

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

127th Legislative Day

May 8, 1996

Clerk McLennand: "Attention Members of House of Representatives, the House is going to delay convening until 12:15. Thank you. Committee Notice. Rules Committee will meet at 12:15 in the Speaker's Conference Room. Rules Committee will meet at 12:15 in the Speaker's Conference Room. Committee Notice. Rules Committee will meet at 12:15 in the Speaker's Conference Room. Rules Committee at 12:15 in the Speaker's Conference Room."

Speaker Daniels: "The House will come to order, the Members will please be in their chairs. Those not entitled to the floor, will please retire to the gallery. Chaplain for the day is Reverend Eddie Linhart of the Granite City Foursquare Church in Granite City. Reverend Linhart is the guest of Representative Tom Holbrook. Guests in the gallery may wish to rise for the invocation. Reverend Linhart."

Reverend Linhart: "Father, we want to thank You today for this being Your day, Lord, that You have made. We want to thank You for the House of Representatives, Lord. We want to thank You, that You would watch over, and that You would protect and that You would guide each one as they make the laws today, Lord, and as they govern, God, the Father, the things that... that is to pass today, I pray that Your leadership would be there. I pray that You would just lead and guide each thought and each heart. I pray Your peace upon our Nation and I ask it all in Jesus' name today. Amen."

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

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

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

Currie: "Thank you, Speaker. Let the record show that Representative Martinez is excused today."

Speaker Daniels: "Record will so reflect. Representative Cross is recognized on the Republican side of the aisle for any excused absences."

Cross: "Thank you, Mr. Speaker, if the record would please reflect that all the Republicans are here today. Thank you."

Speaker Daniels: "The record will so reflect. Mr. Clerk, take the record. There are 116 Members answering the roll and a quorum is present. The House will now come to order. Committee Reports."

Clerk McLennand: "Committee Reports. Committee Report from Representative Biggins, Chairman from Committee on Appropriations for General Services to which the following Bill was referred. Action taken on May 8, 1996, reported the same back with the following recommendation: 'do pass' as amended, Senate Bill 1922. Committee Report from Representative Tenhouse, Chairman from the Committee on Appropriations for Public Safety to which the following Bills were referred. Action taken on May 8, 1996, reported the same back with the following recommendations: 'do pass as amended', Senate Bill 1260 and Senate Bill 1263."

Speaker Daniels: "Announcements."

Clerk McLennand: "Rules Committee will meet immediately in the Speaker's Conference Room. Rules Committee will meet immediately in the Speaker's Conference Room."

Speaker Daniels: "Members of the House, I wonder if I could have your attention for a short time? We are pleased to have

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with us today..., Members of the House...Members...Republican Members. Hello. Representative Balthis, Representative Wennlund. We are pleased to have with us today, Tracy Hayes, who is Miss Illinois. Tracy Hayes is a Senior Media Communications Major at Wheaton College. Tracy was the fourth runner-up in the Miss America pageant last September, and she has spent this year advocating her platform issue, Juvenile Crime Prevention. This past week Tracy has been on a school tour in Southern Illinois speaking to students about the importance of education, college, and setting career goals. Tracy Hayes is a constituent of Representative Peter Roskam and his guest today. Would you please welcome Miss Illinois 1995, Tracy Hayes? Would you like to say hello?"

Tracy Hayes: "Yes, thank you. Thank you. It certainly is a privilege to be here today. I have been down in the southern most part of the state doing what I do as Miss Illinois, which is advocating Juvenile Crime Preventative Programs but also, speaking about the importance of education. So in the midst of traveling throughout the state, it's certainly an honor to be able to come in here and say hello to you and thank you for your support. It has been a pleasure to meet so many of you and I want to thank you for allowing me to say just a few words this morning. So, thanks."

Clerk McLennand: "Rules Committee will meet immediately in the Speaker's Conference Room. Rules Committee immediately in the Speaker's Conference Room."

