

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

97th Legislative Day

February 22, 1996

Speaker Churchill: "The House will be in order. The Members will be in their chairs. Representative Churchill in the Chair. The Chaplain for the day is the Pastor Bessi Anthony of Children's Church, Sweet Holy Spirit Baptist Church in Chicago. Pastor Anthony is the guest of Representative Tom Dart. Will the guests in the Gallery please rise and join us for the invocation. Pastor."

Pastor Anthony: "Father, we come right now just to say thank You. Father, as we come together for this opening Session right now we ask You to bless in Your mighty way. We thank You for coming together one more time. Let decisions be made, Father God, in your name. We pray and we thank You for it. Amen."

Speaker Churchill: "We will be led in the Pledge of Allegiance this morning by Representative Mulligan."

Mulligan: " - 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 Churchill: "Roll Call for Attendance. Representative Currie is recognized for reporting excused absences on the Democratic side of the aisle."

Currie: "Thank you, Speaker. First, please let the record show that yesterday's record should have shown that Representative Kaszak was excused because of illness. Representative Kaszak is again excused today because of illness and Representative Jones, Shirley Jones, is excused as well."

Speaker Churchill: "The Record of today will reflect both today's excused absences and hopefully yesterday's. Representative Cross, any excused absences on the Republican side of the aisle?"

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Cross: "Thank you, Mr. Speaker. Let the record please reflect Representative Black and Representative Lindner are both excused today.

Speaker Churchill: "And the Journal will so reflect. Mr. Clerk, take the record. There are 114 Members answering the Roll and a Quorum is present. The House will come to order. Committee Reports."

Clerk McLennand: "Committee Reports. Committee Report from Representative Rutherford, Chairman of Committee on Constitutional Officers, to which the following Bill was referred. Action taken on February 22, 1996. Reported the same back with the following recommendation: 'do pass as amended short debate' House Bill 2916. Representative Tom Johnson, Chairman from the Committee on Judiciary for Criminal Law, to which the following Bills and Resolutions were referred, action taken on February 22, 1996, reported the same back with the following recommendation/s: 'do pass' House Bills 2720 2592. Representative Maureen Murphy, Chairman from the Committee on Revenue, to which the following Bills and Resolutions were referred, action taken on February 22, 1996, reported the same back with the following recommendation/s: 'do pass as amended' House Bill 2809. Representative Maureen Murphy, Chairman from the Committee on Revenue, to which the following Bills and Resolutions were referred, action taken on February 22, 1996, reported the same back with the following recommendation/s: 'do pass Short Debate' House Bill 2703. Committee notice. The Rules Committee will meet on Thursday, February 22nd at 1:00 P.M. in the Speaker's Conference Room. Rules Committee 1:00 P.M. Speaker's Conference Room."

Speaker Churchill: "Mr. Clerk, please read the Adjournment

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Resolution."

Clerk McLennand: "House Joint Resolution #91, offered by Representative Tenhouse. Resolved by the House of Representatives of the 89th General Assembly of the State of Illinois. The Senate concurring herein. That when the House of Representatives adjourns on Thursday, February 22, 1996, it stands adjourned until Tuesday, February 27, 1996 at 12:00 noon. When the Senate adjourns on Thursday, February 22, 1996, it stands adjourned until Tuesday, February 27, 1996."

Speaker Churchill: "For what purpose does the Gentleman from Effingham, Representative Hartke, arise?"

Hartke: "Well, thank you very much, Mr. Speaker. I'm actually inquiring for my seatmate. Someone has stolen her chair and she has no place to sit and I was wondering whether they were sending her a message or what's going on. Her chair is completely gone. Could you check with someone to see what has happened to her chair?"

Speaker Churchill: "Look, Representative Hartke, we heard that it was your chair that was missing not Representative Flower's chair."

Hartke: "I don't think so. No, no, Mr. Speaker, don't believe so."

Speaker Churchill: "I'll tell you what, we'll send everybody out on alert for that missing chair, okay? For what purpose does the Gentleman from Cook, Representative Lang, arise?"

Lang: "Thank you. Mr. Speaker. It has come to my attention that there is a rule that requires all Adjournment Resolutions to go to the Rules Committee and that we have been routinely making Motions on the House Floor to waive that rule. It's also come to my attention that there was a Motion in the Rules Committee to waive that rule,

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permanently, so we wouldn't have to continue to do that. The Rules Committee was unwilling to do that and I'm wondering why we continually go through this process of waiving this rule. We don't really care which way it is. Why don't we just do it one way or the other? Why do we keep having to waive this rule, Sir?"

