

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

160th Legislative Day

November 15, 1994

Speaker McPike: "The House will come to order. The House will come to order. The Chaplain for today is Reverend James Stuenkel of the Good Shepherd Lutheran Church in Sherman, Illinois. Reverend Stuenkel is a guest of Representative Moseley. The guests in the balcony may wish to rise and join us for the invocation."

Reverend Stuenkel: "Thank you and good day to all of you. Let us begin with prayer. Dear almighty God, You have given us this great land as our heritage. We pray that we would always remember Your generosity, especially in the days ahead, be thankful for it. We pray that we would always do Your will. Bless this land and this state with honest industry and truthful education and an honorable way of life. We pray that You would save us from violence and confusion and from every evil course of action. We also ask today that You would bless these our leaders that they may serve with wisdom and good counsel and that they may be steadfast in all that they do, and that under them this state and all of its people may be governed in peace and in quietness. We ask this through our Lord, Jesus. Amen."

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

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

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

Kubik: "Well, thank you, Mr. Speaker. Let the record reflect that all the Republican Members are here today."

Speaker McPike: "Representative Turner."

Turner: "Thank you, Mr. Speaker. On this side we have one

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excused absence, Representative Charles Morrow."

Speaker McPike: "Thank you. Mr. Clerk, take the record. One hundred and seventeen Members answering the roll call, a quorum is present. Committee Report."

Clerk Rossi: "The Committee on Rules has met, and pursuant to Rule 14(a)(6), House Bills amendatorily vetoed, recommends consideration, and the Bill...following Bill be placed on the Order of Amendatory Compliance: House Bill 99."

Speaker McPike: "Representative Moffitt in the Chair."

Moffitt: "I'd like to take this opportunity to, and it's a pleasure to introduce the Monmouth golf team, and at this time I'd like to call on the Clerk to read the Resolution to describe their accomplishment."

Clerk McLennand: "House Resolution 3444. WHEREAS, The Monmouth High School golf team took first place in the IHSA Class A State tournament on October 14th and 15th, 1994, at Prairie Vista Golf Course in Bloomington, Illinois; and WHEREAS, This victory marks the seventh time that Monmouth High School has had a championship golf team, a State record; and WHEREAS, The team members, who were well-prepared by Coach Bill Pieper, are: Captain Andrew Johnson, Matt Livingston, Rawly Lantz, Scott McClintock, Adam Goldie, and Steve VanKirk; and WHEREAS, Coach Bill Pieper, who is in his 24th year of coaching, has had championship teams six times before, in 1985, 1986, 1987, 1988, 1989, and 1990; and WHEREAS, Andrew Johnson, a State medalist, had a two day total of 144, the 4th best round in the history of Illinois golf; he is the 6th State medalist to play for Monmouth High School; and WHEREAS, The Monmouth High School golf team has demonstrated good sportsmanship, talent, and dedication; therefore, be it RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-EIGHTH GENERAL ASSEMBLY OF

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THE STATE OF ILLINOIS, that we congratulate Coach Bill Pieper and the members of the Monmouth High School golf team on winning first place at the State IHSA tournament in 1994, commend the students on their success and hard work, and wish them all the best in their future careers; and be it further RESOLVED, That suitable copies of this resolution be presented to the team members and Coach Bill Pieper."

Moffitt: "The question is, 'Shall the House adopt Resolution 3444?' All in favor say 'aye'; opposed, 'nay'. The 'ayes' have it. The Resolution is adopted. At this time...at this time it gives me a great deal of pleasure to introduce the coach, to introduce the team. It's Coach Bill Pieper who's just added another record of distinction to Monmouth. I'm proud to have Monmouth in my district. Not only is Monmouth the birthplace of Wyatt Earp, but now they have a record number of state championships in the state golf team. So, Coach Bill Pieper."

Coach Pieper: "Ladies and Gentlemen of the House, it gives me a great deal of pleasure to introduce six very fine young men. Sophomore, Steve VanKirk. Sophomore, Adam Goldie. Junior, Scott McClintock. Senior, Rawly Lantz. Senior, Matt Livingston, the 1993 state medalist, and the 1994 state medalist, Senior Captain, Andrew Johnson. It's a pleasure to be here. Thank you."

Speaker McPike: "Representative McPike in the Chair. Agreed Resolutions."

Clerk Rossi: "House Resolution 3145, offered by Representative Cross; House Resolution 3146, offered by Representative Pedersen; House Resolution 3147, offered by Representative Zickus; House Resolution 3148, offered by Representative Saviano; House Resolution 3149, offered by Representative

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Cross; House Resolution 3150, offered by Representative Zickus; House Resolution 3151, offered by Representative Parke; House Resolution 3152, offered by Representative Steczo; House Resolution 3153, offered by Representative Curran; House Resolution 3154, offered by Representative Tim Johnson; House Resolution 3155, offered by Representative Morrow; House Resolution 3156, offered by Representative Morrow; House Resolution 3157, offered by Representative Weller; House Resolution 3158, offered by Representative Kubik; House Resolution 3159, offered by Representative Steczo; House Resolution 3160, offered by Representative Roskam; House Resolution 3161, offered by Representative Maureen Murphy; House Resolution 3162, offered by Representative Davis; House Resolution 3163, offered by Representative Dart; House Resolution 3165, offered by Representative Steczo; House Resolution 3166, offered by Representative Tim Johnson; House Resolution 3167, offered by Representative Noland; House Resolution 3168, offered by Representative Black; House Resolution 3169, offered by Representative Schoenberg; House Resolution 3170, offered by Representative Curran; House Resolution 3171, offered by Representative Granberg; House Resolution 3174, offered by Representative Tim Johnson; House Resolution 3175, offered by Representative Hoeft; House Resolution 3176 and 3177, offered by Representative von Bergen Wessels; House Resolution 3178, offered by Representative Hannig; House Resolution 3179, offered by Representative Edley; House Resolution 3181, offered by Representative Wennlund; House Resolution 3184, offered by Representative Granberg; House Resolution 3185, offered by Representative von Bergen Wessels; House Resolution 3186, offered by Representative Cross; House Resolution 3187 and

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3188, offered by Representative Novak; House Resolution 3189, offered by Representative Stroger; House Resolution 3190, offered by Representative Saviano; House Resolution 3191 and 3192, offered by Representative Tim Johnson; House Resolution 3195, offered by Representative Granberg; House Resolution 3196, offered by Representative Deering; House Resolution 3199, offered by Representative Gash; House Resolution 3201 and 3202, offered by Representative Dart; House Resolution 3204, offered by Representative Capparelli; House Resolution 3205, offered by Representative Hoffman; House Resolution 3206, offered by Representative Clayton; House Resolution 3207, offered by Representative Parke; House Resolution 3208 and 3209, offered by Representative Black; House Resolution 3210, offered by Representative Ryder; House Resolution 3211, 3212, 3214, 3215, 3216, and 3217 and 3218, offered by Representative Dart; House Resolution 3220, 3221, 3222, 3223, and 3224, offered by Representative Tim Johnson; House Resolution 3225, offered by Representative Black; House Resolution 3226, offered by Representative Kubik; House Resolution 3227 and 3228, offered by Representative Weller; House Resolution 3229, offered by Representative Weller; House Resolution 3230, offered by Representative Maureen Murphy; House Resolution 3231 and 3232, offered by Representative Frias; House Resolution 3233, offered by Representative Giglio; House Resolution 3234, offered by Representative Sheehy; House Resolution 3236, offered by Representative Cross; House Resolution 3237, offered by Representative Tim Johnson; House Resolution 3239, offered by Representative Ryder; House Resolution 3240, offered by Representative Zickus; House Resolution 3242, offered by Representative Tim Johnson; House Resolution 3243, offered