Speaker Daniels: "Members of the House, I wonder if I could have your attention regarding the House schedule. The House will adjourn tomorrow afternoon. Will not be in Session."

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Will not be in Session on Friday, May 10, and will not be in Session on Monday, May 13. We will return to Session on Monday, May 14...Tuesday, May 14. We will not be in Session on Saturday, May 18. Let me repeat that again. There are three days that we have scheduled for Session, that we will not be in Session. That is May 10, May 13, and May 18. We will continue to review the schedule to see how other dates or whether or not those dates are necessary to be in schedule. So, if you will adjust your arrangements accordingly. Thank you. We are joined today by the Schaumburg Senior Citizen's Nutrition Center from Schaumburg, Illinois. They are the guests of Representative Kay Wojcik, who are in the gallery. Welcome. Introduction of Bills."

Clerk McLennand: "Introduction First Reading of House Bills. House Bill 2731, offered by Representative Deering, a Bill for an Act to amend Agriculture Fair Act. Introduction, First Reading."

Speaker Daniels: "Page four of the Calendar appears Senate Bill 542. Read the Bill, Mr. Clerk."

Clerk McLennand: "Senate Bill 542, Bill has been read a second time, previously. Committee Amendment #1 was adopted. No Floor Amendments. Fiscal Note has been requested on the Bill as amended, and it has been filed."

Speaker Daniels: "Third Reading. Representative Lang."

Lang: "Thank you, Mr. Speaker. My light has been on for some time, I know you are busy up there. Mr. Speaker, on the last Bill we handled yesterday, which was Senate Bill 1781. During debate, Representative Scott clearly asked the Chair, who was Representative Wojcik at the time, for a verification if the Bill received the required number to pass. It did receive the required number to pass; however,

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the Chair refused the verification. In fact, there was yelling and screaming, of course, going on on this side of the aisle, and I am sure you heard it in your office. But apparently, Representative Wojcik did not hear it in the Chair. If you would play back the tape from yesterday, review the transcript, you would see that Mr. Scott did ask for that verification and we would ask, that in all fairness, that you put that Bill back up on the board and either restore that roll call or have another vote on it so we could have the appropriate verification."

Speaker Daniels: "Thank you, Representative Lang. Page four of the Calendar appears Senate Bill 761. Read the Bill, Mr. Clerk."

Mr. Clerk: "Senate Bill 761. Bill has been read a second time, previously. Committee Amendment #1 was adopted. Floor Amendment #2, offered by Representative Brady, has been approved for consideration."

Speaker Daniels: "Take that Bill out of the record. Page five of the Calendar appears Senate Bill 1268. Read the Bill, Mr. Clerk."

Clerk McLennand: "Senate Bill 1268. Bill has been read a second time, previously. Committee Amendments #1 was referred to Rules. Committee Amendment #2 was referred to Subcommittee. Floor Amendments #3 and 4, were referred to Rules. A Fiscal Note has been filed on the Bill as amended. A State Mandates Note has been requested and has not been filed."

Speaker Daniels: "Hold that Bill on the Order of Second Reading. Senate Bill 1448, read the Bill, Mr. Clerk."

Clerk McLennand: "Senate Bill 1448. Bill has been read a second time, previously. Committee Amendment #1 was adopted. Committee Amendments #2,3,4, and 5 were referred to Rules.

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No Floor Amendments. Fiscal Notes, State Mandates Note have been requested on the Bill and they have been filed."

Speaker Daniels: "Third Reading. Page six of the Calendar appears Senate Bill 1546, read the Bill, Mr. Clerk."

Clerk McLennand: "Senate Bill 1546. Bill has been read a second time, previously. Committee Amendment #1, was adopted. A Fiscal Note has been requested on the Bill as amended and it has been filed."

Speaker Daniels: "Third Reading. Senate Bill 1544 on page six of the Calendar. Read the Bill, Mr. Clerk."