Speaker Churchill: "Representative Lang, we have a couple different ways we can act on Adjournment Resolutions. We can send them to the Rules Committee. Have a quick Rules Committee meeting and then bring them right to the House Floor. My guess is that everybody would vote in the Rules Committee to adjourn at some point and so that would come before us so this would be a method of expediting that process. I think perhaps you are correct. Representative Currie has been pushing for some more permanent type of rule that would eventually get us past the point where we won't have to even consider the Adjournment Resolution. As you know sometimes the Senate will adjourn before we do and we don't always find out what their Adjournment Resolution is until after they've adjourned. So there is a point in time that which we should take a look at this and perhaps with Representative Currie pushing the issue there may come a point in time where we can bring this to a Resolution. Representative Lang."

Lang: "Thank you. I would just make the point, Mr. Speaker, that what you just said was completely irrelevant to the question I asked. The question...all you did was tell us what our options are. No matter what the Senate does, if we didn't have a rule that required this Resolution go to the Rules Committee, we wouldn't have to waive it. The question is, 'Why do we have the rule that we have to waive it each time? What is the purpose for the rule, Sir?'"

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Speaker Churchill: "I was going to say that you're absolutely correct. Representative Lang."

Lang: "Well, since I'm correct, I don't know what else I should say but thank you so much, Sir."

Speaker Churchill: "And thank you for raising the point. Representative Wennlund in the Chair."

Speaker Wennlund: "Announcements from the Clerk."

Clerk McLennand: "May I have the attention of the Members, please? Those Members that are planning..."

Speaker Wennlund: "Ladies and Gentlemen, please give the Clerk your attention. It is an important announcement, a message regarding the computers on your desk and taking them home. Please give the Clerk your utmost attention, thank you."

Clerk McLennand: "Those Members planning on taking the laptop computers home this weekend, there are bags in the back of the Chamber. If you want to pick them up, if you are taking them please remember all you need is one cord and that is the power cord. The network connector cord that is on the side, you simply remove that by pinching in the silver tabs on either side of the network connection and pulling it out. I think if you raise your hand, any trouble, LIS is here to help out. But if you're going...if you want to take the laptops home this weekend, please pick up a bag at the back of the Chamber. If you are not going to take them at the end of Session, leave them on the desks. We will take care of them and put them away. Thank you."

Speaker Wennlund: "House Bill, Second Reading. Mr. Clerk, read House Bill 2564."

Clerk McLennand: "House Bill #2564, a Bill for an Act that amends the Civil Administrative Code of Illinois, Second Reading of this House Bill. No Committee Amendments, no Floor

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Amendments, no Motions."

Speaker Wennlund: "Mr. Clerk, read House Bill 2631. House Bill 2631."

Clerk McLennand: "House Bill #2631, a Bill for an Act that amends the Charitable Trust Act. Second Reading of this House Bill. Amendments #1 and 2 were adopted in Committee. No Floor Amendments. A Fiscal Note has been filed on the Bill as amended and a Judicial Note has been filed on the Bill as amended."

Speaker Wennlund: "Third Reading. Mr. Clerk, on the Order of Second Reading, read House Bill 2796."

Clerk McLennand: "House Bill #2796, a Bill for an Act that amends the Illinois Pension Codes. Second Reading of this House Bill. Committee Amendment #1 was referred to Rules. Committee Amendment #2 has been adopted. No Floor Amendments. No Note Requests."

Speaker Wennlund: "Third Reading. On the Order of Second Reading. Mr. Clerk, read House Bill 2861."

Clerk McLennand: "House Bill #2861, a Bill for an Act that amends the State Printing Contracts Act. Second Reading of this House Bill. Committee Amendment #1 was referred to Rules. No Floor Amendments. A Fiscal Note has been requested on the Bill."

Speaker Wennlund: "The Bill will remain on Second Reading. We will now proceed to the Order of Third Readings. Mr. Clerk, read House Bill 2738."

Clerk McLennand: "House Bill #2738, a Bill for an Act that amends the Animal Control Act. Third Reading of this House Bill."

Speaker Wennlund : "The Chair recognizes the Gentleman from St. Clair, Representative Holbrook."

