

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

123rd Legislative Day

April 30, 1996

Speaker Churchill: "The House will come to Order. Members will be in thier chairs. Representative Churchill in the Chair. The Chaplain for the day is Pastor Fred Franks of the First Assembly of God in Normal. Pastor Franks is the guest of Representative Bill Brady. Will the guests in the Gallery please rise to join us in the invocation? Pastor Franks."

Pastor Franks: "Let's bow our hearts in prayer. Father, we come to You in Jesus name. We thank You for your grace and mercy upon our lives. We thank You for the privilege that we have to be here this day. We thank You Lord for the privilege to live in the great country that we do. Lord we ask that this afternoon You would give us the wisdom, the grace, the understanding to deal with the business that is at hand. Thank You for your word that declares to us if any man lacks wisdom let him ask of God, who gives to all liberally and unbraideth not. So thank You Lord for your generous wisdom that you impart to us. Lord we would be remiss if we did not thank You for the freedom, the privileges that we have as Americans. Thank You for this great country and the principles on which it was founded. I ask today that You would help us to continue to be the country, the people that You intended for us to be. We commit this afternoon to You. Thank You for each one that is here. And for the role and the part that they play in the decision making process and ask that You would give them special grace and meet them at the point of their need. We commit this all to you now in the name of Jesus Christ, Amen."

Speaker Churchill: "We'll be lead in the Pledge of Allegiance today by Representative Durkin."

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

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

123rd Legislative Day

April 30, 1996

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

Speaker Churchill: "Roll Call for attendance. Representative Currie, are there any excused absences on the Democratic side of the aisle?"

Currie: "Thank you, Speaker. Please let the record show that Representative Martinez is excused and so is Representative Morrow."

Speaker Churchill: "The record will so reflect. Representative Cross, are there any excused absences on the Republican side of the aisle?"

Cross: "Thank you, Mr. Speaker. We are all here on the Republican side of the aisle. Thank you, Mr. Speaker, we're all here on the Republican side today. Thank you."

Speaker Churchill: "The record will so reflect. Mr. Clerk, take the record. There are 115 Members answering the roll and a quorum is present. The House will come to Order. Committee Reports."

Clerk Rossi: "Representative Stephens, Chairman from the Committee on Executive, to which the following Constitutional Amendment was referred, action taken on April 30, 1996, reported the same back with the following recommendation/s: 'do pass as amended Short Debate' Senate Joint Resolution, Constitutional Amendment #3."

Speaker Churchill: "Supplemental Calender Announcement."

Clerk Rossi: "Supplemental Calender #1 is being distributed."

Speaker Churchill: "Mr. Clerk, on page 5 of our calender appears HJRCAL8. Will you please read that?"

Clerk Rossi: "House Joint Resolution Constitutional Amendment #18. Offered by Representative Pedersen. Be it resolved by the House of Representatives by the 89th General Assembly of the State of Illinois. The Senate concurring

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

123rd Legislative Day

April 30, 1996

herein that they 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 8.1 of Article 4 to Illinois Constitution as follows: Article 4 of the Legislature passage of Revenue Bills. A Bill that would result in the increase of revenue to the State may become law only with the concurrence of three-fifths of the Members elected of each House of the General Assembly. Each House of the General Assembly shall have a Revenue Committee. It shall be the sole and exclusive responsibility of the Revenue Committees to consider all Bills it would result in an increase or decrease of Revenue to the State. A Bill pending that our Revenue Committee must be approved by a Majority of Members of that Committee before it is sent to the Floor House for consideration or vote. There shall be 25 Members on the Revenue Committee in the House of Representatives. The Members of the House Revenue Committee shall be appointed by the Speaker of the House. The House Minority Leader. The Membership of the Committee shall be proportionally as close as possible to the percentage of Members in the House of Representatives who vote for the Speaker and who vote for the minority leader. There shall be 13 members on the Revenue Committee on the Senate. The Members of the Senate Revenue Committee shall be appointed by the President of the Senate and the Senate Minority Leader. The Membership of the Committee shall be proportionally as close as possible to the percentage of Members in the Senate who vote for the Senate President and who vote for the Senate Minority Leader. Revenue Committee Members may be removed from the Committee only by the Majority recorded Roll Call Vote of all Members

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

123rd Legislative Day

April 30, 1996

of the Committees respective Chamber. No Member of the General Assembly may serve for more than four consecutive years on a Revenue Committee. The Revenue Committees may not vote upon a Bill until a public hearing on the Bill has been held. Reasonable notice of the hearing in no event less than two weeks shall be given to the public. Schedule, this Constitutional Amendment takes effect upon approval by the electors of this State."

Speaker Daniels: "Third Reading. Ladies and Gentlemen, in the Speaker's Gallery are the students from St. Mary's School a seventh grade class from Pontiac, Illinois. They are here today as guests Representative Dan Rutherford. Welcome. On page two of the Calender under the Order of Senate Bills Third Reading appears Senate Bill 175. Mr. Clerk, please read that Bill."

Clerk Rossi: "Senate Bill 175, a Bill for an Act amending the Unified Code of Corrections. Third Reading of this Senate Bill.

Speaker Churchill: "The Chair recognizes the Lady from McHenry, Representative Hughes."

Hughes: "Thank you, Mr. Speaker. Senate Bill 175 amends the Unified Code of Corrections, providing that if a defendant is convicted of, placed on probation or supervision for certain sex offenses or a violation of the Cannabis Control Act or the IL Controlled Substances Act and is employed by a school, the clerk of the court shall direct the mailing of a copy of the judgement of conviction or order of supervision or probation to the appropriate regional superintendent of schools and the regional superintendent shall notify the State Board of Education. That is the sum substance of this Bill in its entirety. And I ask for a 'yes' vote."

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

123rd Legislative Day

April 30, 1996

Speaker Churchill: "Is there any discussion? The Chair recognizes the Gentleman from Winnebago, Representative Scott."

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

Speaker Churchill: "She indicates that she will. Please proceed."

Scott: "Thank you. I was not hearing exactly right. Could you tell me what the offenses are that come under this Bill?"

Speaker Churchill: "Ladies and Gentlemen, will you please move the conferences to the back of the Chamber so that the people who are discussing this Bill may hear each other. Representative Hughes."

Hughes: "They are certain sex offenses or violation of the Cannabis Control Act or the IL Controlled Substances Act."

Speaker Churchill: "Representative Scott."

Scott: "What was the rationale for just including those particular offenses and not any other, say child murder or murder itself or kidnapping, arson, anything else? What was the rationale for just these offenses?"

Speaker Churchill: "Representative Hughes."

Hughes: "This Bill does not change anything in terms of what classes of crimes fall under the reporting provisions. All this Bill does is define who the employer is to which the report will be filed for those who are employed by a school district and specifies that, that report will go to the regional superintendent of schools. It does not change anything else in the Legislation at all."

Speaker Churchill: "Representative Scott."

Scott: "Is there anything in the Act which would say which employees of the school district, this is to go to or how that information is to be used? Or is it something that could end up in the hands of virtually everyone who works

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

123rd Legislative Day

April 30, 1996

or is around the school? Are there any privacy considerations or protections built in?"

Speaker Churchill: "Representative Hughes."

Hughes: "Again, this Bill only specifies to whom the notice applies. It does not address what employees of a school fall under it. I believe, it's all employees of a school. But it doesn't change that. It merely defines to whom the report is filed."

Speaker Churchill: "Representative Scott."

Scott: "I'm sorry, I must not have asked it too clearly. I was asking when the notice is sent to the regional office of education, they in turn are supposed under this Act to notify the State Board of Education. Do we specify in the Bill anywhere which employees of the regional office and then the State Board are supposed to get this information? In other words, I'm foreseeing an instance where you might have something gets opened by a receptionist or a clerk and it doesn't actually go to the superintendent. Are there any protections built in along those lines?"

Speaker Churchill: "Representative Hughes."

Hughes: "There are not, but nor are they specified for employers of day care facilities or other institutions where there would be children."

Speaker Churchill: "Representative Scott."

Scott: "Is anything specified as to what the people that are notified are supposed to do with this notice? Does this trigger anything else, anywhere else in the law as to do they have to take some action against the employee or is it merely a notification?"

Speaker Churchill: "Representative Hughes."

Hughes: "First of all, all of these offenses would be a matter of public record. And secondly, no, it does not specify.

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

123rd Legislative Day

April 30, 1996

It's a matter of making this information available so that it can be dealt with appropriately by the employers."

Speaker Churchill: "Representative Scott."

Scott: "Was there any opposition to this at the Committee level?"

Speaker Churchill: "Representative Hughes."

Hughes: "Absolutely none."

Speaker Churchill: "Representative Scott."

Scott: "Now, we have something that says that the purpose was to close a loophole in the current law that would allow a school principal to receive notification of his own criminal judgement or own conviction. Is that something that had happened at some point that we're trying to, I mean I can understand why we'd want to correct it, but is that something that you know of that happened?"

Speaker Churchill: "Representative Hughes."

Hughes: "The Legislation that was adopted, I believe two years ago, this underlying Legislation was in the aftermath of an incident in my district whereby the offender happened to be the superintendent of a school district. This is a way of making sure the information is made available to the school board, if that's appropriate, that it goes to a third party, so to speak, in those instances."

Speaker Churchill: "Representative Scott."

Scott: "Thank you very much, Speaker and Representative Hughes. I appreciate your answers."

Speaker Churchill: "Is there any further discussion? Seeing none, Representative Hughes to close."

Hughes: "It's a very simple Bill. It tightens up a loophole so that employers are aware of offenses that might harm children. It deserves a 'yes' vote. Thank you very much."

Speaker Churchill: "The question is, 'Shall Senate Bill 175 pass?' All those in favor vote 'aye'; any opposed will

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

123rd Legislative Day

April 30, 1996

vote 'nay'. The voting is open. This is final action. 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 113 voting 'aye', 0 voting 'nay', and 0 voting 'present'. And Senate Bill 175, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, please read Senate Bill 817."

Clerk Rossi: "Senate Bill 817, a Bill for an Act in relation to firefighter's license plates. Third Reading of this Senate Bill."

Speaker Churchill: "The Chair recognizes the Lady from Cook, Representative Zickus."

Zickus: "Thank you, Mr. Speaker and Members of the House. On May 16th, the Firefighting Medal of Honor Committee will honor some of the bravest and most heroic firefighters in Illinois during the Third Annual Awards Ceremony. Their Committee's mission was to place emphasis and priority upon consideration of those firefighters who have been killed or seriously injured in the line of duty or who have displayed exceptional bravery or heroism while performing their duties as firefighters for occurrences since the last awards ceremony. This ceremony is dedicated to the memory to those firefighter who lost their lives in the line of duty and other award recipients. We now have another opportunity. An opportunity to have a lasting memorial to these brave men and women who gave their lives to help others. But they can't do it with out your help. Senate Bill 817 provides fo the issuance of the Illinois Firefighter's Memorial license plates. And a portion of the money from the sale of these license plates will fund the memorial. The cost is approximately \$250,000. In order to construct this memorial on the capital grounds we

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

123rd Legislative Day

April 30, 1996

need the money from this fund and I ask for your 'aye' vote."

Speaker Churchill: "Is there any discussion? The Chair recognizes the Gentleman from Clinton, Representative Granberg."

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

Speaker Churchill: "She indicates she will. Please proceed."

Granberg: "Representative Zickus, has the Secretary of State indicated his support for Your legislation?"

Speaker Churchill: "Representative Zickus."

Zickus: "The Secretary of State is neutral."

Speaker Churchill: "Representative Granberg."

Granberg: "Does he, does the office believe that this might cause a problem with his legislation which will create one master plate, for all these types of benefits and all these types of uses?"

Speaker Churchill: "Representative Zickus."

Zickus: "I'm sorry, Representative, with the noise level I could not hear your question."

