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Speaker Daniels: "The House will be in order. The Members will be in their chairs. Speaker Daniels in the Chair. The Chaplain for the day is Reverend Steve Shirk of the Murdale Baptist Church in Murphysboro. Reverend Shirk is the guest of Representative Mike Bost. Guests in the gallery may wish to rise for the invocation. Reverend Shirk."

Reverend Steve Shirk: "Shall we pray together? All knowing God, it has occurred to us that nothing ever just occurs to You, and that You see all and that You know all. You are the maker of all. We're thankful Lord that You are never too busy to listen to us when we pray and ask for Your wisdom and Your counsel. We pray for these who will make decisions that will affect so many lives. Father, We pray that You would give them the wisdom that is in You. May we all trust You and seek Your guidance, we ask in the name of Jesus Christ, our Lord. Amen."

Speaker Daniels: "Thank you, Reverend Shirk. We will be led in the Pledge of Allegiance by Representative Lang."

Lang - 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 Daniels: "Roll Call for Attendance. Representative Currie is recognized for any excused absences on the Democratic side of the aisle."

Currie: "Thank you, Speaker. There are no excused absences on our side of the aisle this afternoon."

Speaker Daniels: "Thank you, Representative and the Journal will so reflect. Representative Cross is recognized for excused absences on the Republican side of the aisle."

Cross: "Thank you, Mr. Speaker. There are not any excused absences on this side of the aisle either today. Thank

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you."

Speaker Daniels: "And the Journal will so reflect. Clerk will take the record. There are 117 Members answering the call, and there is a quorum present. House will come to order. Committee Reports."

Clerk McLennand: "Committee Reports. Committee Report from Representative Cross, Chairman from the Committee on Judiciary for Civil Law, to which the following Bill was referred, action taken on February 21, 1996, reported the same back with the following recommendations: 'do pass as amended Short Debate' House Bill 2631. Committee Report from Representative Krause, Chairman from the Committee on Health Care and Human Services, to which the following Bill was referred, action taken on February 21, 1996, reported the same back with the following recommendation: 'do pass Short Debate' House Bill 2564."

Speaker Daniels: "Okay, Ladies and Gentlemen. Might I have your attention please? Ladies and Gentlemen. We are now going to recess for approximately one hour. We will reconvene at 12:45. During that period of time, we will have computer system maintenance and training for Members of the House. We are going to close the gallery. We are going to close the House during the period of this training. You will be getting your password information on your individual computer. So you want to make sure that you participate in that training, so that your password is one that will be private to your own laptop computer. So will the Doorkeepers please clear the floor of those not entitled to the floor? Only Members of the House and appropriate staff are to remain. Ladies and gentlemen in the gallery, we thank you. We will reconvene at the hour of 12:45. The House will stand in recess until that time. Representative

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Parke."

Parke: "Thank you, Mr. Speaker. A point of personal privilege. I am very pleased today to announce that it is just another day in my life, but it is a birthday. And instead of the traditional cake, since I happen to be someone that really likes Snicker bars, I would like to pass out a Snicker bar for everybody for dessert for my birthday. So, anybody that would like to celebrate my birthday, you're welcome... No, I better not do that, I might hit somebody. So..."

Speaker Daniels: "Just think, if you had been born one day earlier, you could have shared a birthday with Cindy Crawford."

Parke: "You know, I'm going to leave that one alone, Lee."

Speaker Daniels: "Representative Lang."

Lang: "Thank you. We just believe on this side of the aisle that a Snickers bar is perfect for Representative Parke."

Speaker Daniels: "Mr. Doorkeeper, has the floor been cleared and the gallery secure? Maybe we could close the front door as well. All right. Ladies and Gentlemen of the House, Brian Cibberly will now address the House about additional computer training issues."

Speaker Daniels: "House Bills, Second Reading. Mr. Clerk, read House Bill 2738."

Clerk McLennand: "House Bill #2738. A Bill for an Act that amends the Animal Control Act. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions."

Speaker Daniels: "Third Reading. Clerk, for an announcement."

Clerk McLennand: "Members are reminded that if they've signed their sheets for the computers, please turn them in at the Clerk's well. Thank you."

Speaker Daniels: "House Bills, Third Reading. House Bill 1645.

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Representative Bost. Mr. Clerk, read the Bill."

Clerk McLennand: "House Bill #1645. A Bill for an Act that amends the Property Tax Code. Third Reading of this House Bill."

Speaker Daniels: "Representative Bost."

Bost: "Thank you, Mr. Speaker, Members of the House. House Bill 1645 is a Bill that amends the Property Tax Code and provides that residential structures rebuilt after a catastrophe will be allowed to claim a homestead improvement exemption. I'd be glad to answer any questions."

Speaker Daniels: "Any discussion? The Gentleman from Kankakee, Representative Novak."

Novak: "Yes, Representative. Where is the County Treasurers Association on this Bill? Have you spoken with any representatives from them?"

Speaker Daniels: "Will the Gentleman yield? Okay, Representative Bost."

Bost: "Representative, the county treasurers, I would assume, on this Bill, or probably, just a moment... We'll get an answer for you on that."

Speaker Daniels: "Representative Novak."

Novak: "Thank you, Representative. As a former county treasurer, and I think we have a few other ones here, we're just concerned I suppose the question is, is this, does this have to do mainly with destruction that occurred during the flooding in areas down in southwestern Illinois?"

Speaker Daniels: "Representative Bost."

Bost: "No, Representative. This is a practice that has been already ongoing. But we just needed to codify it in language. There was actually a question on this several years ago, and the attorney general gave a ruling that he

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felt it was proper to do this, but that it probably should be brought up and put in and have the language clarified."

Speaker Daniels: "Representative Novak."

Novak: "Yes, thank you, Mr. Speaker. So, in essence, what you're saying is that assessors have been allowing homes that have been destroyed, what, in a disaster, so to speak, a fire... allowing for these HIE's, these Homestead Improvement Exemptions. I think they last for four or five years if my memory serves me correct. So, what you're trying to do is codify this practice? Is that correct?"

Speaker Daniels: "Representative Bost."

Bost: "That's correct, Representative."

Speaker Daniels: "Representative Novak."

Novak: "Was there any type of a lawsuit or any type of a civil action filed in court that necessitated the filing of this legislation because it was not codified?"

Speaker Daniels: "Representative Bost."

Bost: "No, there was just questions from several assessors about the legality of it, and then after the ruling from the attorney general they felt it would be important to put this language in."

Speaker Daniels: "Representative Novak."

Novak: "Okay, so let's get down to the flooded area in southwestern Illinois, I think 1993. Are most of those people's homes and business... or homes, specifically, are they utilizing this benefit to apply for HIE's?"

Speaker Daniels: "Representative Bost."

Bost: "They would have had the opportunity to if the home was damaged and not built and was built over the EAV of the home that was destroyed up to \$30,000 over that amount."

Speaker Daniels: "Representative Novak."

Novak: "Well, how does this impact local finance, local

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government's finances? An HIE actually defers improvements on a home, like right now if you add a garage or some type of an additional room to a home, that HIE defers the increase in assessed evaluation for four or five years. So consequently, there is a loss in revenue, a deferral of loss in revenue, or deferral of revenue, to the municipality where that improvement takes place. When the floods occurred in southwestern Illinois, did a lot of these local communities really lose a lot of money because of these, because so many HIE's were granted?"

Speaker Daniels: "Representative Bost."

Bost: "Representative, they'd lose no more than what they were already losing because of the way this was being done, and being handled. If these homes were being built back above the EAV then they would be allowed to claim this exemption up to and out to \$30,000 for four years. So, for the four years, they would not receive that increase in tax revenue. But, it is a common practice to encourage people to build homes back."

Speaker Daniels: "Representative Novak."

Novak: "Thank you. No further questions."

Speaker Daniels: "Further discussion? The Lady from Cook, Representative Fantin."

Fantin: "Thank you, Mr. Speaker. Will the Sponsor yield to questions?"

Speaker Daniels: "He indicates he will."

Fantin: "My understanding is if the home, a \$40,000 home, so if it's being rebuilt, they will still be taxed for the 40,000. Correct? It would be just any improvements over the 40,000? Am I understanding this correctly?"

Speaker Daniels: "Representative Bost."

Bost: "They would be taxed for the 40,000, but anything above

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that up to \$30,000 in excess, up to \$70,000 in that case, could... would not be taxed. It would be taxed at the \$40,000 rate."