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by Representative Weller; House Resolution 3244, offered by Representative Tim Johnson; House Resolution 3245, offered by Representative Cross; House Resolution 3246, offered by Representative Granberg; House Resolution 3247, offered by Representative Noland; House Resolution 3248 and 3249, offered by Representative Black; House Resolution 3250, offered by Representative Gash; House Resolution 3251, offered by Representative Maureen Murphy; House Resolution 3252, offered by Speaker Madigan; House Resolution 3253, offered by Representative Black; House Resolution 3254, offered by Representative Tim Johnson; House Resolution 3256 and 3257, offered by Representative Woolard; House Resolution 3258, 3259, 3260, 3261, 3262, 3263, offered by Representative DeJaegher; House Resolution 3264 and 3265, offered by Representative Novak; House Resolution 3267, offered by Speaker Madigan; House Resolution 3270, offered by Representative Tim Johnson; House Resolution 3272, offered by Representative Clayton; House Resolution 3273, offered by Representative Roskam; House Resolution 3274, offered by Speaker Madigan; House Resolution 3276, offered by Representative Hicks; House Resolution 3277, 3278, 3279, offered by Representative DeJaegher; House Resolution 3281, offered by Representative Black; House Resolution 3282, offered by Representative Hassert; House Resolution 3283, offered by Representative Steczo; House Resolution 3284, offered by Representative Hoeft; House Resolution 3286 and 3287, offered by Representative Black; House Resolution 3288, offered by Representative Younge; House Resolution 3289, offered by Representative Dart; House Resolution 3290, offered by Representative Leitch; House Resolution 3291, offered by Representative Black; House Resolution 3293, offered by Representative Clayton; House Resolution

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3294, offered by Representative Weller; House Resolution 3295, 3296, 3297, 3298, 3299, 3300, 3301, 3302, and 3303, offered by Representative McAfee; House Resolution 3304, 3305 and 3306, offered by Representative Novak; House Resolution 3308, offered by Representative Younge; House Resolution 3311, offered by Representative Roskam; House Resolution 3312, offered by Representative Blagojevich; House Resolution 3314, offered by Representative Daniels; House Resolution 3316, offered by Representative Dart."

Clerk McLennand: "House Resolution 3319, offered by Representative Walsh; House Resolution 3320, offered by Representative Gash; House Resolution 3321, 3322 and 3323, offered by Representative Cross; House Resolution 3324, offered by Representative Ryder; House Resolution 3325 and 3326, offered by Representative Black; House Resolution 3327, offered by Representative Zickus; House Resolution 3328, offered by Representative Davis; House Resolution 3329, offered by Representative Mulligan; House Resolution 3330, offered by Representative Weller; House Resolution 3333, offered by Representative Noland; House Resolution 3334, offered by Representative Steczko; House Resolution 3335, offered by Speaker Madigan; House Resolution 3336, offered by Representative Giolitto; House Resolution 3337, offered by Representative Walsh; House Resolution 3338, offered by Representative Pankau; House Resolution 3339, offered by Representative Kubik, and 3340, offered by Representative Kubik; House Resolutions 3342 and 3343, offered by Representative Curran; House Resolution 3344, offered by Representative Novak; House Resolutions 3345, 3346, 3347, 3348, and 3349, offered by Representative Gash; House Resolution 3350, offered by Representative Pedersen; House Resolution 3351, offered by Representative Cross;

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House Resolution 3352, 3353, 3354 and 3355, offered by Representative Clayton; House Resolution 3356, offered by Representative Wennlund; House Resolution 3357, offered by Speaker Madigan; House Resolution 3358, offered by Representative Younge; House Resolution 3359, offered by Representative Brady; House Resolution 3360 and 3361, offered by Representative Saviano; House Resolution 3362, offered by Representative Kubik; 3363, offered by Representative Parke; House Resolution 3364, offered by Representative Gash; House Resolution 3365, offered by Representative Black; House Resolution 3366, offered by Representative Younge; House Resolution 3368, offered by Representative Tim Johnson; House Resolution 3369, offered by Representative Pankau; House Resolutions 3370 and 3371, offered by Representative Weller; House Resolution 3372, offered by Representative Walsh; House Resolution 3373, offered by Representative Dart; House Resolution 3375 and 3376, offered by Representative Saviano; House Resolution 3377, offered by Representative Black; House Resolution 3378, offered by Representative Granberg; House Resolution 3379 and 3381, offered by Representative Parke; House Resolution 3382, offered by Representative Blagojevich; House Resolution 3383, offered by Representative Hoeft; House Resolution 3384, offered by Representative Maureen Murphy; House Resolution 3388 and 3389, offered by Representative Ryder; House Resolution 3392 and 3393, offered by Representative Roskam; House Resolution 3394, offered by Representative Zickus; House Resolution 3395 and 3396, offered by Representative Novak; House Resolution 3397, offered by Representative Hoeft; House Resolution 3399, offered by Representative Tim Johnson; House Resolution 3400, offered by Representative Pankau; House



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Resolution 3401, offered by Representative Walsh; House Resolution 3404, offered by Representative Wojcik; House Resolution 3405, offered by Representative Black; House Resolution 3407, offered by Representative Lou Jones; House Resolution 3410, offered by Representative Ackerman; House Resolution 3411 and 3412, offered by Representative Novak; House Resolution 3413, offered by Representative Hanrahan; House Resolution 3415 and 3416, offered by Representative Tim Johnson; House Resolution 3418 and 3419, offered by Representative Steczo; House Resolution 3420, offered by Representative Hannig; House Resolution 3421, offered by Representative Ronen; House Resolution 3423, offered by Representative Tim Johnson; House Resolution 3424, offered by Representative Currie; House Resolution 3425, offered by Representative Steczo; House Resolution 3426, offered by Representative Hassert; House Resolution 3427, offered by Representative Novak; House Resolution 3429, offered by Representative Weller; House Resolution 3430, offered by Representative Daniels; House Resolution 3431, offered by Representative Black; House Resolution 3434, offered by Representative Biggert; House Resolution 3442, offered by Representative Daniels; House Resolution 3438 and 3437, offered by Representative Turner; House Resolution 3443, offered by Representative Brady; House Resolution 3441, offered by Representative Hannig; Senate Joint Resolution 186, offered by Representative Tom Johnson; Senate Joint Resolution 187, offered by Representative Biggert; Senate Joint Resolution 188, offered by Representative McAuliffe; Senate Joint Resolution 193, offered by Representative Granberg; and Senate Joint Resolution 189...191, offered by Representative Curran; House Resolution 3267, offered by Speaker Madigan; House Resolution 3271, offered by

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Representative Stephens; House Resolution 3275, offered by Representative Hicks; House Resolution 3385, offered by Representative Morrow; House Joint Resolution 175, offered by Representative Noland; House Joint Resolution 176, offered by Representative Weller."

Speaker McPike: "The question is, 'Shall the Agreed Resolutions be adopted?' All in favor say 'aye'; opposed, 'no'. The 'ayes' have it and the Agreed Resolutions are adopted. Death Resolutions."