Speaker Churchill: "Ladies and Gentlemen, Representative Zickus and Granberg cannot hear their comments. Would you please take your conferences to the rear of the Chamber? If you need to discuss someone with, somebody who's not on the Floor take it off the Floor please. Representative Granberg, to repeat the question. I'll give you an additional minute of time at the end of your questioning period."

Granberg: "Thank you Mr. Speaker. Representative, we have passed Universal License Plates Legislation, previously. Would this come under that Legislation? Or why do we need this to be separate?"

Speaker Daniels: "Representative Zickus."

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

123rd Legislative Day

April 30, 1996

Zickus: "If the Legislation for Universal License Plates does in fact become law, yes, this could be a candidate. My understanding is although we've passed it out of the House it has not been passed by the Senate and has not been signed by the Governor."

Speaker Churchill: "Representative Granberg."

Granberg: "So would the Secretary of State need this Legislation specifically to do this if his Universal License Plate Bill passes the Senate and becomes law?"

Speaker Churchill: "Representative Zickus."

Zickus: "They are neutral on that. We just wanted to make certain that in the event that that doesn't get passed that we do have this fund setup for the firefighters who gave their lives in the line of duty."

Speaker Churchill: "Anne, I think you misunderstood my question. If the Secretary of State's Legislation becomes law, does he need specific Legislative Authority to carry out the intent of the Bill?"

Speaker Churchill: "Representative Zickus."

Zickus: "I don't believe so, Representative, but this would be a candidate for the Universal."

Speaker Churchill: "Representative Granberg."

Granberg: "Anne, do you think that we should just do the Universal and let him incorporate this with the Secretary of State's office policy? Or why would we go ahead with this initiative, if in fact the Secretary of State wants to combine all these meritorious ideas into one Bill?"

Speaker Churchill: "Representative Zickus."

Zickus: "This Legislation started about three years ago. And it was passed by the Senate over a year ago. And I do think this deserves some priority."

Speaker Churchill: "Representative Granberg."

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

123rd Legislative Day

April 30, 1996

Granberg: "Alright, Anne, can you briefly discuss the amount of the fees and how those fees will be apportioned?"

Speaker Churchill: "Representative Zickus."

Zickus: "The additional fee for the original issuance is \$27. Fifteen of that goes to the Secretary of State's Special License Plate Fund to help defray the plate processing cost. Twelve dollars goes into a new fund the Illinois Firefighters Memorial Fund. That would be used to construct a memorial for firefighters on the grounds of the capital building. At renewal time the additional fee for renewal is \$17, of that \$2 goes into the Secretary of State's License Plate Fund and \$15 dollars into the Illinois Firefighter's Memorial Fund."

Speaker Churchill: "Representative Granberg."

Granberg: "And does the Firefighter's Memorial Fund exist today? Or does your Legislation create this special fund?"

Speaker Churchill: "Representative Zickus."

Zickus: "It does not exist today. This legislation will create it."

Speaker Churchill: "Representative Granberg."

Granberg: "And those fees would pass automatically to the fund? Who would be in charge of the fund? Who would determine how the fees would be applied and how the fees would be used?"

Speaker Churchill: "Representative Zickus."

Zickus: "The Office of the State Fire Marshal."

Speaker Churchill: "Representative Granberg."

Granberg: "Who would be in charge of the memorial after it's completed? Or who would be in charge of actually awarding the contract to actually construct the memorial?"

Speaker Churchill: "Representative Zickus."

Zickus: "The memorial will be on the capitol grounds and I

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

123rd Legislative Day

April 30, 1996

believe that the State Fire Marshal's office would have the responsibility."

Speaker Churchill: "Representative Granberg."

Granberg: "Representative Zickus, I think the Secretary of State's Office has complete responsibility for the grounds of the State Capitol. I think they're in charge of all the construction of these memorials. I think they're in charge of the maintenance. So, I would think that they would be in charge of this facility. Are you sure about that, your answer?"

Speaker Churchill: "Representative Zickus."

Zickus: "I stand corrected. I think you're right, Representative."

Speaker Churchill: "Representative Granberg, I promised you an additional minute and I'm going to give that to you now."

Granberg: "Thank you, Mr. Speaker. Representative Zickus, why would we not have the Secretary of State administer this fund, since that person and that office will be in charge of construction and the maintenance of the memorial?"

Speaker Churchill: "Representative Zickus."

Zickus: "The money deposited into the fund will be used by the Office of the State Fire Marshal for construction of the memorial to be located on the state's grounds. That's the way it was set up."

Speaker Churchill: "Representative Granberg."

Granberg: "Wouldn't the Secretary of State's Office be the most logical recipient of the authority though Representative? Since that office has the authority, currently on all construction, all maintenance, everything to do with the capital and state grounds."

Speaker Churchill: "Representative Zickus."

Zickus: "There are a number of memorials on the capital grounds

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

123rd Legislative Day

April 30, 1996

and I don't see why there would be much of a difference?"

Speaker Churchill: "Ladies and Gentlemen, in the Speaker's Gallery we have with us Student Council members from Churchill Junior High, a fine school. Members from Galesburg and traveling with them is Brad Richmond, a third grader from Lincoln Elementary, who is an Illinois young author. They are guests of Don Moffitt. Will you please welcome them to Springfield? Representative Granberg, I believe your time had expired and your additional minute had expired. Further discussion? The Gentleman from Washington, Representative Deering."

Deering: "Thank you, Mr. Speaker. I yield my time to Representative Granberg."

Speaker Churchill: "Representative Granberg,"

Granberg: "Thank you, Mr. Speaker. I just wanted to compliment that school on the name."

Speaker Churchill: "It's a fine name."

Granberg: "I wasn't referring to Churchill. I was referring to the other one."

Speaker Churchill: "Junior high?"

Granberg: "Representative when you said the State Fire Marshal's Office, I think you said they have authority right now over the other memorials. I don't believe that's accurate. I think the Secretary of State once again has authority and has jurisdiction over those memorials. Isn't that correct?"

Speaker Daniels: "Representative Zickus."

Zickus: "The Legislation states that the funds will be used by the office of the State Fire Marshal for construction of the memorial to be located on the capitol ground."

Speaker Daniels: "Representative Granberg."

Granberg: "Anne, my question is, historically we've always had

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

123rd Legislative Day

April 30, 1996

the Secretary of State in charge of all the facilities, all the maintenance, everything to do with the State Capitol. That person is in charge of awarding the contracts for the construction, the maintenance of these types of these memorials. So, why would we now change that? Why don't we go to Secretary of State George Ryan's office? Cause I think that office would be best suited for continuing this type of work."

Speaker Daniels: "Representative Zickus."

Zickus: "The office of the State Fire Marshal is closer aligned with the fire fighters but once it's constructed, as you pointed out, it will be under the Secretary of State. I don't have the information handy why they want to do it this way. I'm not sure how the other memorials were done. This is the way the legislation was drafted."

Speaker Daniels: "Representative Granberg."

Granberg: "In the past the Secretary of State's Office has always had that responsibility. They've always been the office in charge of the awarding of the contracts, the building of these memorials and the maintenance. So, why would we change that now? Why would we just give this authority to the Secretary of State's Office because it's always been done that way and they've done a good job at the maintenance of these types of facilities. Why don't we give the State Fire Marshal who has never conducted one of these things, who's office has never been in charge of one of these, to now assume that additional responsibility?"

Speaker Daniels: "Representative Zickus."

Zickus: "The office of the Fire Marshal is the one who wanted to do it. They're raising the funds for it. Secretary of State's Office has not objected to that."

Speaker Daniels: "Representative Granberg."

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

123rd Legislative Day

April 30, 1996

Granberg: "Did the Secretary of State's Office indicate that that's why they were neutral on the legislation? Because they were not in support of this concept. What was their rationale for remaining neutral on your Bill?"

Speaker Daniels: "Representative Zickus."

Zickus: "No, they were not opposed to it because of that. They're not opposed to it. They're neutral because probably because of the number of Bills that have come up this year."

Speaker Daniels: "Representative Granberg."

Granberg: "I mean previously this session we had Representative Bost with special license plate legislation. We've had different Representatives. And now once again we're doing that and it seems to be in contradiction to the Secretary of State's policy, where he would do a universal plate. So, I'm not sure how this is actually streamlining government. I understand the meritorious purpose. But maybe we should rethink this and give it to the Secretary of State's Office because that gentleman or lady will always be in charge of these types of operations. So, why don't we try to work with the Secretary of State's Office and have them in agreement with your idea?"

Speaker Daniels: "Representative Zickus."

Zickus: "I just remind you again that the universal plate has not made it through the final rounds. It is not law. We're asking that you support this legislation so that we can have a memorial for the firefighters on our capitol grounds."

Speaker Daniels: "Representative Granberg."

Granberg: "Alright, Representative. Now has this Bill been amended in the House where it has to go back to the Senate on concurrence?"

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

123rd Legislative Day

April 30, 1996

Speaker Daniels: "Representative Zickus."

Zickus: "Yes, it has been amended in the House. One of the Amendments of the Bill as it came over, he had all the money going into the Firefighters Memorial Fund, however the Secretary of State's Office wanted it into the Secretary of State's fund. And we also included recreational of vehicles, that should have been in at the beginning."

Speaker Daniels: "Representative Granberg."

Granberg: "Well, Representative, to the Bill. I understand what you're trying to do. But in deference to you, the Secretary of State has indicated ,previously, there are problems with all these individual pieces of lLegislation and that's why he has taken the initiative of the universal plate. Which as all likelihood is the correct way to proceed. So this will probably be put in conference and the universal plate legislation will probably move forward. And I think that's in the best interest of everyone. To streamline the process and better use taxpayers money. Thank you."

Speaker Daniels: "There being no further discussion, Representative Zickus to close. Representative Zickus to close."

Zickus: "This support for the firefighters memorial to honor the firefighters of the State of Illinois, who have made this extreme sacrifice and were killed in line of duty. Thank you."

Speaker Daniels: "The question is, 'Shall Senate Bill 817 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

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

123rd Legislative Day

April 30, 1996

question there are 115 voting 'aye'; none voting 'nay' and none voting 'present'. And Senate Bill 817 having received a Constitutional Majority is hereby declared passed. For what purpose does the Gentleman from Grundy, Representative Spangler rise?"

Spangler: "Thank you Mr. Speaker. I rise on a point of personal privilege. I would like to recognize the Beta Club from Earlville School and their sponsor Amy Bendner and their other chaperones Sherry Rusenellis, Sandy Johnson, Sandy Anderson and Lynn Riley. Can we have a big hand for the Earlville School Beta Club?"

Speaker Churchill: "Senate Bill 1296. Mr. Clerk please read the Bill."

Clerk Rossi: "Senate Bill 1296, a Bill for an Act amending the Illinois Controlled Substances Act. Third Reading of this Senate Bill."

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

Jones, John: "Senate Bill 1296 creates a drug free zone around places of religious worship, which is equal to the drug free zone surrounding schools, public housing complexes or public parks, of which is the current law. And really what we are doing with this Bill, is it came to us from the mayor of Mount Vernon and several of our religious leaders in the Mt. Vernon community. Very concerned about the drug dealings that were going on around our churches, so this Bill came from Mayor Roland Louis of Mt. Vernon and many of our religious leaders of Mt. Vernon community. The Bill passed the Committee last week 14 to 0. It passed out of the Senate 52 to 0."

Speaker Churchill: "Is there any discussion? The Chair recognizes the Gentleman from Winnebago, Representative

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

123rd Legislative Day

April 30, 1996

Scott."

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

Speaker Churchill: "He indicates he will. Please proceed."

Scott: "I'm just trying to think conceptually about this, Representative and it seems like this could involve virtually the entire territory of the lots of small towns and other places. I mean, have you done any kind of analysis to see how much area would be affected by this legislation?"