Clerk McLennand: "Senate Bill 1544. Bill has been read a second time, previously. Committee Amendment #1, was adopted. No Floor Amendments. Fiscal Note, State Mandates Note have been requested on the Bill and they have been filed."

Speaker Daniels: "Third Reading. Senate Bill 1696, read the Bill, Mr. Clerk."

Clerk McLennand: "Senate Bill 1696. Bill has been read a second time, previously. Committee Amendment #1, was adopted. No Floor Amendments. Fiscal Notes and State Mandates Notes have been requested and filed."

Speaker Daniels: "Third Reading. Committee Reports."

Clerk McLennand: "Committee Report. Committee Report from Representative Churchill, Chairman from the Committee, on Rules to which the following Joint Action Motions were referred, action taken on May 8, 1996, reported the same back; 'do approve' for consideration. To the House Floor, House Resolution #108. To the Order of Concurrence, House Bill 379, House Bill 427, House Bill 907, House Bill 1260...1286, House Bill 2347, House Bill 2421, House Bill 2557, House Bill 2659, House Bill 2809, House Bill 2915, House Bill 2918, House Bill 3052, House Bill 3157, House Bill 3227, House Bill 3233, House Bill 3414, House Bill

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3448, House Bill 3578, House Bill 3601, House Bill 3613, and House Bill 3669. Again, these House Bills are placed on the Order of Concurrence."

Speaker Daniels: "House...Senate Bills Third Reading. Senate Bill 542, read the Bill, Mr. Clerk."

Clerk McLennand: "Senate Bill 542. Bill for an Act to repeal the Constitutional Convention Lobbyist Registration Act. Third reading of this Senate Bill."

Speaker Daniels: "Representative Biggins."

Biggins: "Thank you, Mr. Speaker. Senate Bill 542 is a product of the Legislative Audit Commission. It's a Bill in formation right now, it is not complete. We would like to send it over to the...pass it out of the House. The Audit Commission has been working for over a year on eliminating laws that are considered to be unenforceable, obsolete, unnecessarily burdensome, duplicative, or of no administrative benefit. This shell Bill will be worked upon by the Audit Commission and Members of the House to arrive at its final package, its content. Right now the Bill has bipartisan support, because all the members of the commission, both parties are working on it, we have eliminated many items. Some of whom, some of which though, were Acts that were called upon that have been done, and the need for the commission is no longer viable. Therefore, it is expected that we will come up with a final product that both parties will approve, and any Members that are unhappy I would ask that both Sponsors would ask that all Members study this Bill in its final form, and if there are any problems that they have with any part of it they should let us, Representative Deering, myself or any of the other Cosponsors be made aware of them. So I would ask for the support of this Body today on this product of

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the Legislative Audit Commission and I request an 'aye' vote."

Speaker Daniels: "Any further discussion? The Gentleman from Clinton, Representative Granberg."

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

Speaker Daniels: "Indicates he will."

Granberg: "Representative Biggins, if I heard you correctly, you indicated that this would be used as a vehicle for the Fall Veto Session for the report that would be issued by the Illinois Legislative Audit Commission on rescinding old laws, or inapplicable laws that are currently on the books. Is that your intention?"

Speaker Daniels: "Gentlemen will you please excuse me for a moment, there is an announcement that we need to make. I would ask everyone within hearing distance of this to listen. The Capitol Street is starting to flood, if you have a car parked along Capitol Street you might want to check it cause it may be under water fairly soon. So it is raining pretty hard out there, so you may want to move your automobile. Anyone with listening distance, if you have a car on Capitol Street. Or at least call the towing company and have a water sale or something. Okay, Representative Biggins."

Biggins: "Thank you, Mr. Speaker. In answer to the previous Gentleman is question. The answer is, 'yes'. Coincidentally, this Bill, in it's final form, will be flooded with good intentions."

Speaker Daniels: "Representative Granberg."