Speaker Daniels: "Representative Fantin."

Fantin: "This Bill, then, is... it's not changing anything. I mean, this is already a home improvement that we have now, by law. So, what would be the necessity of this particular Bill since this is already a law that's in place?"

Speaker Daniels: "Representative Bost."

Bost: "The necessity of this Bill is to codify the language that if a home is destroyed and built back past that point. Right now, we are allowed to give this exemption, this homestead improvement exemption, already on the statutes. But, if you, if a home is destroyed, this will encourage them to build back and build even a better home, or if the case be that a home built the exact same way will have a higher EAV. It encourages them to build back, but it is just codifying what is already being done."

Speaker Daniels: "Representative Fantin."

Fantin: "But the Bill is already in place stating that if you add any additional, up to \$30,000, if it is because of a disaster, it wouldn't make any difference if it was a disaster that caused it or if you were remodeling a home up to \$30,000. Are you limiting it, then, to \$30,000 if you are rebuilding because of a disaster?"

Speaker Daniels: "Representative Bost."

Bost: "You would build back the original house, or the original cost of the house, and then you are exempt up to the \$30,000 just like you would be if you were building on to a home."

Speaker Daniels: "Representative Fantin."

Fantin: "Are there any proponents to this Bill?"

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Speaker Daniels: "Representative Bost."

Bost: "The Department of Revenue is neutral, and there is no other known proponent."

Speaker Daniels: "Representative Fantin."

Fantin: "Any opponents?"

Speaker Daniels: "Representative Bost."

Bost: "There are none that we know of."

Speaker Daniels: "Representative Fantin."

Fantin: "The Cook County Assessor was an opponent, I understand.

Do you know why they are opposing the Bill?"

Speaker Daniels: "Representative Bost."

Bost: "You are correct, Representative. The Cook County Assessors were. They had some other language that they felt would do this in a different way. Looking the language over, we felt that this is saying the exact same thing and accomplishing the exact same task. And so, after much discussion with them, they said they would hold to their opposition to it but we went ahead, and felt that we should move the Bill."

Speaker Daniels: "Representative Fantin."

Fantin: "Thank you. No further questions."

Speaker Daniels: "Further discussion? The Gentleman from Effingham, Representative Hartke."

Hartke: "Thank you very much, Mr. Speaker, Members of the House. Would the Sponsor yield for a question?"

Speaker Daniels: "Indicates he will."

Hartke: "Representative Bost, maybe there is some confusion. The Homestead Exemption applies to those individuals who actually live in the home. This is a change in language that says any 'residential structure'. Does the individual still have to reside in that home to get the residential Homestead Exemption? Or can they rent this house out if a



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person owns three or four structures? That's one question, too. We talk about natural disasters. Are you talking about floods, tornadoes? What about fire?"

Speaker Daniels: "Representative Bost."

Bost: "Representative Hartke, it remains the exact same, the answer to your first question. It still is... a person has to live and be a resident of that. That is an attorney... the AG's ruling on that past practice. The other part of your question was, it does include fire. Yes, it does."

Speaker Daniels: "Representative Hartke."

Hartke: "Yes. What you're saying is that if I owned two homes or three homes in a community, and all three were destroyed by the tornado, or maybe a flood, I would be allowed only the \$30,000 exemption for replacing that home. Let's say it was a \$50,000 home assessed evaluation prior to the flood, and then if I decide to build back and \$80,000 home, my assessed evaluation would not go up for four years on the home that I lived in. However, there is no incentive here for me to rebuild those other homes. Is that a fact?"

Speaker Daniels: "Representative Bost."

Bost: "That is correct. If you have property that is non... that is not your residence there is no exemption for that property."

Speaker Daniels: "Representative Hartke."

Hartke: "Yes. I would still be allowed that even though maybe I was insured and would receive insurance payments and so forth for that when I maybe had no actual financial loss, this would also still give you that deduction. Is that correct?"

Speaker Daniels: "Representative Bost."

Bost: "Could you repeat the question? I'm sorry."

Speaker Daniels: "Representative Hartke. Excuse me. Ladies and

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Gentlemen. Ladies and Gentlemen, please give your attention to the two individuals debating this Bill. Representative Hartke."

Hartke: "Thank you, Mr. Speaker. If I were fully insured on this home, that would have no effect on this piece of legislation or the deduction not deduction, the exemption that would be allowed me in this piece of legislation?"

Speaker Daniels: "Representative Bost."

Bost: "No, it would not affect your insurance coverage at all."

Speaker Daniels: "Representative Hartke."

Hartke: "I just have one final question, Representative Bost. What is the difference between this piece of legislation and that which is in current law?"

Speaker Daniels: "Representative Bost."

Bost: "This just codifies it further. It just, they felt that the law was vague, and the wording has just been corrected to try to be very clear on this."

Speaker Daniels: "Representative Hartke."

Hartke: "Well, I think it's clear to start with, but I don't know why we have to do this. But, okay."

Speaker Daniels: "Further discussion? The Gentleman from Vermilion, Representative Black."

Black: "Thank you very much, Mr. Speaker. I Move the previous question."

Speaker Daniels: "The question is 'Shall the main question be put?' All in favor say 'aye', opposed 'no'. The 'ayes' have it. Representative Bost to close."

Bost: "Thank you, Mr. Speaker. House Bill 1645 is an opportunity to correct and clarify some language. It does make it very clear to the county assessors that it is important that if a disaster has occurred and a home has been destroyed. We want the people of the State of Illinois to build those

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homes back and keep everything up and running. I'd appreciate your 'aye' vote."

Speaker Daniels: "Representative Black... Bost has moved for the passage of House Bill 1645. All those in favor signify by voting 'aye', opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question, there are 117 'ayes', none voting 'nay'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 2658. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill #2658. A Bill for an Act in relation to death sentences. Third Reading of this House Bill."

Speaker Daniels: "Representative Durkin."

Durkin: "Yes, Mr. Speaker. House Bill 2658 is a very common sense Bill. What it does, it provides that if a defendant who has been sentenced to death for any relief under the Post Conviction Act, Executive Clemency Act or Habeas Corpus Act, relief can only be commenced, only with the defendant's consent unless the defendant because of a mental, written consent, unless the defendant, because of a mental or physical condition, is incapable of asserting his or her own claim. I'm ready for any questions."

Speaker Daniels: "Any discussion? The Gentleman from Madison, Representative Hoffman."

Hoffman: "Will the Sponsor yield?"

Speaker Daniels: "He indicates he will."

Hoffman: "Yes, what's the impetus for this Bill?"

Durkin: "Representative, this goes back to personal experience which I was involved in back in the mid 80's when I was at the Illinois Attorney General Office, when the first person

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to be executed in Illinois, since the reinstatement of the death penalty. Charles Walker was convicted in the early 80's of a double murder in St. Clair County. After his sentence and conviction had been upheld by the Illinois Supreme Court, Charles Walker made a determination that he wished to no longer pursue his appeal process. However, third parties at that time intervened, most notably the Illinois Coalition Against the Death Penalty. And for approximately four and a half years the Illinois Coalition Against the Death Penalty and the Illinois Attorney General Office fought off the Illinois Coalition appeals, basically stating and promoting the fact that third parties do not have legal standing to make objections in these cases when there had previously... when Walker was executed there was a fitness hearing which was conducted in which it was determined on three separate occasions that he was fit, and he was making a voluntary decision and his waivers were voluntary. But however, the courts had to endure approximately four and a half years of appeals through the state and federal courts in order for the execution to actually be carried out. And, most notably, I think we all saw what happened not too long ago with the issue with Amnesty International on the Guinevere Garcia case. This is a situation which our laws are vague, and they're very loosely drafted which will allow third parties to intervene in these situations. I believe this Bill sets forth what the common law principles of legal standing are."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Yes. It's my understanding, and we have talked about this for some time and attempted to work on this. This goes back and what this says, is that an individual who is on death row and wants to die, and has made the decision,

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the conscious decision that they want to die, want the sentence to be carried out, that third party can then not come in and intervene on their behalf even though they don't wish that to happen. Is that correct?"

Speaker Daniels: "Representative Durkin."