Speaker Churchill: "Representative Jones."

Jones, John: "I really haven't done a complete analysis on it but, you know my concern is in my district I had an awful lot of religious leaders and several mayors that were concerned about this. I know in some areas it may encompass a whole community, if it's a very small community. I think that if we can keep drugs away from our young people and from our citizens in the State of Illinois, that's what we need to do."

Speaker Churchill: "Representative Scott."

Scott: "Does this involve possession crimes or just the dealing crimes?"

Speaker Churchill: "Representative Jones."

Jones, John: "I'm sorry, Representative. I didn't hear you."

Speaker Churchill: "Representative Scott, could you please repeat the question?"

Scott: "Certainly. Does this involve possession, violations of substance control acts that are just possession or is it just dealing crimes?"

Speaker Churchill: "Representative Jones."

Jones, John: "Delivery and possession with intent to delivery."

Speaker Churchill: "Representative Scott."

Scott: "Do you have any kind of idea what the impact will be in

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

123rd Legislative Day

April 30, 1996

terms of cost, in terms of these enhanced penalties for the correctional institutions?"

Speaker Churchill: "Representative Jones."

Jones, John: "Yes, the Department of Corrections notes, which describe their estimate that the passage of this legislation would lead to an increase of 21 instate inmate head count. And a physical impact of \$3,615,800 over a ten year period. Of this impact 2.9 million would cover the operating expenses; food, clothing, guarding, et cetera. Of incarcerating these 21 additional prisoners and 0.7 million or 700,000 would be spent on the capital cost of building new prison cells to hold the inmates."

Speaker Churchill: "Representative Scott."

Scott: "Is there anything in this particular Bill that would accommodate those additional costs, or those additional cells or is this just something that we're going to have to come up with somewhere later?"

Speaker Churchill: "Representative Jones."

Jones, John: "No, there isn't anything in this Bill to come with those costs. No."

Speaker Churchill: "Representative Scott."

Scott: "Was there any thought given to any other areas that this might be applicable to? For example, I know there was a Bill a couple years ago that would have extended the safe zones to hospitals. I know there was a Bill like that floating around like this year to. Was there any thought given to additional places that might be safe zones? In addition to those of religious worship?"

Speaker Churchill: "Representative Jones."

Jones, John: "Representative Scott, the only thing this Bill was addressed to from the input of my mayor and several of our religious leaders was the churches and places of worship."

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

123rd Legislative Day

April 30, 1996

Speaker Churchill: "Representative Scott."

Scott: "Have you had instances in the community you spoke of where the mayor and religious leaders have come to you? Has there been instances of dealing within a thousand feet of the churches?"

Speaker Churchill: "Representative Jones."

Jones, John: "Yes, there has been."

Speaker Churchill: "Representative Scott."

Scott: "And these resulted in convictions under the Substance Control Act?"

Speaker Churchill: "Representative Jones."

Jones, John: "It's my understanding from our law enforcement officials and our judges in Mt. Vernon and Jefferson County if this law had been in place they would of had some convictions."

Speaker Churchill: "Representative Scott."

Scott: "Well, if this is only going to add on a statewide level, this is only going to add 21 inmates. If it's only going to affect that many people does it, since you've only had that kind of experience in Mt. Vernon, do you think that estimate of 21 inmates and those cost estimates might be a little undersold perhaps?"

Speaker Churchill: "Representative Jones."

Jones, John: "No, not really, Representative Scott. I think whenever you have a law like this you maybe deter people from dealing in drugs around these religious worships just as it does our schools and our other complexes."

Speaker Churchill: "Representative Scott."

Scott: "That kind of gets to my last area. Do you have any study or any analysis of the Safe School Zone Law as it applies to any kind of deterrence figures or any kind of arrest or conviction figures that you can give us?"

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

123rd Legislative Day

April 30, 1996

Speaker Churchill: "Representative Jones."

Jones: "No, Representative. I don't have any of those figures."

Speaker Churchill: "Representative Scott."

Scott: "Has anybody in your county ever got in an enhanced penalty for violating the provisions of the Safe School Zone Laws? That you know of?"

Speaker Churchill: "Representative Jones."

Jones, John: "Not that I'm aware of, Representative."

Speaker Churchill: "Further discussion? The Gentleman from Cook, Representative Pugh. Were you not seeking recognition? I'm sorry. Further discussion? The Gentleman from Cook, Representative Dart."

Dart: "Will the Sponsor yield?"

Speaker Churchill: "Indicates he will. Please proceed."

Dart: "Representative, to follow up on some questions that Representative Scott had here. Do you have any idea, not just in Jefferson County, but statewide how many people have been indicted and convicted to say School Zone violations?"

Speaker Churchill: "Representative Jones."

Jones, John: "No, Representative Dart, I don't have."

Speaker Churchill: "Representative Dart."

Dart: "Well, why? Your intent behind this Bill is to deter the sale of drugs on school property, correct?"

Speaker Churchill: "Representative Jones."

Jones, Johns: "No, in places of religious worship."

Speaker Churchill: "Representative Dart."

Dart: "So, it's to deter that conduct on religious grounds? Is that correct?"

Speaker Churchill: "Representative Jones."

Jones, John: "That is correct."

Dart: "And is this modeled after the Safe School Zone?"

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

123rd Legislative Day

April 30, 1996

Speaker Churchill: "Representative Jones."

Jones, John: "Yes, it is, Representative Dart."

Speaker Churchill: "Representative Dart."

Dart: "Well, I guess then, so that we are sure we sure that we are putting an effective law on the books. Representative Scott mentioned this earlier. Do we have any studies at all, whatsoever that show that these type of laws these type of penalties have deterred crime on school zones. And if so, what is it?"

Speaker Churchill: "Representative Jones."

Jones, John: "No, they don't Representative. I mean we don't have a study on that. But in talking with my law enforcement officers in my district, you know they think it does, you know. They don't have any statistics to prove it, but they they think it does."

Speaker Churchill: "Representative Dart."

Dart: "Well, Representative, I mean we're all against drug dealers and the like. Does this law effect those people who illegally possess narcotics, controlled substances?"

Speaker Churchill: "Representative Jones."

Jones, John: "No this is simply people, you know in dealing or possession, with the intent to deliver."

Speaker Churchill: "Representative Dart."

Dart: "So, those people who possess a truckload of narcotics and the State's Attorney charges them with straight possession. This law does not affect them at all. They just have to be selling it. They can have as much on themselves and possess as much as they want but, and they're okay. This doesn't affect them, correct?"

Speaker Churchill: "Representative Jones."

Jones, John: "Well, I know you've been a State's Attorney, you know, I don't know very many State's Attorneys that don't

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

123rd Legislative Day

April 30, 1996

charge, you know, if they find someone with a truckload or a pocketful of drugs, you know. In talking with Judge Wexton, who happens to be a very good friend of mine, he helped draft this Bill. He just is very concerned and appreciative that this Bill is come forward because it's something that he wanted as another working tool. His expression is, 'The more tools we give to law enforcement and the judges, the better off we are in this State.'

Speaker Churchill: "Representative Dart."

Dart: "So, Representative, your judges in your counties are telling you they have been handcuffed. They cannot send these drug offenders away for prison for the maximum classification that exist now? That they need this one classification up to all of the sudden stop drug dealing. Is that correct?"

Speaker Churchill: "Representative Jones."

Jones, John: "They just feel, Representative Dart, that it's important to increase the penalty, and put them away for a longer period of time and increase the fines on them."

Speaker Churchill: "That's all been fine but we have to direct our energies at the problem here. How many times has the safe school zones enhancements been utilized in your county to send this same message and to get tough on these people? How often has that been done?."

Speaker Churchill: "Representative Jones."

Jones, John: "Representative Dart, I don't have that figure."

Speaker Churchill: "Representative Dart."

Dart: "Representative, I don't want to beat a dead horse here but the reality of it is, that it this is a very weak effort if that you are tempting to do. If you want to really go after crime you ought to put some more police on the street and vote for that. We had that up last year and we never

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

123rd Legislative Day

April 30, 1996

got that anywhere.. My experience throughout my entire career were that most of these provisions did not do much good at all. More often than not, the judges would not want to send people away for these maximums on the enhanced. They wouldn't even send them away maximum on the penalty that originally existed, Representative, because We don't have any prison space for these folks. We have people complaining about the murders and rapist being out on the streets. They constantly say, 'we don't want to be filling them up with drug dealers and the like. The penalties there right now, I dare say if you look at it, are going to show that the Safe School Zone have not deterred crime. Crime still occurs on school zones. Still occurs there. And the judges have the ability to send them to the maximum, and they don't do that now Representative. I understand what you are trying to do but this is a very weak effort at trying to do it."

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

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

Speaker Churchill: "He indicates he will. Please proceed."

Fantin: "In the summary, I'm reading that, this is religious property."

Speaker Churchill: "Representative Fantin, Representative Jones cannot hear you. Would you speak a little louder, please? Ladies and Gentlemen, will you please discontinue the conversations that are extraneous to the debate, so the people that are in the debate can hear each other? Representative Fantin."

Fantin: "In your definition of religious property would that include, perhaps like, a convent or a rectory? A part of

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

123rd Legislative Day

April 30, 1996

the religious property of the church."

Speaker Churchill: "Representative Jones."

Jones, John: "Just a second. It's really any place of worship, you know, such as a synagogue, church or any other building or structure or place used primarily for religious worship."

Speaker Churchill: "Representative Fantin."

Fantin: "Would that necessarily, it has to be a place of worship? Is that what you are saying?"

Speaker Churchill: "Representative Jones."

Jones, John: "That's used primarily for religious worship. You know, and you may have a religious facility right now, which I have several in my district, that is a religious worship but they also have a school there also, such as St. Mary's Catholic Church in Mt. Vernon has St. Mary's School. That's already covered under the existing law. So, you know some of those are already covered under the existing law."

Speaker Churchill: "Representative Fantin."

Fantin: "Under the definition of property, again, many of the churches own property say that their ministers or rabbis or priest live in, does that cover that property also? That is religious property."

Speaker Churchill: "Representative Jones."

Jones, John: "If it's covered under the 1000 foot and primarily used for religious worship."

Speaker Churchill: "Representative Fantin."

Fantin: "Well, again the summary states religious property. Religious property could also include then vacant properties that the churches own. That is part of their property."

Speaker Churchill: "Representative Jones."

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

123rd Legislative Day

April 30, 1996

Jones, John: "Representative, the Bill says on the real property comprising any church, synagogue or other building, structure or place used primarily for religious worship or on any public way within 1000 feet of the real property, comprising any church, synagogue or other building structure or place used primarily for religious worship. I think it's very clear."

Speaker Churchill: "Representative Fantin."

Fantin: "Do we know the cost of this, Representative?"

Speaker Churchill: "Representative Jones."

Jones, John: "I gave a figure a little while ago to one of the other Representatives, but it is estimated by the Department of Corrections that there would be an additional 21 state inmate head count and the physical impact of \$3,615,800 over a ten year period."

Speaker Churchill: "Representative Fantin."

Fantin: "That's all. Thank you."

Speaker Churchill: "Further discussion? The Gentleman from Cook, Representative Lang."

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

Speaker Churchill: "He indicates he will. Please proceed."

Lang: "Thank you. Representative, I've only heard part of the debate. I've been kind of busy here. But let me ask you this, is this really a problem in Illinois? I've been in my synagogue a number of times in the last couple of months and I haven't seen any crack deals going on in the back row. So is this really a difficult problem?"

Speaker Churchill: "Representative Jones."

Jones, John: "Representative Lang, in my home town of Mt. Vernon, Reverend Gordon from one of our communities came forward and said this was a problem around his church. He became very concerned about it. It is a problem in his community

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

123rd Legislative Day

April 30, 1996

and he came to the mayor of Mt. Vernon and also Judge Wexton, Senator O'Daniel and myself and expressed a real concern about this. It is a concern in parts of Mt. Vernon and Reverend Gordon expressed that concern and we told him we were willing to address it, the Senator and myself, and so that's what we're doing here."