Clerk McLennand: "House Resolution 3143, offered by Representative Dart, with respect to the memory of Angeline Cachey; House Resolution 3144, offered by Representative Lou Jones, with respect to the memory of Reverend George E. Riddick; House Resolution 3164, offered by Representative Dart, with respect to the memory of Eugene E. Connell, Jr.; House Resolution 3172, offered by Representative Tim Johnson, with respect to the memory of Leo Horn; House Resolution 3173, offered by Representative Tim Johnson, with respect to the memory of Raymond Willoughby; House Resolution 3180, offered by Representative Tim Johnson, with respect to the memory of Frederick Hitchins; House Resolution 3182, offered by Representative Ostenburg, with respect to the memory of Dr. Robert Pringle; House Resolution 3183, offered by Representative Biggert, with respect to the memory of James Coultrap; House Resolution 3193, offered by Representative Pugh, with respect to the memory of Joe Cephus Whyte, Jr.; House Resolution 3194, offered by Representative Currie, with respect to the memory of Edward Billingsley; House Resolution 3197, offered by Representative Balanoff, with respect to the memory of Lily Kate Rhodes; House Resolution 3198, offered by Representative Gash, with respect to the memory of Dr.

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Robert Stein; House Resolution 3200, offered by Representative Black, with respect to the memory of M. Evans Johnson; House Resolution 3203, offered by Representative Dart, with respect to the memory of William Mackey, Sr.; House Resolution 3213, offered by Representative Dart, with respect to the memory of Joseph Gladkowski; House Resolution 3219, offered by Representative Tim Johnson, with respect to the memory of Pauline Armstrong; House Resolution 3235, offered by Representative Ryder, with respect to the memory of Edward J. Flynn; House Resolution 3238, offered by Representative Ryder, with respect to the memory of Edmund P. Pritchett; House Resolution 3241, offered by Representative Tim Johnson, with respect to the memory of James Summers; House Resolution 3255, offered by Representative Tim Johnson, with respect to the memory of Thelma Melohn; House Resolution 3266, offered by Representative Biggert, with respect to the memory of John Trowbridge; House Resolution 3268, offered by Representative Morrow, with respect to the memory of Hazel Hockaday; House Resolution 3269, offered by Representative Morrow, with respect to the memory of Henry Scott, Jr.; House Resolution 3280, offered by Representative Tim Johnson, with respect to the memory of Harry Smith; House Resolution 3285, offered by Representative Younge, with respect to the memory of Chief James Avant; House Resolution 3292, offered by Representative Edley, with respect to the memory of Robert Crawford; House Resolution 3307, offered by Representative Novak, with respect to the memory of Roger Regnier; House Resolution 3309, offered by Representative Tim Johnson, with respect to the memory of Albert D. Mulliken, Jr.; House Resolution 3310, offered by Representative Tim

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Johnson, with respect to the memory of Bobbie Dean Reid; House Resolution 3313, offered by Representative Saltsman, with respect to the memory of Curley Rogers; House Resolution 3315, offered by Representative Dart, with respect to the memory of Veronica O'Shea; House Resolution 3317, offered by Representative Pugh, with respect to the memory of Ada Ann Grant; House Resolution 3318, offered by Representative Pugh, with respect to the memory of Ella Pauline Clay; House Resolution 3331, offered by Representative Morrow, with respect to the memory of Ernest Kent Jones, Sr.; House Resolution 3332, offered by Representative Morrow, with respect to the memory of Barbara Montgomery (sic - Susie Coleman Jones); House Resolution 3341, offered by Representative Flowers, with respect to the memory of Barbara...with respect to the memory of Barbara Montgomery; House Resolution 3367, offered by Representative Tim Johnson, with respect to the memory of Johnny Abram; House Resolution 3374, offered by Representative Younge, with respect to the memory of Noah Howell Jones; House Resolution 3386, offered by Representative Tim Johnson, with respect to the memory of William H. Rice; House Resolution 3387, offered by Representative Tim Johnson, with respect to the memory of Lee Bissey; House Resolution 3390, offered by Representative Tim Johnson, with respect to the memory of Paul VanArsdell; House Resolution 3391, offered by Representative Tim Johnson, with respect to the memory of Nancy Strand; House Resolution 3398, offered by Representative Tim Johnson, with respect to the memory of Jimmy Lee Felkner, Sr.; House Resolution 3402, offered by Biggert, with respect to the memory of Dorothy McIntyre; House Resolution 3403, offered by Representative Biggert,

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with respect to the memory of Howard Dean, Sr.; House Resolution 3406, offered by Representative Tim Johnson, with respect to the memory of Vernon Elder; House Resolution 3408, offered by Representative Deering, with respect to the memory of Ralph Bogenpohl; House Resolution 3409, offered by Representative Deering, with respect to the memory of Mark Anthony Ellner; House Resolution 3414, offered by Representative Black, with respect to the memory of Alderman Wes Dazey; House Resolution 3417, offered by Representative Tim Johnson, with respect to the memory of Wendell Dahm; House Resolution 3422, offered by Representative Tim Johnson, with respect to the memory of Floyd Ingersoll; House Resolution 3428, offered by Representative Novak, with respect to the memory of Donald Palzer; House Resolution 3432, offered by Representative Black, with respect to the memory of Albert Winfret Green; House Resolution 3433, offered by Representative Pugh, with respect to the memory of Elkin Sithole; and Senate Joint Resolution 190, offered by Representative John Turner, with respect to the memory of Brewster Parker."

Speaker McPike: "The question is, 'Shall the Death Resolutions be adopted?' All in favor say 'aye'; opposed, 'no'. The 'ayes' have it. The Death Resolutions are adopted. Representative Churchill, did you want to caucus? Representative Leitch."

Leitch: "Thank you, Mr. Speaker. We would request a Republican conference."

Speaker McPike: "Do you have any idea how long it will take? Cause we will recess until that time. Can you give us an estimate?"

Leitch: "I would think 45 minutes."

Speaker McPike: "Well, let's give it an hour. The House will

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stand in recess until the hour of 2:00 p.m. The Republicans will have a caucus immediately in Room 118. The House stands in recess till 2:00 p.m."

Speaker McPike: "The House will come to order. Representative McPike in the Chair. Mr. Brunsvold."

Brunsvold: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Most of you...all the Members of the caucus have...Sportsmen's Caucus have received an invitation. Two weeks from tonight we will have the second annual reception and auction for the Sportsmen's Caucus and the invitation reads, 'The Illinois Legislative Sportsmen's Caucus and Governor Jim Edgar invites you to the second annual reception'. Just want to remind the caucus members there's a hundred of us strong, that we should be in attendance that night. It's a good night. It's an entertaining night. After the last week or so we need something fun to do, so I'd like to remind the Members of a couple things. One, we need any names of any sportsmen in groups in your area that you'd like an invitation sent to; and, two, to remind the Members that we need a donated gift for the auction to be auctioned off, for a silent auction, or as door prizes. So, caucus members, you're listed on the invitation. If you can get us a gift for that night, we'd appreciate it, and like to see everybody in attendance on November the 29th. That's two weeks from tonight at the second annual Sportsmen's Caucus Auction and Reception. Thank you, Mr. Speaker."

Speaker McPike: "Committee Reports."

Clerk Rossi: "The Committee on Rules has met and pursuant to Rule 14(a)(5), House Bills amended in the Senate, and 14(a)(6), House Bills amendatorily vetoed, recommends consideration and the following Bills be placed on the Order of

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Concurrence: House Bill 356, House Bill 696 and House Bill 1129, and recommends the following Bill be placed on the Order of Amendatory Compliance: House Bill 3457."

Speaker McPike: "Supplemental Calendar announcement."

Clerk Rossi: "Supplemental Calendars 1 and 2 are being distributed."

Speaker McPike: "Representative Lang, Supplemental Calendar #1. Mr. Lang, House Bill 99."

Lang: "Thank you, Mr. Speaker. I move to accept the Amendatory Veto of the Governor on House Bill 99."