Durkin: "Absolutely. As long as that person has been deemed to be fit, and they're making a voluntary decision that it requires in these three separate incidents, which are referred to as collateral attacks. This does not infringe on any other, there are many other avenues of appeal which are still available in the system. We're talking about three isolated situations. But the answer to your question, yes."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Yes. I think this is a good Bill. Let me tell you why. I was in the St. Clair County State's Attorney's Office during the time that Charles Walker and the four and a half year hiatus was going on. That was an individual who committed gruesome murder, who had been put on death row. During the time he had made that conscious decision himself, himself, that he wanted the sentence to be carried out. He was ready to die. But what happened, is we had third parties coming in, costing taxpayers millions of dollars in legal time, four and a half years because we were not, in this state, allowing an individual who had made the conscious decision that he wanted the sentence to be carried out, he wanted to die and we wouldn't let him do it. Well, it's absolutely ridiculous for us to spend not only county taxpayer dollars, but attorney general taxpayer dollars to not carry out a death penalty when the person who perpetrated the crimes, who did the wrong, who committed the heinous act, wants to die. There is no

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excuse, and there is no debate as to... in that case, as to whether this individual, Mr. Walker, was competent. It was clear he was competent. He made the decision on his own. And we need to put our foot down in this state and say if we're going to have a sentence, and we're going to carry it out, that we don't spend millions of taxpayers' dollars unnecessarily, by letting third parties come in, intervene, and not carry out those sentences. It is time that we ensure that the death penalty in this state is carried out, and is done in a swift and concise manner."

Speaker Daniels: "Further discussion? The Lady from Cook, Representative Currie."

Currie: "Thank you, Speaker and Members of the House. In my view, House Bill 2658 represents a return..."

Speaker Daniels: "Excuse me, excuse me. Ladies and Gentlemen of the House, could you please give Representative Currie your attention? On both sides of the aisle, can we break up the caucuses in the aisle, move them to the rear of the Chambers? Gentlemen. Right here, can we move your caucus to the rear of the Chamber, so that Representative Currie can debate this Bill? Thank you. Representative Currie."

Currie: "Thank you, Speaker. I appreciate your help. In my view, House Bill 2658 represents a return to vigilante justice in the State of Illinois. The issue of crime and punishment is not one in our society that is determined between the victim and the perpetrator of a crime. We have a system of justice that involves judges, juries, involves appeals on due process and on other grounds. The determination made by the defendant, made by the perpetrator of the crime, that he or she wants a particular sentence, is not good enough for the rest of us. New information may become available, additional evidence may

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come forward. We have always treated the death penalty very seriously because the death penalty is the final word. If you find out after the execution that the individual didn't do it, it's too late to make amends. It's too late to make a difference. We've recently had the experience of a woman convicted of killing her husband, Gwen Garcia. She said she was prepared to die. But, in fact, our Governor rightly, wisely and compassionately concluded that that sentence was not appropriate to her case. Not appropriate for us, us, as a society, us, as the citizens of Illinois to impose upon her, given the particulars of that individual crime. It would be a mistake. I think it would be a return to the justice of the streets to say that we will invoke no pleas, no additional opportunity for evidence to come forward in the situations Representative Durkin foresees. I would urge my colleagues to reject this effort to go back to the 'good old days of the Wild West'. I would ask my colleagues to recognize the severity, the finality of the death penalty, and turn back this request for change."

Speaker Biggert: "Thank you. Representative Biggert in the Chair. Is there further discussion? The Gentleman from Cook, Representative Dart."

Dart: "Will the Sponsor yield?"

Speaker Biggert: "He indicates he will."

Dart: "Representative, I just have a couple of questions that I wanted to ask you. Are there other states that have this law presently on their books, and if so, can you tell me which ones?"

Speaker Biggert: "Representative Durkin."

Durkin: "My understanding is that no other states have legislation which is similar to this. I believe the

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District of Columbia presently is, there's a proposal, I believe, in that state. But I checked through the National Conference of State Legislators indicated... and the American Bar Association that this is... there are no other states which have language which in a Bill which we are proposing."

Speaker Biggert: "Representative Dart."

Dart: "Is there any other... outside of the states with other statutory provisions, is there other legal precedent as far as case law or anything where this type of measure has come up?"

Speaker Biggert: "Representative Durkin."

Durkin: "Certainly. I think that, as you understand, I believe that one of the oldest principles within our judicial system is the whole concept of legal standing. And that is something which, it's been around for years, but it doesn't prohibit someone from going to the Clerk's office, requiring the Attorney General to accept the brief for them to respond and also for the court to make a determination of whether or not these parties have standing. There are common law principles which apply to the whole concept of legal standing, which is what this Bill is about."

Speaker Biggert: "Representative Dart."

Dart: "I guess then the next logical step, I guess would be, has there ever been this issue, has it ever been brought forward on standing questions as far as when these third parties are bringing suit? Has there been straightforward, just without the statutory language, just straightforward standing questions brought? And if so, what has the court said in regards to that?"

Speaker Biggert: "Representative Durkin."

Durkin: "... What the most notable has been, the issue regarding



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Charles Walker, in which under the case of Wilson versus Lane 870 Fed 2nd 1250, the court basically stated 'that to invoke standing, to invoke standing, the petitioners must assert their own legal rights and interest, and cannot rest their claim to relief on the legal rights and interests of third parties.' But, even more importantly, our United States Supreme Court in Valley Forge Christian College versus Americans United for Separation of Church and State, 454 U.S. 464, stated 'that the courts adjure to appeals to their authority which would convert the judicial process into no more than a vehicle for the vindication of value interest of concerned bystanders.'

Speaker Biggert: "Representative Dart."

Dart: "So, I guess, Representative, I was trying to get at, I think maybe you've said it. There should be limited of any Constitutional challenges to this, based on the fact the court has pretty much said already that the standing is not there for the... that you could knock these people out of the box on a standing question already? Is that it? And that when these third parties have come forward, has the delay been caused by the fact that attorney general or state's attorney, whatever, has had to basically challenge this? And then it gets thrown out on us. I mean, the standing thing is held up by the attorney general, but it's just the delay is caused by you having to go through that extra step?"

Speaker Biggert: "Representative Durkin."

Durkin: "I guess we have to look at an example. Let's look at Charles Walker, because that was a four and a half year delay process which there were... the whole issue standing was repeatedly litigated through the state and federal courts. This..."

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Speaker Biggert: "Representative Dart."

Dart: "I guess my question is... I didn't state it too artfully. Have the courts basically said that third parties do not have legal rights to come forward and make these type of claims? Or have they left it open for us to do, and if... Are you basically codifying then, a court opinion, saying that these people don't have standing now? You're just putting in the statutes?"

Speaker Biggert: "Representative Durkin."

Durkin: "In a sense, yes. That's what we're doing is codifying what I believe is a very, very important common law principle within our judicial system regarding legal standing. However, as you know, that the courts, at their own whim can make a different determination. And we all know there's some... sometimes we don't understand what comes out of our Illinois Supreme Court. So, I believe that it's important that we codify what I believe are very important principles within our system, specifically the legal standing issue."

Speaker Biggert: "Representative Dart, you have just a few seconds."

Dart: "I guess my final question then would be, and on following along with that, is there going to be, are there conflicting legal opinions now, as to whether or not these third parties have standing or not? Or has there been a strong statement, categorically stated by our Supreme Court, reinforced by the U.S. Supreme Court, that these third parties do not have standing to bring these proceedings?"

Speaker Biggert: "Representative Durkin."

Durkin: "Generally, yes, but it took four years for them to make that decision and a number of... if you'll look at the

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delay of the appellate process, the courts have been holding that, and... but I believe that I cannot predict what the Supreme Courts of the United States and also within our Illinois Supreme Court, what their determination, if they want to restrict or also expand legal standing. I believe that it should be very restrictive, and I believe that it's my position is based on what I believe are, as I said before, long-standing common law principles about what parties need to get access to our system. What parties can and which ones can't."

Speaker Biggert: "Further discussion? The Representative from Cook, Representative Davis."

Davis, M.: "Thank you, Madam Chairman. First, I'd like to say I think we should really listen up on this legislation. This is extremely important for the State of Illinois, and what happens to people who languish in prison, perhaps waiting for the death sentence to be executed. Sometimes a person loses his or her will to live. I met and talked with Charles Walker. And he had become fatigued and really tired of fighting. And that does occur. I believe that if a person has been incarcerated on the death row for 10 years, 20 years, 30 years, sometimes the will to live may have been totally diminished. Example, Miss Garcia. Now, if this Bill passes, you're saying the Governor would still have the opportunity and the legal right to abrogate the sentence of that person? Is that correct?"