Holbrook: "Thank you, Mr. Chairman. Mr. Chairman, this Bill does only one thing. It changes the definition of confinement

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under the Rabies Act for canine dogs. I will be happy to answer any questions. It's my understanding this is current practice when the Department of Agriculture, Dr. Bromwell, was contacted on the handling of canine units within police officers. We changed nothing within the Rabies Act at all, other than the definition of confinement by this Bill. I'll be happy to answer any questions."

Speaker Wennlund: "Is there any discussion? The Chair recognizes the Gentleman from Kankakee, Representative Novak."

Novak: "Thank you, Mr. Speaker. I think it's a 'dog day', I think it's a 'dog day' we're having today. Representative Holbrook, is this your first Bill?"

Speaker Wennlund: "Representative Holbrook."

Holbrook: "This is the first one I'm the prime Sponsor on, yes."

Speaker Wennlund: "Representative Novak."

Novak: "Representative Holbrook, you said this is your first Bill. I've been down here a few years more than you and I just cannot understand a Legislator representing 98,000 people from the great southwestern part of the State of Illinois would have the audacity, would have the gall, would have the outlandish attitude of taking a Bill dealing with dogs biting other people. Now, don't we have more important business to do in Springfield? Don't we have more important business? We're spending taxpayers' dollars down here. Why on earth for your first Bill would you want to Sponsor a Bill dealing with dogs biting other people? Could you answer that question, please?"

Speaker Wennlund: "Representative Holbrook."

Holbrook: "Representative Novak, I have many Bills in. This is the first one I could get out of Committee. I would be glad to talk on the other ones, however this is a serious issue because of the local law enforcement in our area has

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requested this Bill be brought up so that they...many of them are single dog canine units and they need to have the freedom of having this dog available for service for both criminal containment and for drug review, for drug inspections."

Speaker Wennlund: "Representative Novak."

Novak: "Representative, do you have a lot of dogs down in your district biting other people? Is that why you put this Bill in? I mean, can you explain why you put this Bill in?"

Speaker Wennlund: "Representative Holbrook."

Holbrook: "This Bill is strictly under the request of the local canine units in my area so they must have a problem with it because they came to me with it."

Speaker Wennlund: "Representative Novak."

Novak: "Now, do you have any letters from dogs that ask you to put...I mean do they put a big paw print on the letter when they send it to you or how do these dogs communicate with you to put the Bill in? I mean, can you explain that?"

Speaker Wennlund: "Representative Holbrook."

Holbrook: "They use their handlers. They sign to the handlers what they want and the handlers get a hold of me from the canine units, the law enforcement officers."

Speaker Wennlund: "Representative Novak."

Novak: "Well, you know in committee the other day I asked a question of you before everybody voted on the Bill and I said what happens if the dog bites a person and gets a mouthful of something? And is that dog able to go ahead and continue his duties cause I think that's the essence of your Bill? I mean if a dog bites another person, and has a mouthful of something that can't get out of his mouth from some parts of the human anatomy what can the dog do if he

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can't get it out of his mouth? I mean what if he gets sick? I mean can he still, can he still...what kind of a crazy Bill is this?"

Speaker Wennlund: "Representative Holbrook."

Holbrook: "The Bill changes nothing on past practices on any of those issues. If he gets a mouthful of something or if there is a problem with the dog or the dog gets sick, it's still under the current statutes. We didn't change any of that on this so whatever happened for the last twenty years would happen again."

Speaker Wennlund: "Please give the Sponsor and Representative Novak your utmost attention on this dire important Bill. Representative Novak."

Novak: "Yes, thank you, Mr. Speaker. Representative Holbrook, does this Bill have anything to do with banning assault weapons?"

Speaker Wennlund: "No, it doesn't. It only addresses the definition of confinement for a canine unit dog."

Speaker Wennlund: "Representative Novak.:"

Novak: "Well uh, Representative Deering just brought up a very salient point. A dog, a police dog could be an assault weapon. Isn't that true? Biting a person, wouldn't that be an assault on an individual's bodily essence? Wouldn't that be an assault weapon?"

Speaker Wennlund: "Representative Holbrook."

Holbrook: "I assume it could but if it was under the old statute, it will continue to be. It doesn't change any of the definitions of assault weapons in this Bill."

Speaker Wennlund: "Representative Novak."

Novak: "Yes, Representative, I don't think a lot of people can hear your responses. I think I've asked you four or five questions and you've been responding in a very circuitous

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manner. So we want to make sure that you respond very succinctly. So please quit responding in a very circuitous manner and please respond to the questions directly. So I'm sure there are a lot of other Sponsors here that would like to ask you similar questions. However, has the...what's that group, the ASPCA called you and asked you about this Bill?"