Speaker McPike: "Is there any discussion? The question is, 'Shall the House accept the specific recommendations for change with respect to House Bill 99?' All those in favor vote 'aye'; opposed vote 'no'. Have all voted who wish? Clerk will take the record. On this Motion there's 113 'ayes' and no 'nays'. This Motion having received the required Constitutional Majority, the Motion is adopted and the House accepts the Governor's specific recommendations for change. Supplemental Calendar #2, House Bill 3457. Representative Sheehy. Mr. Sheehy."

Sheehy: "Mr. Speaker. Motion to nonconcur with this."

Speaker McPike: "No, it's a Motion to override. Mr. Sheehy, would you like to make the Motion to override this veto or not?"

Sheehy: "Yes, I would."

Speaker McPike: "Proceed, Sir."

Sheehy: "This Bill left the Senate with a 58 and a 59 vote the way it is. It came to the House, it passed unanimously. It was agreed on by all parties, and now at the midnight hour they want to have it vetoed...amendatory veto. I ask everyone in this House to override this veto. This was agreed on by everybody, once again. Thank you, Mr.

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Speaker."

Speaker McPike: "Is there any discussion? Representative Kubik."

Kubik: "Thank you, Mr. Speaker. Since the override of this Bill will ultimately make it law, would the Gentleman explain what the Bill does so that we know what we're voting on here?"

Speaker McPike: "Mr. Sheehy."

Sheehy: "This is a school improvement plan which was agreed upon by all the schools, by the school board of education, and was worked with by Senator Bev Fawell in the Senate and myself over here in the House with school districts; and we had...really had not...have heard of any opposition whatsoever with this Bill until the Governor amendatorily vetoed part of it. All it is is a school improvement plan for our schools."

Kubik: "Is this the Bill that would place a limitation on the amount of time that a teacher would be required to work on a school improvement plan?"

Sheehy: "That's part of the provisions in this Bill, Representative."

Kubik: "Are there any other provisions in the Bill?"

Sheehy: "Yes. Moneys that would be used to pay for these teachers who worked on the school improvement plan. There's a whole list here. Let me just look at them. You got the list in front of you?"

Kubik: "I'm reading it now, because...but I don't think I have any difficulty with this Bill. I just wanted to know exactly what it was and I appreciate you responding to those questions."

Sheehy: "Okay. Thank you."

Speaker McPike: "Representative Cowlshaw."

Cowlshaw: "Thank you very much, Mr. Speaker. I stand in



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opposition to the Motion to override the Governor's Amendatory Veto. I think the Governor used exceptionally good reasons for providing the Amendatory Veto that he has provided here, and let me explain what he has done. He has deleted the provision that unless it is contained in a collective bargaining agreement, a district's in-service committee shall define the time that is expected to develop the school improvement plans. The Governor objects to this state mandate being imposed on local schools requiring the in-service training committees of each school district to define the amount of time they will spend developing all school improvement plans unless a district's collective bargaining agreement provides other time limitations. The Governor contends, and rightly, I think, that a school district must statutorily prepare acceptable school improvement plans, and that the time it takes to complete them, of course, will vary. The state, therefore, ought not to impose a mandate that needlessly ties the hands of local school boards and the administration of local districts in responding to the demands of the accountability process, and that, in effect, mandates that the process be collectively bargained or arbitrarily limited. It seems to me that one of the principle objections that responsible people in school management throughout this state have brought to us for years as a principle objection, is that we keep imposing mandates from Springfield that tie their hands and do not permit them the kind of flexibility that can make them more efficient and make schools better. And so, for that reason, Mr. Speaker, because this is a mandate and we ought not to be mandating anything more upon our beleaguered schools, for that reason I stand in opposition to this Amendment but I would

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certainly be glad to favor a Motion to accept the Amendatory Veto. Thank you for your time."

Speaker McPike: "Representative Tim Johnson."

Johnson, Tim: "Move the previous question."

Speaker McPike: "Representative Black."

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

Speaker McPike: "Yes."

Black: "Representative, I... It's rather noisy in here. This is somewhat of an important Bill, and I need to follow up on the previous line of questioning. What mandate are you seeking in this Bill that the Governor evidently has taken exception to?"

Sheehy: "What it says in here is the Governor wanted to remove language which would have required the local district in-service committee, which really are a teachers...controlled by teachers, to determine how the additional money for the S.I.P. in-service would be spent. He wanted that language stricken. He also wanted the in...the local district in-service committee to determine what constitutes an amount of time expected to be spent in developing the school improvement plan. I say this to you. We're asking teachers to decide that. He would like to have the local school boards decide that."

Black: "Then, it...If I heard you correctly, that the in-service committee could then decide how much time would be spent on the school improvement plan. What if that committee decided that it would be one hour total?"

Sheehy: "Well, realistically I don't think that would happen, Representative. Come on. These are teachers who are complaining right now because they're spending too much time already. I don't think one hour is going to

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accomplish the goal here. Not only that, once again, this was negotiated on by all parties over in the Senate. Now, at this time, they're objecting to it."

Black: "I'm sorry. What... You lost me. What was negotiated where?"

Sheehy: "The language that's in there now was negotiated with Senator Fawell in the Senate in July. Now at this time they're coming back. One member, I think it's the school management alliance, is saying that they want this language stricken."

Black: "Okay."

Sheehy: "And that's why the Governor is taking...wants this language out of the Bill."

Black: "All right. Now, could you enlighten me on a...what constitutes an in-service committee? Is there any standard language or does every district constitute its own in-service committee?"

Sheehy: "I'm not positive. I really can't give you any answer on that, Representative."

Black: "I'm sorry."

Sheehy: "I really can't give you any answer on that."

Black: "All right. So..."

Sheehy: "The correct answer."

Black: "...Would it be a safe assumption to say that there really is no standard definition of an in-service committee?"

Sheehy: "As far as I know, no."

Black: "Okay. Thank you very much, Representative. I appreciate your patience. Mr. Speaker and Ladies and Gentlemen of the House, the underlying Bill enjoyed great support, but I think through the use of an Amendatory Veto you see now why the Governor has that authority. Obviously when this Bill was being negotiated, and as the Sponsor said, it was

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negotiated, the School Management Alliance, according to information I have been given, was not asked to participate in the negotiated settlement. Now anytime you try to negotiate something and you leave out one of the major players, I think you could assume that you do not then have a negotiated Bill. Now I have no particular objection to this Bill. What I do object to is the fact that it might have been presented last spring as a negotiated or an agreed Bill, when one of the major players in the educational community was not involved in the process. Now, given this fact, I am prepared to not vote...or to vote not to...or not to accept the language, and I simply rise to say that many of you in the same boat as I, who accepted this Bill last spring, need to go back and simply review the procedure at which this Bill is being negotiated. The I.E.A. and the State Board of Education, the I.M.A. and the State Chamber were seemingly all involved in this legislation but the School Management Alliance, the statewide School Management Alliance, was not. Now given that fact that occurred evidently after we had passed the Bill, the Governor's amendatory language would appear to be very reasonable at this point. I think we could live with his language and perhaps revisit this Bill in January, and I would urge Members on my side of the aisle to give that...give that position of the Governor some credence, and I'm sure that we can revisit this Bill in the next Session."

Speaker McPike: "Representative Davis."

Davis: "Thank you, Mr. Speaker. Will the Sponsor yield? Representative Sheehy, could you give us what the Governor's amendatory language is? I don't have that."

Sheehy: "The language the way it says right now, is that he would

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remove the local school district in-service committee. He would remove them from determining how the additional money would be spent with the school improvement plan program. Not only that, he would also remove the language that said would require the local district in-service committee to determine what constitutes an amount of time spent on this."