Granberg: "Ah, it certainly does get deep around here, but I didn't think, that you would actually state it from the podium. Representative Biggins, it is again, it is not

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your intention to use this Bill for any other purpose? This will be passed back over to Senate, thrown into conference. It will stay there until the Fall Veto Session and the audit report, no other purpose? I, I just want that for the record. Representative Deering indicated to me, he thought that was the intent of both sides of the aisles and that is correct."

Speaker Daniels: "Representative Biggins, your answer is?"

Biggins: "That is correct, Sir."

Speaker Daniels: "Representative Granberg, anything further. Nothing further, Representative Deering?"

Granberg: "No, nothing further. Thank you, Mr. Speaker."

Speaker Daniels: "Representative Deering?"

Deering: "Thank you, Mr. Speaker. I would just encourage Members on both sides of the aisle to vote for this Bill. This is a bipartisan effort by the Audit Commission to try to repeal some laws in essence of everything that Representative Biggert, or Biggert has been, Biggins has been alluding to, so I would recommend everybody support this Bill."

Speaker Daniels: "Representative Biggins has moved for the passage of Senate Bill 542. All those in favor will signify by voting 'aye', oppose by voting 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. There are 114 'ayes', 0 voting 'no', 0 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Senate Bill 1448. Read the Bill, Mr. Clerk."

Clerk McLennand: "Senate Bill #1448. A Bill for an act that amends the Illinois Vehicle Code. Third Reading of this Senate Bill."

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Speaker Daniels: "Take that Bill out of the record, Mr. Clerk.
Senate Bill 1544. Read the Bill, Mr. Clerk."

Clerk McLennand: "Senate Bill #1544. Bill for an Act that amends
the Illinois Public Aid Code. Third Reading of this Senate
Bill."

Speaker Daniels: "Next Bill is Senate Bill 1546, who will be
Representative Kubik. Representative Leitch."

Leitch: "Thank you, Mr. Speaker, Ladies and Gentlemen of the
House. Senate Bill 1544 merely provides for some
legislative oversight to intergovernmental agreements that
are arranged on behalf of the Department of Public Aid and
I would ask for its approval."

Speaker Daniels: "Any discussion? Gentleman from Clinton,
Representative Granberg."

Granberg: "I have a inquiry of the Chair, Mr. Speaker. Will
those pictures be available for all of the Members of the
House? Will those, will those be personally autographed
and submitted to every Member?"

Speaker Daniels: "Representative Woolard, Representative Woolard.
Representative Woolard. Would you care to explain what it
is that your bear was doing and what you are doing there?
You can, you can address us from Representative Granberg's
desk. Representative Woolard."

Woolard: "Let me explain, let me explain. Okay, I am going to
explain what the Geo Cat is. These are traveling the world
over, in fact, they are in Europe today, one of them. One
of them is in Springfield, Illinois. These came from the
Marion Grade School, in Marion, Illinois. The kids have a
living project going on in their educational classes there,
and they are getting pictures from all around the world,
all walks of life. We just took a picture here in the
House and we appreciate the interference that we might have

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caused."

Speaker Daniels: "Discussion on Representative Leitch's Bill,
Senate Bill 1544. Representative Schakowsky."

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

Speaker Daniels: "He indicates he will."

Schakowsky: "First I'd like to take this legislation off of Short
Debate, and I'd like to see hands."

Speaker Daniels: "Representative Leitch. Representative
Schakowsky."

Schakowsky: "Representative, I am sorry there was kind of a
traffic around my seat. I'm was wondering if you could
repeat for me what this Bill does?"

Speaker Daniels: "Representative Leitch."

Leitch: "The long and the short of it is, the Senate feels that
it's appropriate to have some legislative oversight before
intergovernmental transfers are approved. I might also add
that this looks like a whole lot like a vehicle Bill to me.
This looks a lot like a vehicle Bill to me, that may wind
up in conference and relate to Medicaid issues."

Speaker Daniels: "Representative Schakowsky."