Speaker Wennlund: "Representative Holbrook."

Holbrook: "No they haven't, only law enforcement and the Department of Agriculture and the law enforcement organizations, FOP and those have all ...are proponents. There are no opponents to the Bill, whatsoever."

Speaker Wennlund: "Representative Novak."

Novak: "Mr. Speaker, I can hardly hear Representative Holbrook. Representative Holbrook has once again responded in a very circuitous manner. Representative Holbrook, I said to you, 'Has the ASPCA contacted you about this Bill? Do you know what the ASPCA is?'"

Speaker Wennlund: "Representative Holbrook."

Holbrook: "I know and they have not contacted me on this Bill."

Speaker Wennlund: "Representative Novak, please bring your remarks to a close."

Novak: "You mean, you mean the Society for the Prevention of Cruelty to Animals has not called you about this Bill? Are they for this Bill or they against this Bill?"

Speaker Wennlund: "Representative Holbrook."

Holbrook: "I would not know, they have not contacted me on it."

Speaker Wennlund: "Representative Novak."

Novak: "Gentlemen this a ...certainly a dog Bill and I mean we got a lot of dogs in the State of Illinois but now we got to protect them from biting other people. We don't want dogs biting other people in Illinois and then once again,

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Representative Holbrook, all those 98,000 people that you represent, they should be embarrassed, they should be literally embarrassed, that you are representing a 'dog Bill' before the Illinois General Assembly. That's all I have to say."

Speaker Wennlund: "Thank you. Further discussion. The Chair recognizes the Gentleman from Madison, Representative Stephens."

Stephens: "Thank you, Mr. Speaker, and I too would like to have the Body's attention. Representative, you and I share a common border in our legislative districts, is that not true?"

Speaker Wennlund: "Representative Holbrook."

Holbrook: "Yes, it is."

Speaker Wennlund: "Representative Stephens."

Stephens: "We share a common border in our district and we have police dogs biting people in our districts, don't we?"

Speaker Wennlund: "Representative Holbrook."

Holbrook: "Yes, we do."

Speaker Wennlund: "Representative Stephens."

Stephens: "According to your legislation, how do you describe a bite?"

Speaker Wennlund: "Representative Holbrook."

Holbrook: "The definition of bite does not change in this Bill, only the definition of confinement. It's just like it always has been. Puncture of the skin, I would assume, I don't know I haven't addressed that."

Speaker Wennlund: "Representative Stephens."

Stephens: "No, Representative, the people on this side of the aisle want to know what it is you're about to do for the State of Illinois. We want to know what a bite is. Now tell us in southwestern Illinois terms, what a bite is?"

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Speaker Wennlund: "Representative Holbrook."

Holbrook: "I would assume the puncture of the skin. It is not changed in the definition, though, under this Bill."

Speaker Wennlund: "Representative Stephens."

Stephens: "In your language, you describe a police dog, means a dog trained to assist police officers in their law enforcement duties. Now in my neighborhood, we've got a dog that every time, he's trained to do this, every time he's loose, when a police car drives by he chases it. So we call him the neighborhood police dog. Would he be exempt from your legislation if he bit me?"

Speaker Wennlund: "Representative Holbrook."

Holbrook: "No he wouldn't. He wouldn't be exempt from it because he is not the direct supervision of a peace officer as the definition has been outlined in the change in the Bill."

Speaker Wennlund: "Representative Stephens."

Stephens: "Well, thank you, Mr. Speaker. I know we're on short debate. I know on this side of the aisle there's one burning question and I know that the Republican leadership is bound to withhold votes on this Bill unless we find out if the Sponsor can either bark or growl. Representative, can you bark or growl or not?"

Speaker Wennlund: "Representative Holbrook."

Holbrook: "Yes, yes."

Speaker Wennlund: "Representative Stephens."

Stephens: "Mr. Speaker, in the name of humanity, I ask since the Representative claims that he can bark or growl that he give us one demonstration and we will release those votes so he can pass this most important piece of legislation. Representative Holbrook, let's hear it."

Speaker Wennlund: "Ladies and Gentlemen of the House, this Bill is on 'short debate' the Chair will recognize

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Representative Holbrook to close."

Holbrook: "Thank you, Mr. Speaker. It's a very simple Bill. Confinement in the Bill has been changed as the definition to be under the supervision of policemen. There is no organized opposition and to Representative Stephens I say, 'woof'."