Speaker Biggert: "Ladies and Gentlemen. Representative Durkin."

Durkin: "This Bill does not restrict, define or limit the inalienable rights of the executive branch, Representative. And... if we're going to go into a question of Charles Walker and being fatigued, I guess, let's talk to the family members of the young boy and the young girl who were

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shot in the head by him, back in St. Clair County back in the late 70's. Want to talk about fatigue? We'll talk about the fatigue that they had when the gun was placed at their head, waiting for the bullet to go through their brain."

Speaker Biggert: "Representative Davis."

Davis, M.: "Well, I think the issue is not what sentence he should receive here. The issue in your Bill that you're addressing, is whether another party or another organization has a right to fight for that person's life, when the person has not agreed to do so him or herself. You're saying if the person, regardless to their state of mind, no longer wishes to fight for his or her life, then no organization, no individual has a right to do that. And I would certainly have to disagree with you."

Speaker Biggert: "Representative Durkin."

Durkin: "Representative, I don't know if you read through the Bill. But there is a requirement that the individual must be fit, and they're making a voluntary decision. These decisions are of... a question of voluntary waivers are brought back to the individual trial courts. And that's what happened both on Gwen Garcia and Charles Walker, in which a full-blown fitness hearing was conducted to determine the mental state of that individual. And if a person is fatigued, if a person has made peace with themselves and they've admitted to their crimes, who is the person, who should be the individuals who should stand in and determine what extent of due process that person is deserved. It is not Bianca Jagger, it's not the Illinois Coalition. It is the actual defendant themselves."

Speaker Biggert: "Representative Davis."

Davis, M.: "Well, Madam Speaker, I would have to disagree. I

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think, perhaps Bianca Jagger cares for human life, and there are other organizations who are finding documentation, that as a state executes people, the crime rate in that state rises because there appears to be or growing loss of respect for human life. I believe that if an individual has chosen, not to put up a fight him or herself, and organizations still have the freedom to do so... And I don't think that we should, in this Body, remove from those individuals like Bianca Jagger, remove from organizations like Amnesty International, or remove from ministerial groups, the right to fight for the life of a person who they perhaps feel has truly been rehabilitated. Not perhaps to go back into society, but at least to have his or her life spared. I would urge you to look at a film or movie I saw the other night. Carol Ronen, I think it was ... I don't remember the name of it, but Carol, Carol Ronen, what was the name of that movie that we talked about? No, that's not it. But, anyway, 'The Shawshank Redemption' movie, I urge you to take a look at it. Have you seen that? Well, then, it should help you to realize that sometimes, being in prison for 30 years or more will certainly change your mental state or your desire to live."

Speaker Biggert: "Yes. Ladies and Gentlemen, this is a serious issue. Would you please give the speaker your full attention? Proceed, Representative Davis."

Davis, M.: "Thank you very much. I'll just conclude by saying the climate that we now are in in this Body means this legislation will pass. But I urge those who really have a feeling for human beings, as Governor Edgar obviously seems to have, to vote 'no' on this Bill. Thank you."

Speaker Biggert: "Thank you. The Representative from McHenry,

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Representative Hughes."

Hughes: "Thank you, Mr. Speaker. I rise in support of this Bill. We're not talking about the merits of the death penalty here. We're talking about three things: 1) The convicted party having the right to make some determination as to his or her fate, and not have that imposed upon him by third parties; secondly we're talking about the victims of crime, who are continually and repeatedly in these instances, dragged through the heinous activities that they have suffered over and over again; and thirdly, we are talking about limited tax dollars that are going to continue a process that is not desired by the convicted individual. Those resources should be provide... should be devoted to enhancing the effectiveness of our criminal justice system. This Bill has been carefully crafted by the Sponsor to assure all the appropriate protections, both for the convicted and for the process of appeal for the Governor and everywhere else. It makes sense, and it is worthy of your support. Thank you."

Speaker Biggert: "Thank you. The Representative from Cook, Representative Murphy."

Murphy, M.: "Thank you, Madam Speaker. The only parties that participated in the court process are the victims, or the victims' families and the perpetrators. From the very beginning, those that were convicted, the perpetrators, made a choice to commit the crime. At every point in the court system, those same perpetrators choose whether to have a trial by jury, they choose what kind of attorney they have, or have a public defender. They make any manner of choices without benefit, if you would, if that's a true benefit, of this third party entering into it. At the very point of the execution when ones are on death row, right

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now, statute in Illinois allows third party appeals. That is why our Governor was able, able to make a decision, that while some have applauded, some others have criticized. But the reason he was able to make that decision was because of a third party appeal being currently allowed. The wisdom of that decision, and I'm sure it was a decision that he struggled with, will not be known for some time. However, speaking to the 'cause celeb' that was afforded, a former wife of an English rock star from Amnesty International, was an affront to the citizens of Illinois. The focus of Amnesty International is generally understood to be that, affording some advocacy for persecution, not advocacy for educated prosecution. I am very proud of our state, but I am also proud to represent my people. And the conventional wisdom of the general public is 'what is keeping these people on death row so long from the sentence they so assuredly deserve?' I speak in support of this Bill, and I thank Representative Durkin for the good work he's done on it. Thank you."

Speaker Biggert: "Further discussion? The Gentleman from Washington, Representative Deering."

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

Speaker Biggert: "He indicates he will."

Deering: "Representative, if a person is accused of, say murder for instance, and they're going through their court trial. Does the third party have the opportunity right now to come in and be a part of that court case?"

Speaker Biggert: "Representative Durkin."

Durkin: "They have the right to intervene as a third party. However, usually it requires a challenge from the state's attorney to make a determination that the third party does not have legal standing. It's something which slows down

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that individual trial court process. But the law, as it is right now, is very loosely drafted and third parties can file you know, an objection to a search... on a search and seizure issue under a 5th Amendment issue."

Speaker Biggert: "Representative Deering."

Deering: "Would they have to have my authority to do that if I was the person in question, or can they do that on their own authority?"

Speaker Biggert: "Representative Durkin."

Durkin: "It would not, under the law right now, it doesn't require the consent of the actual accused. It's just an issue which has been very loosely interpreted. And there is nothing which prohibits this group from going in against the will of the accused to challenge certain aspects of the crime, and especially issues leading up to the arrest."

Speaker Biggert: "Representative Deering."

Deering: "So, then, this Bill would take the third party process out of a post conviction. It would have to be pre-conviction as far as an appeal. Is that correct?"

Speaker Biggert: "Representative Deering... Durkin."

Durkin: "This Bill is very limited to what we can do, I believe, Constitutionally. This Bill addresses, first of all, only capital cases, in only three separate areas. The Post Conviction Act, Habeas Corpus Act and the Executive Clemency Act."

Speaker Biggert: "Representative Deering."

Deering: "Would this then, this then would allow me, if I was the convicted individual to make my decision post-conviction. Is that correct?"

Speaker Biggert: "Representative Durkin."

Durkin: "Under these three separate areas which are commonly referred to as collateral attacks, you would be the one if



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you have been found fit, and you have been determined to make a voluntary waiver of your rights. You are the only one who can make that decision, as to what extent of process, what extent of due process you want under these three separate areas within our criminal code and the civil code."

Speaker Biggert: "Representative Deering."

Deering: "Thank you, Representative. To the Bill, Madam Speaker.

It seems to me that most of us here in this Chamber, and also throughout the great State of Illinois, believe in the court process. If I was accused, I would be more than happy to sit in front of a jury of my peers. And if I was convicted by the jury, by a jury of my peers, without... beyond a reasonable doubt, then I would have to suffer those consequences. That's the process that we have here today, not only in Illinois, but throughout this country. Sure, if I'm convicted I may not like it. But I, if I have Menard Prison in my district and I travel to that prison occasionally to visit the warden. And I have yet to find any inmate down there that's guilty, especially those on death row. But, these individuals know when they commit the crime that they're gonna have to suffer the consequences. And as far as respect for human life, as one of my colleagues mentioned earlier, I agree with the response the Sponsor of the Bill said, when the criminals apparently didn't have respect for the human life that they possibly took no matter what age they are. In the case of Mrs. Garcia that was just recently commuted, here's another case, and once again a third party came in, convinced, maybe had some leverage with the Governor to commute the sentence. And what does that mean to you and I? That means, once again, our judicial process, our court process

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worked. However, we the taxpayers and the law abiding citizens were let down again. I don't see the 16, 17, \$20,000 a year cost of housing Miss Garcia... Mrs. Garcia now for her natural life, coming out of the pockets of the life of Bianca Jagger, or anybody else who's on a mission. It's the taxpayers of Illinois who are forced to eat these costs, even when the appeal process comes in. I think this is a good common sense Bill. It behooves all of us to support this Bill, send it to the Governor, and let those groups try to beat it in a court of law which I believe that they will try to fight. This is a good Bill, good for us and good for the taxpayers."

