure that someone in law enforcement is on board to enforce the current gambling laws. They are not paid out of the state police budget, if you take them off riverboats, that does not mean they are going to be on the highways, because we would not necessarily have the money to put them on the highways, their money to pay for these police that are on the riverboats, it comes from the riverboat gambling money. They are not paid for out of the state police budget. They are paid for out of the Department of Revenue, because the Department Revenue oversees the gambling division, so I am not sure why this Amendment is being offered. But we do need these state police on board. That is the only law enforcement agent on board is the state police officer. Granted they do have some on board security rent-a-cops, but the only official law enforcement person on board is one state police officer per cruise. So, I think really that the Gentleman should consider withdrawing the Amendment."

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Speaker Steczo: "Representative Ostenburg."

Ostenburg: "Thank you, Mr. Speaker. Representative, I will certainly consider doing that. But let me say to you, that this particular Amendment was brought to my attention by local law enforcement officers, in my district. Who are concerned about the fact that there are fewer state police officers patrolling areas. Now, they acknowledge and on the research that I did, I understand that the pay for these individuals is coming out of riverboats profits and they are paying the state to reimburse for them. But the fact of the matter is, the State of Illinois is not replacing the 60 officers who have been taken off the streets to put on the riverboat, perhaps the Amendment that I should offer, is that the state police hire 60 new officers to replace the 60 that have been put on the riverboat. And if that's the kind of Amendment that would be supported, then I will put forward that kind of Amendment. My concern is that police officers in my district, who are county officers, and small community officers, who generally rely on state police for protection. Given the fact that there has been proliferation of riverboats in my immediate area, though not in my district. They have felt the loss the of police protection from the state that they feel is necessary. So, I will withdraw this Amendment. But I am going to put forward another Amendment that says, that the State of Illinois, the Department of, the state police department, should replace those 60 officers with that revenue that they are receiving that they are receiving from the riverboat operators. Thank you, I'll withdraw this Amendment."

Speaker Steczo: "The Gentleman withdraws Amendment 18. On

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withdraws Mr. Skinner, unanimous consent is not needed.

Mr. Clerk, any further Amendments?"

Clerk McLennand: "Floor Amendment 19, offered by Representative Ronan."

Speaker Steczo: "The Chair recognizes Representative Ronan, on Amendment 19, Representative Ronan."

Ronan: "Thank you, Mr. Speaker. Thank you, Mr. Speaker. House Amendment, Floor Amendment 19, formally, House Bill 3373, which passed this chamber it requires that when a...somebody sells property one of the things they now will have to disclose is whether that property is a subject of a narcotics nuisance abatement. I move do pass, this Amendment."

Speaker Steczo: "The Lady has moved for the adoption of Amendment #19. On that is there any discussion? The Chair recognizes Representative Wennlund. Mr. Wennlund, proceed. Mr. Wennlund."

Wennlund: "I have no mike, there it is. A point of inquiry, a point of order first, Mr. Speaker. Is the Amendment germane?"

Speaker Steczo: "Mr. Wennlund, we will check on the germaneness, Mr. Clerk if we could have the Bill and all the Amendments please. The Chair would rule that the Amendment is germane. Is there any further discussion on the Amendment? The Chair recognizes Representative Andrea Moore."

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

Speaker Steczo: "She indicates she will."

Moore, A.: "Representative Ronan, does this apply statewide?"

Ronan: "Yes, it does Representative."

Moore, A.: "And do the realtors have a position on this issue?"

Ronan: "To my knowledge they have taken no position."

Moore, A.: "Were there any opponents to this in committee?"

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Ronan: "No, there were not Representative. It went out on a Consent List."

Moore, A.: "Thank you, very much."

Speaker Steczo: "Is there any further discussion? The Chair recognizes Representative Lindner."

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

Speaker Steczo: "She indicates that she will."

Lindner: "Does this create a new Act, a Real Estate Nuisance Abatement Disclosure Act, and amend the Abandon Housing Rehabilitation Act?"

Ronan: "Yes, it does."

Lindner: "And could you tell me how under the Controlled Substance and Cannabis Nuisance Act, how does that work, how would someone receive notice. What is the process in that?"

Ronan: "There is no process, right now, so that if somebody sells a building that they are required to disclose that information to the seller. This would make that requirement."

Lindner: "But, you say is the subject of a notice under the Controlled Substance and Cannabis Nuisance Act, that is all ready an Act."

Ronan: "That is all ready an Act, what we are saying here is that if a building owner who is subject to that Act, then goes to sell his property, he must disclose to the buyer of that property, that the building was subject to a narcotics abatement proceeding."

Lindner: "Okay, but that's what I am asking, how does that proceeding work?"

Ronan: "There are other, which proceeding, Representative the discloser or the narcotics nuisance substance abatement?"

Lindner: "The Controlled Substance and Nuisance Act. How would

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you receive notice under that?"

Ronan: "The States Attorney's Office."

Lindner: "And if you know is that done only pursuant to a case being filed?"

Ronan: "Yes, it is. Yes there is a whole process, where information is brought to the States Attorney's Office and the States Attorney's Office makes that determination so there is a involved specific legal procedure."

Lindner: "What would be the time period, though. If some...if the place was a subject of the notice, like five years ago. Would the person still have to disclose that?"

Ronan: "The intent of this is, is that it's a current action. That the property now is under that, what we're finding in my district in several cases, since there is increased attention of drug houses, and pressure being put on by police authorities and community groups. Sellers are trying to address the problem by pawning off the property so to speak, on unknowing buyers. This Bill would require, that if that is the case. If their building is subject to a narcotics nuisance abatement. They must disclose that to the buyers, so that the buyer is buying something with full understanding and awareness of the incidents."

Lindner: "And do you know, normally how long that proceeding lasts?"

Ronan: "Which proceeding?"

Lindner: "Well, you said a current proceeding. Could that be like a three year period or a six month period, or do you have any idea?"

Ronan: "It would depend up on the incident actually. It could be a matter of months it could be a matter of a year."

Lindner: "But it would have to be something that was pending or..."

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Ronan: "Yes, we are talking about current situations, current problems."

Lindner: "Also, if the person did not know about the notice, and sold the property, I mean would there be some..."

Ronan: "It would not be possible. I am sorry I did not mean to cut you off."

Lindner: "Would there be some duty on the person, to find out and find out and some liability attached for not exercising that duty."

Ronan: "The issue here if somebody knowingly does sells property to somebody without disclosing. It would be hard for the owner of the property not to aware that they were the subject of such an abatement."

Lindner: "Okay, thank you very much."

Speaker Steczo: "Is there any further discussion? The Chair recognizes Representative Cross."

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

Speaker Steczo: "Please precede Mr. Cross."

Cross: "Representative, I think this is a good idea. I just want to make sure that I agree, I understand something. The Abandon Housing Rehabilitation Act, is all ready law is my understanding. That's the current law."

Ronen: "There is, I think there is two laws here that we're amending. That is the second one. But yes, you are correct. It is."

Cross: "It looks like from the Amendment that I am reading that all you are doing is expanding the definition of what a nuisance is."

Ronen: "We're doing two things, in the Section you are looking at we are expanding the definition of a nuisance in order for abandon property to be taken. Yes."

Cross: "What else, I do not see anything else that you are

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changing. And I think the expansion of nuisance is good. I am not quarreling with that, I just want to know if there is something we are missing?"

Ronen: "What we are changing is the disclosure. Right now when somebody sells a building. There's certain information they must disclose. And we're adding to the list of disclosure items the fact that the building was the subject of the Narcotics Nuisance Abatement."

Cross: "Where in the Amendment is the disclosurement..."

Ronen: "Let me look at it, I am just looking at the Amendment now. Section 10, line 25, 26."

Cross: "Yes, I see Section 10."

Ronen: "At the time of the agreement, that is where we are detailing this. All of this is new additions, and the second part were on the Abandon Housing Rehabilitation Act, we're amending some language, and changing some language. But the first part of this Amendment deals with the disclosure that has to happen when somebody sells property."

Cross: "I'm sorry, Representative, I just don't see that on our Amendment. I'm not arguing with you. I'm not quarreling with you, I just don't see it."

Ronen: "Do you have a copy of this?"

Cross: "Our Amendment just doesn't show that. I think it's a good idea. I hope it passes. Thank you."

Speaker Steczo: "Representative Zickus."

Ronen: "And thank you, Representative."

Speaker Steczo: "Representative Zickus."

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

Speaker Steczo: "She indicates that she will."

Zickus: "All right. If...I may not have heard your answer if this was asked before because it's so noisy in here. If

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this were a rental property and the owner was not on the premises, how would he be made aware of the nuisance?"

Ronen: "Oftentimes the owners is not...are not on the premises but the subject...the court order...the state's attorney's action would be made against the owner. So he would have to be aware."

Zickus: "All right. Now how does...what is the penalty if this owner either unknowingly does not disclose it. I don't know what the owners...if they're selling by owner, if they're filling out disclosure statements."

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

Zickus: "When someone is just selling by owner they're probably not filling out a disclosure statement. How are they going to be made aware of the law?"

Ronen: "If they are in violation of the law the legal authorities have made them aware that they are in violation of the law."

Zickus: "All right, and what would the liability of a real estate broker or agent be?"