Speaker Wennlund: "Thank you, the question is, 'Shall House Bill 2738, 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 109 voting 'yes'; 3 voting 'no'; 0 voting 'present'. And this Bill having received a Constitutional Majority, is hereby declared passed. Representative Deering, for what purpose do you seek recognition?"

Deering: "Thank you, Mr. Speaker. Inquiry of the Chair. I believe I sat in the committee where this Bill was debated and I think we made it very clear when we passed this Bill that there was opposition to 'short debate'. I just want to know how this Bill got replaced in 'short debate'."

Speaker Wennlund: "Representative Deering, please refer to page 3 of the Calendar, if you can bring it up on your computer, you will see that the Bill status shows 'short debate'. Representative Deering."

Deering: "Mr. Speaker, thank you. May I change that to inquiry of the Clerk? Does the transcripts for the reports from the committee, not show there was opposition for 'short debate' on this Bill?"

Speaker Wennlund: "Representative Deering, we'll check that out and get back to you, shortly. Thank you. We will now proceed to the Order of Senate Bills, Third Reading. Mr.

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Clerk, read Senate Bill 1154."

Clerk McLennand: "Senate Bill #1154, a Bill for an Act concerning automated railroad grade crossing enforcement systems. Third Reading of this Senate Bill."

Speaker Wennlund: "The Chair recognizes Representative Pankau. Please give Representative Pankau your attention on this important matter. Representative Pankau."

Pankau: "Thank you, Mr. Speaker and Members of the Assembly. This Senate Bill is left over from last Session. And until the 'whistle blowing' issue started becoming something the people started paying attention to, it really was sitting in Rules, however, this is a Bill that will allow for a pilot program in counties of a certain population to install basically what they call 'cop in the box' facilities. They will only be at three intersections. These would then detect if there are any people that are crossing the railroads in violation as the trains are coming and they decide to sneak across the road. The local authorities then would have the ability to prosecute them and to go forward. It's a pilot program in three locations only and I ask for your support and I stand ready to answer any questions."

Speaker Wennlund: "Representative Lang, if you would please show Representative the courtesy of not shouting during her presentation of the Bill. I will call on you now and you may present your point. Representative Lang."

Lang: "Thank you. I never liked to interrupt a colleague except a Point of Order needs to be made at the appropriate time and so I do have a Point of Order. May I state it, Sir?"

Speaker Wennlund: "You may."

Lang: "The Calendar indicates on Senate Bill 1154 that a Fiscal Note was requested as amended and a State Mandates Note was

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requested as amended by myself and the Calendar reflects that neither of these has been filed as amended and I would ask for a ruling from the Chair or a response from the Clerk as to whether these have been filed."

Speaker Wennlund: "You will note, Sir, that the Bill was never amended. Therefore Fiscal Notes requested as amended does not apply and the Bill is properly before the House. Is there any discussion? The Chair recognizes the Gentleman from Effingham, Representative Hartke."

Hartke: "Thank you very much, Mr. Speaker and Members of the House. Will the Sponsor yield?"

Speaker Wennlund: "She indicates she will."

Hartke: "Representative Pankau, my new fancy computer here says that this is going to cost the State of Illinois \$150,000 for these three 'cop in a box' mechanisms. Is that correct?"

Speaker Wennlund: "Representative Pankau."

Pankau: "Yes."

Speaker Wennlund: "Representative Hartke."

Hartke: "Where are those funds coming from?"

Speaker Wennlund: "Representative Pankau,"

Pankau: "They will be in DuPage county at three intersections that haven't been determined yet. They will go through the accidents and the fatalities that they've had at all the intersections and determine the three highest. These will then be put on the actual gates themselves as they come down so the pictures will be taken. The ICC will basically be the monitoring agency, however, changing of tapes and the daily things will be done by the local authorities."

Speaker Wennlund: "Representative Hartke."

Hartke: "Have the sights been chosen yet?"

Speaker Wennlund: "Representative Pankau."

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Pankau: "No they haven't, Representative Hartke."

Speaker Wennlund: "Representative Hartke."

Hartke: "Mr. Lang has a Point of Order. Would you like to interrupt my program because I think he has a right to?"

Speaker Wennlund: "Representative Hartke, we'll let Representative Lang use your time. The Chair recognizes Representative Lang."