Speaker Churchill: "Representative Lang."

Lang: "Well, is it not a fact that currently the commission of a crime on the grounds of a religious institution is a factor, an aggravating factor for sentencing, which could mean an extended term?"

Speaker Churchill: "Representative Jones."

Jones, John: "Representative Lang, you are exactly true. But this automatically bumps it up though."

Speaker Churchill: "Representative Lang."

Lang: "Well, if we start to take all discretion away from all judges what will we have left? Why don't we leave this a discretionary matter with the judge, considering it's already a matter for aggravation in the sentencing hearing?"

Speaker Churchill: "Representative Jones."

Jones, John: "Representative Lang, this is something that Judge Wexton from Mt. Vernon, and Representative Hoffman happens to be a personal friend of his, just as well as I am. Judge Wexton comes to me and I have a high regard for Judge Wexton. He's been a judge for many years. And whenever he expresses this concern and says he needs this tool to work with, you know, then I'm going to work with Judge Wexton on such an issue."

Speaker Churchill: "Representative Lang."

Lang: "Will this if it becomes law become part of the list of truth in sentencing crimes?"

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

123rd Legislative Day

April 30, 1996

Speaker Churchill: "Representative Jones."

Jones, John: "No."

Speaker Churchill: "Representative Lang."

Lang: "And so, although this is all really important to you and although it's a real serious problem in your particular community and although you want to address it, these longer sentences that we're going to give folks, they won't have to serve them will they?"

Speaker Churchill: "Representative Jones."

Jones, John: "I share your concerns about the fiscal impact Representative Lang."

Speaker Churchill: "Representative Lang."

Lang: "Well, Sir it's your Bill. If you share my concerns why don't you put this back on Second Reading and put an Amendment on the Bill to fix this?"

Speaker Churchill: "Representative Jones."

Jones, John: "Well, as my Democratic Senator said, when we had a news conference about a week ago with Reverend Gordan and Mayor Lewis and Judge Wexton and several others in the community, 'If this deters one drug dealer and saves one child's life the cost will be well worth it in my opinion.'"

Speaker Churchill: "Representative Lang."

Lang: "Well, I didn't say anything about cost, Representative. I just asked you if it was one of the truth in sentencing crimes. You said you shared my concern. I assume that means you think it ought to be. So why don't you take it back to Second Reading and fix it?"

Speaker Churchill: "Representative Jones."

Jones, John: "Representative Lang, in my opinion it happens to be a very good Bill just the way it is. And I'm willing to pass it out of here just like it is."

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

123rd Legislative Day

April 30, 1996

Speaker Churchill: "Thank you. Well, since this only covers religious property, if there would be a crack house right next door to a church this Bill wouldn't cover that would it?"

Speaker Churchill: "Representative Jones."

Jones, John: "If it's within 1,000 feet of that church or synagogue or a place of worship, I think it would."

Speaker Churchill: "Representative Lang."

Lang: "Well, Sir, my understanding of what you have in the Bill says a 1,000 feet in a public way but if it's on private property off the public way but nevertheless within 1,000 feet of a church, they could have all the crack deals they want at this crack house and it wouldn't be covered by your legislation, would it?"

Speaker Churchill: "Well, they have to deliver the crack to the crack house, so we'd probably catch them as they go in there."

Speaker Churchill: "Representative Lang."

Lang: "Well, does your Bill require a policeman to be stationed in front of all property? What do you mean you are going to catch them as they go in? What kind of a question? What kind of a statement is that Representative?"

Speaker Churchill: "Representative Jones."

Jones, John: "No, Representative Lang. I'm not going to require a policeman standing at every church or synagogue in the State of Illinois."

Speaker Churchill: " Further discussion. The Gentleman from Champaign, Representative Johnson. Is Representative Johnson in the Chamber? Further discussion? The Gentleman from Madison, Representative Stephens."

Stephens: "I Move the previous question."

Speaker Churchill: "The question is, Shall the previous question

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

123rd Legislative Day

April 30, 1996

be moved'? All those in favor signify by saying 'aye'; opposed say 'nay'. In the opinion of the Chair the 'ayes' have it and the previous question is Moved. Representative Jones to close."

Jones, John: "Thank you Mr. Speaker. I simply say that this is a good Bill that Judge Wexton and Mayor Lewis and several of our religious leaders in Mt. Vernon helped draft. And I would simply ask for an 'aye' vote. Thank you."

Speaker Churchill: "The question is, 'Shall Senate Bill 1296 pass?' All those in favor please 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? Have all voted who wish? Mr. Clerk, take the record. On this question there are 114 voting 'ayes'; 0 voting 'nay'; and 0 voting 'present'. And Senate Bill 1296 having received a Constitutional Majority is hereby declared passed. Mr. Clerk please read Senate Bill 1320."

Clerk Rossi: "Senate Bill 1320, a Bill for an Act amending the Code of Criminal Procedure of 1963. Third Reading of this Senate Bill."

Speaker Churchill: "The Chair recognizes the Gentleman from Livingston, Representative Rutherford."

Rutherford: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 1320 would amend the Code of Criminal Procedures to provide that in counties with less than the population of 3 million, that when the bond is forfeited that the judge could enter a determination that the cash deposit of that bond less or any cost could be applied to any child support or maintenance. I'd be glad to answer any questions."

Speaker Churchill: "Is there any discussion? The Chair recognizes

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

123rd Legislative Day

April 30, 1996

the Gentleman from Cook, Representative Dart."

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

Speaker Churchill: "Indicates he will. Please proceed."

Dart: "Representative, the provisions in here that require and allow for the retention of the cash for further disposition, what's that in reference to?"

Speaker Churchill: "Representative Rutherford."

Rutherford: "Would you repeat that please?"

Speaker Churchill: "Representative Dart."

Dart: "There are provisions here that allow the court to retain the cash for further disposition? What are those provisions for?"

Speaker Churchill: "Representative Rutherford."

Rutherford: "The way it is now the bail bond money would go back to whatever the government entity, the local unit of government or whatever. What this would allow for is to allow the judge to be able to make a decision that if the reason that bail bond money was put forward anyway was to pay for or have someone that is arrears in child support or maintenance, that the judge could enter the decision that, that money that which was now forfeited less whatever cost in the process would then go towards the ongoing support and maintenance, as long as that cash was still available."

Speaker Churchill: "Representative Dart."

Dart: "Would this take away from money that could be used for restitution of victims?"

Speaker Churchill: "Representative Rutherford."

Rutherford: "No, it would not. But if I could further answer the question that we left on as well. If there was, the judge would then be able to have that additional cash available, as additional child support maintenance payments became due."

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

123rd Legislative Day

April 30, 1996

Speaker Churchill: "Representative Dart."

Dart: "So, does the judge keep this money in his drawer? Does he set up a savings account with it? How's he, there's no language here of how he's supposed to deal with this? How's he suppose to deal with the money?"

Speaker Churchill: "Representative Rutherford."

Rutherford: "It's already set up statutorily. It would be in the Clerk's office. And no they definitely wouldn't keep it in the drawer. We're not including Cook County in this. This is the rest of the other counties."

Speaker Churchill: "Representative Dart."

Dart: "It isn't us that has a problem with that. It's those downstate ones. You know, the ones that make up the war heroes and stuff. Where is it that requires the Clerk to hold the money and does it require the Clerk to have special accounts or how is this going to be separated from the rest of the money?"

Speaker Churchill: "Representative Rutherford."

Rutherford: "They already have provisions in the statute for provisions to hold this bond already."

Speaker Churchill: "Representative Dart."

Dart: "Is there anywhere in the language of this Bill where it limits this money to be held for child enforcement payment?"

Speaker Churchill: "Representative Rutherford."

Rutherford: "Not specifically set up for that line item, Representative. But there is provisions already for the Clerk to hold the funds of the bonds."

Speaker Churchill: "Representative Dart."

Dart: "I mean, there's no language here limiting the court. As for what the court can do with this money, the language I see it says, retain the deposit for further disposition."

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

123rd Legislative Day

April 30, 1996

And it does not elaborate as to what the court's going to hold that for. You give one suggestion as far as child support but is there any limit here as to what the court can hold this money for?"

Speaker Churchill: "Representative Rutherford."

Rutherford: "Representative, sorry. The last part of your question I didn't hear."

Speaker Churchill: "Representative Dart, would you repeat the last part of your question, please?"

Dart: "Sure. Is there any provisions here that limit the courts as far as what it can do with this money, as far as the retention and it says further disposition?"

Speaker Churchill: "Representative Rutherford."

Rutherford: "Yes, there is, Representative. Presently in the statute it provides for the bond monies that have to go back to that local unit of government, if they were forfeited less whatever cost there were of the court. What this legislation would do is add language to the present statute that would allow the judge to have a discretion to take those funds, less cost and apply it towards any child support or maintenance out there. So, I think the direct answer to your question is the fact that the statutes are already set up to provide how those funds would go back to any local unit of government there was."

Speaker Churchill: "Representative Dart."

Dart: "But in looking at the language that you have here it looks as if you're carving out a new exception here. Whatever the existing language is right now, it looks as if from your language you're carving out a new exception. Because you talk here about inner judgement for the cash deposit on the bondless cost. We retain the deposit for further disposition or and then it says or you can hold it for

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

123rd Legislative Day

April 30, 1996

child support. So you're allowing an exception to the normal procedure now for holding it for further disposition, at the judges wish, whatever that may be. Do we have any language here that's going, to in any way, reign this in?"

Speaker Churchill: "Representative Rutherford."

Rutherford: "Representative, I would read it, that it would allow for the process to take place that's already set up if those funds that were on hold for this bond bail. It would go back, revert to wherever they should be going already set up in the process if those funds were being forfeited."

Speaker Churchill: "Representative Dart."

Dart: "Yeah, I realize what your intention is, Representative. The language is not well drafted here at all. Because on the letter of law says that the judge can retain the deposit for further disposition and says no more. So it appears that if the judge can hold it for whatever the reason, not just for child support."

Speaker Churchill: "Representative Rutherford."

Rutherford: "As I said earlier, Representative, the reason this was drafted by a judge, who actually is in participation with this particular type of incident and is such that as future child support payments come due, this is the provision to be able to provide for that."

Speaker Churchill: "There being no further discussion, Representative Rutherford to close."

Rutherford: "Thank you, Mr. Speaker. I would appreciate a favorable Roll Call."

Speaker Churchill: "The question is, 'Shall Senate Bill 1320 pass?' All those in favor vote 'aye' and opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all

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

123rd Legislative Day

April 30, 1996

voted who wish? Mr. Clerk, take the record. On this question there are 115 voting 'aye'; 0 voting 'nay' and 0 voting 'present'. And on this question, Senate Bill 1320, having received the Constitutional Majority, is hereby declared passed. We would like to welcome to the House today the members of the Student Advisory Committee, of Representative Myers, Representative Tenhouse and Senator Donahue. The Student Advisory Committee consists of two outstanding high school juniors who were sworn in today from each school, the 95th and 96th Representative Districts in Western Illinois. They're in the Gallery. Please welcome them to Springfield today. Mr. Clerk, please read Senate Bill 1353."

Clerk Rossi: "Senate Bill 1353, a Bill for an Act amending the rights of Crime Victims and Witnesses Act, Third Reading of this Senate Bill."

Speaker Churchill: "The Chair recognizes the Gentleman from Cook, Representative Durkin."