Ronen: "There would be none. As far as I can tell from this law I don't see that there would be any."

Zickus: "If this were to pass would this have to be incorporated into the seller's disclosure forms like mechanical and structural things right now?"

Ronen: "Most likely. It would be...there would be an additional thing that a seller would have to disclose to a buyer."

Zickus: "Okay, thank you."

Speaker Steczo: "Representative Zickus, have you completed your inquiry? Representative Zickus, are you through? Is there any further discussion? There being none, the question is, 'Shall the Amendment be adopted?' All those in favor will signify by saying 'aye'; those opposed by saying 'no'. The

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'ayes' have it, the Amendment's adopted. Mr. Clerk, any further Amendments?"

Clerk Rossi: "Floor Amendment #20 offered by Representative Lindner."

Speaker Steczo: "The Chair recognizes Representative Lindner on Amendment #20. The Lady withdraws the Amendment. Correct? Mr. Clerk, any further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Steczo: "Third Reading. On the Order of State Operations, Second Reading appears Senate Bill 1159. Representative Schoenberg. Mr. Clerk, what's the status of the Bill?"

Clerk Rossi: "Senate Bill 1159 has been read a second time previously. Amendment #1 was adopted in committee. Amendments 2 and 3 were adopted on the floor. No Motions...2 and 3 were adopted on the floor. No Motions have been filed. Floor Amendment #4, offered by Representative Granberg."

Speaker Steczo: "The Chair recognizes Representative Granberg on Amendment #4."

Granberg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This is the motor voter implementation Amendment. As many of our Members are aware the federal requirement is that eight states must implement motor voter legislation by January 1st of 1995. The county clerks, the State Board of Elections and others have come to us asking for us to pass this legislation this Spring in order that they can gear up for January of '95. They need this time to have the appropriate rules issued in the Fall and get ready for the next election. There're only, I think, California and two other states are out of compliance. If we do not do this we will be out of compliance. So I would be happy to

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answer any questions."

Speaker Steczo: "The Gentleman has moved for the adoption of Amendment #4. Is there any discussion? The Chair recognizes Representative Black."

Black: "Thank you very much, Mr. Speaker. I have an inquiry of the Chair. The underlying Bill amends the Vehicle Code, and while the Gentleman's Amendment has something to do with 'motor voter', I'm not sure that we have... Isn't there a question of germaneness here? Now this is going to be a real stretch."

Speaker Steczo: "Mr. Black, we'll check for you. Mr. Black, to respond to your inquiry, the Chair has reviewed the Amendments and the Bill and has determined the Amendment is germane. Is there any further discussion? The Chair recognizes Representative Wennlund."

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

Speaker Steczo: "He indicates he will."

Wennlund: "Representative Granberg, do you want to tell us what this really does?"

Granberg: "Certainly, Representative. The Federal Government passed motor voter legislation last year that requires all states to enact...enacting legislation to implement their federal law. This does that. If we do not do it we will be out of compliance with the Federal Government, and certainly we have seen this before and the consequences of such. So we are required by the federal law to implement motor voter registration to assist the registration of voters in the State of Illinois."

Wennlund: "How much money is this going to cost the taxpayers of Illinois?"

Granberg: "Representative, the county clerks have come to us and we understand...we don't want...no one really wants to do

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this. I mean it's very difficult to do and unfortunately we are under the mandates to come into compliance. I will find out the actual numbers for you as soon as we get the county clerks' representation here."

Wennlund: "What additional cost to the Secretary of State's Office as a result of this legislation?"

Granberg: "The Secretary of State was not involved with our discussions, Representative. We met with the county clerks and the State Board of Elections and others. There was not a representative from the Secretary of State's Office at some of these meetings. There concern...I think all the parties concern was we wanted to get legislation over to the Senate in order to let President Philip deal with the issue. President Philip at this time has indicated he's not sure whether they want to go forward with this in the Spring or in the Fall. So, as far as I know there is no formal opposition to this. It's just a matter of how we do it."

Wennlund: "Well, my concern is is that this really amounts to another federal mandate, doesn't it?"

Granberg: "The Federal Government said we have to come into compliance, yes."

Wennlund: "And then what if we don't?"

Granberg: "Well, we're not...the consequences of such... Since they just passed this legislation, I think there's only been Indiana and one other state that has not been in compliance, and so the Attorney...the U.S. Attorney General...the Attorney General's Office has indicated they are filing suit in the near future. So what the consequences are, frankly, Representative, I am not sure."

Wennlund: "The Illinois Attorney General's Office is going to file suit challenging this federal mandate without any

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money with it?"

Granberg: "I think California is considering that type of action out of all of the states. They're the only one I'm aware of who are considering...which is considering that action."

Wennlund: "So, I guess what you're telling us is that there are no details in here as to how this motor voter or 'auto fraud-o' system is going to work at this point in time?"

Granberg: "With this Amendment there are. That's how it will be implemented. The cost...there are no concrete costs from any of the parties on the final amounts. We're working with them to be as flexible as we can to minimize the impact. I mean, that's our concern."

Wennlund: "Has the Federal Government said that they're going to withhold our highway funds if we don't comply?"

Granberg: "Representative, no, they would not do that. They would mandate a system that would not allow for any of our local input."

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

Granberg: "They would not withhold federal highway funds, Representative. What they would do would be to mandate a system where we would have no input on the implementation of the system, which could be...the consequences could be dire for our local county clerks."

Wennlund: "Well, suppose that we tell them to go to hell with their mandate? What can they do?"

Granberg: "Representative, they can actually implement the system which would allow very little if any input from our local county clerks and other elected bodies."

Wennlund: "And is this Amendment the collective work of the County Clerks Association?"

Granberg: "The County Clerks Association was the primary group. The State Board of Election was the other. Their concern

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is to get a Bill over to the Senate so there can be some fine tuning and maybe some disagreements worked out. But they would like to see some Bill move forward in order that...before we might adjourn."

Wennlund: "Thank you. To the Amendment, Ladies and Gentlemen of the House. Isn't it about time that the states take back the rights that they originally had. Isn't it about time that we say to the Federal Government, go to hell, we're not going to comply with your mandates, your unfunded mandates. More and more I now feel the frustration that local mayors feel and the school districts feel about state mandates that are also unfunded. It's about time we told Congress to go to hell with their mandates, their unfunded mandates, and simply not do it. It's time the states take back their rights to run their state governments the way they want to run them, at a cost that they want to run them and forget these federally unfunded mandates. Thank you."

Speaker Steczo: "Is there any further discussion? The Chair recognizes Representative Andrea Moore."

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

Speaker Steczo: "He indicates he will."

Moore, A.: "Representative, there are a couple of different Bills out there and this one...just getting this one I have some questions as to what is actually in this. Is this Amendment that you have identical to the one that the State Board of Elections has put forth?"

Granberg: "No, it is not."

Moore, A.: "And how is it different?"

Granberg: "There are two Bills introduced, Representative, as you are aware. One by the county clerks and one by the State Board of Elections. We met with both of those groups and

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tried to iron out the differences. The specific difference would be...just a moment. Representative, the two main differences would be first of all the signature digitalization which allows computer based registration records included in computer generated dup...which would include a computer generated duplicate of the voters signature. That is the one main difference; and the other main difference would be to delete the requirement that libraries serve as the registration location."

Moore, A.: "Those are the only differences?"

Granberg: "Those are the two main differences, yes."

Moore, A.: "Then the provision that for mail in registration that requires in person voting is included in this Bill?"

Granberg: "No. A mail in regis...you have the Amendment following this which would do that, I believe."

Moore, A.: "Well, that's why I'm asking. I thought maybe there was an error or something. It is not...so that issue is not included?"

Granberg: "Correct."

Moore, A.: "There was a Bill that was going through the Senate as well and honestly I don't know where it is. Has it passed the Senate?"

Granberg: "President Philip has indicated that at this time he does not plan to deal with this issue. He would prefer to wait for it in the Fall. That's why we're trying to move forward to get legislation to keep the process moving to get it over to the Senate to let...to allow President Philip to work with the county clerks and the state board to have the final legislation ready for passage."

Moore, A.: "Okay. So, then...your Bill then is what is casually referred to as the county clerks proposal."

Granberg: "Well, I'm not sure how they refer to it. We've used

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both. Those two groups were the main contributors and we used most of their provisions. The two main differences, as I said, was the digitalization and the deletion of the library system as the point of registration."

Moore, A.: "Okay. The one...one of the questions that I have regarding this relates to the Amendment that is next and the county clerks position on this actual Bill without...without the Amendment being taken out. It was my understanding that they had changed their position on that, and so, I really need to hear about that."

Granberg: "Sure. I think, Representative, their main position is they want to move forward. They want to keep legislation alive at this point in order that we can finally work on the final product."

Moore, A.: "Thank you."

Speaker Steczo: "Any further discussion? Representative Currie."