Schakowsky: "Well, I appreciate your being candid about that, but
I have some problems with the Bill itself, and what I
wanted to ask about is what effect this Bill would have,
for example on the intergovernmental transfer payments and
the Intergovernmental Agreement that has been negotiated
between the Illinois Department of Public Aid and Cook
County that resulted in significant additional dollars,
about a \$138 million going to the State of Illinois for
Medicaid and \$62 million that would then go to Cook County
Hospital. How would such an agreement as that be impacted
by this legislation?"

Speaker Daniels: "Representative Leitch."

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Leitch: "I think were this to become law, the agreement would have to be approved by the General Assembly before the administration could execute the document. I share your concerns about the money and where that's going and I would suggest to you again that this looks a whole lot like a vehicle Bill to me."

Speaker Daniels: "Representative Schakowsky."

Schakowsky: "I am sorry I, you said you share your concerns but, and then I didn't hear the rest."

Speaker Daniels: "Representative Leitch."

Leitch: "It's a Vehicle Bill."

Speaker Daniels: "Representative Schakowsky."

Schakowsky: "Well, to the Bill Ladies and Gentlemen of the House.

I would certainly urge all of my colleagues to vote 'no' on a Bill that we don't have any clue what it may become and what we do know is that it could put in jeopardy the kind of agreements that ended up with significant amount of money coming to the State of Illinois for Health Care, and so I would, number one, ask for a Verification of the Roll Call if it achieves the correct number of votes and I would urge a 'no' vote on the Bill."

Speaker Daniels: "There being no further discussion, Representative Leitch moves the passage Senate Bill 1544. All those in favor signify by voting 'aye'; opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 70 'ayes'; 42 'noes' and 2 voting 'present'. This Bill, having received the Constitutional Majority, do you wish to persist in your verification Representative Schakowsky? She removes her request for a verification. This Bill having received a Constitutional Majority, is hereby

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declared passed. Senate Bill 1546. Read the Bill, Mr. Clerk."

Clerk McLennand: "Senate Bill #1546, a Bill for an Act in relation to taxes. Third Reading of this Senate Bill."

Speaker Daniels: "Representative Kubik. The next Bill will be Senate Bill 1696, Representative Biggert. So on Senate Bill 1546 is Representative Kubik."

Kubik: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 1546, as amended, does essentially two things. Let me explain what they do, what it does. The underlying Bill deals with an issue of clarification which was drafted by the Illinois State Dental Society and the Department of Revenue, to determine who is the individual who pays a transaction, who pays the the tax in transaction. In some cases where a transaction occurs there is two service people involved and this would clarify which of the two service people would pay the tax. This Bill is also amended to include a provision which would allow for cooperatives to be included in a program which single family residents are currently in, which would result in a reduced assessment. These cooperatives must meet some very, very stringent rules as the residences currently do, with respect to landmark status and historic preservation. These are buildings which are, have historic value and they are buildings which qualify and are qualified by the, the Department of Historic Preservation. We simply are adding 'cooperatives' to the list of buildings that are eligible. I know of no opposition to this legislation. I would be happy to respond to questions that you might have."

Speaker Daniels: "Representative Dart."

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

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Speaker Daniels: "Indicates he will."

Dart: "Representative, just a couple of quick questions regards to the provisions dealing with the dental provisions here. What was the arrangement made here? Because I know there had been a great deal of confusion, what was the exact arrangement made here to alleviate the confusion?"

Speaker Daniels: "Representative Kubik."

Kubik: "Representative Dart, as I understand the issue, and I understand as you know on extremely complicated issue. But what we've done in the Bill, as I understand it, is to if there are two people that are involved in a transaction who are in a service business, such as service men or dentists, sometimes they are working on the same patient and the question is, 'Who pays the tax?' This piece of legislation would determine which of those two people, pays the tax. Now, as I understand it there is language in a formula that is set up so that they will do this. I might point out a couple of a things. Number one, the amount of revenue here is not that much of amount of revenue change, but secondly, the department and the various service organizations like the Dental Society, et cetera, sat down and agreed on this legislation because they recognized that there is double taxation going on here."