Speaker Biggert: "Thank you. The Gentleman from Madison, Representative Stephens."

Stephens: "Thank you, Madam Speaker. You know, it really ought to get our attention when someone stands on the House floor and says 'poor Charles Walker, poor Charles Walker. He worried about his death sentence. My goodness, and why can't we give him some third party assistance?' And I wonder why he didn't think about giving some third party assistance to his victims? I wonder if they worried before they died? I wonder if their families worried at all? I wonder if there was anguish? There ought to be anguish on death row. They ought to be afraid. And they ought to be put to death. I really don't care what movie you've seen lately, but I wonder if you've seen 'Dead Man Walking'? Everybody in 'The Shawshank Redemption', if you want to quote that movie, they all walked in, the guy who was innocent walks in and says, 'I didn't do it. You don't understand.' And they all laughed because of course none of them, none of the people on death row are guilty. But, in 'Dead Man Walking', if you want to quote Hollywood

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movies, just before his imminent death, he finally tells the nun, 'Yes, I did.' You know, on that side of the aisle, and sometimes even on this side of the aisle, we always hear, 'You just don't want to let one innocent man or one innocent man die.' And I say you shouldn't let one guilty man go free. And I'll tell you, it's time that we wake up. If they want to appeal their sentences based on merit and based on their own initiative, fine. But, we don't need every 'bleeding heart' coming here to Illinois, telling us that we don't know how to control crime. We know how to control crime, stricter sentencing and sentences that mean something. You should have a limited number of days on death row and then be gone with you. And we won't have to say, 'poor Charles Walker' anymore."

Speaker Biggert: "The Gentleman from Will, Representative Wennlund."

Wennlund: "Thank you, Madam Speaker. I Move the previous question."

Speaker Biggert: "The question is, 'Shall the main question be put?' All those in favor say 'aye', all those opposed 'no'. In the opinion of the Chair, the 'ayes' have it, and the main question is put. Representative Durkin, to close."

Durkin: "Let's make it perfectly clear. This Bill does not prohibit a person to seek, address in the federal courts, a third party to go to the federal courts. It does not infringe on the Illinois Supreme Court's inherent ability to, under the direct appeal, in which third parties can still make their decision. However, when we get into that area, we're talking about separation of powers. Let's... perfectly clear for the record that our Constitution Article 5, Section 12 specifically states that, under the

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Pardon Section, that the General Assembly may regulate the application process for pardons, reprieves and commutations, which is what this Bill does. In closing, I believe this Bill makes a very important statement about our criminal justice system. Our system should never be manipulated by those whose only objective is to promote their own personal agenda. Common sense measures such as these are necessary at a time when it becomes increasingly difficult to bring closure and finality to families who have been destroyed by violent crime. I urge an 'aye' vote on this matter."

Speaker Biggert: "The question is, 'Shall House Bill 2658 pass?' All those in favor vote 'aye'; all those opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 97 'ayes', 17 'nays', 2 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Lindner, for what purpose do you rise?"

Lindner: "Yes, Madam Speaker, my switch was not working. I wish to vote 'aye' on the last Bill."

Speaker Biggert: "The record will so reflect. Mr. Clerk, read House Bill 2702."

Clerk McLennand: "House Bill #2702. A Bill for an Act in relation to taxes. Third Reading of this House Bill."

Speaker Biggert: "The Chair recognizes Representative Bost."

Bost: "Thank you, Madam Speaker, Members of the House. House Bill 2702 amends the Use Tax Act, and Service Use Tax Act, Service Occupation Tax Act, and Retailers Occupation Tax Act, removes provisions requiring coal, exploration, mining, off highway hauling, processing maintenance, and reclamation equipment including replacement parts and

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equipment to the cost in excess of \$250 in order to qualify for sales tax exemption. Right now, everything above \$250 is exempt. We're wanting to bring that down. That's what this Bill does. It's something that's been offered to farmers, to other industries around the state. And right now when we in the southern part of the state are trying desperately to hold onto our coal jobs, coal mining jobs, bring those jobs back. This puts us on line with other states around us and that provide the same exemption. I'll be glad to answer any questions."

Speaker Biggert: "Is there any discussion? The Representative from Cook, Representative Dart."

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

Speaker Biggert: "He indicates he will."

Dart: "Representative, what other states have this similar language?"

Speaker Biggert: "Representative Bost."

Bost: "During the time of... that we presented this in Committee, though he did not testify, there was a representative from the Mine Associations that explained that Indiana also has this same... other than Indiana, I'm not sure if Kentucky does or not."

Speaker Biggert: "Representative Dart."

Dart: "And approximately how much more equipment is going to be exempted based on this now?"

Speaker Biggert: "Representative Bost."

Bost: "The estimation of the total tax exemption would be about 3.5 million."

Speaker Biggert: "Representative Dart."

Dart: "And the 3.5 million exemption, where's the money coming from? I mean, as far as who's not gonna... where's the 3.5 coming from?"

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Speaker Biggert: "Representative Bost."

Bost: "He will not receive the 3.5 million. It will be the local taxing governments."

Speaker Biggert: "Representative Dart."

Dart: "Is there anything in this Bill that's going to try to replace the 3.5 million that they're going to be losing?"

Speaker Biggert: "Representative Bost."

Bost: "It is our hope and our intent, that by generating and keeping the industry that's there, that will, that will, replenish that. Of course, it won't magically do that, but that is the intent."

Speaker Biggert: "Representative Dart."

Dart: "Is there any commitment from the mine operators, that they would, in fact, make.. with the tax exemption, the money they'd be getting from that, that they would make sure the money would stay in the area, that there would be more jobs created, and it wouldn't be something where they're just padding their pockets, and making better salaries for the top level people?"

Speaker Biggert: "Representative Bost."

Bost: "There is no written agreement that this would be the case. But, they have, just in verbal agreement, said that this was very important to them to maintain the business, the jobs that we have in the state."

Speaker Biggert: "Representative Dart."

Dart: "Is this legislation similar to any tax incentives we give to other industries?"

Speaker Biggert: "Representative Bost."

Bost: "The farmers, it's my understanding the farming industry has this. Right now, oil and gas still have this in place. And so, I think there'll be legislation to follow on that."

Speaker Biggert: "Representative Dart."

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Dart: "Is it your feeling that the Illinois Coal Industry will, in fact, experience rebirth based on this 3.5 million?"

Speaker Biggert: "Representative Bost."

Bost: "Not based on this alone. But on many other things that myself and other Representatives of this House, along with Congress, the U.S. Congress, and the people involved, as we work together to try to bring it back. Yes, it is my hope that this will come back."

Speaker Biggert: "Representative Dart."

Dart: "So, then this measure is just one part of an elaborate plan that you have in regards to the whole industry?"

Speaker Biggert: "Representative Bost."

Bost: "This is just one step in the right direction. There's many other programs we're already working on as far as, you know, the scrubbers and all of these things to try to generate Illinois coal to make it a more sellable product, and to reopen our mines in southern Illinois."

Speaker Biggert: "Representative Dart."

Dart: "So, is it fair to say that you have been and will continue to work with Representatives such as Representative Deering in this effort?"

Speaker Biggert: "Representative Bost."

Bost: "Yes. I will continue to work with Representatives that represent the coal fields, and represent the miners and do the best we can to not give up on this industry. To work very hard to make sure what we have stays, and if we can bring those back that left, we'll do that also."

Speaker Biggert: "Representative Dart."

Dart: "And this Bill is supported by the United Mine Workers, is that correct?"

Speaker Biggert: "Representative Bost."

Bost: "Yes, it is."

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Speaker Biggert: "Representative Dart. Is there further discussion? The Gentleman from Saline, Representative Phelps."

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

Speaker Biggert: "He indicates he will."