Currie: "Thank you, Speaker, Members of the House. There's been discussion of this measure as required by the Federal Government. That's true. I would say that it's good public policy for us to act on this front with or without a prodding from the feds. One of the problems in our democracy is lack of participation among the electorate. One of the ways you solve that lack of participation problem is by offering people additional opportunities, convenient opportunities to register to vote. Even without the Federal Government's decision that there will be these opportunities for those who want to participate in federal elections, we ought to be jumping at the opportunity to adopt this Amendment and establish those opportunities for Illinois voters. Should we fail to act, the result will be that they'll have two different standards for registration in the State of Illinois. You can register under the

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federal requirements and participate in federal elections. Imagine how surprised you'd be to get to the voting place on election day and discover that you didn't have the opportunity to vote for State Representative. You had the chance to vote for a Congressperson, you had a chance to vote for President but you couldn't vote for Governor, you couldn't vote for State Representative. So, I think this is good legislation that stands on its own merits and I would urge all of us to say, 'yes' to expanded opportunities to encourage our citizens and make it easy for our citizens to exercise the franchise. I urge adoption of this Amendment."

Speaker Steczo: "Representative Lawfer."

Lawfer: "Thank you, Mr. Chairman. Will the Sponsor yield for a question?"

Speaker Steczo: "He indicates he will."

Lawfer: "I may have answered some of the questions that I had by the last Representative's comments, but, a person that registered then in a county clerk office versus a registration in a other public office such as driver's training and so on, it would not be classified different? In other words, they would be able to vote in all elections whether they be federal or local?"

Granberg: "Representative, I'm sorry, I was answering a question from one of my seatmates. Could you repeat the question, please."

Lawfer: "Okay. Depending on where a individual registered, whether it be in a public office or whether it be in a...the clerk's office, does that designate or does that change the classification of when a individual or what type of an election an individual could vote in?"

Granberg: "If we did not implement this type of legislation in

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the near or immediate future, Representative, you would have mass confusion because certain individuals would be limited to voting in federal elections. So hypothetically they could vote in the Fall and they might be limited to voting for federal officeholders and they could not vote for state officeholders."

Lawfer: "Is there anyway that the federal could be imple...the federal would not implement any other way other than what has been described then in the federal implementation?"

Granberg: "Correct, Representative. We are trying to implement the federal law."

Lawfer: "But we have no estimate on the cost of this. Is that correct?"

Granberg: "No, the groups we've worked with, Representative, they have not approached me with the final cost. What we're trying to do is to move this legislation over to the Senate in a basic form and try to minimize the cost to all our local units of government."

Lawfer: "Thank you."

Speaker Steczo: "Representative Schoenberg."

Schoenberg: "Question for the Sponsor. Will the Sponsor yield?"

Speaker Steczo: "He indicates he will."

Schoenberg: "What's the effective date of this Amendment should this Amendment be adopted into law?"

Granberg: "The effective date would be January 1st, 1995, which would mirror the federal law."

Schoenberg: "Thank you very much."

Speaker Steczo: "Representative Rutherford."

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

Speaker Steczo: "He indicates he will."

Rutherford: "Thank you. Representative, could you please walk through very carefully and clearly for me, please, the

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process of registration by mail and the voting process by mail?"

Granberg: "The a...Representative, could you repeat the question? Do you mean the current law or how this would differ from it?"

Rutherford: "What this Amendment...what this Amendment would cause to become law."

Granberg: "This would allow registration by mail at Secretary of State's license facilities and various departments. Each person requesting service from those departments would have to be solicited for voter registration."

Rutherford: "All right, and then the process for voting by mail."

Granberg: "It's...they would reflect the current law. It would be the same."

Rutherford: "Okay. It's my understanding, please help clarify this, that the State Board of Election's original version of this legislation would have required that the first time the individual would actually go to vote that they would have to personally go in to vote. Whether that's either to the polling place or to the clerk's office to receive their absentee ballot, and as I understand and read this Amendment that does not...that does not provide for that in this Amendment."

Granberg: "Their proposal, Representative, was that would be the first time they would have to do so. They would have to be present if they voted by mail the first time. For the first...if they registered by mail they would have to be present, they would have to vote at that time. They would have to be there. They would have..."

Rutherford: "All right. So, as this Amendment is now prepared, they do not have to physically be there to vote for the first time?"

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Granberg: "Correct. The county clerks thought that was very difficult to deal with. Under the board proposal they would only have to be there the first time anyway, so we deleted that provision."

Rutherford: "Well, and I understand. I guess to address another issue somewhat though and the county clerks, I...am I hearing you say that the official County Clerks Association is behind and supporting this because I've got conflicting information in that regards. Because I don't know that it is the association because the association is made up of a bipartisan organization of both Democrats and Republicans, and I understand that there are a certain movement within that association, the democratic affiliation, that are pushing this part of it and that the entire association does not endorse this. Am I correct?"

Granberg: "No, it's my understanding the association has endorsed it but there are different...different county clerks have different feelings on different portions of the Bill."

Rutherford: "Okay. Thank you. To the Amendment, Mr. Speaker. As long as the process and right to be able to vote, register and to vote, is something that we are very proud of in this country, but yet again the process of abuse runs rampant. We know of this. We've seen it. We've caught it. We've prosecuted it. To walk in and just be able to by mail go register to vote, on itself, is somewhat suspect in my opinion. But most blatantly and most obviously is the process to walk in and not even be...have to physically show up to vote for the first time, but you can do this by mail, I think, allows a complete opportunity of abuse of the process and I would strongly, strongly, disapprove of this Amendment."

Speaker Steczo: "Representative Meyer."

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Meyer: "Thank you, Mr. Speaker. Would the Representative yield for a question?"

Speaker Steczo: "He indicates he will."

Meyer: "Representative, could you talk to us a little bit about and describe a little bit more about the public service agencies. What...who would be included as a public service agency under your Amendment?"

Granberg: "Representative, the public service agencies would be the Secretary of State and the various departments; Mental Health, Public Aid, Public Health and Rehab Services."

Meyer: "Would townships be included also?"

Granberg: "Pardon me."

Meyer: "Would townships be included also?"

Granberg: "No, Sir."

Meyer: "My analysis indicates that they would."

Granberg: "No."

Meyer: "Possibly that might be in error."

Granberg: "No. And, Representative, that is...when I say that let me preface or comment on it. When we say who would have to do this, this is still open to negotiation. We're just trying to move forward with the legislation."

Meyer: "Well, I understand that, but in terms of the amount of duplication of effort here in making sure that people are offered the ability to register, I am concerned also, because every time that we require another agency or another office to provide that registration we include additional employees that they must hire to handle that. Let me ask you this, Representative. Are there penalties incurred by those agencies or those offices or those employees if they fail to offer a person utilizing a facility a chance to register."

Granberg: "Representative, the agencies designated, that is

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designated by federal law and the State Board of Elections. The agencies I cited. So that's the first thing and those are all in the..."

Speaker Steczo: "Mr. Meyer. I'm sorry, please proceed."

Granberg: "No. No."

Meyer: "Thank you."

Granberg: "I have to answer."

Speaker Steczo: "Mr. Granberg, you wish to answer Mr. Meyer?"

Granberg: "Representative, the Bill is silent as to the penalties."

Meyer: "Okay. That was another concern of mine because I think we have people in good faith. I know we have a lot of precinct committeemen that walk door to door and there are a lot of Representatives from labor that from time to time will offer this type of service registration to their union members; and I think there are a lot of good intentioned people out there that really want to see people enjoy and participate in an election and I would be very concerned about penalties that they may incur; and if this legislation stands silent on that I think it would be something that should be considered. I would like to go back to a question on registration by mail, and is it my understanding that from your previous answer, and it was hard to hear...hear, that you can register by mail and then you can vote by mail and never have to show up?"

Granberg: "Representative, that was...as Representative Rutherford indicated, 27 states do that currently. That is the current law in 27 other states. So, there is no state, not one state that requires you to be physically present. Not one state. Not one state today requires someone to be physically present."

Meyer: "Do you think that's a good practice?"

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Granberg: "Well, the concern was by the county clerks of how burdensome this might be. Because 27 states other...do it currently, and if you have the situation where you have a college student or someone who would then have to leave and come home to register and if they happened to miss because they had classes that day and they missed the primary, they missed the general, it would then take two years to purge them from the system. And so, that was their concern, how burdensome this would be on our local county clerks."

Meyer: "Under the current form of registration when we register somebody, we have to show proof of...two proofs of identification that would witness that that person is who they say they are or purport to be and it also establishes residency. Is there any residency requirement under this Amendment, and also, how would this Amendment provide for two proofs of...or two forms of proof of identity?"

Granberg: "You would have to have...Obviously, you would have to have proof and of residence. You would have to have the residency requirements. Now, if you would just give me a moment. And again, that no state is contemplating this type of action where the physical presence the first time."

Meyer: "Well, under the current form of registration what happens, and I think many of us are aware of this because we personally register people, is that we have to go out and actually identify that person as a resident of the locale that they are purporting to be. And under this I don't understand where that provision is and I'm very concerned about the fraudulent effort that could be put forth on the part of people."

Granberg: "If...Representative, you have to have the two forms of I.D. to register. If there is any potential for abuse it would be under the current law with deputy registrars. I

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mean that's where it happens in the real world. If someone goes out and solicits and goes to someone's home. That is the potential for fraud. By registration by mail, which 27 states do currently, they would have to supply the idea. They would have to supply the proof of residency."

Meyer: "How would that be done? Current..."

Speaker Steczo: "Mr. Meyer, your five minutes has expired. Representative Pedersen."