Speaker Daniels: "Representative Dart."

Dart: "So then, just for clarification then, both of the parties are in agreement here. It isn't as if one of the parties is now going to get stuck paying the tax. Both parties are in agreement on it because it is going to set up clear standards so that they'll know who is suppose to pay and that there is not a double tax?"

Speaker Daniels: "Representative Kubik."

Kubik: "Yes."

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Speaker Daniels: "Representative Dart."

Dart: "No further questions. Thank you."

Speaker Daniels: "Being no further discussion, Representative Kubik moves for the passage of Senate Bill 1546. All in favor signify by voting 'aye'; opposed by voting 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk, will take the record. On this question there are 113 'ayes'; 0 voting 'no' and 0 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, what is the status of Senate Bill 350?"

Clerk McLennand: "Senate Bill #350 is on the Order of Third Reading."

Speaker Daniels: "Return that Bill to the Order of Second Reading. Senate Bill 1696. Read the Bill, Mr. Clerk."

Clerk McLennand: "Senate Bill #30..1696, a Bill for an Act that amends Children and Family Services Act. Third Reading of this Senate Bill."

Speaker Daniels: "Representative Biggert. Excuse me Representative Biggert. Representative Moore, for what purpose do you arise?"

Moore: "Thank you, Mr. Speaker, before you begin, begin with this Bill I would like the record to reflect that my switch did not work and I would have voted 'aye' on the last Bill. Thank you."

Speaker Daniels: "The record will so reflect. Representative Biggert, on Senate Bill 1696."

Biggert: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 1696 is a Bill involving DCFS and it requires them to report annually to the General Assembly regarding children in DCFS care who are placed out of

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state. his is a Bill to address issues that will come before the General Assembly in case of need, and I would ask for your favorable passage, and would be happy to answer any questions."

Speaker Daniels: "Representative Wojcik, for what purpose is your light on?"

Wojcik: "Thank you, Mr. Speaker. I would just like to announce to our side of the aisle that the steak fry is canceled for tomorrow night, and your secretaries will be notified when it will be held again since we have been having changes of directions here. So you will be notified. But thank you for all you who are coming, but don't come. Okay."

Speaker Daniels: "On Senate Bill 1696 is there of any discussion? The Gentleman from Cook, Representative Dart."

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

Speaker Daniels: "Indicates that he will, she will."

Dart: "Representative, shouldn't...the focus of this Bill is to have DCFS report their out of state placements, is that correct?"

Speaker Daniels: "Representative Biggert?"

Biggert: "Yes, that's what the language says."

Speaker Daniels: "Representative Dart."

Dart: "Shouldn't they be doing that right now? I mean, they are supposed to watch all the children in the state. Now, if the Legislature wishes to ask them were the kids are at, shouldn't they be able to tell us where the children are at?"

Speaker Daniels: "Representative Biggert."

Biggert: "Yes Representative, at this time we do have the interagency authority on residential facilities which is the requirement for that report. And it is compiled on an annual basis and it's set to a sunset on December 31,

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Speaker Johnson, Tim: "Representative Johnson in the Chair.
Representative Dart."

Dart: "Now, is this interagency agreement required for them to
give us this information, or is that information they
should be able to give us without it?"

Speaker Johnson, Tim: "Representative Biggert."

Biggert: "Representative, they have been providing it on a
regular basis and this is a vehicle Bill to allow us to
address the issues for DCFS if needed in the remaining part
of the Session."

Speaker Johnson, Tim: "Representative Dart, further questions?"

Dart: "Representative, I am just looking at the file now. This
Bill is, does it not have substance on it too or, is it
just purely just a Shell Bill or Vehicle Bill?"

Speaker Johnson, Tim: "Representative Biggert."

Biggert: "It has the reporting requirements, but it is also to be
used as a vehicle Bill."

Speaker Johnson, Tim: "Representative Dart."