Phelps: "Representative Bost, can you tell me, and maybe you said it. I didn't hear it if you did. What position the Department of Revenue takes on this?"

Speaker Biggert: "Representative Bost."

Bost: "The Department of Revenue has taken a neutral position on this."

Speaker Biggert: "Representative Phelps."

Phelps: "Are you aware of previous attempts to pass this legislation to relieve or remove the threshold that you're doing here? Are you aware that in the past the Department of Revenue has been opposed to this effort?"

Speaker Biggert: "Representative Bost."

Bost: "No, I was not."

Speaker Biggert: "Representative Phelps."

Phelps: "Well, you know that I am in support of this Bill, very much so. And most important, had been Sponsor of the Bill several times in the past few years. Every single time that a Democrat sponsored this Bill, it was opposed by the Department of Revenue. Now, that doesn't mean it's not good news today that we finally have at least a neutral position. But, I think it's important for the Body to know all of the sudden, the realization from the Department of Revenue that this is now a great thing to do. We, in the coal fields, that represent the coal fields, are struggling to try to provide some assistance. Not just recently, but past few years, because of things that are out of our control that's happened that has crippled the coal mining



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industry, especially the high sulfur coal, and the Federal Clean Air Act put its final blow on us. So, this is very much needed, and I applaud the Sponsor for taking up this. But just appreciate the position you're in right now, because we have been disallowed this because of, I guess, political reasons. But I am... rise in support of the Bill."

Speaker Biggert: "Thank you. Further discussion? The Representative from Washington, Representative Deering."

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

Speaker Biggert: "He indicates he will."

Deering: "Representative, does this take away, or exempt these sales tax from coal sales?"

Speaker Biggert: "Representative Bost."

Bost: "Can you repeat the question, please?"

Speaker Biggert: "Representative Deering."

Deering: "I know this Bill exempts, it deletes the threshold, the \$250 threshold for purchasing equipment and parts. Does this exempt Illinois coal from sales tax?"

Speaker Biggert: "Ladies and Gentlemen, they can't hear each other. Please... Representative Bost."

Bost: "No, it does not. It just deals with equipment that's dealing with the mining. It does not exempt the coal itself."

Speaker Biggert: "Representative Deering."

Deering: "Well, I think, Representative, and I agree with what the prior speaker said, that we've carried this Bill several times before. I think it is a good Bill. It's not going to save the industry, but it's a step in the right direction. And I think that we should get together with the Senators, when the Bill goes to the Senate, and have that Amendment put on, that we exempt Illinois coal from

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sales tax per ton. I think that will make a big difference in trying to keep as many mines operating as we can. This is just a step. It's not the total solution, but if we can get that exemption in for coal sales, period, that will be a major step for the coal industry."

Speaker Biggert: "Thank you. There being no further discussion, the Chair recognizes Representative Bost, to close."

Bost: "Thank you, Madam Speaker, Members of the House. This is a positive step. It's a step in the right direction to try to help our area. The former speakers, their area as well, where we, when the rest of state are grow... the industries are growing, we're suffering terribly from our mine closures. This is just an opportunity to help benefit, to help to try to draw industry back. We would appreciate your support. Thank you."

Speaker Biggert: "Thank you. The question is, 'Shall House Bill 2702 pass?' All those in favor vote 'aye', all those opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 117 voting 'aye', 0 voting 'nay' and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. We will now proceed to the Order of Senate Bills, Third Reading. Mr. Clerk, read Senate Bill 769."

Clerk McLennand: "Senate Bill #769. A Bill for an Act that amends the Minimum Wage Law. Third Reading of this Senate Bill."

Speaker Biggert: "The Chair recognizes Representative Cross."

Cross: "Thank you, Speaker. Senate Bill 769 is a Bill that passed out of the Senate this year 39 to 12, and last year the identical language passed out 55 to 0. It's somewhat

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of a technical Bill in that it amends the Minimum Wage Law of the Illinois statutes to exempt from overtime pay provisions for radio or television announcers, news editors or chief engineers covered under the Federal Fair Labor Standards Act. It's a Bill that just brings us in compliance or mirrors the federal legislation. I'll be glad to answer any questions."

Speaker Biggert: "Is there any discussion? The Gentleman from Madison, Representative Hoffman."

Hoffman: "Yes, will the Sponsor yield?"

Speaker Biggert: "He indicates he will."

Hoffman: "Representative, is there any opposition to this Bill that you know of?"

Speaker Biggert: "Representative Cross."

Cross: "Representative Hoffman, in Committee, I believe there was a representative from AFLCIO that was opposed to the Bill that gave testimony."

Speaker Biggert: "Representative Hoffman."

Hoffman: "So, what you're saying is this Bill is essentially that, if you're a radio or television announcer, news editor or chief engineer, that you can work innumerable hours and you won't receive overtime. Is that right?"

Speaker Biggert: "Representative Cross."

Cross: "Representative Hoffman, one of the distinctions is, on this Bill, that as is the case in the federal legislation, we're only talking about populations or counties or municipalities with a population of less than 100,000. So, we're talking about the smaller communities in the state, or communities with less than 100,000."

Speaker Biggert: "Representative Hoffman."

Hoffman: "So, this Bill only applies to... it doesn't apply to the City of Chicago, it does not apply to St. Clair or

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Madison County at all? Is that correct?"

Speaker Biggert: "Representative Cross."

Cross: "Representative Hoffman, the Federal Legislation reads, 'a major studio which is located in a city or town of 100,000 population or less according to the latest available census, except where such city or town is part of a standard metropolitan statistical area'. So, the City of Chicago does not apply. I'm not sure about your area."

Speaker Biggert: "Ladies and Gentlemen, please can you take your conversations to the back of the room or out the door? Thank you. Representative Hoffman."

Hoffman: "So, what you're saying based on where you live will determine whether you will receive overtime or not. Is that correct? Or where you work, I guess."

Speaker Biggert: "Representative Cross."

Cross: "Well, it depends on, it depends on the area and where you are, Representative Hoffman. And the basis for it is that in the smaller marketplaces, advertising rates are going to be at a lower level than they are, for instance, in the City of Chicago, or perhaps the City of Rockford. I'm not sure of the population of Rockford. But usually in the Chicago area, advertising rates are higher, and that's the reason, the initial reason for the federal legislation."

Speaker Biggert: "Representative Hoffman."

Hoffman: "Do you know of any other instance where we determine whether a person will receive overtime based on where they work? As far as geography? I know of no other instance. Is there anything else?"

Speaker Biggert: "Representative Cross."

Cross: "Well, Representative Hoffman, I guess if you look at the first page of the Bill, there are a variety of areas where we do exempt the overtime pay. And if you look at

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paragraph 2, it lists, there are about 10 of them, A through H. Any employer of agricultural labor, any government body, any salesman primarily engaged in selling trailers, boats or aircraft. The list goes on and on so I'm not sure what you mean by population or different areas, but there are a whole host of areas where we exempt this."

Speaker Biggert: "Representative Hoffman."

Hoffman: "I think you said earlier that a city, this only applies if you work in a city or a municipality of under 100,000. Yes or no?"

Speaker Biggert: "Representative Cross."

Cross: "Generally speaking, Jay, yes your right."

Speaker Biggert: "Representative Hoffman."

Hoffman: "Well, the Bill, I think, speaks for itself. Either it says under 100,000 or it doesn't. I mean, generally speaking it does. I guess the census could change, I guess you're right. Generally speaking, if it's a city that generally is over 100,000, then it wouldn't apply. If it's a city that's generally under 100,000, I guess then it would apply. So, I guess the point is this, if you're Rosemont Horizon, or Rosemont, then you don't have to pay overtime. If you are a bigger city, and you work in Chicago, then you do get overtime. I know of no Bill, or a law in this State of Illinois that we will say we will base your compensation simply based on where you work. Now, there are all kinds of laws that we make that will specifically only apply to individual entities. But never, have we ever said, that if you work in the City of Chicago, you get overtime. If you work in Rosemont, you don't get overtime. It makes absolutely no sense to me to say that based on where you work, you're going to either get

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overtime, or not get overtime. Now, if you work 40 hours, I think you should get overtime. If you're a salaried employee, well then you don't get overtime. It should not be based on where you work. It should not be based on whether you work in the City of Chicago, whether you work in Rosemont, whether you work in Belleville, or work anywhere else. This makes absolutely no sense. I think we should vote 'no'."