Pedersen: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I agree with Representative Wennlund, this is an absolute absurdity. It's...the Federal Government is mandating another deal without paying for it. It's time the states fought back. We created that monster down in Washington and we can take it back. There is a tenth Amendment to the Federal Constitution and it's time we starting going to court on every one of these damn mandates and, you know, fighting them every inch of the way. It's time we stopped rolling over and playing dead. The states...all the states do is they are a bunch of bellyaching wimps and as far as I'm concerned, let them do their own implementation. They'd probably have to pay for that and maybe they'd have a second thought on it; and if they did implement it we'd have the greatest rebellion since the Revolutionary War and we'd probably have a hell of a lot of people out there supporting us in taking the government back from the feds. I urge a 'no' vote. This... Let them do their thing and we'll fight them every inch of the way."

Speaker Steczo: "Representative Granberg. Mr. Granberg."

Granberg: "Representative, I may tend to agree with you. Unfortunately, if we do not act the Federal Government will do it on their own, and if they do it without our input, I

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think that does not bode well for our local county clerks and the cost and the burdensome system. So, if we do anything, we should seek input from our local county clerks, from our State Board of Elections, and if we have to do the system we should be able to fashion it the way that best suits the people of this state and not have someone from out of state come in and do this and carry this out against our wishes. And Representative Black told me that you were much more opinionated about this last night at dinner and he said you might speak to this and your points are very well taken."

Speaker Steczo: "Further discussion? The Chair recognizes Representative Turner."

Turner: "Yes, will the Gentleman yield?"

Speaker Steczo: "He indicates he will."

Turner: "I understand that this legislation, if passed, will be implemented in January of 1995. Does that mean that everyone who is currently registered will have to re-register again in January of '95?"

Granberg: "No."

Turner: "No. Thank you."

Speaker Steczo: "Representative Mulligan."

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

Speaker Steczo: "He indicates he will."

Mulligan: "Representative Granberg, is it true that if...you can register to vote by mail and then also vote by absentee ballot? So no one would ever have seen you come in or no one would ever have looked you in the eye and verified anything about who you are ever?"

Granberg: "Representative, that is the current system."

Mulligan: "Well, you...but you still are registering with

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someone."

Granberg: "You can...he can register with a deputy registrar, but as far as the county clerk or anyone actually knowing, that's the case right now. No state in this country says you have to do this. Twenty-seven other states allow this registration by mail."

Mulligan: "But then you then can vote absentee after that?"

Granberg: "As...as in every other state."

Mulligan: "Don't you think that's a problem?"

Granberg: "No. The problem if there is, is going to be abuse. Apparently then we would be the only state that does that. So, the consequences in the other 49 states have been that there has not been a problem."

Mulligan: "You mean we would be the only state that does do it or does not do it?"

Granberg: "We would be the only state in the country that would be required to do it that way."

Mulligan: "To register by mail and then allow an absentee?"

Granberg: "We would be the only state in the country to require in person voting."

Mulligan: "I think that there's a problem with that. Having been in a large election recount where one of the prime bones of contention was absentee ballots and the problems that it has, I think that at least somewhere in the process someone should see the person just to eliminate any kind of fraud that might happen by registering and then having the person not walk into a polling place and then come forward and only register by...I mean, you could register by mail and then vote by absentee ballot and be a nonentity forever."

Granberg: "Well, the type of...and none of us I think are in the position of being for fraud, that type of fraud can very well exist today under the current system."

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Mulligan: "Wasn't it the State Board of Election's recommendation that they would have to come in at least once?"

Granberg: "The State Board of Elections wanted us to be the only state to do this, yes."

Mulligan: "Does that mean that it's wrong? I mean, we may be the only enlightened state. Illinois sometimes does do things in an enlightened manner."

Granberg: "Well, from what I've observed in this chamber I find that difficult to believe."

Mulligan: "I would like to request a Roll Call Vote on this Amendment. Thank you, Representative."

Speaker Steczo: "Further discussion? Chair recognizes Representative Phelps."

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

Speaker Steczo: "He indicates he will."

Phelps: "Representative Granberg, isn't it true that in order to...before the elections judges, whether it be a recount or a contest or for absentee balloting, have signatures that they have to check on the registered file as well as the absentee affidavit and the absentee request for the ballot. There's three sources to check and as a former county clerk I've experienced it. But is that still not true with this Bill?"

Granberg: "Yes, it is, Sir."

Phelps: "So it doesn't change anything that we already have in the election process as far as a recount, guaranteed identification for a registered voter or an absentee voter?"

Granberg: "No, Sir."

Phelps: "To the Amendment. This particular Bill, and I think all of us would agree we would want to extend every effort possible to make it more accessible over and over for those

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who want to register to vote to become a voter in this state to have every opportunity, and I believe that's what the intent of this Bill is. So, surely we could all support that in good conscience."

Speaker Steczo: "Representative Santiago."

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

Speaker Steczo: "The Gentleman moves the previous question. The question is, 'Shall the main question be put?' All those in favor will signify by saying 'aye'; those opposed by saying 'no'. The 'ayes' have it. The main question is put. The Chair recognizes Representative Granberg to close."

Granberg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. We come here today because there is a deadline. The Federal Government has said we must implement this system, a system, by January 1st of 1995. The county clerks have come to us from across the state. The State Board of Elections have come to us because we must implement this system. If we do not, if we do not implement a system, then the Federal Government will come into Illinois and implement a system. I would speculate or submit that the system they would implement in Illinois could be very very onerous for our county clerks. Very onerous and very costly. What we're trying to do is to move this legislation over to the Senate, continue to work on the legislation and try to reach consensus where we can pass it this Session before we adjourn. If we wait until the Fall or if we wait until next year it will be too late. The Federal Government will come in and implement their own system. The State Board of Elections and our local county clerks need time to promulgate rules in anticipation of the

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enactment of this legislation. That's why we are moving forward today. We will sit...we sat with the state board, we've worked with our county clerks, and we will continue to do so if we are successful in sending this Bill to the Senate. This is not the final Bill. We are trying to move the process. We are trying to move the legislation to the Senate to continue to work on a consensus on an agreement for this type of legislation because frankly we have no alternative with the federal law. So I would ask for a favorable...your favorable support."

Speaker Steczo: "The Gentleman has moved for the adoption of Amendment #4. All those in favor of the adoption of the Amendment will signify by voting 'aye'; those opposed by voting 'no'. The voting is open. The Chair recognizes Representative Hoeft. One minute to explain your vote."

Hoeft: "Thank you, Mr. Speaker. Hopefully before this Session is over we will be able to have a House Resolution brought to us which is 2540 which talks about the relationship between the states and the Federal Government. The Federal Government has in so many ways intimidated the states across this nation. More than half of the states have passed this exact Resolution asking for the Federal Government to cease doing what we are presently forced to do. I would ask you to remain...remind yourself of the feelings that you have presently and I hope that this Resolution will be brought up so that we can discuss again the balance between the federal mandates and our state's ability to meet these. Thank you, Mr. Speaker."

Speaker Steczo: "Representative Daniels."

Daniels: "Mr. Speaker, Ladies and Gentlemen of the House, I just want to explain why I'm voting 'no' on this. When the State Board of Elections sent to us their recommendations

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to implement this Bill they included a very important provision. That provision said, 'Any person who applies to register by mail and has not previously voted in the jurisdiction, shall vote the first time by absentee ballot in the office of the election authority or on election day at a polling place designated by the election authority.' That means they want proof that this person really exists. That means they want to cut down on election fraud. That means that anybody that's voting in favor of this is in favor of the potential of increased election fraud. That's why our State Board of Elections asked us to make sure that that provision was in the Bill. The drafters of this Amendment, unfortunately, are falling in the trap that they are unwittingly, I believe unwittingly, encouraging election fraud by eliminating that provision. Yes, you should have to present yourself to the election authorities before you go along. I think a 'no' vote is the only vote on this, and I'm going to stand against election fraud and I'm not going to be caught in that trap."

Speaker Steczo: "Representative Maureen Murphy, one minute to explain your vote."

Murphy, M.: "Ladies and Gentlemen I'm very happy to hear there are time lines and deadlines in Washington. They seem to escape us down here in Springfield. The urgency is with regard to Amendment #5. You can vote 'no' on this and 'yes' for 5. I know it's a Republican Amendment, offered by Representative Andrea Moore, but it has that necessary safety net about this fraud. You can go in and vote absentee in person or at the polling place in person. We need, particularly in Cook County with our jaded history, to have some kind of verification that this mail order voting is verified and validated sometime, initially in

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person. Amendment #5 addresses that concern and erases the possibility of fraud and it's surprising me that the Sponsor of this acts like existing fraud is okay. So please be careful on this vote. Amendment 5 is soon to follow and you can vote 'yes' on that for motor voter. Thank you."

Speaker Steczo: "Representative Levin, one minute to explain your vote."

Levin: "I want to in explaining my 'aye' vote, first of all commend the Sponsor for bringing this Amendment. It is I think very important that we act because if we don't act then I think the costs are going to be quite substantial in terms of a dual registration system. As far as the issue that the previous speakers raised in terms of voting in person the first time after registration, I would urge people to vote for this Amendment, and if they, in fact, believe that that change ought to be made, they can vote for the next Amendment as well. But let's at least make sure we have an Amendment by passing this Amendment and if...you believe that the voter...people who register the first time ought to vote in person, you can vote for the next Amendment too, but let's vote for this one as well."