Durkin: "Thank you, Mr. Speaker. This Bill amends the Crime Victims Act and what it does is we are correcting an ambiguity which currently exists within the law. This is Good Victims Rights Bill. What we are doing is allowing that the victim witness statements no longer have to be presented orally by the victim in the court of law to the sentencing hearing. This Bill will allow the victim to prepare a written statement in conjunction with the local State's Attorney. And if that victim decides that they want to present that statement they'll have that opportunity, but however that victim is given the option of designating that duty to a Representative in the State's Attorney's Office to make that presentation in open court."

Speaker Churchill: "Is there any discussion? The Chair

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

123rd Legislative Day

April 30, 1996

recognizes the Gentleman from Cook, Representative Dart."

Dart: "Will the Sponsor yield?"

Speaker Churchill: "Indicates he will. Please proceed."

Dart: "Representative, was this the ambiguity that your referring to, was this the result of a court case or was this the result of problems that were brought about from the State's Attorney's Office and the like?"

Speaker Churchill: "Representative Durkin."

Durkin: "This was an issue which was brought to us from the Illinois Coalition Against Sexual Assault. Apparently the reading, if you look at the Bill, the reading states that statement could only be presently presented orally at the sentencing hearing. There has been in Cook County where both of us have practiced. I believe it's common practice where the State's Attorney has been able to present the statement on behalf the witness, if that witness is traumatized to that much of a degree where they don't want to step up. But, however, the Representative from the Illinois Coalition Against Sexual Assault has stated that certain districts have interpreted the language rather strictly, which would require the victim to make an oral presentation, in front of the courts at the sentencing hearing. So, I believe that this clears up an ambiguity, which as I previously stated about when a victim can and doesn't have to present this statement."

Speaker Churchill: "Representative Dart."

Dart: "No further questions. Thank you."

Speaker Churchill: "There being no further discussion, Representative Durkin to close."

Durkin: "This is a great Bill. This is a Good Victims' Rights Bill. A lot of times when victims have to testify in court it's a chilling enough experience, as it is. But then they

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

123rd Legislative Day

April 30, 1996

have to go in at the sentencing stage it becomes very traumatic for them. This gives them the opportunity to make that statement dealing with the impact that it's had on their life and presenting it to a representative other than, within the State's Attorney's Office to the court. I believe it's a good idea and I ask for an 'aye' vote."

Speaker Churchill: "The question is, 'Shall Senate Bill 1353 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 115 voting 'aye'; 0 voting 'nay' and 0 voting 'present'. And on this question Senate Bill 1353 having received a Constitutional Majority, is hereby declared passed. Ladies and Gentlemen we are joined here today by the Eighth Grade Class of the Arie Crown Hebrew Day School and this is a school, which was attended by Representative Feigenholtz. Will we please welcome to Springfield? Mr. Clerk, please read Senate Bill 1394."

Clerk Rossi: "Senate Bill 1394. A Bill for an Act Amending the Obscene Phone Call Act, Third Reading of this Senate Bill."

Speaker Churchill: "The Chair recognizes the Gentleman from Jackson, Representative Bost."

Bost: "Thank you, Mr. Speaker, Members of the House. Senate Bill 1394 amends the Obscene Phone Call Act provides that a second or third violation of the Act is a Class A Misdemeanor. And a fourth or sequential violation is a Class IV Felony. I'd be glad to answer any questions."

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

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

Speaker Churchill: "He indicates he will. Please proceed."

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

123rd Legislative Day

April 30, 1996

Lang: "Thank you. Representative, as I understand it, the fourth or the subsequent violation would be a Class IV Felony, is that correct?"

Speaker Churchill: "Representative Bost."

Bost: "That's correct."

Speaker Churchill: "Representative Lang."

Lang: "And what is the current law?"

Speaker Churchill: "Representative Bost."

Bost: "Current law states, Representative, that any violation of this law is a Class B Misdemeanor."

Speaker Churchill: "Representative Lang."

Lang: "Why do we want to wait until the fourth violation? Somebody calls and harasses your wife or my wife four times before it's a felony, why not right away? What happened to all the interest in getting criminals and bad guys off the street?"

Speaker Churchill: "Representative Bost."

Bost: "Representative, that's a good question because one thing we don't want to do is tie this with other laws that we have passed. And as we have DUI laws, they don't go over this point and they have a stair step similar to this, so we didn't that."

Speaker Churchill: "Representative Lang."

Lang: "You're going to have to tell me who has a step similar to this?"

Speaker Churchill: "Representative Bost."

Bost: "DUI uses a third offense. Becomes a fourth."

Speaker Churchill: "Representative Lang."

Lang: "So why is it a fourth offense here? And will there be some other Bill that you had that was a fifth offense and some other Bill a sixth, a seventh, an eighth? Why all this inconsistency? Why not have this be third or second?"

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

123rd Legislative Day

April 30, 1996

Speaker Churchill: "Representative Bost."

Bost: "When this was drafted in the Senate I suppose they didn't consider it as serious as DUI. But on this particular case it's going to be with the fourth."

Speaker Churchill: "Representative Lang."

Lang: "Would the folks convicted under your new Act be eligible for truth in sentencing convictions?"

Speaker Churchill: "Representative Bost."

Bost: "No it will not."

Speaker Churchill: "Representative Lang."

Lang: "And so somebody that calls your wife or my wife and makes obscene phone calls four times that's convicted of a Class IV Felony may only have to serve 15% of their sentence?"

Speaker Churchill: "Representative Bost."

Bost: "Yes, but that's more time than they're serving now."

Speaker Churchill: "Representative Lang."

Lang: "Let me ask you this also. You voted for a Bill a couple of weeks ago that required that illegal aliens that are in prison be deported back to from whence they came. If an illegal alien was arrested under this, would they be released from prison as well?"

Speaker Churchill: "Representative Bost."

Bost: "I suppose they would."

Speaker Churchill: "Representative Lang."

Lang: "Do these phone calls have to be from a public phone? Or can they be from a private phone? What about a cell phone or a car phone?"

Speaker Churchill: "Representative Bost."

Bost: "Anywhere. Any phone."

Speaker Churchill: "Representative Lang."

Lang: "Do prisoners have telephone privileges?"

Speaker Churchill: "Representative Bost."

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

123rd Legislative Day

April 30, 1996

Bost: "Yes they do."

Speaker Daniels: "Representative Lang."

Lang: "Have you covered the possibility that perhaps someone who'd be arrested for a third time, as a misdemeanor, would make a fourth call from the prison? What would happen to their sentence then? Would they have to be tried again?"

Speaker Churchill: "Representative Bost."

Bost: "They would have to be tried again just like any other prisoner that commits a crime in prison."

Speaker Churchill: "Representative Lang."

Lang: "Would they have to finish out their sentence for the misdemeanor first before the conviction for the felony could take place?"

Speaker Churchill: "Representative Bost."

Bost: "In our court systems I don't think it ever happens quite that fast but if it did, yes they would."

Speaker Churchill: "Representative Dart, I'm sorry Representative Lang."

Lang: "Thank you. We do look alike all of us guys from Cook County."

Speaker Churchill: "Well he was standing right behind you and I looked at both of you at the same time."

Lang: "Let's assume for a second that a stalker was making those phone calls. The penalty for this is less than the penalty for stalking. How will you determine how to charge this person?"

Speaker Churchill: "Representative Bost."

Bost: "They would be charged for both and each one would be handled in that way."

Speaker Churchill: "Representative Lang."

Lang: "In the Senate Committee there was some interest by some Members of the Committee that it should be a Class IV

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

123rd Legislative Day

April 30, 1996

Felony on the second offense. Did you take those views into consideration?"

Speaker Churchill: "Representative Bost."

Bost: "We have upgraded to a Class A Misdemeanor, the second and third offense. Representative, and I wasn't there for the hearing in the Senate. I was here in the House whenever it was heard in the House but I'm not sure what the information was from there."

Speaker Churchill: "Further discussion? The Lady from Cook, Representative Flowers."

Flowers: "Mr. Speaker, I would like to yield my time to Representative Dart."

Speaker Churchill: "Further discussion? The Gentleman from Cook, Representative Dart."

Dart: "Thank you, will the Sponsor yield?"

Speaker Churchill: "Indicates he will. Please proceed."

Dart: "Representative, how many people have been charged with the offense of obscene phone calls this year?"

Speaker Churchill: "Representative Bost."

Bost: "Representative, I don't have that information."

Speaker Churchill: "Representative Dart."

Dart: "Do you know how many people were charged with this offense in the last ten years or twenty years? Do we have any indication at all as far as the number of times this has been charged?"

Speaker Churchill: "Representative Bost."

Bost: "No we don't have any of that."

Speaker Churchill: "Representative Dart."

Dart: "Do we have any information as far as how many people have been convicted of this offense? Been convicted and found guilty of this offense?"

Speaker Daniels: "Representative Bost."

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

123rd Legislative Day

April 30, 1996

Bost: "Well, Representative, we don't. I know what the Department of Corrections estimates the minimal financial impact of the Department of Corrections estimates that the average offender would serve seven months in prison at the cost of about \$9,194 and would require the construction of one additional cell at the cost of \$35,951. So I would say that's it's fairly minimal. The amount of people that are charged under this and that would actually reach four charges, to the point that they would be a Class IV Felony."

Speaker Churchill: "Representative Dart."

Dart: "Well, I think you're going to find out the reason why the Department of Corrections said minimal impact, is because that's just what this Bill is going to be. It's going to be a minimal impact Bill. I think you're addressing a problem, that you're in search of a problem right now that doesn't exist. I mean do we have any information at all that this is a problem, as far as any from statistical information, from any prisons, state's attorney's office, or police departments, the exact numbers, as far as the charges or convictions or people serving time?"

Speaker Churchill: "Representative Bost."

Bost: "Representative, I'm glad you brought that up, because I didn't check with every state's attorney in the state. But what I did do, this was brought to our attention and through the Senate first and from Perry County there's is a definite problem that exists. In Perry County there is an individual who began making excessive numbers of phone calls to various individuals. He began making the phone calls in 1984 or 1985 and has been convicted of two felony offenses and about eight misdemeanor offenses. He served seven years with the Department of Corrections for

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

123rd Legislative Day

April 30, 1996

intimidation and now is receiving the maximum on the misdemeanor accounts. The state's attorney or the assistant state's attorney from Perry County came to us with this problem and we discussed it in great detail. Because there is no place in the law that allows a stair step up that says, 'if you continue to do this we can stop you or it's going to get tougher on you. And that's what this legislation does. This gentleman would make hundreds of phone calls a day. Now several of the people changed their phone number. But a problem that does exist is there's several places he did call that can't change their phone number. The DuQuoin Evening Call there is a newspaper that he continues to call and harass. A styling saloon, they would put this person out of business changing their phone number. He calls the police department. We can't change the police department's number but they know it's him. It continues to happen. We're trying to put something in the law today that will stop and discourage him from continuing these phone calls."

Speaker Churchill: "Representative Dart."

Dart: "Were any of these people that you just delineated ever charged with an offense of telephone harassment, which is a much more serious offense?"

Speaker Churchill: "Representative Bost."

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

Speaker Churchill: "Representative Dart."

Dart: "To the Bill. Representative, I would suggest in the future that you try to get some statistics, some information other than anecdotal stories here. We're passing Legislation that's going to affect the entire State of Illinois. And we are now talking about something we have no clue if this is charged often, charged at all,

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

123rd Legislative Day

April 30, 1996

charged once, charged a million times. We have no idea if anybody has been indicted on this thing. We have no idea if anybody has been convicted on this. I would suggest that when we're dealing with criminal law and peoples lives we look into that."

Speaker Churchill: "There being no further discussion, Representative Bost to close."

Bost: "Thank you, Mr. Speaker and Members of the House. This legislation actually requires that if a person continues to make obscene phone calls that there is a stair-step penalty to encourage them to keep from making these obscene phone calls. I hope you support the Bill. Thank you."