Lang: "Sir, I have a right to make a Point of Order without my taking anybody's time. Sir, I'm looking at the Fiscal Note which was filed on the Bill May 17, 1995, and I note that it is not signed, Sir. Is this another one of those phoney Fiscal Notes? This is not signed."

Speaker Wennlund: "All Notes filed with the Clerk bear a signature, Representative Lang, and the Notes are in order. Representative Lang."

Lang: "The Note that was filed with the Clerk has a signature? The Note that was filed May 17, 1995?"

Speaker Wennlund: "Correct. You're certainly welcome to come down to the Well and examine it, Representative Lang. Representative Lang."

Lang: "Thank you. Well, then how the heck did I get one without a signature? Would they have presumably come to us after they're filed with the Clerk? So it's stamped filed 7:30 P.M., May 17, 1995, with no signature on it. When was it signed, Sir?"

Speaker Wennlund: "Representative Lang, I suggest that you check with your staff. You're welcome to come to the Well to examine the signed Fiscal Note. Representative Lang."

Lang: "I don't think you're understanding what I'm saying, Sir."

Speaker Wennlund: "Representative Lang, the Chair understands perfectly well what you're saying and you are certainly welcome to come to the Well and examine the signed copy of

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the Fiscal Note. Representative Lang."

Lang: "Thank you. I'll take your word for it that it's signed. You're certainly an honorable Gentleman and so is the Clerk. That's not the question. The question is that we have a Fiscal Note here which may be the same Note or may not be the same note that was filed at 7:30 P.M., on May 17, 1995 with the Clerk's stamp on it and it is unsigned so when was it signed? Was it signed when the Clerk received it or was it signed after the Clerk received it? If it was signed when the Clerk received it, how do I have a copy without a signature?"

Speaker Wennlund: "Representative Lang, the Note is signed. You're welcome to come down and view it and I would suggest you check with your staff who can look into the matter further. Representative Hartke. Do you wish to continue?"

Hartke: "Yes, I may need more than the minute and a half that's left because I don't think that's proper to take my time away from me. Representative Pankau, this legislation has an effective date or a beginning date of what date?"

Speaker Wennlund: "Representative Pankau."

Pankau: "This has an immediate effective date."

Speaker Wennlund: "Representative Hartke."

Hartke: "Immediate effective date on the Bill but it was to start when? The Bill calls for January 1, 1996 and we're past that time. I want you to know but that's fine. I didn't ask before whether we're going to be, but apparently in DuPage County. Have these sights been determined yet?"

Speaker Wennlund: "Representative Pankau."

Pankau: "No, they have not, Representative Hartke, and my understanding from talking to the Senate Sponsor of the Bill is that she is hoping that the Federal Government will look at these three test areas and possibly use this as a

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method opposed to the 'whistle blowing' method of more railroad safety."

Speaker Wennlund: "Representative Hartke."

Hartke: "I have another question, too, and you didn't answer the question I asked you before. Where are these dollars coming from? Are they coming from the Department of Transportation budget or are they coming from the Illinois Commerce Commission budget or are they coming from the Internal Revenue Fund or the school budget in the area because you know or are they coming out of that district's fund?"

Speaker Wennlund: "Representative Pankau."

Pankau: "They will come either from the Grade Crossing Fund or if it's an RTA sight, they will come from the RTA."

Speaker Wennlund: "Representative Hartke."

Hartke: "So this is not necessarily on railroads it could be metro or RTA. Is there any indication whether we're going to have one on the regular rail lines or one just on transportation lines metro or where?"

Speaker Wennlund: "Representative Pankau."

Pankau: "As I said before, Representative Hartke, the sights have not been chosen. It will be on the basis of how many accidents or injuries have been in what sights and the ICC is now in the process of setting up a matrix whereby they can evaluate the different sights and see which ones are the most hazardous. It will be at the three most hazardous sights."

Speaker Wennlund: "Representative Hartke."

Hartke: "How much...you said there was going to be a study, how much of this contract awarded for the study? Is that part of the cost of this program?"

Speaker Wennlund: "Representative Pankau."

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Pankau: "Are you referring to the matrix the ICC is setting up?
There's no cost to that."

Speaker Wennlund: "Representative Hartke"

Hartke: "You indicated there is going to be a study done to
determine where to put this. Is that a contract going to
be given to someone to do this study to make the
determination where the best place for this 'cop in a box'
is going to be?"

Speaker Wennlund: "Representative Pankau."