Speaker Steczo: "Representative Schakowsky."

Schakowsky: "Thank you...Thank you, Speaker and Ladies and Gentlemen of the House. I rise in support of Floor Amendment #4 because I support increasing the ability of our citizens to be able to participate in the electoral process, and that is the bottom line of this legislation to allow and make it easier for more people to register to vote. I know that all those people that are most directly involved in the election process, the clerks, stand behind this Bill. They know that we need to have legislation

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passed. If we don't have it passed, we will have much more confusion making it harder for people to participate. So, let's get this Bill passed. If there are problems with it we can address those, but we need to move quickly on this now."

Speaker Steczo: "Representative Granberg."

Granberg: "Thank you. Briefly, just to address the previous speaker's point. No one is for fraud. If we did the registration by mail and absentee voting, if we'd eliminated that requirement we'd be the only state in the country. The only state in the country. If there's any fraud that goes on now...with deputy registrars. We have to do this. We have to do the best system that is less burdensome on our clerks, and I thank you for your support."

Speaker Steczo: "Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question there are 73 voting 'yes', 40 voting 'no', 1 voting 'present'. The Amendment's adopted. Mr. Clerk, any further Amendments?"

Clerk Rossi: "Floor Amendment #5, offered by Representative Andrea Moore."

Speaker Steczo: "The recognizes Representative Andrea Moore on Amendment #5."

Moore, A.: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This Amendment does, in fact, make this Bill the Bill that the State Board of Elections had asked that we try and bring through the Legislature. Yes, it's very important that we pass this, and pay attention here. This is the most comprehensive legislation we have worked on this year. Some of the most comprehensive legislation that we've worked on in years. There is an issue here that

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relates to mail in registration which we don't do. Representative Granberg, in his explanation, states that 27 states have this and they don't have this Amendment. Well, the Justice Department at the federal level asked that this Amendment be put in this Bill because of problems. The Justice Department asked that this Amendment be placed in here. Here's the issue. Somebody writes in their mail in registration and they sign their name, then they mail in an absentee ballot and they sign their name. Their name is 'Joe Blow' both the times. Who knows who 'Joe Blow' is? How can you verify if you never see the person. The deputy registrars can see the person when they're registered now. It's only that first time, so that when you go to vote you can have your signature authorized and the judge at the election can verify your signature to the mail in registration. Yes, we should make registration easier. We want more people to vote. But we do not want, as an example; we have an apartment building and we have someone who is very creative and they take...they do mail in registrations for all those not registered. Those mail in registrations come back to the apartment building and you sign the same signature and you send it back in for the ballot. Who would know the difference? You would have voter fraud upon voter fraud. I think this Amendment should be supported. We can pass this Bill in a timely way, and I request your support and would be happy to answer questions."

Speaker Steczo: "The Lady has moved for the adoption of Amendment #5. On that is there any discussion? The Chair recognizes Representative Granberg."

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

Speaker Steczo: "She indicates she will."

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Granberg: "Representative, I just want to give you a hypothetical. Say I'm 18 years old. I turn 18 in September, I'm at school at Harvard, and that is probably the closest I would have ever gotten, and so I register to vote by mail. Now, under your provision I would have to catch a plane and get home to vote for that one day. Is that correct?"

Moore, A.: "Well, no, you can vote absentee in the office."

Granberg: "I would have to come home to vote absentee in that office."

Moore, A.: "Yes."

Granberg: "Okay. From Boston, right?"

Moore, A.: "The first time. The first time when you use mail in registration. Just to prove you exist and you're not just on the rolls at the U of I."

Granberg: "So, the differences with your provision is the first time you have to be there. So...So that as opposed to anything other...so when we do...when...we might become the first state in the country to do this and the only one. Any other time that person can register with the deputy registrar and no one will ever see that person."

Moore, A.: "The deputy registrar sees that person."

Granberg: "No one...After that no one ever sees this person."

Moore, A.: "A registered deputy registrar sees that person and sees that person sign and they give identification when they register. Two of the authorized deputy registers (sic-registrars)."

Granberg: "Does not the County Clerk's Office require different forms of identification currently and proof of residency and the signature?"

Moore, A.: "Mail in registration doesn't require any form of identification."

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Granberg: "There is no form of identification required at all for any type...for mail...for voter registration."

Moore, A.: "When you mail in your registration using the mail in form, you have to sign your name and that's it. That's why this won't work without this Amendment. That's why the Justice Department asked that it be placed on. I'm not trying to be obstructive here. I really think it improves the Bill to a point that we can all feel really good about supporting it."

Granberg: "So when we do this this person would have to...this college student would have to come back so someone could visibly see him."

Moore, A.: "He can register in the summer."

Granberg: "And that would be..."

Moore, A.: "Village hall or whatever."

Granberg: "If they turn 18, now hypothetical, in the Fall there at school, they are away at school, and they would have to come back."

Moore, A.: "At one point they would have to come back and show who they are. The first time everybody should have to prove who they are."

Granberg: "That would apply...You have to prove who you are."

Moore, A.: "Are the few... Representative, let me ask you this. Are the few people that you're talking about that would have to make a trip home in the State of Illinois, are they worth the voter fraud that would be across this state? Are they worth that?"

Granberg: "Represen...Representative, this does not go to that. If there is voter fraud it exists today, and we all want to eliminate voter fraud. So maybe we should do something today to address that."

Moore, A.: "We should not put in place an opportunity to increase

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voter fraud when, in fact, the Justice Department has asked us to cooperate in this way."

Granberg: "They have not done that."

Moore, A.: "Do you have a question?"

Granberg: "Yes. My question is, have they asked us to do this? Has the Federal Government said in the Bill, have they asked us to do this?"

Moore, A.: "The Justice Department asked...It has been the recommended option and has been encouraged by the Justice Department."

Granberg: "As opposed to the..."

Moore, A.: "And the State Board of Education."

Granberg: "Elections. Thank you."

Speaker Steczo: "Any further discussion? The Chair recognizes Representative Black."

Black: "Thank you very much, Mr. Speaker. Pursuant to Rule 55 (c), I'm joined by four of my colleagues in requesting a Roll Call Vote on the Amendment. Thank you."

Speaker Steczo: "If that's your request we shall comply, Mr. Black. Representative Curran."

Curran: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to Amendment #5 even though I know that it is well intended. We could call this the anti-college student Amendment. We know for sure there are thousands of college students around this state and around this country who would stand to be inconvenienced by this Amendment. Thousands. In your district and in mine. All over this state. If you wish to inconvenience your college students you go ahead and vote for this Amendment. We do not wish to inconvenience our college students and we do not wish to be the first in the nation to do this particular thing. Twenty-seven other states have chosen

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not to do this and our County Clerks Association has chosen not to do this. There is some reason for that. The reason is the inconvenience of college students all across Illinois and all across the nation. I ask for a 'no' vote."

Speaker Steczo: "Representative Mulligan."

Mulligan: "Thank you, Mr. Speaker. To the Amendment. High schools in our local...my local district register students as they turn 18 in the Spring. Having had two young sons that went off to college you can anticipate and register ahead of time. I do not think we're eliminating that many people from voting, and if it's just college students we're talking about I think many of them are home or can register ahead of time, turn 18 before they go to college. I think we're encouraging voter fraud. I think that we should seriously take a look at this Amendment. I think it's a good Amendment. I encourage your vote 'yes' on it. If you vote 'no', you're stating that you think that it's perfectly all right to put something in our state that would encourage fraud. I think the whole package together with the inclusion of this Amendment is a good Bill, one that would be supported by the League of Women Voters and other such entities. But I think we need this to make it complete and to eliminate that fraud. I urge you to vote 'yes' for this Amendment."

Speaker Steczo: "Representative Ryder."

Ryder: "Mr. Speaker, I stand in support of the Amendment. It seems only common sense that at one occasion in the election process that the person who wishes to vote should in person present themselves so that we can identify that a person exists behind the name that's on the rolls. Now it may come as some surprise to you, Mr. Speaker, and others,

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that there are people that are phantoms on voting rolls. I am told that it does happen, yes, and that happens under the current system. But now we're making a system that indicates that the phantoms don't even have to show up. As a result of that I've been informed by an organization that normally doesn't talk to many of us Republicans. It's call the Independent Voters of Illinois. The Independent Precinct Organization has asked me to state that they do support this Amendment because they understand...because they understand the integrity of the election process and they are independents. It just seems commonsensical to me that once in a person's life that they register in person. They can vote absentee thereafter. They can participate by mail thereafter, but at some point we'd like to see the person. The honest to goodness living, breathing person, so that we know the name has a person behind it. Seems commonsensical to me. But I suppose that if you are in favor of phantoms voting from graveyards and beyond then perhaps you might be in favor of the underlying process and opposed to this Amendment. I am not, and for that reason I along with the I.V.I. and the Independent Precinct Organization folks support this Amendment."

Speaker Steczo: "Representative Lang. Representative Lang."

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

Speaker Steczo: "She indicates she will."

Lang: "Representative, if I'm reading your Amendment correctly there is an exemption for handicapped people. Is that correct?"

Moore, A.: "Yes."

Lang: "Why is there no exemption for a college student?"