Davis: "Thank you, Mr. Speaker. I think the purpose of this legislation was to make sure that people were not spending more time writing the school improvement plan than in implementing the plan. I mean, there were some schools that because of a lack of knowledge at what the State Board wanted, were spending hour upon hour, day upon day, month upon month imp...I mean, writing this plan, which left little time for its implementation. In committee, that Bill passed 21 'yes' votes. Absolutely no negative votes. We had 1 'present', but 21 people voted to support this in committee without one negative vote. On the House floor there were 91 'yes' votes. There were absolutely no negative votes on this Bill on the House floor. There were 91 'yesses', absolutely 0 'no' votes. I think we should vote to override this Amendatory Veto, for the simple reason is, we want educators to be about the business of implementing and not merely writing plans, but implementing those improvement plans. I think we should support the Gentleman in overriding this Amendment."

Speaker McPike: "Representative Steczo."

Steczko: "Thank you, Mr. Speaker, Members of the House. In response to some of the discussion that's taken place so far in this Bill about the School Management Alliance, I think it's important to let the Members of the House know that while the School Management Alliance did not

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participate perhaps on the discussions on this Bill, those groups that are members of the School Management Alliance were at the table and evidently agreed to the provisions of this legislation. We've heard something about mandates. This Bill does not mandate anything. This Bill is a Bill that attempts to address the mandate on school improvement plans that we in the Legislature passed two years ago. This is a Bill that provides relief. It provides relief to those beleaguered individuals who would have to put up with the provisions of my Bill that I passed about two or three years ago. So, I believe that this is a step in the right direction. It does the right thing for teachers and school districts and school management, and we should vote 'yes' to override the Governor's Veto of House Bill 3457."

Speaker McPike: "The question is, 'Shall House Bill 3457 pass, the Veto of the Governor notwithstanding?' All in favor vote 'aye'; opposed vote 'no'. This requires 71 votes. Have all voted? Have all voted who wish? The Clerk will take the record. On this Motion there are 79 'ayes' and 32 'noes', and this Motion having received the required Three-fifths Majority is adopted and this Bill is hereby declared passed, the Veto of the Governor notwithstanding. Former House Member and former Senator Pam Munizzi on the floor. Let's welcome back Pam Munizzi. And standing next to Roger McAuliffe is Matt Rodriguez, Superintendent of the Chicago Police Department. Welcome to Springfield. Yes. Representative Monroe Flinn has a guest with him on the House floor, Representative Bruce Richmond. The Chair is waiting for an Amendment to be printed for the crime package that we intend to vote on this afternoon. The Amendment was filed approximately five minutes ago and it might take an hour to print. So the House will stand at

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ease."

Speaker McPike: "House will come to order. Representative McPike in the Chair. Page two of the Calendar, Special Order of Business - Criminal Law, appears House Bill (sic - Senate Bill) 1153. Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "Senate Bill 1153 has been read a second time previously. No Committee Amendments. Floor Amendment #1, offered by Representative Skinner."

Speaker McPike: "Mr. Skinner. Representative Skinner. Representative Wennlund indicates the Amendment will be withdrawn. Further Amendments?"

Clerk Rossi: "Floor Amendment #2, offered by Representative Leitch."

Speaker McPike: "Representative Leitch. Mr. Wennlund indicates the Amendment will be withdrawn. Further Amendments?"

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

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

Clerk Rossi: "Floor Amendment #4, offered by Representative Tom Johnson."

Speaker McPike: "Representative Johnson withdraws the Amendment. Further Amendments?"

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

Speaker McPike: "Who was that?"

Clerk Rossi: "Representative Biggert."

Speaker McPike: "Representative Biggert. The Lady withdraws the Amendment. Further Amendments?"

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

Speaker McPike: "Representative Dart withdraws the Amendment."

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Further Amendments?"

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

Speaker McPike: "Representative Brady withdraws the Amendment. Further Amendments?"

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

Speaker McPike: "Representative Murphy withdraws the Amendment. Further Amendments?"

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

Speaker McPike: "Representative Currie withdraws the Amendment. Further Amendments?"

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

Speaker McPike: "Who? Representative Lindner withdraws the Amendment. Further Amendments?"

Clerk Rossi: "Floor Amendment #11, offered by Representative Lindner."

Speaker McPike: "Representative Lindner, Amendment #11. Withdraws the Amendment. Further Amendments?"

Clerk Rossi: "Floor Amendment #12, offered by Speaker Madigan."

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

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

Speaker McPike: "Mr. Dart."

Dart: "Thank you, Mr. Speaker, Members of the House. Amendment #13 is the Safe Neighborhoods Bill. It is something we've discussed at length on numerous times...numerous occasions. As a matter of fact, we passed it out of here, I believe, ten times now. It does not have anything in regards to



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assault weapons in there. It also does not have anything in regards to manufacturer's liability. Other than that, it pretty much keeps the Bill intact as it was before. It is a rather lengthy Bill as you're aware of. I just wanted to highlight a few of the things in regards to the Bill and then I'd be happy to answer any questions. For the most part, I mean, and there is nothing about the Police Amendment either, which has been put on this at times. For the most part this Bill attempts to attack crime where it's striking the most, namely in the neighborhoods, and hence the name, 'safe neighborhoods'. We constantly hear more and more about the problems on the streets and the kids shooting kids and people randomly taking liberties shooting police officers now. We have a large contingent of police officers from the Chicago Police Department here with us today in the gallery. We also have police officers from every county in the state virtually today. We also have the mayors from virtually every city in the town (sic - state) here, and they're all here with one voice in unison saying that, enough's enough. And this is the only Bill we have right now which attempts to really address the problems straightforward, and when I say that, it's because we particularly made a point of going after the heart of the problem, the heart of the problem being juveniles, juveniles with guns, and juveniles in gangs. And so the thrust of this Bill deals with penalties, going after gang recruitment and gang intimidation and gun traffickers with most all of the gun provisions, if not all of them, targeted at multiple transfers of guns which are endemic of a gun trafficker. There's other provisions as well that deal with sentencing provisions. By and large, most of the sentencing provisions are dealing with raising the maximum,

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as opposed to the minimum. So, the prison overcrowding problem will not be great with this Bill. As I mentioned before, this is something that attacks the problem. The problem is that people can no longer feel safe walking down their streets, sending their kids to school, and actually just standing out in front of their house. This goes after the gangs, it goes after the illegal guns and it goes after the problems on our streets. This is something that is very responsible. It's been debated numerous times, and I think that now is the time to stop talking about it and actually send something over to the Senate for them to act on now. And, as I said before, I use to be a state's attorney so I've had some dealings with this before, and these are measures that will make a difference. Quite often we sit around down here and we pass Bills that truly do not make that big of a difference. This will. It's got provisions in there that will make a difference right away and every day we delay on this is another child's life that is lost. I'll be happy to answer any questions."

Speaker McPike: "Any discussion? Representative Black."

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

Speaker McPike: "Yes."

Black: "Representative, if you could turn to page 211 of your Amendment. Let's make sure we're on the same Amendment. I think the problem is there were several Amendments that were floating around earlier in the day. This creates some confusion. On page 211, Section 24-3, unlawful sale of a firearm, Section A. The Bill...the Amendment that you're looking at makes it unlawful for anyone under 18 to have a firearm of conceivable size. Is that the language in yours?"

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Dart: "Correct. Yeah, correct. The..."

Black: "And that's current law, isn't it?"