Pankau: "No, Representative Hartke, there will be no separate
study. The ICC has this information available to them.
They will just evaluate it, that's all."

Speaker Wennlund: "Representative Hartke, I've given you an
additional two minutes and please bring your remarks to a
close."

Hartke: "I had four minutes and three seconds when ...that's
okay."

Speaker Wennlund: "One more minute."

Hartke: "One? Representative Pankau, we discussed before, the
cost of this. Did you say? I don't recall. What is the
cost of this project?"

Speaker Wennlund: "Representative Pankau."

Pankau: "As the Fiscal Notes state, it is approximately \$150,000
to install these devices."

Speaker Wennlund: "Representative Hartke."

Hartke: "Now if you catch a bunch of people on these wonderful
snapshots that you are going to take, who receives the
revenue from those fines?"

Speaker Wennlund: "Representative Pankau."

Pankau: "If the tickets are issued by the local municipality, it
will be that municipality. If they are issued by a state
agency, it will be the state agency. If they are issued by

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a county agency, it will be the county. It's whoever has the jurisdiction at a particular location."

Speaker Wennlund: "Representative Hartke."

Hartke: "Who's going to control the box?"

Speaker Wennlund: "Representative Pankau."

Pankau: "Who's going to control what?"

Speaker Wennlund: "Representative Hartke. Representative Hartke."

Hartke: "Let me explain to you. As I understand this, this is a camera. Right? Someone is going to have to change that film. Somebody is going to have to look at, magnify, and come up with these license plates numbers. Who is going to do that?"

Speaker Wennlund: "Representative Pankau."

Pankau: "...and the local municipality will change that film and do all the maintenance on it."

Speaker Wennlund: "Further discussion. The Chair recognizes the Gentleman from DuPage, Representative Roskam."

Roskam: "Thank you, Mr. Speaker. Will the Sponsor yield for a couple questions?"

Speaker Wennlund: "She indicates she will."

Roskam: "Representative Pankau, is this being driven by some Federal Mandate? Is this a situation where we have a series of choices to make and this is kind of the least of a bad ...the least intrusive of a number of choices or is this an initiative that's just directed to try to solve a safety problem at railroad crossings? Do you know?"

Speaker Wennlund: "Representative Pankau."

Pankau: "I think I would be misleading you if I said this is driven by a Federal Mandate, however, there is a Federal Mandate on the books that's starting, well it was November 1st, there's now been a delay in that. All at grade

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crossings the train would have to blow its whistle through all of the...at the ... on grade crossings, which means for some suburbs you could have train noise all the time for many, many hours. The Senate Sponsor of this Bill is hoping that through these three test sights, they can gain enough information that possibly this might be used to facilitate these safety measures and not need the whistle blowing part of that. But that has not been proved yet and this is sort of in a test stage."

Speaker Wennlund: "Representative Roskam."

Roskam: "So, it's more or less a preemptive strike against having these train whistles go through...I have two train lines in my district. I live four blocks from a train station. It would be ridiculous. Is this is a effort to keep us from going that route?"

Speaker Wennlund: "Representative Pankau."

Pankau: "This an effort to put some test sights in place where the option might become available in the future to use this. I would not want to, in any way, tell you that this will be the option that the feds will eventually agree to because heaven knows what the feds will eventually agree to."

Speaker Wennlund: "Representative Roskam."

Roskam: "Just one last question. Who maintains the custody of this film? You know it's a little bit troubling this notion of taking pictures of citizens and so forth. What, what's the ultimate disposition of that film? What are the ...safeguards against that being inappropriately used, inappropriately used by parties, inappropriately used, frankly, by law enforcement?"

Speaker Wennlund: "Representative Pankau."

Pankau: "The municipality that has the jurisdiction will maintain

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it, will keep it. It would become similar to an ordinance violation, not necessarily a ticket and so whatever safeguards are in place for normal ordinance violations are the same ones that would be in place for this. If anybody could possibly misuse it, I don't know."

Speaker Wennlund: "Representative Roskam."

Roskam: "I intend to vote for this. I think a pilot program is meritorious and worth pursuing. I do think that we need to sit down and consider long and hard more or less the evidentiary ramifications of this film, this general notion of photographing people. I don't want us to create a slippery-slope situation but I intend to vote on it."

Speaker Wennlund: "Further discussion. The Chair recognizes Representative Murphy."

Murphy, M.: "Thank you, Mr. Speaker. I Move the Previous Question."