Moore, A.: "This does not effect college student...Currently there's an exemption in the law regarding handicapped. We

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are only talking about voting in person and signing the first time if you have used mail in registration. The thousands of college students that you're talking about that we have in the State of Illinois today have not used mail in registration because it's not authorized yet, and many and probably most will not use mail in registration. But those college students that will use mail in registration will have to understand that that first time if they wish to vote absentee, they must get their signature verified and vote in person the first time."

Lang: "So, if a student goes off to college without having first appeared face to face in front of a deputy registrar or a county clerk or a township clerk, then that person could not vote absentee from college. They could register by mail from college but they could not vote unless they came into the office."

Moore, A.: "Only the first time."

Lang: "Right. So would that mean then that a student who's a year around student is trying to complete his or her education more quickly would have the responsibility of going all the way to their home county to register to vote or to vote in person?"

Moore, A.: "Well, they could register where they were living if they were a year around student."

Lang: "But they couldn't vote, could they?"

Moore, A.: "Oh, if they registered there they could. And they could register in person if they were a year around student."

Lang: "But they'd have to then become a voter at the...in the district at..."

Moore, A.: "In the area where they live year around."

Lang: "...At the school where they go to school rather than at

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home where they may be interested in local politics or local government. Is that correct?"

Moore, A.: "We are talking about choices and the individual reason relating to college students to defeat this Amendment is not as valid, because there are not that many people that will be effected by this. It's only those that choose to do mail in registration after they leave for school and cannot get home to verify out of time for that absentee ballot."

Lang: "Well, now, you've said it only applies to a very few people and a previous Representative on your side of the aisle referred to this as 'just college students.' So let me ask you if you think that we should be in the business in this General Assembly of disenfranchising even one voter?"

Moore, A.: "I was answering your question. I think you did have a question."

Lang: "Now I'm asking you a different question."

Moore, A.: "Relating to your college student question. My answer was in relationship to your college student."

Lang: "And now..."

Moore, A.: "We are trying to implement legislation that is very comprehensive."

Lang: "Representative, should we be in the business of disenfranchising even one voter?"

Moore, A.: "Should we be in the business of providing access to easier voter fraud?"

Lang: "So you're not going to answer my question?"

Moore, A.: "Are you going to answer mine?"

Lang: "No, I'm not...no, but you'll have to understand that the county clerks want to do this. You'll have to understand that no state that has mail in registration in the entire

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United States requires what you're requiring here. Why is Illinois any different, Representative?"

Moore, A.: "Illinois is different because since the Justice Department has advised this from a federal level, it is something that the Board of Elections feels important and so do I, and I'm hoping a majority will here also."

Lang: "Thank you. To the...To the Amendment, Mr. Speaker, Ladies and Gentlemen of the House. This state should be enhancing the ability of everybody to vote. The reason the 27 states have this provision and the reason that no state that has mail in registration requires in person voting, is to enhance the ability of those to vote. At least two people on the other side of the aisle have referred to college students as 'only a few' or 'just college students'. Well, my friends, I have to tell you that these are not just college students. They're young adults. They're interested in what's going on in America; they're interested in what's going on in the State of Illinois; they're interested in what's going on in their home communities. They should not have to, if they live in Chicago, vote in Macomb or in Carbondale or in Champaign just to get the opportunity to look somebody in the eye and say, here I am, I'm voting. The real truth of the matter is, is that the county clerks who will be administering this want this. They don't want it to be done any other way. They want in...they want registration to be able to be done by mail and they want voters to be able to vote absentee. To do this, to pass Amendment #5, would be to disenfranchise college students all over the State of Illinois, or to require them to vote in a location...to require them to vote in a location that is not of their own choosing. This Amendment is poorly drafted. If there's a

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concern about voter fraud, 27 other states don't seem to have that same concern. The county clerks that administer elections in this state don't seem to have that concern. It's a poorly drafted Amendment. It's under the guise of an effort to avoid voter fraud. It is really...it is really an issue that is going to keep people from voting. We should be about the business of enhancing voting in this state, not disenfranchising voters. This requires a 'no' vote."

Speaker Steczo: "Representative Santiago."

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

Speaker Steczo: "The Gentleman moves the previous question. The question is, 'Shall the main question be put?' All those in favor will signify by saying 'aye'; those opposed by saying 'no'. All those in favor will vote 'aye'; all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question there are 54 voting 'yes', 56 voting 'no'. The Motion fails. The Chair recognizes Representative Pedersen on the Amendment."

Pedersen: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I oppose this Amendment for the same reason I opposed the last one. The original legislation that came out of those exalted precincts in, where is it, Washington D.C., was a lousy Bill. A 'mucho, fraud-o' Bill. You know, there was a cry in this country, 'remember the Alamo, remember the Maine'. We should be starting a similar deal in saying, 'remember the tenth Amendment'. We should be telling the Federal Government to do their own implementing and let them pay for it, and in the process it'll create the biggest mess, even bigger than we're contemplating, and

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then at that time maybe they'll recognize the limits of their power with the people. So, let's all vote 'no' and take them to court and forget about all this fine tuning that we're so exorcised about."

Speaker Steczo: "Representative Kubik."

Kubik: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of this Amendment. I think this is an excellent Amendment. You know, we've heard from some speakers previous to the...on the other side of the aisle, particularly one who talks about enhancing voters and enhancing voting in this state. He also talks about how 27 other states had enacted something different than this state. Well, those 27 other states don't see enhancing voters as enhancing voters who don't exist. In Illinois we have a history, a sad history I might point out, of voter fraud. It's not something we ought to be proud of but I think it's something we ought to recognize in this Assembly and recognize that it has occurred and continues to occur. This state isn't like Vermont, it's not like Minnesota, it's not like those kinds of states. Unfortunately, it has a history of voter fraud. This Amendment is a very simple Amendment and I think it makes a lot of sense; and for those of you who believe that somehow this is an inconvenience to college students, I would submit that college students aside from having the right to vote, and they should have the right to vote, also should have the responsibility to at least show up once and prove that they are of age and that they should be...that they are who they claim to be. I don't think that's a burden that's an unrealistic burden, and for those of you who believe that college students are being inconvenienced, they come home all the time. How difficult is it for somebody to walk

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into a city hall, or a county hall, or even to appear before a deputy registrar. I would submit that it isn't difficult and I would submit that it's a heck of a lot easier to get registered now than it was a number of years ago. The Federal Government... This is part of the problem why the Federal Government has taken the wrong tact on this issue. The reason that there are local voting jurisdictions and the reason that they...that we do register voters at the local level is exactly for this reason; to be able to verify who is a voter and who does not qualify as a voter. So, I think the Representative has a very very good Amendment and I think that it's a reasonable Amendment, and I would urge all of my colleagues to support this Amendment."

Speaker Steczo: "Representative Stephens."

Stephens: "Thank you, Mr. Speaker. On a point of personal privilege I rise to announce the fact that the Department of Defense, the Pentagon, has contacted me. They have let me know that Lieutenant Jerome T. Clark of the House Republican staff has been promoted to Captain. I think they did that...the right decision. Their infinite wisdom has shown once again why this nation is great."

Speaker Steczo: "Representative Black...Representative Black on the Amendment."

Black: "Thank you very much, Mr. Speaker. I'm very curious about one thing I've heard repeatedly and that is that the Illinois County Clerks Association want the underlying Bill to pass, or I believe that would have been Amendment #4. So, I thought well, I haven't seen anything that pertains to that. I don't know where that information comes from. I certainly trust the veracity of my good colleague, my good friend and colleague on the other side of aisle.

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Perhaps some of the county clerks do, but I just got off the phone with one of the county clerks in my legislative district who has been a county clerk for a number of years and either is or just was an officer in the County Clerks Association. Let me tell you what this county clerk said in no uncertain terms. The Illinois County Clerks Association is absolutely and unabashedly split on this question. We have absolutely no agreement whatsoever on how motor voter should be portrayed and put forth to the voters of Illinois. So, you're not...no one over there, and I'm sure he didn't intend to even imply that the county clerks in all of the counties of Illinois support this measure. Not Amendment 5, but Amendment #4. The county clerks are, quoting him, hopelessly split on the issue of what form motor voter should take. And he stands in absolute opposition to what the Federal Government has mandated without some of the safeguards that Representative Moore is attempting to put in the legislation right now and I have heard...Mr. Speaker, to the Amendment...a lot of talk about making it difficult for college students. Well, you know, eight of the best years of my life were spend in college. Check that. But I bring that up simply to tell you, and I went to college a considerable distance from home. Back in the days before interstates it was an eight hour trip. I wasn't disenfranchised. I was able to register to vote. And I think, I can't say for sure, it's been a long time, but I think if you'll pull my voting record I have never missed an election of any kind from the day I turned 21. You had to be 21 back then to vote. So let's not...let's not. Oh, you're all too kind. So let's not throw the proverbial red herring up every time we talk about something and disenfranchising college students.