Speaker Biggert: "Okay. The woman from Cook, Representative Schakowsky."

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

Speaker Biggert: "He indicates he will."

Schakowsky: "Representative, who brought you this legislation?"

Speaker Biggert: "Representative Cross."

Cross: "Well, Representative, the Illinois Broadcasters Association, I've been working with that association."

Speaker Biggert: "Representative Schakowsky."

Schakowsky: "Has there been any discussion with any of the employees of those markets that would be affected, to hear their side of the story? Has there been any meetings with those individuals who now work in those markets to see how they would be impacted, and their feeling about it?"

Speaker Biggert: "Representative Cross."

Cross: "Representative, I was in Committee, I think the same day you were. I don't recall any testimony from any radio employees objecting to this Bill. I've had no contact from anyone. I did this Bill last year. Senator Petka did it last year when it passed out of the Senate 55 to 0, then again, this year passed out. I'm not aware of any opposition that he's heard from from radio announcers in the small marketplaces."

Speaker Biggert: "Representative Schakowsky."

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Schakowsky: "Well, it certainly wouldn't be accurate to say that you're not aware of any opposition. Certainly the... I under... You're saying that you haven't heard from employees, I guess, that are in opposition. But the AFLCIO organized labor is certainly in opposition to this legislation because what we're saying here is that we're going to limit the overtime of workers in small markets no matter how much... how many hours that they're working. And you're saying that it's an effort to comply with federal law. Now, is there any requirement that you're aware of that Illinois would have to comply with federal law when it comes to overtime pay?"

Speaker Biggert: "Representative Cross."

Cross: "I'm not sure I followed your question, Representative. But, right now, the federal law says they're exempt from overtime pay. There's been some confusion. We're trying to merely say that the state law is the same, and if we're going to have compliance, we need to pass this Bill. I don't know what else I can... You asked me this question in Committee four or five times and I'm going to answer it again."

Speaker Biggert: "Representative Schakowsky."

Schakowsky: "You indicated in Committee, and I think you're trying to indicate on the floor of this House that this is a 'merely' Bill because we need somehow to comply with federal law. That is not true, Representative. There is absolutely no reason why Illinois has to have the same minimum wage requirements as the federal law. In fact, as you probably are aware, our overtime requirements... We could raise our minimum wage here in Illinois, we could pay more overtime. We can do what we want, and often, regularly, Members of your side of the aisle get up and

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tell us why we don't need to conform to federal law. We don't need to do it in Motor Voter. We don't need to do it in this and that. But, now you're saying in order to lower the wages of some workers in small media markets, we must comply with federal law. That is not true. We could continue to pay overtime wages to those workers. And I say that there is no reason for Illinois to lower these wages we should continue to pay them. And we should vote 'no' on this Bill."

Speaker Biggert: "Thank you. The Gentleman from Cook, Representative Lang."

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

Speaker Biggert: "He indicates he will."

Lang: "Representative, am I to understand that if a basketball announcer announces a game in Chicago at the United Center one day, and announces a game at Rosemont Horizon the next day, that on the second day, he's not entitled to overtime, but on the first day he is?"

Speaker Biggert: "Representative Cross."

Cross: "Representative, under the definition as I read earlier from either the city of 100,000 or the town with... that's part of a standard metropolitan statistical area, the Rosemont area. My reading of the Federal Bill is that he would be entitled to overtime. We're talking about merely the smaller marketplaces where the advertising rates are significantly lower than the larger, metropolitan area. So, in the scenario you've given, my reading of it is that he or she would be entitled both days to the overtime."

Speaker Biggert: "Representative Lang."

Lang: "Well, Rosemont has less than 100,000 people. Does it not? How do you... how is this determined? How do you determine who's entitled and who isn't? How does the person know?"



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Take Wayne Laravie who does all these games for the Bears and the Bulls and whoever else he does the games for. How does he know, depending on what city he is, whether he's entitled to overtime or not?"

Speaker Biggert: "Representative Cross."

Cross: "Well, Representative, if the individual you're talking about works for WGN, I believe. So, he's not included under this Bill. So he would know."

Speaker Biggert: "Representative Lang."

Lang: "Well, I don't understand why. Why is he not included in this Bill?"

Speaker Biggert: "Representative Cross."

Cross: "Because of the federal legislation, Representative."

Speaker Biggert: "Representative Lang."

Lang: "Well, perhaps you could give us an explanation as to... maybe I missed it. What would the federal legislation do to protect people like this where the same person might get overtime today for doing the same job he's going to do tomorrow and not get overtime tomorrow? How does the federal legislation protect this individual?"

Speaker Biggert: "Representative Cross."

Cross: "Do you mind repeating that, Representative Lang?"

Speaker Biggert: "Representative Lang."

Lang: "How does the federal legislation protect this individual? How does the individual know whether, whether they're getting overtime today, or not getting overtime today, depending on what city they're working in?"

Speaker Biggert: "Representative Cross."

Cross: "It depends on the location of the city for one, Representative, the location of the station and the city, Representative. I don't know, I'm not sure what else there is to your question."

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Speaker Biggert: "Representative Lang."

Lang: "Forget the question. Ladies and Gentlemen, I rise in opposition to Senate Bill 769. This is simply another anti-labor provision proposed by the other side of the aisle. It's anti-worker, it's anti-collective bargaining. It's anti-worker's rights. It's anti-worker's benefits. When will this stop? Where will it stop? We had an anti-UPS driver Bill, that was against the Teamsters. We have Bills that take away the collective bargaining rights of Chicago public school teachers. We've had Bills that take away the collective bargaining rights of University professors. Let's go on and on and on. Let's take away unemployment compensation rights from these people. Let's take away worker's compensation rights away from these people. And now we're going to go after broadcasters. These are people who work for a living. They're members of unions, and I think we all know that if these broadcasters were not members of unions, we wouldn't be hearing about this Bill today. What you should know is that a good number of those broadcasters make so much money, they're Republicans. So, you shouldn't be trying to 'tick them off' Mr. Cross. The fact is that, the fact is that this is simply another attempt to take away a right of a member of organized labor, and you should be opposed to this legislation."

Speaker Biggert: "Thank you. The Representative from Vermilion, Representative Black."

Black: "Thank you very much, Madam Speaker, and thank you to 'Mr. Demagogue' on the other side of the aisle for two minutes of pure baloney, pure baloney. You know, this is outrageous. If you're opposed to the Bill, state facts. Anti-labor. Why did a Republican Sponsor this Bill two...

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or Democrat Sponsor this Bill two years ago? Was Representative Woolard, the House Sponsor of this Bill two years ago, anti-labor? Come on, come on, Representative. If... you know you're getting to the point where you wouldn't know a fact if you tripped over it and fell on your face. You know, I hear all this nonsense all the time over there, gnashing of teeth. Boy, don't let facts get in the way of anything, do you? The incoming president of the organization that requested this Bill two years ago. This isn't some Republican-Democrat Independent political ... Bill. It came from the Illinois Broadcasters Association. Ooh, a left-wing group, there's a left-wing group if I've ever heard one. And the incoming president of this group, name right on the letterhead, president-elect Dan Fabian of WGN-AM, Chicago. Ooh... boy, there's an anti-labor guy. Holy mackerel. You know, all of the baloney aside, let me read to you what the Illinois Broadcasters said as to why they want the Bill. I could care less. I'm not a broadcaster. Boy, I'll bet we're going to have to have a tag day, I bet we're going to have to have a tag day for Harry Carey if he doesn't get overtime. What a bunch of bull. And Wayne Laravie, God knows Wayne Laravie is probably slaving away on minimum wage. I sure hope he got... I bet he did the Bulls game last night. God help us, I hope Wayne got overtime, you know it? Boy, who are we kidding? Who are we kidding? You know, you people over there... I don't know about you. I'd like to get out of here and go home. You've overloaded the circuit and you've blown up my computer. And I just signed a statement that I've got to pay for this thing, and I didn't have anything to do with it. I don't even know my password. Now, look. Now, look, the Representative ranted and raved. My thing