Dart: "Yeah, it is, and originally they had the provision dealing with 21 year olds. That was Amendment #12 and that has been stricken from this Bill, and so we are..."

Black: "Okay."

Dart: "...on the same page here."

Black: "Then on page 216, Section 24-3... I'm sorry. Then we'll go over to page 217 at the top of the page. We're adding 'she'. It says, 'he or she is under 21 years of age who has been convicted of a misdemeanor other than a traffic offense'. What kind of misdemeanors? I know that's...again, that's current law, but there was some confusion on that. Maybe you could shed some light on that Section."

Dart: "Well, it would...as you mentioned, correctly, this is current law right now."

Black: "Right."

Dart: "We're not changing a thing. The...It would be misdemeanors other than traffic offenses. So we're talking about criminal damages. We're talking about some different possessions of different articles..."

Black: "Okay."

Dart: "But, by and large it's a whole list..."

Black: "I think it's important to point out that this is all embodied in current law."

Dart: "Correct."

Black: "And could you touch upon the enhanced penalties. Are they back...what, page 231. Is that where they start? Look on page 233, I think."

Dart: "Yeah. That's...To be quite frank with you, that's the provisions that deal with individuals who shoot at police

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officers. There's been a great deal of that going on, unfortunately, on our streets these days. There's been a market increase there. The officers are all equipped with bulletproof vests now, but we're finding out that even they cannot stop some of these people. We had some officers just recently who were ambushed on a street in Chicago and shot with an automatic weapon. Both officers never had a chance to get their guns out of their holster in that one. This is to go after people like that. The penalties right now, to be quite frank, are horribly inadequate with people who shoot at police officers, and this would raise the penalties on that and try to discourage people from going after police officers."

Black: "It's been awhile since we've discussed this. Under enhanced penalties is it already in the Bill - the death penalty for a drive-by. Is that embodied somewhere in here or did we already do that?"

Dart: "Yeah. That's in there. That was one of the proposals Governor Edgar was insistent upon, getting in one of these different versions and that one is in here. I don't know which page to be honest with you."

Black: "Okay. I couldn't find it and I thought it was in here. The last...the last question I need you to shed some light on for us is the improvements in the notification program. Does that include everything from impending release to a parole hearing which is current law. How far...what improvements are we making in the notification?"

Dart: "It includes escape now, too. But the primary improvement on this is that presently the notification goes to the state's attorney who then basically it's their discretion to who they notify. With this, the notification is going to go to the witness or victim as well as to the local

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police department so that they can also pass on the information about the release of somebody."

Black: "Thank you very much for your patience, Representative, and for your candor in answering the questions. Mr. Speaker and Ladies and Gentlemen of the House, I think all of us are aware of what the poll results are showing. I think crime probably on anyone's poll is at the very top of the list. It has become a societal problem of major proportions. The Gentleman's Amendment addresses many of the concerns that have been expressed by both sides of the aisle and embodied currently in a number of Bills. I, for one, certainly stand in support of the Amendment. I urge my colleagues to vote 'aye'."

Speaker McPike: "Representative Kubik."

Kubik: "Thank you, Mr. Speaker. Would the Gentleman yield?"

Speaker McPike: "Yes."

Kubik: "Representative, I heard some of the dialogue with respect to police officers. Your very wise counsel standing behind you, and I, had a discussion earlier in the Session regarding the statute of limitations on police officers, on assaulting police officers, and Mr. Casper indicated that it might be included in some of the Bills. I was wondering if it's included in this particular legislation."

Dart: "No, that is not included in this. The primary provisions dealing with the enhanced penalties right now. We didn't go after the statute of limitation provision."

Kubik: "Okay. Just wondering. Thank you."

Speaker McPike: "Representative Deering."

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

Speaker McPike: "Yes."

Deering: "Article XX - alcohol abuse. The civil and punitive liabilities and awards that can be in here. If...two

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questions. If I have a package liquor store and sell someone who is of age liquor and they take it home and their minor child, underage child gets into that liquor and drinks it, goes out and causes an accident. Am I liable then under the civil liability for the \$2,000..."

Dart: "You legally purchased it?"

Deering: "I sell it to a person who is of legal age, and after they leave my store..."

Dart: "No. You're fine."

Deering: "...I have no idea."

Dart: "You're fine. This deals with the individual who is...knows the person that they're giving it to is underage."

Deering: "Second question. If I'm a parent and have a refrigerator full of beer and I leave the house and my 18 year old son comes home with his 18 year old buddy, they get in and have a couple of beers while I'm gone. I knowingly do not give this liquor to the underage person. Am I, as a parent, liable then for this civil liability?"

Dart: "No. The thrust of this is not to go after negligence where an individual just, through no fault of their own, their kids get into it. The thrust of this is for individuals who know the children are underage and they're giving it to them."

Deering: "But if I get in a situation where there's an accident and someone is permanently injured or even maybe killed. Who's going to...I'm going to have to go through the expense of hiring an attorney and proving that I knowingly did not give this alcohol to the individual. I guess what I'm saying is, this is a Crime Bill. We all know how the general public feels about crime and getting tough on crime, but is this an Article that needs to be in this

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Amendment?"

Dart: "The instance you're talking about isn't really present law right now. If an individual is killed by somebody who consumes an excess amount of alcohol in your house, they can and will sue you under present law, saying that you contributed to it. This doesn't change that at all right now."

Deering: "Okay. What about the punitive damages? If...Section 20-25. Same question. If I'm the parent and my underage son without my knowledge gets into my supply and goes out and has an accident and causes somebody to get hurt, is this current language...this language in here, does this adhere to the current law or is this additional punitive damage language that will be added to the statute?"

Dart: "No. This is...this is additional only in the sense that once again this has to be the knowing delivery where the parent knows it. As you're saying, it wouldn't apply in your instance at all."

Deering: "So, if I unknowingly allow my child to get into my beer or wine or whatever, then I'm off the hook. I will never be bothered."

Dart: "Yeah. Under this law, yeah."

Deering: "Well, I understand your intent. I wholeheartedly disagree with it but I imagine this is going to fly. I think this is going to be a legal argument for a lot of people to get rich off of."

Speaker McPike: "Representative Parke."

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

Speaker McPike: "Yes."

Parke: "Thank you. Representative Dart, in here it says provides for the sentencing of exploitation of a child as a Class X

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felony. Can you give me a definition of what exploitation of a child is, please?"

Dart: "Yeah. The sexual exploitation is something such as putting a child up for pornographic pictures or pornography photographing, putting the child up for prostitution. Something along those lines."

Parke: "So, in essence we increase penalties for that. Is that the basic of that."

Dart: "Yeah, and as far as that Section goes it was...we were kicking up the maximum side of that one."

Parke: "Okay. Another thing is that I was one of the lead Sponsors of the Victim's Rights Amendment two years ago, and it said that expanded notification procedure after release. What have we done here in the further notification and why was it necessary?"

Dart: "Well, you know...I'm glad you asked that. It has a little bit to do with...there's been a great deal more attention brought to this after the instance that occurred in New Jersey recently where there was a sexual predator who had just gotten out of the joint for raping somebody, who moved in across the street from somebody and nobody knew about it, and then low and behold he then grabs a little girl, rapes her and murders her. It pointed out that there's a flaw in the present system. Our system was much further advanced than New Jersey, where the law that you're talking about, that you worked on, that New Jersey had nothing. We had something. This would take it one step further and say that in addition to the state's attorneys giving out the information, and to be quite frank, in Cook County with the number of cases you have, that gets a little tricky at times. But it now allows for the information to go directly to the local law enforcement as well as to the



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immediate victims, witnesses and so on, so that we're adding another group of people who get this information."