Speaker Wennlund: "Representative Murphy Moves the Previous Question. The question is, 'Shall the main question be put?' All those in favor signify by saying 'aye'; all those opposed say 'no' and in the opinion of the Chair, the 'ayes' have it and the main question is put. Representative Pankau to close."

Pankau: "I ask for your affirmative vote."

Speaker Wennlund: "The question is, 'Shall Senate Bill 1154 pass?' All 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 111 voting 'aye'; 3 voting 'no', and this Bill having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, Motions."

Clerk McLennand: "There is a Motion to reconsider has been filed

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on House Bill 2738, Motion has been filed by Representative Deering."

Speaker Wennlund: "Rules Committee. Mr. Clerk, please read Senate Joint Resolution #91. House Joint Resolution #91."

Clerk McLennand: "House Joint Resolution #91. Adjournment Resolution, offered by Representative Tenhouse."

Speaker Wennlund: "Representative Deering, for what purpose do you seek recognition?"

Deering: "Dear Mr. Speaker, I'd just like to know. Are we going to act on my reconsider Motion? I notice we've done that in prior practice in the current, in the current General Assembly that we act on those Motions immediately and I believe that is pursuant to the Rules."

Speaker Wennlund: "Representative Deering, the Parliamentarian informs me that the Rules provide that all Motions are referred to the Rules Committee. Any Motion made and this one is no different. Representative Churchill now moves that House Rule 3-6a be suspended to allow immediate consideration of the Adjournment Resolution. All those in favor vote 'aye'; all those opposed vote 'nay'. In the opinion of the Chair, the 'ayes' have and the Motion passes. Representative Churchill now moves the adoption of House Joint Resolution #91. All those in favor vote 'aye'; opposed vote 'nay'. In the opinion of the Chair, the 'ayes' have it and the Motion passes. Committee Announcements, Mr. Clerk."

Clerk McLennand: "Corrected Committee Report from February 20th, offered by Representative Noland, Chairman on Agriculture and Conservation. House Bill 2738 was reported, 'do pass Short Debate'. 'Short Debate' was an objection so, therefore, it should be on the Calendar as House Bill 2738 'full debate'."

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Speaker Wennlund: "Representative Deering."

Deering: "Inquiry of the Chair, Mr. Speaker. My Motion that I previously filed goes to Rules? What would the status of House Bill 2738 be? Would that then be locked in this Chamber until that Motion is acted on?"

Speaker Wennlund: "Representative Deering, the status is, the Bill will be held in the House. Representative Biggert for an announcement. Representative Biggert."

Biggert: "Thank you, Mr. Speaker. The Republicans will caucus immediately following adjournment in Room 114. This is mandatory, immediately."

Speaker Wennlund: "Representative Churchill now moves that the House... Representative Churchill now moves that the House stand adjourned until Tuesday, February 27, 1996, at the hour of 12:00 A.M. All those in favor vote 'aye'; opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it and allowing Perfunctory time for the Clerk, the House now stands adjourned until Tuesday, February 27, 1996, at the hour of 12:00 noon."

Clerk McLennand: "The House Perfunctory Session will be in order. Committee Report from Representative Churchill, Chairman for Committee on Rules to which the following Joint Action Motions were referred. Action taken on February 22, 1996. Reported the same back to the Floor 'do approve for consideration'. Referred to the House Floor, Floor Amendment #1, to House Bill 2665, is 'approved for consideration' and referred to the Rules Committee from the Veterans' Affairs Committee is House Bill 2574. Introduction of Resolutions. House Joint Resolution #76, offered by Representative Myers, referred to the Rules Committee. Introduction of Constitutional Amendments. House Joint Resolution Constitutional Amendment #31,

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offered by Representative Phelps. First Reading. Resolved by the House of Representatives of the 89th General Assembly of the State of Illinois the Senate concurring herein. That there shall be submitted to the electors of the state for adoption or rejection at the general election next occurring at least six months after the adoption of this Resolution. A proposition to add Section 23.5 to Article 1 of the Illinois Constitution as follows: Article 1, Bill of Rights, Section 23.5. Parental rights. Paragraph A. The right of the parents to direct the education of their children shall not be infringed. Paragraph B. The General Assembly may provide by law for the enforcement of this section. Schedule. This Constitutional Amendment takes effect upon approval by electors of this state. First Reading of House Joint Resolution Constitutional Amendment #31. 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 on Tuesday, February 27th, at the hour of 12:00 noon."

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