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You've all been on college campuses. I think there's plenty of time during the semester or between semesters or on Spring break when college students can certainly get home and register to vote, at least once show up so we can see that Mr. 'A' or Mrs. 'A' is, in fact, Mr. or Mrs. 'A'. Let me point out one other thing to you that I'd wish you'd think about as we approach the 50th anniversary of D-day. You know what nobody has talked about today? Everybody has talked about your right to vote, your right to register, your right to vote, your right to register. What about your responsibility to register. What about your responsibility to vote. We probably have as easy, even under the potpourri of current laws that exist in the 50 states, we probably make it easier for our citizens to vote than any country on the face of the earth, bar none, and look at the turnout we have. Of registered voters, we think we should have a holiday if 30% come out to vote, and 50 years ago, Monday, how many thousands of our friends and neighbors and relatives died on the beaches of Normandy to give us that responsibility and right to vote. Don't cheapen their sacrifice. Don't belittle their sacrifice. If you want to vote in this country you can vote. You can register almost anywhere. You can vote absentee. There is no reason why anybody could ever look me in the eye and say I couldn't vote. I'll look them in the eye and say you just didn't take the time, you didn't take the responsibility, and if you're not willing to take the time or take the responsibility, don't come crying to me. I think it's ridiculous that we sit here and say the precious right to vote, bought and paid for by the blood of many an American veteran should be something you can just do like watching television or watching MTV. For crying out loud,

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my father wasn't in World War II so that our rights could constantly be expanded. Yes, he fought for my rights, but he also brought me up to realize, son, take a little responsibility for what you do in this life cause we fought for that just as much as we fought for your rights. I urge you, it only makes common sense to vote 'aye'..."

Speaker Steczko: "The Chair recognizes Representative von Bergen-Wessels."

von Bergen-Wessels: "Thank you, Speaker, Gentlemen and Women of the House. Representative Black makes the point that the county clerks are split. Perhaps we'd be well advised to get on the phone and start calling our county clerks. I know that mine, and I have five in my district, are not split on the underlying Bill. They want very much to have something to start moving forward to give them some direction, but I just polled them on Amendment #5. Of the four of the five that I polled there are 3 'noes' and only 1 'yes', and that yes comes from the part of my district that only is 3% of my district and the 'noes' come from the majority of my district. So perhaps we would all be well advised to check with our county clerks to see just exactly where they stand on this Amendment and the underlying legislation."

Speaker Steczko: "Representative Wennlund."

Wennlund: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. What is this new found concern for the convenience of college students. If they can't show enough responsibility to show up once to register then maybe they don't deserve to exercise the right to vote, and you can balance that against the greatest opportunity for vote fraud in the history of this state. And why is Illinois any different than the other 27 states? That's real

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simple. We have the City of Chicago, infamous for it's record of vote fraud. They don't have it. This is a good Amendment. The convenience of college students is not in balance with protection from voter fraud. This is a good Amendment. And let me tell you, if you vote against this Amendment you are voting to perpetuate the greatest vote fraud in the history of this state and that will come back to haunt you."

Speaker Steczo: "Representative Levin."

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

Speaker Steczo: "She indicates she will."

Levin: "Okay. I've been getting the impression that the only thing that this Amendment allows is for that college students to vote on election day. As I read the Amendment I find there is another alternative in here, is there not?"

Moore, M.: "Which part are you referring to?"

Levin: "I'm referring to the lines 8, 9 and 10 it says that, 'Shall vote in person in the office of the election authority by absentee ballot or on election day at a polling place designated by the election authority.'"

Moore, A.: "Yes."

Levin: "So, if somebody's a college student and they register for the first time, under this Amendment they can vote absentee in person at the jurisdiction of the election authority."

Moore, A.: "If they register by mail, that is correct."

Levin: "So, for example, in the City of Chicago the Chicago Board of Election Commissioners usually has absentee voting in person for about three or four weeks before the election."

Moore, A.: "That;s correct." LEVIN: "And I assume other jurisdictions do something similar."

Moore, A.: "Yes."

Levin: "So there is under your Amendment the opportunity for that

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college student to be able to meet the requirements of voting, in effect in person, and do so in a way that they're not going to have to come back just on the election day."

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

Levin: "Thank you."

Speaker Steczko: "Representative Granberg."

Granberg: "Thank you. On a point of personal privilege. Representative Black referred to the County Clerks Association. Let me clarify. County clerks are split throughout the state on this issue. They are split on whether we should even do it. That is the problem. They...some of them even...they don't want to carry out the federal law, so they are split. The County Clerks Association, their governing board endorsed the underlying Bill which is Amendment 4. They did not endorse Amendment #5, they endorsed Amendment #4. The Board of Governors, the County Clerks Association is not in favor of Amendment #5. So I just wanted to clarify that."

Speaker Steczko: "Representative Rutherford."

Rutherford: "Thank you, Mr. Speaker. I stand in support of this Amendment in light of the fact that #4 is all ready...Amendment 4 is on it, Amendment 5 is absolutely essential. You know I have to...we have to remind this Body that this whole issue of motor voter is brought to us by the Clinton Administration to begin with, number 1. I, too, have contacted my clerks. In fact, Mr. Speaker, as you just called on me I was on the phone with one of them. The Clerks Association, as Mr. Granberg pointed out, their executive board has supported this, but let me tell you and you need to look at the makeup of that executive board; the County Clerks Association, it is made up of friends of the

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Clinton Administration. It is not made up of members and controlled by the Members of the other side of the aisle here. I've got to tell you, Representative Black, the comments that you made in regards to the freedom of the rights that we have here in America are absolutely outstanding and right. I, too, was at college, not quite eight, but I, too, was at college and to be able to think that it was some horrible situation for me to have to walk in and physically appear to go register to vote is absolutely ludicrous to think that college students today do not have that sensitivity towards what they stand for and freedoms of this country. I've got to...Amendment #5 very simply states, if you register by mail you must show up for at least the first time physically to let them know that you exist. If you don't you can then go ahead and go by absentee. Ladies and Gentlemen, it is absolutely essential that Amendment 5 go on this Bill now that #4 is with us."

Speaker Steczko: "Is there any further discussion? Representative Andrea Moore to close. Representative Murphy, would it be okay if you explained your vote?"

Murphy, M.: "Fine."

Speaker Steczko: "Representative Andrea Moore to close."

Moore, A.: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. This is some of the most important legislation that we have the opportunity to pass this year. We sit here day after day and debate issues that are just mere band-aids on existing statutes. This is comprehensive legislation that relates to how we vote, how we register and how we will choose our leaders. I was born and raised in this state and I recall a saying, 'vote early and often', and many people have heard that saying. If this

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Amendment does not pass that's what we're going to have, people voting early and often. The State Board of Elections supports this. The independent voters of Illinois, the League of Women Voters supports this. People, we have a chance to do something here. Let's do it right. Please vote 'yes'."

Speaker Steczko: "The Lady has moved for the adoption of Amendment #5. All those in favor of the adoption of the Amendment will signify by voting 'aye'; those opposed by voting 'no'. The voting is open. The Chair recognizes Representative Meyer. One minute to explain your vote."

Meyer: "Thank you, Mr. Speaker. In explaining my vote I would indicate that this Amendment does enhance the opportunity of voters in this state to exercise their right to cast their ballot and I strongly support that right. At the same time I believe that it also provides protection against voter fraud and I think that it's paramount that we adopt this Amendment and...that we adopt this Amendment and show that we want to exercise our voice against fraudulent activity on the part of voters."

Speaker Steczko: "Representative Maureen Murphy. One minute to explain your vote."

Murphy, M.: "Thank you, Mr. Speaker. Would the number of mail boxes burning a blaze in Chicago, to put our faith in the U.S. Postal System, I believe we're safeguarding the integrity of those college students votes. They will think that they are registered, and until they go in person at some point they may find out that their registration was lost in the mail. Also, looking at voter fraud. If a kid from Cook County is in college in DeKalb County, how do we know if they registered in DeKalb County. Some industrious precinct worker doesn't go and register them in Cook County

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and we would never know about the safety net. We need to have this in person so that these college students votes aren't stolen from them. And, again, why should we put our faith in the U.S. mail. And when those of you that register to vote, be assured, this is a form of citizenship. It is not simply the ability to vote. I urge your 'yes' vote on this Amendment."

Speaker Steczo: "Representative Erwin. One minute to explain your vote."

Erwin: "Thank you, Mr. Speaker. We've heard a lot about college students today. Let's remember there are a lot of professionals in this state who spend Monday through Friday traveling. They don't always know, you know, in advance and I tell you I think that from listening to the other side of the aisle you would think that 98% of Illinois adults were registered voters. Given the number and percentage of people who take the time to actually register and vote, we ought to be removing every single impediment to voting and registering in this state, and in my district with students and a mobile society I think this is a very unnecessary impediment. Other states have had postcard registration for 10 or 15 years without any problems. We don't hear screaming and yelling from New York about vote fraud. I think that the real issue here is that you really don't want motor voter."

Speaker Steczo: "Representative Phelps. One minute to explain your vote."

Phelps: "Thank you, Mr. Speaker. In explaining my vote I'm supporting this Amendment because I do think there needs to be safeguards in the first time mail registration. However, I think as this obviously will be probably going to Conference Committee, it's something possibly to think

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about. As the State of Kansas if I understand what they're doing right in implementing this federal law, they are requiring that there would be same day registration on election day for those who might just call for the federal ballot just for the first time, and I think that would be a great compromise and I hope that's inserted in the Conference Committee Report. Hopefully, I can be of help as a former county clerk."

Speaker Steczko: "Representative Lindner. One minute to explain your vote."