Dart: "Okay, then the long and short of it is, the substance of
the Bill is not really supposed to do a lot, it just wants
to be kept around for later as a vehicle."

Speaker Johnson, Tim: "Representative Biggert."

Biggert: "That's correct."

Speaker Johnson, Tim: "Representative Dart."

Dart: "Are there any plans that you are aware of as far as what
they want to do with this vehicle, as far as at least
subject matter, what they are planning on doing with it?"

Speaker Johnson, Tim: "Representative Biggert."

Biggert: "There is nothing set right now."

Speaker Johnson, Tim: "Representative Dart."

Dart: "So, they just filed that. So you are not aware if this

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is going to be used for adoption reform, or if this is going to be used for termination or placement or any of that stuff?"

Speaker Johnson, Tim: "Representative Biggert."

Biggert: "No, I am not aware of what that, but it's the only Bill that's alive right now to be used for any issues that might have to be addressed."

Speaker Johnson, Tim: "Representative Dart."

Dart: "Okay, I just...to the Bill. This is a Bill that is shell to work on matters of DCFS. I find it unfortunate that we have not been able to talk about these in more of an open forum, have committee hearings to talk about these things. I would hope that whatever we are going to do in this area we are going to have some degree of debate as opposed to having something to appear as Conference Committee, or in another forum where we will have no committee hearings and no opportunity to debate issues such as this. It's been terribly unfortunate. I know many Members of this side of the aisle have introduced Bill, after Bill, after Bill in an attempt to bring up some of the issues that are important. One of them is adoption reform. On this Bill itself we have filed an Amendment which, unfortunately, is going to be the Rules Committee, that would, in fact, try to push along adoptions in an effort to speed them up. There have been some halfhearted and very weak attempts to address the problems in adoptions this Session. None of them have gone anywhere. But there is an opportunity to do something in regards to adoption, to speed up adoptions, to move some of these children out of these temporary homes into permanent settings, and it is very unfortunate that your party has sought to turn your back on these issues. You have done nothing about it and the weakest attempt you

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have is a shell Bill at this hour to discuss issues that should have been discussed months ago in a bipartisan fashion, because these kids are not Democrats or Republicans. It is terribly unfortunate this is the way you choose to go about doing business here."

Speaker Johnson, Tim: "Lady from Cook Representative Flowers, proceed."

Flowers: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Representative Biggert I have..."

Speaker Johnson, Tim: "She indicates she will yield."

Flowers: "Well thank you, thank you very much, Sir. I have a this Amendment here and I would really appreciate if you would take this Bill back to second for the purpose of talking about or at least looking at this Amendment. Because in light of what President Clinton had in, or his statement in regards to what he did in regards to adoption earlier this week in the newspaper, I think we need to reconsider some of the things that we did last year and this Amendment to Senate Bill 1696 would repeal some of the erroneous things and bring this state into compliance. So would you please be so kind as to move this Bill back to second just to look at my Amendment? Just so we can look talk about it and maybe I can dress it up or dress it down, however it would be to help you bring this state into compliance. Because we are out of compliance in regards to adoption. We are out of compliance in regards to recruitment. We are out of compliance in so many ways. So would you please, please, please be so kind, as to move this Bill back to second for the purpose of this little Amendment."

Speaker Johnson, Tim: "Representative Biggert do you wish to respond?"

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Biggert: "With all due respect, Representative Flowers, I think that this Bill has been here for a while and I'm, I'm prepared now to move it. So I cannot honor your request."

Speaker Johnson, Tim: "Representative Flowers."

Flowers: "But, but Representative Biggert, I came in late but I did hear you say that this Bill does not do anything. So you are going to put in some new language anyway. So you may as well at least consider this Amendment and maybe it might be something to your advantage. It might be something that could help you in the cause of which you are trying to further push in regards to children. You and I both have the same interests. We would like to help DCFS in its endeavors. This is not a punitive Amendment. And it is just trying to move along the situation here. So would you at least consider?"