Parke: "So therefore, in essence, those people who have been witnesses against felony convicted offenders now will be notified upon...when they're released from prison. Is that correct?"

Dart: "Yeah. The... Yeah. Yeah. Victims and material witnesses. So, there's...most all of them will be notified."

Parke: "Is there anything in here with registration of child sexual abusers?"

Dart: "No, that's not in here."

Parke: "Thank you, Representative Dart."

Speaker McPike: "Representative Cross."

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

Speaker McPike: "Yes."

Cross: "Representative Dart, in earlier discussions, I just want to confirm some Sections of this Bill, that they're there, that on certain felony offenses fingerprinting of the juveniles is still allowed by police departments. Is that correct?"

Dart: "Correct. Those provisions are still in here."

Cross: "There were...there were also some discussion, I believe they're in here but I want to confirm it. In certain cases or for certain offenses juvenile's arrest records will not be expunged when they become adults. Is that still the case?"

Dart: "Yeah. It's a unique way we did it here because the thing was, is that we don't want to tamper with the thrust of the Juvenile Code allowing juveniles who have gotten their act together to have a clean record. But what this will do is for the juveniles who continue a violent cycle, that will

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be on the record so that the prosecutors and everybody else will realize that when they're dealing with them."

Cross: "Thank you. A couple of other areas that I just want to make sure are still there. The... I believe this Bill creates a new offense of false impersonation of a parent. Is that... Can you explain that briefly? Is that still in here?"

Dart: "Yeah, that's still in here. What's been occurring a lot in Cook County, especially as there's been individuals who have been... There's no secret that gangs prey on the little kids because the little kids get off scot-free normally. And so what happens, is the little kids get picked up and they're taken to the police station, and there really is not...there are not any criminal sanctions for them. So what happens quite often is... Well, quite often they're released period. But what's been going on is one of the gangbangers will go over to the police station, say they are the parent of the child and they'll get released to the gangbanger. So that's where this is going after. It's been a problem to be honest with you, that I was not aware of it until I went and talked to quite a few police agents...officers who had informed me that it's been a problem in the City of Chicago."

Cross: "One other area that was discussed, that I thought was a good area, was allowed in the area of attempting to evict gang members and who utilized gang houses. There was some discussion about allowing the use of the State's Attorneys Office to proceed in the eviction. Is that still in here?"

Dart: "Yeah. That's still in there and the thrust of that one is, once again, it was something that was re-enforced recently by a U.S. Supreme Court decision which allowed for this to occur; and what this will do is allow the state's

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attorney to get involved so that the individual, the landlord, will not have to worry about the repercussions that normally occur when they're the ones that are throwing a gangbanger or dope dealer out of the house. So, they can use the state's attorney sort of as a shield to prevent them from being messed around with."

Cross: "Thank you very much. I have no other questions, Mr. Speaker."

Speaker McPike: "Representative Hoffman."

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This Bill, I think, contains many provisions that I think need to be in the law in the State of Illinois. I think it's a good Bill. I have a big concern about some of the liability questions and I think that they were raised. However, I think all in all what we need to do is we need to pass this Bill. But what concerns me a little bit is this does go somewhat and will make some difference. But I think when we look at the criminal justice system in Illinois, we look at what is wrong with the criminal justice system in Illinois. What we really need in this state is truth in sentencing. What we really need in this state is what people in Madison, St. Clair, and Clinton Counties voted for, and that's truth in sentencing. We passed from this chamber over to the Senate and it has been sitting there for almost three or four months and nothing has been done. It hasn't been moved, we haven't voted on it, and no alternatives have been put forth. We're going to lose millions of dollars from the Federal Crime Bill and we don't have truth in sentencing in Illinois. I think this is a good proposal. I just wish it went a little bit further. I'm going to vote 'yes' on it. However, I hope and I plead that we, during this Veto Session, take some

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kind of stand on truth in sentencing that would make a truth and a difference in the criminal justice system in Illinois, and we quit having the sham of letting people out early and only serving a third of their sentence."

Speaker McPike: "The question is, 'Shall Amendment #13 be adopted?' All in favor say 'aye'; opposed, 'no'. The 'ayes' have it. The Amendment's adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker McPike: "Third Reading. Mr. Clerk, Read the Bill."

Clerk Rossi: "Senate Bill 1153, a Bill for an Act amending the Criminal Code of 1961. Third Reading of this Senate Bill."

Speaker McPike: "Since the Amendment is now the Bill, the question is, 'Shall Senate Bill 1153 pass?' All those 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 109 'ayes' and 5 'noes'. Senate Bill 1153, having received the Three-fifths Constitutional Majority, is hereby...Representative Giolitto, how'd you wish to vote? You wish to vote how? How do you wish to vote? Please turn on Ms. Giolitto."

Giolitto: "I wish to vote 'no'."

Speaker McPike: "All right. Representative Giolitto votes 'no'. On this Motion there are 109 'ayes' and 6 'noes', and Senate Bill 1153, having received the Three-fifths Constitutional Majority, is hereby declared passed. Supplemental Calendar #2 under Concurrences. House Bill 356, Representative Burke. Mr. Burke, your Bill's up. House Bill 696, Representative Wennlund. On Concurrence. Mr. Wennlund. Turn on Mr. Wennlund, please."

Wennlund: "Thank you, Mr. Speaker. I move that the House concur in Senate Amendment #1 to House Bill 656. The..."

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Speaker McPike: "(Six ninety-six)."

Wennlund: "(Six ninety-six). I'm sorry. The original Bill provided for making possession of a file that could be used in a penitentiary, in fact, contraband. What happened was that Pontiac Prison, an employee brought in a file that was not listed as contraband and the employee took a walk. This will make sure that corrections employees who bring in things like files to cut through steel, will, in fact, be labeled as contraband and they can be prosecuted under that provision. The Senate Amendment also provides that for the death penalty for murder committed during drive-by shootings and the addition of aggravated hijacking and aggravated stalking, to felony murder provisions. It reduces the criminal filing by criminal defendants for post-conviction relief to a maximum period of three years from the date of conviction, and it also amends the Juvenile Court Act to provide that those juveniles who have been determined to be violent juvenile offenders of more than one offense, can, in fact, be committed to the Department of Corrections until their 21st birthday, although they would be entitled to good conduct credit. Also creates free school zones. It amends the Criminal Code as an aggravating factor. It's sentencing for certain crimes if the crime was committed near a school, park and other type of public facility where children are present, and I move to concur in those provisions of Senate Amendment #1."

Speaker McPike: "Representative Granberg."

Granberg: "Will the Gentleman yield?"

Speaker McPike: "Yes."

Granberg: "Representative Wennlund, a number of the factors you decided in concurring with this Amendment, I believe were

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addressed in the previous Bill. Can you just delineate which one's were not contained in the previous Bill. This expands the death penalty in certain cases, dates and other aggravating factors. Can you just briefly describe what this does in addition to the Bill that we just passed, cause a number of these factors were contained in that Bill, I believe. Or can you just tell me what provisions are incorporated in this Amendment that were incorporated in the previous Bill that we just passed."

Wennlund: "To my knowledge... Well, for one thing, the provision relating to filings by criminal defendants for post-conviction relief for a maximum period of three days from the date of conviction to reduce down the amount of filing time so we don't have a John Wayne Gacy on death row for 15 years. In addition to that, there were Amendments to the Juvenile Court Act which really did this. They would provide for an mandatory automatic restraining order against the violent juvenile offender to prevent them from intimidating witnesses or intimidating the victims during the process. This starts from the time that they're arrested and read their rights and continues on. It's trying to prevent the violent juvenile offenders and gangs from intimidating the witnesses and intimidating the victims. In addition to that it may be an aggravating factor, such things as aggravated vehicular hijacking and aggravated stalking for a felony order. So, when a judge takes into consideration these aggravating factors upon the conviction for those type of defenses and determine to use those for the death penalty."