Speaker Churchill: "The question is, 'Shall Senate Bill 1394 pass? All those in favor vote 'aye'; any 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 115 voting 'aye'; 0 voting 'nay' and 0 voting 'present'. And on this question, Senate Bill 1394 having received a Constitutional Majority is hereby declared passed. Mr. Clerk, please read Senate Bill 1404."

Clerk McLennand: "Senate Bill 1404, a Bill for an Act in relation to taxes. Third Reading of this Senate Bill."

Speaker Churchill: "The Chair recognizes the Lady from DuPage, Representative Pankau."

Pankau: "Thank you, Mr. Speaker and Members of the Assembly. Senate Bill 1404 changes the language to allow taxing districts to refund money that was erroneously distributed to them and allows it by a majority vote of the governing body of that taxing district. In other words, if you get too much money and you simply want to give it back, it was an error. Instead of having to amend the appropriation

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

123rd Legislative Day

April 30, 1996

ordinance cast an extraordinary vote, jump through a whole bunch of hoops, line item that specific refund. You can take a vote of your board, you give the money back and then whoever erroneously distributed it will just send it to the proper taxing body. And I ask for your favorable approval."

Speaker Churchill: "Is there any discussion? The Chair recognizes the Gentleman from Madison, Representative Hoffman."

Hoffman: "Will the Sponsor yield?"

Speaker Churchill: "She indicates she will. Please proceed."

Hoffman: "Representative, where does this come from? What is the genesis of the Bill?"

Speaker Churchill: "Representative Pankau."

Pankau: "This originally comes from McHenry County. The county treasurer was distributing some road funds and he gave the township, more funds than it should have gotten. It should have been distributed equally between a municipality and the township but he erroneously gave it all to the township. So the township looking back into the township laws said, 'Okay this isn't our money we should give it back'. But to do that they found that they would have to amend their appropriation ordinance, create a special line item to refund the money back to the treasurer and that after you've originally passed the appropriation ordinance, that takes an extra majority vote, so it would of have to be a bigger vote of the body to just rectify an error. So this Bill says, 'You can take a majority vote on your board, you can send the money back and then the treasurer can send it to the people he should have done originally.'"

Speaker Churchill: "Representative Hoffman."

Hoffman: "Do the provisions of this Bill indicate that the

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

123rd Legislative Day

April 30, 1996

treasurer finds that he or she made an error, that they could then go back and force the taxing district that they could give the money back."

Speaker Churchill: "Representative Pankau."

Pankau: "The provisions of this Bill don't address it. In other words, what happens if the board doesn't give back the money? Then it would have to be a lawsuit of some sort. Probably the one that was supposed to get the money and didn't get it, would have to sue to get the money. But this just addresses where everybody realizes it's an error and you can do it relatively simply in one meeting."

Speaker Churchill: "Representative Hoffman."

Hoffman: "Well I don't see anything wrong with the Bill. I urge an 'aye' vote."

Speaker Churchill: "There being no further discussion, Representative Pankau to close."

Pankau: "Members of the Assembly, I urge your support of this Bill."

Speaker Churchill: "The question is, 'Shall Senate Bill 1404 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 114 'ayes'; 0 people voting 'no'; 0 people voting 'present' and on this question Senate Bill 1404 having received a Constitutional Majority is hereby declared passed. Mr. Clerk, what is the status of Senate Bill 1470?"

Clerk Rossi: "Senate Bill 1470 is on the Order of Senate Bills, Third Reading."

Speaker Churchill: "Please return the Bill to the Order of Second Reading. Mr. Clerk, please read Senate Bill 1503."

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

123rd Legislative Day

April 30, 1996

Clerk Rossi: "Senate Bill 1503, a Bill for an Act amending the Illinois Income Tax Act. Third Reading of this Senate Bill."

Speaker Churchill: "The Chair recognizes the Lady from Cook, Representative Murphy."

Murphy, M.: "Thank you, Mr. Speaker, Ladies and Gentlemen. Senate Bill 1503 extends the replacement Tax Investment credit for seven years. This is a suggestion by the Illinois Manufacturers Association. This renews the Income Tax Investment Credit for seven years, establishing sunset date of December 31st, 2003. I'll consider your questions now. Thank you."

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

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

Speaker Churchill: "She indicates that she will, please proceed."

Lang: "Thank you. Representative the Economic and Fiscal Commission states that it is unlikely the investment credit on its own plays a significant part on its own on promoting economic development in the State of Illinois. Notwithstanding that you want to proceed with this Legislation. Can you explain why?"

Speaker Churchill: "Representative Murphy."

Murphy, M.: "Yes, Representative, again we are extending a credit then having sunset for seven years. We then have, if you would like to know how well it's performing you can judge for yourself in the year 2003. Personal property replacement income tax is assessed against the net income. We believe that this incentive will continue to encourage the growth and investment in Illinois by business and manufacturers thereby resulting in more jobs."

Speaker Churchill: "Representative Lang."

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

123rd Legislative Day

April 30, 1996

Lang: "Who was that quote from, Representative? The one that you just read to me?"

Speaker Churchill: "Representative Murphy."

Murphy, M.: "It was just a quote from me, Representative."

Speaker Churchill: "It was your quote. So the Economic and Fiscal Commission which we impaneled to give us bipartisan/nonpartisan advice said that this credit on its own does not play a significant part in promoting economic development. So your quote was your quote and you're telling me I should just sit in my chair until the year 2003 and figure out then if it is working?"

Speaker Churchill: "Representative Murphy."

Murphy, M.: "Well, Representative, I knew you wouldn't sit in your chair until the year 2003 just by me asking you to do so, but I will read from the paper you're reading from. And just so we can check it out, Illinois Economic and Fiscal Commission, February 1996. And on the last page, well almost the last page, page 8, last sentence, I will read for you into the Record, Representative. 'The credit, however, is effective when bundled with other business incentives and maintaining current business investment, current business investment in Illinois and as part of a complete package, keeps Illinois competitive when buying for future investments. And that is a quote.'"

Speaker Churchill: "Representative Lang."

Lang: "So if it's effective when coupled with other business incentives, what other business incentives do we have on the table today that we can couple this with to give us some reason to vote for your Legislation?"

Speaker Churchill: "Representative Murphy."

Murphy, M.: "Well, Representative, we have many incentives for business. But, again this did pass the Senate on Third

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

123rd Legislative Day

April 30, 1996

Reading 55 to 0. It came out of Revenue Committee on a 'do pass motion' of 11 voting 'yes'; 0 voting 'no' and 1 voting 'present'. I guess it's not so much Representative for me to enumerate all the investment credits that we have available. But, more importantly a case has yet to be made to remove this incentive for future Illinois business."

Speaker Churchill: "Representative Lang."

Lang: "With all due respect, Representative, I could care less what the vote was in the Senate and I could care less what the vote was in Committee. We want to know why we should vote for this on the Floor of the Illinois House of Representatives. You've indicated to me that when coupled with other business incentives the investment tax credit has great value for economic development. We haven't done very much for economic development. So I'm trying to ask you what this will do. What should we couple this with, that we either have done or should do to promote economic development so we can create new jobs in the State of Illinois?"

Speaker Churchill: "Representative Murphy."

Murphy: "The short answer, Representative, is to continue to improve the business climate of Illinois through a variety of legislation. But if you want more groups to support, Representative, proponents are the Illinois Manufacturers Association, the Taxpayers Federation, the Illinois State Chamber, Caterpillar Incorporated, Deer and Company and the Chemical Industry Council of Illinois."

Speaker Churchill: "Representative Lang."

Lang: "Representative, once again, I asked you the time and you told me how to build a watch. I just asked you what incentives you have on the books that we're going to couple this with. I don't care who's for it. I don't care who's

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

123rd Legislative Day

April 30, 1996

against it. I want to know why you're for it. I want to know why you think this will aid economic development in our state."

Speaker Churchill: "Representative Murphy."

Murphy, M.: "Thank you for your curiosity, Representative. This is a replacement tax investment credit that has been around. The Ec and Fisc Commission has continued to give their report. I do believe that we need to continue to make Illinois a pro-business climate in order to have jobs for the citizens of Illinois. That is a short answer, Representative."

Speaker Churchill: "Representative Lang."

Lang: "Tell you what, that's twice you've now given me the short answer. I'll accept the long answer. I've got time."

Speaker Churchill: "Unfortunately, you don't. You have eight seconds left, Representative Murphy."

Murphy, M.: "Hello, okay. Thank you, Mr. Speaker. Once again we are faced with whether to make a decision as to whether to extend an investment tax credit that has been there. In the wisdom of the General Assembly, they have passed this. We have created jobs in Illinois. It is my understanding that the Illinois Akinfisk Commission has shown that its been a rather flat amount of participation yet certainly the amount of business this has created has been very important, particulary in them manufacturing area. Manufacturers are the ones that come up with good-paying jobs. We're not talking about service industry jobs but anything we can do that can increase the number of Illinois manufacturers and Illinois manufacturing jobs in Illinois and it's simply a good business practice and is a way to put more or our displaced manufacturing workers back in the work rolls."

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

123rd Legislative Day

April 30, 1996

Speaker Churchill: "Further discussion? The Gentleman from Clinton, Representative Granberg."

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

Speaker Churchill: "She indicates she will. Please proceed."

Granberg: "Representative, you indicated this would be good for the state's job climate and this would help the State of Illinois. Is this going to have any impact on our bond rating?"

Speaker Churchill: "Representative Murphy."

Murphy, M.: "I think anything that we do economically can somehow in an untoward or causal way have an effect on our bond rating, but I really don't see a direct causal relationship. Do you Representative?"

Speaker Churchill: "Representative Granberg."

Granberg: "Well, the last time I asked you, what would happen to our bond rating. It was on your Bill to repeal the Retail Rate Law and you told me it would have no effect on the state's bond rating. And immediately afterwards we couldn't issue our bonds on Wall Street. Chicago Craines, The Wall Street Journal and every major newspaper in the county wrote to Illinois for its lack of fiscal credit worthiness. That we, in fact, had broken our word. So forgive me if I want to make sure this time, because the last time I listened and you said it would have no effect and it obviously did. And, we've all paid the price for that decision with our bond rating in the State of Illinois. That's one of the reasons we can't issue bonds now because our rating has been lowered three times. We can't issue any bonds for McCormick Place. And in all likelihood it will be lowered again in the near future. So that's, Representative, the reason why I wanted to ask you point blank, if it had any impact on our bond system

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

123rd Legislative Day

April 30, 1996

,because the last time you inadvertently told me the wrong answer. So now could you also give me any and all taxes that we've looked to in dealing with the Manufacturers' Association, the Chamber, and all business groups to reform or replace those that are part of this Bill or should be part of the total package?"

Speaker Churchill: "Representative Murphy."

Murphy, M.: "I suppose there was a question in there somewhere Representative. But again let me tell you we did not have our bond rating lowered Representative. In fact, it wasn't bonds that we couldn't sell on Wall Street, it was Certificates of Participation. And may I remind you that that still is being investigated by most likely Jim Burns, if you recall with the about any collusion with tying up our markets. But again Representative I have spoken on the House Floor since that time and since that time we did vote 106 to 0, for House Bill 427 that also received the same kind of question that you've brought up. You were probably one unless you'd indicate differently of 106 of us that did vote for just about this identical measure in March of '96."

Speaker Churchill: "Representative Granberg."

Granberg: "Yes, I did, Representative, but that was before you sponsored the Retail Rate Law Repeal that you said would have no effect on our state's bonds. You said the Certificates of Participation were denied and that's different than the bond rating. Yes, it is, because the Certificates of Participation have much better credibility. They're much more secure than our bonds. And they were denied. The State of Illinois, our credibility is shot. We're in the toilet because of these various measures. We can't issue any bonds. We can't build any more prisons.

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

123rd Legislative Day

April 30, 1996

We can't borrow any more money. Enough is enough, Representative, let's get our fiscal house in order."