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got a labor overload and it's broken and I've got to pay for it. I don't even know what it costs. I don't get overtime. I can't afford to replace this computer. Now, come on, let's listen to what the broadcasters asked us to do. This Bill that we picked up out of the goodness of our heart because the Democrat Sponsor couldn't get enough votes on it two years ago. So we said, 'We'll help the Democrats. We'll help you.' So, here's this letter from the Illinois Broadcasters Association. I mean, I can read the tears, the tear stains on this letter. It says and I quote, 'Senate Bill 769 is a Bill designed to assist small market radio stations exist in a time of turbulence and change in the broadcasting industries.' That describes WGN. These 'mom and pop' radio stations are the backbone of broadcasting. And hopefully, with your help, we don't want them to go the way of other small, locally owned business in our communities. Now, here's the conspiracy. The broadcasters say what this Bill will do is to bring the state labor law into conformity with the Federal Fair Labor Standards Act which provides that stations in counties of 100,000 or less population are exempt from the overtime provisions of the Act, for news editors, announcers and chief engineers. And it passed the Senate unanimously. So, whether you be Democrat or Republican, whether you want to try to wrap this into some anti-labor Bill. So the AFLCIO is opposed to the Bill. Boy, there's a bulletin. What do you think, they'd sign on? And of course, we all know they represent every sportscaster in the free world. Come on. Don't make issues where none exist. If you want to try and keep radio stations alive in small town Illinois, you vote for the Bill. If you're from the big counties and the big cities where you have those major

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market stations, 50,000 watts of clear baloney, then vote against the Bill. I don't care, but don't... asked for by the people who work in many of your districts, people who work in your districts..."

Speaker Biggert: "Representative Black."

Black: "Who say give me the right to stay on the air. Yeah, I mean ..."

Speaker Biggert: "Representative Black, your time has expired. Representative Woolard, for what purpose do you rise? Representative Woolard, for what purpose do you rise?"

Woolard: "Madam Speaker, a point of personal privilege. I think that I heard my name mentioned in debate by 'Jimmy Purple'. Or was it 'Johnny Red'? I'm not real sure who it was, but I did hear my name mentioned. Let me just explain something. My name did appear once upon a time on this piece of legislation. And then my mother called, and my mother said, 'Larry, what are you doing?' And I always listen very intently when my mom talks. And she told me that maybe there had been a little bit of something misrepresented to me. I'm only talking about me. Now, it wasn't distortion, it wasn't changing of the facts. But, what in fact had been done, someone told me that this was something that needed to be done purely for the codification of the state laws to match the federal law, and I agreed. But once I realized there was more to this than that, that the person who owned that station had represented his side of the issue very effectively. But, Pat Benton and Julie, who worked for him, hadn't been represented at all."

Speaker Biggert: "Representative Woolard, you have one more minute on a point of personal privilege."

Woolard: "Thank you very much. Pat recognized that he had not

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been represented very well, and that he might have to work more than eight hours some day. And if he did, he was willing to do that for the good of his family whom he would get paid and compensation for. But, more importantly, for the good of the area because he did a great job. And Julie, who assists him very admirably, would be in the same position. And Julie has children at home and responsibilities just like we do, who work. And she wanted to make sure that if she had to work 42 hours or 48 hours or 17 hours in one day, that she was compensated the same way that everyone else in her community was."

Speaker Biggert: "Representative Woolard, can you please bring your remarks to a close?"

Woolard: "Okay, at that point, I ask to be removed as a Sponsor of this Legislation, because my mother had struck a bell. My mother had brought home a point that was important to me, that sometimes we might start down a path and we might find something that would change our direction or would cause us to wish we were going in an opposite direction. This is one of those instances. I'm not saying that there's anything wrong with profitability. I think that it's important that we have local stations throughout the State of Illinois. But we don't have to ensure profitability any place in this nation at the expense of those people who work for us, and that's what this Bill does."

Speaker Biggert: "Thank you. The chair recognizes the Gentleman from Champaign, Representative Johnson."

Johnson, Tim: "I move the previous question."

Speaker Biggert: "The question is, shall the main question be put. All those in favor say 'aye'; all those opposed, 'no'. In the opinion of the Chair, the 'ayes' have it and

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the main question is put. Representative Cross to close."

Cross: "Thank you, Speaker. This is a simple Bill. It brings a state labor law into conformity with the Federal Fair Labor Standards Act that passed out of Senate one time, 39 to 12 to three, another time 55 to nothing. It's a simple Bill. I would ask for an 'aye' vote, thank you."

Speaker Biggert: "The question is, 'Shall Senate Bill 769 pass?' All those in favor vote 'aye'; all those opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 66 'ayes' 50 'nays', zero voting 'present'. And this Bill, having received a Constitution Majority, is hereby declared passed. Mr. Clerk, on page four of the Calendar under Conference Committee Reports, appears House Bill 32. The Gentleman from Cook, Representative Park is recognized."

Parke: "Thank you Madam Speaker and Members of the Body. I refuse to accept Conference Committee #1 and would ask that a Second Conference Committee be accepted."

Speaker Biggert: "Is there any discussion, seeing none...the question is shall the House adopt Conference Committee Reports number one to House Bill 32? All those in favor signify by voting 'aye'; all those opposed signify by voting 'nay'. The voting is open. This is final action. Mr. Clerk, please delete the roll call. The question is, 'Shall the House refuse...refuse to receive the first Conference Committee Report?' All those in favor, please signify by voting 'aye'; all those opposed, signify by voting 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are

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108 voting 'yes', 0 voting 'nay' and eight voting 'present'. And the House fails to adopt Conference Committee Report number one to House Bill 32, and requests that a Second Conference Committee be appointed. House Bill, Second Reading. Mr. Clerk, read House Bill 2562."

Clerk McLennand: "House Bill #2562, a Bill for an Act to Amend the Illinois Municipal Codes. Second Reading of this House Bill. No Committee Amendments, no Floor Amendments, no Motions."

Speaker Biggert: "Third Reading. Mr. Clerk...announcements?"

Clerk McLennand: "Committees will meet immediately upon adjournment. Consumer Protection, Counties Townships and Election to State Government will meet immediately upon adjournment."

Speaker Biggert: "Representative Black, for what purpose do you rise?"

Black: "Thank you very much Madam Speaker, I would submit to you that House Bill 2562 was moved to Third Reading in error. I've made commitments that that Bill won't leave the House until we have exhausted all attempts to reach a compromise and/or, Amend the Bill. I would, with leave of the House, ask that you take that Bill back to Second Reading and leave it on Second Reading."

Speaker Biggert: "With leave of the Body, the Bill will be returned to Second Reading. Representative Wennlund now moves that the House stand adjourned until Thursday, February 22, 1996 at the hour of 11:00 a.m.. All those in favor signify by saying 'aye'; opposed, 'nay'. In the opinion of the Chair, the 'ayes' have it, and allowing for Perfunctory time for the Clerk, the House now stands adjourned until Thursday, February 22, 1996, at the hour of 11:00 a.m.."



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Clerk McLennand: "The House Perfunctory Session will be in order.

Committee Reports: Committee Reports from, Representative Persico, Chairman from the Committee on Environment and Energy, to which the following Bills and Resolutions were referred, action taken on February 21, 1996, reported the same back with the following recommendation/s: 'do pass as amended' House Bill 3026. Representative Andrea Moore, Chairman from the Committee on Elections and State Government, to which the following Bills and Resolutions were referred, action taken on February 21, 1996, reported the same back with the following recommendation/s: 'do pass Short Debate' House Bill 2861; 'do pass as amended Short Debate' House Bill 2796. Representative Hughes, Chairman from the Committee on Counties and Townships, to which the following Bills and Resolutions were referred, action taken on February 21, 1996, reported the same back with the following recommendation/s: 'do pass as amended' House Bill 2734.

Clerk McLennand: "Introduction to the First Reading of House Bills. Introduction - First Reading of Bills. House Bill 3699, offered by Representative Dart, a Bill for an Act concerning investments of units of local government and school districts, amending named Acts. First Reading of this House Bills."

Clerk McLennand: "Introduction to Resolutions. House Resolution #75, offered by Representative Myers. Resolutions referred to the Rules Committee."

Clerk McLennand: "Perfunctory Session will be in order. Corrected Committee Reports from Representative Krause, Chairman of the Committee on Health Care and Human Services, to which the following Bill was referred. Action taken on February 21, 1996, reported the same back with the

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following recommendations, 'do pass as amended' House Bill 2557. House Perfunctory Session remain at ease. The House Perfunctory Session will be in Order. There being no further business, the House Perfunctory Session stands adjourned. The House will reconvene in full Session Thursday February 22, at the hour of 11:00 a.m."

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