Granberg: "Representative, I believe the provisions in regard to felony murder, the death penalty eligibility, the aggravating factors on the death penalty eligibility, that

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these...conviction petitions and the factors in aggravation, I believe those are all in the Safe Neighborhoods Bill. Is that correct? The Bill that we just passed?"

Wennlund: "No. To my knowledge, they were not. Aggravated vehicular hijacking and aggravated assaulting were not. These are additions to the felony murder. I don't believe the drive-by was in there also."

Granberg: "Okay. All right. Thank you, Representative."

Wennlund: "Thank you."

Speaker McPike: "Further discussion? Being none, the question is, 'Shall the House concur in Senate Amendment #1 to House Bill 696?' All in favor vote 'aye'; opposed vote 'no'. This is final action. Have all voted? Have all voted who wish? The Clerk will take the record. On this Motion there are 104 'ayes' and 9 'noes'. On this Motion there are 104 'ayes' and 9 'noes'. This Motion, having received the Constitutional Majority, is hereby declared passed. House Bill 356, Mr. Burke."

Burke: "Thank you, Mr. Speaker. House Bill 356 is a measure that would include several crime fighting measures and a number of matters recommended by the Governor and Senate Majority, including the expansion of electronic eavesdropping to include the investigation of murder, gang related offenses and gun related offenses recommended by the Governor. The measure would permit use immunity at the state's attorneys option for all criminal offenses, adding aggravated kidnapping to felonies listed under three strikes law, recommended by the Senate Majority. Would add armed violence to the felony murder provisions of the death penalty statute, recommended by the Senate Majority. Expands the authority of the statewide grand jury to

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include the investigation of gang and gun related crimes, recommended by the Governor. It expands the authority of MEG units to include the investigation of gang and gun relating crimes, recommended by the Governor. Allows circuit courts to set up special drug testing programs for felony drug offenders released on recognizance bond, recommended by the Senate Majority. Creates new offense of possession of drug paraphernalia with intent to use for ingesting drugs; Class A misdemeanor with a \$750 fine. Creates the new offense of false personation of a parent. Method used by gang members to secure release of juvenile offenders. Edgar - Daley crime package. Already included in that previous package. Requires prisoner review boards to notify victims relatives of prisoners release on parole, work release, et cetera. Requires state's attorneys to notify witness of discharge of criminal defendant committed to the Department of Mental Health and Developmental Disabilities, and I'd ask for your favorable consideration."

Speaker McPike: "Is there any discussion? There being none, the question is... Representative Brady."

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

Speaker McPike: "Yes, he will."

Brady: "Representative, you talk about notification if the prisoner is released. If a prisoner's released on a home monitoring system, would they be required to notify as well?"

Burke: "Representative...Representative, the answer to that question with respect to home monitoring, the answer would be yes. Relatives of the victim would indeed be notified."

Brady: "So it's your intention that any release from 24 hour incarceration of any sort or...any sort would require



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notification?"

Burke: "That is correct."

Brady: "Thank you."

Speaker McPike: "The question is, 'Shall the House concur in Senate Amendments 1, 4 and 5 to House Bill 356?' 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 107 'ayes' and 3 'noes'. The House does concur in Senate Amendments 1, 4 and 5, and this Bill, having received a Three-fifths Constitutional Majority, is hereby declared passed. On the previous Bill, House Bill 696, the Chair declared that that Bill having received...that Motion, having received a Three-fifths Constitutional Majority, House Bill 696 is hereby declared passed. House Bill 1129, Representative Walsh."

Walsh: "Thank you, Mr. Speaker. House Bill 1129 originally dealt with aggravated fleeing or attempting to allude a police officer, otherwise known as police chases, which is a problem we have throughout the state, and puts police officers and oftentimes innocent motorists and pedestrians into a dangerous situation. This Bill amends the Illinois Vehicle Code and provides that the penalty for aggravated fleeing or attempting to allude a police officer is a Class IV felony. Additionally it amends the Criminal Identification Act, expands the range of offenses for which policing bodies must furnish arrests reports to the Department of State Police. It amends the Cannabis and Controlled Substance Tax Act by decreasing the penalty and permitting enforcement of the tax by the state's attorneys. It amends the Vehicle Code to increase penalties for aggravated...that I already mentioned. Amends the Juvenile Court Act to expand the range of offenses for which

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fingerprints and descriptions of minors must be transmitted by law enforcement agencies to the Department of State Police. It amends the Criminal Code Act to expand the range of offenses for which vehicle, vessel or aircraft seizure is authorized. Amends the Criminal...the Code of Criminal Procedure in relation to determination of the amount of bail and conditions of release. It amends the Unified Code of Corrections provisions regarding reimbursement by a committed person for the expenses incurred by the incarceration, and it amends the Code of Criminal Procedures provisions regarding conditions for bail bond. I would move that we concur with the Senate, and I would be happy to answer any questions."

Speaker McPike: "On the Gentleman's Motion, Representative Granberg."

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

Speaker McPike: "Yes."

Granberg: "Representative, how does this change the Cannabis Control Act and what provisions are amended, and are the penalties increased or decreased for that provision?"

Walsh: "The penalties on that provision are decreased, and apparently this is in response to a Montana law. This still, I don't think, is going to put the Illinois...Illinois law into... We still wouldn't conform with the Supreme Court judgement on this law. It is going to need further Amendment. This is a Department of Revenue Act and it deals with excessive penalty for persons who are convicted."

Granberg: "Representative, could you tell me what the current law is and what your Amendment would do to the current law, how that would change it?"

Walsh: "In the current law is apparently a four times amount of

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tax. We're going to make it a two-times tax. Again, this is going to be under scrutinization of the Supreme Court, and I think we'll probably be dealing with this issue down the road again."

Granberg: "And could you briefly explain the rationale for this...that change? I believe that's pursuant to a Supreme Court case. Is that correct?"

Walsh: "Yes, it was, and again... But it's still, I don't think, put's us in conformity with more recent decisions of the Supreme Court."

Granberg: "Thank you."

Speaker McPike: "Representative Dart."

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

Speaker McPike: "Yes."

Dart: "On that same question, really, Representative. You're not lowering the class of the felony, you're just lowering the fine. Is that it?"

Walsh: "Right. This is a Department of Revenue Act which initially was to try to put us in conformity with the Supreme Court decision, I guess, based on the Montana law. But again, we don't feel that it's going to work with us."

Dart: "Can you tell me a little bit about that Montana case?"

Walsh: "Actually, I'm not in...to tell you where Montana is, to tell you the truth."

Dart: "No further questions."

Speaker McPike: "The question is, 'Shall the House concur in Senate Amendments #1, 4 and 5 to House Bill 1129?' All those in favor vote 'aye'; opposed vote 'no'. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this Motion there are 109 'ayes' and 3 'noes'. On this Motion there are 109 'ayes' and 3 'noes', and House Bill 1129 having received a Constitutional

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Majority is hereby declared passed. Any announcements?  
Any announcements? The Chair is prepared to adjourn.  
Representative Granberg moves that the House stands  
adjourned until tomorrow at the hour of 12:30 p.m. 12:30.  
All in favor of the Gentleman's Motion say 'aye'; opposed,  
'no'. The 'ayes' have it and the House stands adjourned."

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