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

Black: "Thank you very much, Mr. Speaker, and Ladies and Gentlemen of the House. Will you join with me in Moving the previous question?"

Speaker Churchill: "The question is, 'Shall the previous question be Moved?' All those in favor signify by saying 'aye'; opposed by saying 'nay' and in the opinion of the Chair, the 'ayes' have it and the previous question is Moved. Representative Murphy to close."

Murphy M.: "I do appreciate your due consideration and I encourage the 'aye' vote. Thank you."

Speaker Churchill: "The question is, 'Shall Senate Bill 1503 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 113 voting 'aye', 0 voting 'nay', 0 voting 'present'. And Senate Bill 1503 having received a Constitutional Majority is hereby declared passed. For what purpose does the Gentleman from Coles, Representative Weaver rise?"

Weaver: "Just an inquiry of the Chair, Mr. Speaker. My watch is stopped, I just wonder how much time did we just spend on that Bill that passed out of here 113 to 0?"

Speaker Churchill: "About fifteen or twenty minutes, Sir. Mr. Clerk, what's the status of Senate Bill 1604?"

Clerk Rossi: "Senate Bill 1604 is on the Order of Senate Bills Third Reading"

Speaker Churchill: "Please return it to the Order of Second

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

123rd Legislative Day

April 30, 1996

Reading. Mr. Clerk, please read Senate Bill 1665."

Clerk Rossi: "Senate Bill 1665, a Bill for an Act relating to life tenants of farmland. Third Reading of this Senate Bill."

Speaker Churchill: "The Chair recognizes the Gentleman from Jo Davies, Representative Lawfer."

Speaker Churchill: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This is a change and an addition to the Code of Civil Procedure. It provides that when a lessor holds a life tenancy in farmland that is leased from year to year and the life tenancy terminates and the lessee's rights shall continue until the end of the crop year in which the life tenancy terminated unless otherwise provided in writing. It also provides that if life tenancy terminates not more than six months before the end of the season, the lessee will be entitled to reasonable cost for field preparations. I'll be glad to answer any questions."

Speaker Churchill: "Is there any discussion? The Chair recognizes the Gentleman from Madison, Representative Hoffman."

Hoffman: "Will the Sponsor yield?"

Speaker Churchill: "He indicates he will, please proceed."

Hoffman: "Yes, Representative, why do you want to have this Bill? It seems to me that a life tenancy is a life tenancy. And you have a right to provide for that either in your deed or in your will. Why do we need to allow an individual to remain after a life tenancy has been completed, once you have been passed way?"

Speaker Churchill: "Representative Lawfer."

Lawfer: "The life tenancy, of course, to an individual terminates when that individual dies. If that individual would die during the crop year, then the preparing for harvest may

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

123rd Legislative Day

April 30, 1996

have to sue the executor or other people to continue his rights."

Speaker Churchill: "Representative Hoffman."

Hoffman: "Yes, well it's my understanding that now what would happen is, if an individual were to pass away and the tenant, which normally it's unlikely, I would think, that he would not be able to fulfill the remainder of the year to insure that the crop gets put in. That tenant still is entitled to a quantum meruit, the amount of work that he has done on that land. He is still entitled to reimbursement for that crop regardless of whether the life tenancy ended or not."

Speaker Churchill: "Representative Lawfer."

Lawfer: "I think as far as common law prevails, you are correct, however, that is not covered on statute."

Speaker Churchill: "Representative Hoffman."

Hoffman: "So, I guess that's my point. That's the way it is now and that's the way you want to essentially keep it here. Why do we need a statute?"

Speaker Churchill: "Representative Lawfer."

Lawfer: "Well, a lot of things has changed in society and I would hope that we wouldn't need this as a statute. But on the other hand as a life tenancy changes, the heirs may or may not live in this area. And they may or may not want to exercise their rights over the farmer's rights that...and not recognize what is common law and the farmer would have to sue for damages."

Speaker Churchill: "Representative Hoffman."

Hoffman: "Now I've served with you, Representative, now I guess for four years and I've always known you to be a man who has represented fairly, I believe, landowners' rights. Don't you believe that's correct? I think you have."

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

123rd Legislative Day

April 30, 1996

Speaker Churchill: "Representative Lawfer."

Lawfer: "I would hope so."

Speaker Churchill: "Representative Hoffman."

Hoffman: "Well, aren't you, by this Bill, essentially saying that the landowner does not have the ability in order to make decisions as to what happens to that land? What you're saying here is that a person who had a life tenancy and then passes away, his heirs who are then essentially the landowners can no longer control the destiny of their own land. Why do you want to do that?"

Speaker Churchill: "Representative Lawfer."

Lawfer: "All this does is control the destiny of the farmer for that crop year, when that life tenancy terminates during that crop year."

Speaker Churchill: "Representative Hoffman."

Hoffman: "Well, I guess since indeed the common law has already recognized this, I see no problem for voting for this. I just kind of wonder why we have to do it if there's no specific instance that we can point to."

Speaker Churchill: "Further discussion. The Gentleman from Cook, Representative Lang."

Lang: "Will the Sponsor yield?"

Speaker Churchill: "He indicates he will. Please proceed."

Lang: "Thank you. Representative, you and Representative Hoffman have been involved in a discussion here regarding something called life tenancies. There are quite a few people on this Floor who have no idea what the heck that is. Do you want to tell us?"

Speaker Churchill: "Representative Lawfer."

Lawfer: "I'm not an expert on life tenancy, but on the other hand, because of the estate laws, many parcels, especially farmland, passes on to a life tenancy where one generation

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

123rd Legislative Day

April 30, 1996

and then the ownership passes on to another generation."

Speaker Churchill: "Representative Lang."

Lang: "Well, that sounds like a will. I mean if I own a piece of property and I die, it goes from one generation to another generation so that's a will. Some people here are rooting for that which I think is very pleasant. But, the question is what's a life tenancy? We've got people over here that aren't as knowledgeable in this area as you. I went to law school for several years and I recall professors telling me they weren't even sure what the heck a life tenancy was so maybe you can tell us a little more about that, Sir."

Speaker Churchill: "Representative Lawfer."

Lawfer: "Well, I've been a farmer all of my life. I haven't went to law school but on the other hand, my belief is that life tenancy is an instrument that has been created by some people in the legal profession to implement or use the inheritance laws to...for timely passing of property, especially farmland. It's very useful in passing farmland on to generations and for that farm to remain intact."

Speaker Churchill: "Representative Lang."

Lang: "Well, we've indicated that this was invented by people in the legal profession. Actually, this was created by the General Assembly. Is it not?"

Speaker Churchill: "Representative Lawfer."

Lawfer: "What this Bill does is allows the farmer to continue and collect his investment that he has put in to the crop and to finish the crop year and also be paid for any crop preparation that he may have done without suing for damages."

Speaker Churchill: "Representative Lang."

Lang: "Well, I'm still not sure you've clarified for me what a life tenancy is. Perhaps Jerry can help. But maybe we can

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

123rd Legislative Day

April 30, 1996

do this later relative to the life tenancy because I don't think anyone cares anyway. But let me ask you this. The Amendment goes on to define the term farmland. Would that include land that Representative Hartke was talking about some years ago when he was talking about his bull semen Bill?"

Speaker Churchill: "Representative Lawfer."

Lawfer: "I'm not sure."

Speaker Churchill: "Representative Lang."

Lang: "Well, maybe we can go on to some other part of this Bill that you are sure about. You change a time period in this Bill from four months to six months. Why do you do that?"

Speaker Churchill: "Representative Lawfer."

Lawfer: "Many of the crop leases, the common law crop leases and livestock leases run until the first of March rather than terminate on the first of January. A lot of crop preparation, plowing, chiseling, fertilization, occurs in September and October. If this was to terminate on the first of January, that was only four months, a lot of crop share leases or leases involving livestock terminate on the first of March. The reason for that, Representative Lang, is because livestock requires a lot of feed. And so it's been the common procedure that those leases should terminate on the first of March so that these tenants do not have to move a lot of feed."

Speaker Churchill: "Representative Lang."

Lang: "Were there any opponents to this Bill in Committee, Sir?"

Speaker Churchill: "Representative Lawfer."

Lawfer: "Not to my knowledge."

Speaker Churchill: "Representative Lang."

Lang: "This Bill amends the Code of Civil Procedure?"

Speaker Churchill: "Representative Lawfer."

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

123rd Legislative Day

April 30, 1996

Lawfer: "Yes."

Speaker Churchill: "Representative Lang."

Lang: "Uh huh. Have you discussed this Bill with the Illinois Trial Lawyers' Association, Sir?"

Speaker Churchill: "Representative Lawfer."

Lawfer: "They have not approached me."

Speaker Churchill: "Representative Lang."

Lang: "They have not what, Sir?"

Speaker Churchill: "Representative Lawfer."

Lawfer: "They have not approached me."

Speaker Churchill: "Representative Lang."

Lang: "You mean they haven't discussed this Bill with you. Is that what you mean, Sir?"

Speaker Churchill: "Representative Lawfer."

Lawfer: "That's correct."

Speaker Churchill: "Representative Lang."

Lang: "Well, I'm very concerned about any agriculture Bill that amends the Code of Civil Procedure. But as I recall I voted for this Bill in Committee. So I think I'll vote for it today, too. Thank you."

Speaker Churchill: "There being no further discussion, Representative Lawfer to close."

Lawfer: "Ladies and Gentlemen, I think it's a good Bill. It puts in to statutes of common law. It's in the Code of Civil Procedures because that's where the code is for termination of leases. So that's why it's in that Bill. I'd urge a 'yes' vote."

Speaker Churchill: "The question is, 'Shall Senate Bill 1665 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

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

123rd Legislative Day

April 30, 1996

question there are 115 'ayes', 0 'nays', and 0 voting 'present'. And on this question, Senate Bill 1665 having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, please read Senate Bill 1748."

Clerk Rossi: "Senate Bill 1748, a Bill for an Act amending the Unified Code of Corrections. Third Reading of this Senate Bill."

Speaker Churchill: "The Chair recognizes the Gentleman from Cook, Representative O'Connor."

O'Connor: "Thank you, Mr. Speaker. Senate Bill 1748 amendifies the Unified Code Act of Corrections. Requires juveniles found delinquent for sexual offense to submit blood specimens to the Department of State Police for genetic marker groupings. And I'd be happy to answer any questions."

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

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

Speaker Churchill: "He indicates he will, please proceed."

Dart: "Representative, what's the estimated cost on this?"

Speaker Churchill: "Representative O'Connor."

O'Connor: "By the State Police, the estimated cost is \$150,000 dollars."

Speaker Churchill: "Representative Dart."

Dart: "Are they budgeted for that out of this year?"

Speaker Churchill: "Representative O'Connor."

O'Connor: "No, they are not budgeted for that this year but they feel as though that they'd be able to find the funds necessary."

Speaker Churchill: "Representative Dart."

Dart: "How many juveniles would this apply to?"

Speaker Churchill: "Representative O'Connor."

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

123rd Legislative Day

April 30, 1996

O'Connor: "Approximately five hundred, Representative."

Speaker Churchill: "Representative Dart."

Dart: "Is that the number of juveniles that were found delinquent of sex acts this past year?"

Speaker Churchill: "Representative O'Connor."

O'Connor: "Would you be kind enough to repeat the question please?"

Speaker Churchill: "Representative Dart."

Dart: "I was just curious. The number five hundred, was that the last year's number of juveniles who were found delinquent of sex acts?"

Speaker Churchill: "Representative O'Connor."

O'Connor: "That was an estimate from the State Police and how many blood samples or blood drawings they would have to take. That's where that number came from."

Speaker Churchill: "Representative Dart."

Dart: "Do you know what they based that on? Was the number of offenders that were charged with those...with sex acts, statewide in the past year or how they arrived at those statistics?"

Speaker Churchill: "Representative O'Connor."