Lindner: "Yes, thank you, Mr. Chairman (sic-Speaker). I certainly don't think we're placing any impediment by voting for this. Voting is a right but it is also a privilege. I think as State Representatives we should want voters who are intelligent and who care enough at least to show up for the first time. Of course maybe we don't want voters who are intelligent because then maybe a number of people in this chamber would not get reelected. I think that we also talk about college students that we have tried to teach our young people individual responsibility and to take more responsibility for themselves, and I think that certainly showing up for the first time to vote, to register, is part of that responsibility."

Speaker Steczko: "Have all voted who wish? Have all voted who wish? Mr. Clerk...Mr. Clerk, please take the record. On this question there are 91 voting 'yes', 23 voting 'no', none voting 'present'. The Amendment's adopted. Mr. Rutherford, what... Representative Schoenberg requests that Senate Bill 1159 be taken from the record. Representative Rutherford, for what purpose do you seek recognition?"

Rutherford: "Thank you, Mr. Speaker. I move to reconsider the vote by which Bill 1159, Amendment 5..."

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Speaker Steczo: "Mr. Rutherford, at this point that Motion is not timely because the Bill has been taken from the record."

Rutherford: "Why... I thought...think per the rules I can make that Motion at any time, Mr. Chair (sic - Speaker)."

Speaker Steczo: "The Motion..."

Rutherford: "...and I, in fact, you even started to recognize me with a Mr. Ruther...and I know the ford may not have gotten all the way out before the Mr. Schoen...part got into it. But I do, respectfully, request that we move to reconsider the vote."

Speaker Steczo: "Mr. Rutherford, you are in order to file that Motion at any time, but we're not on that Bill at this point."

Rutherford: "Thank you, Mr. Speaker. I will file that and I would appreciate having it on the Calendar next..."

Speaker Steczo: "Mr. Black, for what purpose do you seek recognition?"

Black: "Well, that's...that's one of the most interesting rulings from the Chair I've ever heard. You won't recognize his verbal Motion but he can file it. Well, as I sit up here right now, consider it filed. Right now. And there better not be another written Motion up there before his."

Speaker Steczo: "Mr. Black, the Bill..."

Black: "While you personally may not be involved in that chicanery, I've had enough."

Speaker Steczo: "The Bill has been taken from the record."

Black: "Oh, by who, Mr. 'Rutherforberg'."

Speaker Steczo: "Mr. Schoenberg. Mr. Schoenberg, who is the Sponsor of the Bill."

Black: "Mr. Speaker, I don't expect this out of you. He was well within his rights to make that Motion at any time, even after Mr. 'Rutherberg' took it out of the record. You

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recognized him. He had a right to make that Motion, and I suggest to you, for heaven's sake, not you. You aren't going to be part of this cartel. Sure...surely not. What are you afraid of? You've got the Majority. He's within his rights to make the Motion. Let's act on it."

Speaker Steczko: "Mr. Black."

Black: "Thank you very much, Mr. Speaker. You know, I've tried...I've tried to reason with you, but if you could ask the Parliamentarian, pursuant to Rule 73, clearly says 'While the Bill is in control of the House'. Well, he didn't take it from the record and send it to the Senate. The Bill is still in control of the House. Representative Rutherford's Motion is in order and I would ask the Chair to so rule."

Speaker Steczko: "Mr. Black, in response to your inquiries we're going to ask the Clerk what Motions have been filed on this Bill and in what order."

Clerk Rossi: "I have a Motion to table Amendment #5 to Senate Bill 1159, offered by Representative Granberg; a Motion to reconsider the vote by which Amendment #5 was adopted on Senate Bill 1159, offered by Representative Turner; and a Motion to reconsider the vote by which Amendment #5 was adopted to Senate Bill 1159, by Representative Rutherford."

Speaker Steczko: "So there are three Motions that have been filed to this Bill. Upon the Chair's reading of the rule it indicates that a Bill, while still in control of the House or a matter...for that matter, is still within control of the House... Let the Chair start over. A Member who voted on the prevailing side of a record vote on a matter still within control of the House, may on the same day move to reconsider. Mr. Rutherford, having done that, has made a Motion to reconsider as have other individuals. Those now

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have been filed with the Clerk. The next...The Bill has been taken from the record, but the next time the Bill is undertaken, the first Order of business will be those Motions. Nothing will be done on this Bill with any other question...Those Motions will come first, and those...those items have been filed with the Clerk and they shall be considered at that time. Representative Kubik."

Kubik: "Mr. Speaker, if you look to Section (b) of the rule, which is more appropriate in this instance, which is that 'a Motion to reconsider a record vote on the adoption of an Amendment may be made at any time on Second Reading'. You have quoted the portion of the rule that is in portion (a) of the rule. The Motion to reconsider is on the Amendment, and it clearly states, and I'm reading from the rule, 'A Motion to reconsider a record vote on the adoption of an Amendment may be made at any time on Second Reading'. Now, please tell me, Mr. Speaker, that we are both communicating in the same language which is English. I think this rule is so clear that it defies any ruling that you've made. Representative Rutherford has made...had made a Motion to reconsider on the adoption of an Amendment, not the Bill, an Amendment. And so, I think it is more appropriate that the Chair would look at Section (b) of Rule 73 on Motions to reconsider and would appreciate the Chair's ruling."

Speaker Steczo: "Mr. Kubik, the...the rule indicates that the request can be made any time the Bill is on the Order of Second Reading. The Bill has been taken from the record. Those Motions were then filed subsequent to the Bill being taken from the record; therefore, the next time the Bill is placed in the record those Motions will be heard first and in the order that they were filed with the Clerk. But they will be considered. Mr. Ryder."

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Ryder: "Then I would make an inquiry of the Chair. On what order is the Bill?"

Speaker Steczo: "The Bill...the Bill is..."

Ryder: "Second Reading."

Speaker Steczo: "And...but not being considered. The Bill was taken from the record."

Ryder: "No. There's nothing in the rule that says whether it is or not. It is on Second Reading by the admission of the Chair. As a result, the Motion is in order."

Speaker Steczo: "But..."

Ryder: "Any time..."

Speaker Steczo: "The Bill is not before us at this time."

Ryder: "Mr. Speaker, you can twist...Mr. Speaker, you can twist germane all over, but at this point you can't even follow the plain English of your own rules. Now where's it going to stop? How can you get out of the plain English? Even I can understand that. And that says a lot. How can you get around the plain English of your own rule? Except by some charade of saying, the rules...or the Motions were filed with the Clerk, while you were telling them to be filed. The record clearly shows that Mr. Rutherford made a Motion and that Motion, by your own rules, is appropriate to be heard. The Bill is on Second Reading. There's no way the Parliamentarian, even by his own creative genius, can get around that. It is plain on its face."

Speaker Steczo: "Representative Wennlund."

Wennlund: "Thank you, Mr. Speaker. Pursuant to Rule 75, I move to table the Motion filed by Representative Rutherford to reconsider the vote by which Amendment #5 to 1150...to Senate Bill 1159 was taken."

Speaker Steczo: "Representative Wennlund, we are not on Representative Rutherford's Motion; therefore, that Motion

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is out of order. If you wish...if you wish to file a Motion in writing, please feel free to do so. Representative...Representative Kubik. Representative Kubik."

Kubik: "Mr. Speaker, I know...I know the hour grows late, but I...I would ask you, in all seriousness, to think about the ruling that you've just made. What you have said is that this Bill is not on Second Reading. For purposes of setting precedent in this House, what you are now saying is that this whole Calendar is invalid, that where Bills sit doesn't matter. And while I realize that you may not agree with the Motion on this particular Bill, I would ask you for the larger...or the greater good of having some rules of order in this House not to rule that this Bill is not in the record. But the clear fact is the Bill is on Second Reading, whether it's in front of us or whether it's sitting on the Speaker's desk or what not, or a Bill is on Third Reading. So, Mr. Speaker, I really I would ask you to go to this Motion, let's vote on the Motion, let's get it over with. But to say that this Bill is not on Second Reading is to take the Calendar and toss it out of the window. It just simply doesn't make sense. We've got to have some order in this House. We've got to have some rules and these are the rules by which we ought to operate. So, Mr. Speaker, I would ask you to go to this Motion, vote on the Motion, be done with it. But don't rule that this Bill is not on Second Reading."

Speaker Steczo: "Mr. Kubik, in response to yours and other questions that have come up with relation to the rule, I would...I would point out Rule 35.1, the rule is controlled by the Chief Sponsor. 'When a Resolution or a Bill, other than an appropriation Bill, is called on any order of

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business, the Chief Sponsor may request that the consideration of the Bill or Resolution be deferred. If the Chief Sponsor requests that the consideration be deferred, the Speaker shall order that consideration of the Bill or Resolution be deferred and that Bill or Resolution shall be retained at the same point on the Calendar'. That's... Mr. Schoenberg had requested that that Bill be taken from the record. At this point, it's the intention of the Chair to move to Senate Bill 1595. Representative Cowlshaw."

Black: "No, no, I won't stand by and allow that crap happen..."

Speaker Steczo: "Representative Cowlshaw, do you wish to call your Bill? Representative Granberg now moves that the House stand adjourned until noon next Tuesday. All those in favor will signify by saying 'aye'; those opposed by saying 'no'. The 'ayes' have it. The House now stands adjourned until next Tuesday at the hour of 12:00 noon."

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