O'Connor: "I would imagine that's where they got their figures from, yes."

Speaker Churchill: "Representative Dart."

Dart: "How many offenses is this going to apply to then?"

Speaker Churchill: "Representative O'Connor."

O'Connor: "The staff tells me four or five of the sex offenses, Representative."

Speaker Churchill: "Representative Dart."

Dart: "Now, are there going to be any provisions in here that will deal with those who are charged with sexual exploitation at all?"

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

123rd Legislative Day

April 30, 1996

Speaker Churchill: "Representative O'Connor."

O'Connor: "No, that offense would not be covered."

Speaker Churchill: "Representative Dart."

Dart: "And anything dealing with ritualized abuse of a child?"

Speaker Churchill: "Representative O'Connor."

O'Connor: "No."

Speaker Churchill: "Representative Dart."

Dart: "Is there a reason why? It's obvious the offenses you did include, there's obvious reasons to include those, I see that. But is there a reason why we did not include those offenses which would, in my opinion, be something that would be an indication of problems to come?"

Speaker Churchill: "Representative O'Connor."

O'Connor: "It was felt as though at this time that they're not needed based on a solicitation not truly being a sex act."

Speaker Churchill: "Representative Dart."

Dart: "Well, although it's not a sex act, I would feel that sexual exploitation of a child, indecent solicitation, child pornography, ritualized abuse as a child, intentionally luring or attempting to lure a child. I think those would be good indicators that we are dealing with somebody here who is probably going to commit these offenses again. I think it would be well worth our while to include those offenses in here. Because I believe the entire intent of your legislation is to have these...the people who commit these offenses have their genetic markers marked down. Would it not be something you think we should include maybe in a trailer Bill or something?"

Speaker Churchill: "Representative O'Connor."

O'Connor: "No, at this time I would want to leave those out of this particular Bill. And as you well know, Representative, things could be added at a future date."

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

123rd Legislative Day

April 30, 1996

Speaker Churchill: "Representative Dart."

Dart: "Is there any reason why you would oppose that in these measures?"

Speaker Churchill: "Representative O'Connor."

O'Connor: "Representative, I don't oppose that. But the Bill as it's written, I am very content and satisfied with the way it is written at this point."

Speaker Churchill: "Representative Dart."

Dart: "To the Bill. I agree with the Bill and where it's going after but, unfortunately, this should be more expansive. What you're attempting to do here, Representative, is to put these individuals on a registry so that we can utilize that later on when and if they commit future offenses. These are the individuals the type that are notorious as recidivists. The offenses that you've not included, though, are also offenses where I think if common sense would dictate, these are indicators of worse to come. I think it would behoove us if we are really going to really try to go after this, go after the sexual abuse of child, adults, the rest of it that we would want to expand this to include all the offenses that are indications of trouble to come."

Speaker Churchill: "Further discussion, the Gentleman from Vermilion, Representative Black."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. I'm genetically inclined to Move the previous question."

Speaker Churchill: "The question is, 'Shall the previous question be moved?' All those in favor signify by saying 'aye', and the opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it. The previous question is Moved. Representative O'Connor to close."

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

123rd Legislative Day

April 30, 1996

O'Connor: "I'd ask for a favorable vote on Senate Bill 1748.

Thank you."

Speaker Churchill: "The question is, 'Shall Senate Bill 1748 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 115 'ayes', 0 'noes', 0 voting 'present'. And on this question Senate Bill 1748 having received a Constitutional Majority, is hereby declared passed. Representative Wojcik now Moves that the House stand adjourned until Wednesday, May 1, 1996, at the hour of 12:00 noon. All those in favor signify by saying 'aye', and the opposed 'nay'. In the opinion of the Chair the 'ayes' have it and allowing Perfunctory time for the Clerk, the House now stands adjourned until Wednesday, May 1, 1996, at the hour of 12:00 noon."

Clerk Rossi: "The House Perfunctory Session will come to order.

Introduction and First Reading of Constitutional Amendments. Senate Joint Resolution No. 3 Constitutional Amendment (As amended by Senate Amendment No. 1) RESOLVED, BY THE SENATE OF THE EIGHTY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES 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 6 months after the adoption of this resolution a proposition to amend Section 8 of Article IV of the Illinois Constitution as follows: ARTICLE IV THE LEGISLATURE SECTION 8. PASSAGE OF BILLS (a) The enacting clause of the laws of this State shall be: "Be it enacted by the People of the State of Illinois, represented in the General Assembly."

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

123rd Legislative Day

April 30, 1996

(b) The General Assembly shall enact laws only by bill. Bills may originate in either house, but may be amended or rejected by the other. (c) No bill shall become a law without the concurrence of a majority of the members elected to each house. Final passage of a bill shall be by record vote. In the Senate at the request of two members, and in the House at the request of five members, a record vote may be taken on any other occasion. A record vote is a vote by yeas and nays entered on the journal. (d) A bill shall be read by title on three different days in each house. A bill and each Amendment thereto shall be reproduced and placed on the desk of each member before final passage. Bills, except bills for appropriations and for the codification, revision or rearrangement of laws, shall be confined to one subject. Appropriation bills shall be limited to the subject of appropriations. A bill expressly amending a law shall set forth completely the sections amended. The Speaker of the House of Representatives and the President of the Senate shall sign each bill that passes both houses to certify that the procedural requirements for passage have been met. (e) After November 5, 1996, no portion of any bill shall require a unit of local government or school district to establish, expand, modify, or increase its programs, activities, or services in such a way as to necessitate the expenditure of additional public revenue by a unit of local government or school district, unless at least one of the following applies: (1) the State appropriates additional funds to the unit of local government or school district that fully fund the additional expenditures necessary to carry out the requirement for each year the requirement is in effect; (2) the bill passes with the

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

123rd Legislative Day

April 30, 1996

concurrence of at least three-fifths of the members elected to each house; (3) that portion of the bill imposes a federal law that the unit of local government or school district would otherwise be required to meet by federal law or imposes a State or federal court order, with no additional requirements imposed by the State; or (4) that portion of the bill creates, expands, or modifies a specifically defined crime. (5) or that portion of the bill creates, expands or modifies benefits for workers injuries, or diseases, or benefits for unemployed workers. A law enacted after November 5, 1996 may not be the basis for administrative rules, regulations, or actions that require a unit of local government or school district to establish, expand, modify, or increase its programs, activities, or services in such a way as to necessitate the expenditure of additional public revenue by a unit of local government or school district, unless the law authorizes the rules, regulations, or actions. This subsection (e) does not apply to any portion of a bill that limits or regulates the ability of a unit of local government or school district to raise revenue. This Constitutional Amendment takes effect upon approval by the electors of this State.

Clerk Rossi: "Messages from the Senate by Mr. Jim Harry's secretary. Mr. Speaker, I'm directed to inform the House of Representatives that the Senate has concurred with the House of Representatives in the passage of the following Bills: House Bill 2659, a Bill for an Act in relation to collection of the arrearages of property taxes together with Senate Amendments 1 and 2. House Bill 2809, a Bill for an Act to amend the Property Tax Code together with Senate Amendment #1. House Bill 2918, a Bill for an Act to

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

123rd Legislative Day

April 30, 1996

amend the Illinois Horse Racing Act of 1975, together with Senate Amendment #1. House Bill 3669, a Bill for an Act to amend the Unified Code of Corrections, together with Senate Amendment #1."

Clerk McLennand: "Introduction of Resolutions. House Joint Resolution #106, offered by Representative Bost and House Joint Resolution #107, offered by Representative Gash. Are both referred to the Rules Committee. The House Perfunctory Session will stand in recess until the hour of 5:00 P.M."

Clerk McLennand: "The House Perfunctory Session will be in order. Resolutions. House Resolution #100, offered by Representative Capparelli, is referred to the Rules Committee."

Clerk McLennand: "Committee Reports. Committee Report from Representative Parke, Chairman from Committee on Commerce, Industry, and Labor, to which the following Bill was referred. Action taken on April 30, 1996. Reported the same back with the following recommendation: 'Do pass' Senate Bill 1669. Committee Report from Representative Deuchler, Chairman from the Committee on Financial Institutions to which the following Bill was referred. Action taken on April 30, 1996, reported the same back with the following recommendation: 'Do pass as amended short debate' Senate Bill 615. Committee Report from Representative Wait, Chairman from Committee on Transportation, to which the following Bills were referred. Action taken on April 30, 1996. Reported the same back with the following recommendations: 'Do pass' Senate Bill 1319. 'Do pass as amended Short Debate' Senate Bill 826 and Senate Bill 350. Committee Report from Representative Noland, Chairman from the Committee on Agriculture to which

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

123rd Legislative Day

April 30, 1996

the following Bill was referred. Action taken on April 30, 1996. Reported the same back with the following recommendation: 'Do pass as amended' Senate Bill 1473. Committee Report from Representative Balthis, Chairman from Committee on Cities and Villages to which the following Bills were referred. Action taken on April 30, 1996. Reported the same back with the following recommendations: 'Do pass as amended short debate' Senate Bill 1278 and Senate Bill 1780. Committee Report from Representative Pedersen, Chairman from the Committee on Insurance to which the following Bills were referred. Action taken on April 30, 1996. Reported the same back with the following recommendations: 'Do pass as amended' Senate Bill 1246. Committee Report from Representative Ackerman, Chairman from Committee on Public Utilities to which the following Bill was referred. Action taken on April 30, 1996. Reported the same back with the following recommendation: 'Do pass Short Debate' Senate Bill 1681. Being no further business, the House Perfunctory Session stands adjourned and the House will reconvene in full Session on Wednesday, May 1st at the hour of 12:00 noon.

APRIL 30, 1996

SB-0175 THIRD READING	PAGE	4
SB-0817 THIRD READING	PAGE	8
SB-1296 THIRD READING	PAGE	17
SB-1320 THIRD READING	PAGE	30
SB-1353 THIRD READING	PAGE	35
SB-1394 THIRD READING	PAGE	37
SB-1404 THIRD READING	PAGE	44
SB-1470 RECALLED	PAGE	46
SB-1503 THIRD READING	PAGE	47
SB-1604 RECALLED	PAGE	53
SB-1665 THIRD READING	PAGE	54
SB-1748 THIRD READING	PAGE	60
HR-0100 FILED	PAGE	67
HJR-0106 FILED	PAGE	67
HJR-0107 FILED	PAGE	67
*HJR-0018 FILED	PAGE	2
SJR-0003 FILED	PAGE	64

SUBJECT MATTER

HOUSE TO ORDER	PAGE	1
REPRESENTATIVE CHURCHILL IN THE CHAIR	PAGE	1
PRAYER - PASTOR FRANKS	PAGE	1
PLEDGE OF ALLEGIANCE - REPRESENTATIVE DURKIN	PAGE	1
ROLL CALL FOR ATTENDANCE	PAGE	2
SUPPLEMENTAL CALENDAR #1	PAGE	2
GUEST - 7TH GRADE FROM ST MARYS SCHOOL	PAGE	4
GUEST - STUDENT COUNCIL FROM CHURCHILL JUNIOR HIGH	PAGE	13
GUEST - BRAD RICHMOND - IL. YOUNG AUTHOR	PAGE	13
SPEAKER DANIELS IN THE CHAIR	PAGE	13
GUEST - BETA CLUB FROM EARLVILLE SCHOOL	PAGE	17
GUEST - ARIE CROWN HEBREW SCHOOL 8TH GRADERS	PAGE	37
STUDENT ADVISORY COMMITTEE	PAGE	35
REPRESENTATIVE CHURCHILL IN THE CHAIR	PAGE	17
HOUSE ADJOURNED	PAGE	64
HOUSE PERFUNCTORY SESSION	PAGE	64
MESSAGE FROM THE SENATE	PAGE	66
HOUSE PERFUNCTORY SESSION ADJOURNED	PAGE	68