Speaker Johnson, Tim: "Representative Biggert."

Biggert: "Thank you, Representative Flowers. This is an issue that does concern all of us? DCFS and perhaps if this does goes to a conference then we will have the time then to address it."

Speaker Johnson, Tim: "Representative Flowers, further questions or comments?"

Flowers: "Again, are you not going to rewrite the Bill?"

Speaker Johnson, Tim: "Representative Biggert."

Biggert: "I don't know."

Speaker Johnson, Tim: "Representative Flowers."

Flowers: "May I at least share with you my Amendment? So you could, if you are not going to move the Bill back to second for the purpose of this Amendment, may I please walk over to you my Amendment so that you could at least consider it, and would you promise me that you would read it and maybe try to incorporate some of the language."

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Speaker Johnson, Tim: "Representative Biggert."

Biggert: "Representative Flowers, I would like to move my Bill ahead right now. I will be happy at some time to look at your Bill."

Speaker Johnson, Tim: "Representative Flowers, further questions or comments?"

Flowers: "I want you to move your Bill. I would just like for you to move your Bill with my Amendment on it."

Speaker Johnson, Tim: "Representative Biggert, you responded once, do you wish to respond again?"

Biggert: "No."

Speaker Johnson, Tim: "Representative Flowers."

Flowers: "Well, Mr. Speaker, thank you very much, but I would like for her, you know to really reconsider this and I figured if I asked her often enough and in as many different ways she just might consider or get tired. But I am just asking could I just walk over to your desk and just put on your desk this Amendment that you would consider so when you are making the technical changes you might want to just incorporate some of this into your Bill. To make it a bigger, better and brighter Bill for the children of the State of Illinois."

Speaker Johnson, Tim: "Representative Biggert."

Biggert: "As I said before, Representative Flowers, I would be very happy to look at your Bill if you would like to walk across the aisle and deliver it to me."

Speaker Johnson, Tim: "Representative Flowers, apparently you have consent to walk across the aisle if you can do so in 36 seconds. Further questions?"

Flowers: "Mr. Speaker, I just wanted you to turn my mike back on to say, 'See, I told you so, if I asked her often enough'. And thank you very much, and I will walk over and deliver

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this to your desk. Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House."

Speaker Johnson, Tim: "Seeing or hearing no further debate, the Lady from DuPage, Representative Biggert, has moved for the passage of Senate Bill 1696. Those in favor vote 'aye'; those opposed vote 'no'. 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 112 voting 'aye'; 0 voting 'no' or 'present' and this Bill, having received the Constitutional Majority, is hereby declared passed. Proceeding in the Order of Senate Bills Third Reading on page three of the Calendar appears Senate Bill 1463. Read the Bill, Mr. Clerk."

Clerk McLennand: "Senate Bill #1463, a Bill for an Act concerning local Transfer Taxes. Third Reading of this Senate Bill."

Speaker Johnson, Tim: "Could I have the attention of the House, just briefly, before we address this Bill? This is a Bill that has been widely debated and a Bill of some moments. So if we could give the Sponsor, the proponents, and opponents your attention to this Bill it would be greatly appreciated. If we could break up the caucuses and the noise on the floor, give Representative Zickus and everyone else who wishes to address this Bill their full attention. Representative Zickus, proceed on Senate Bill 1463."

Zickus: "Thank you, Mr. Speaker and Members of the House. Senate Bill 1463 amends the Municipal Code and the Counties Code to establish that Home Rule units must follow prior, establish procedures that Home Rule units must follow prior to imposing or increasing a real estate Transfer Tax. The Real Estate Transfer Tax is imposed upon the privilege of transferring title to real property. Currently the State

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of Illinois imposes a Transfer Tax of a dollar per thousand of the value of the property that is transferred. And all counties are authorized by state law to impose an additional \$.50 per \$1 thousand and on the transfer of property. Senate Bill 1463 requires Home Rule cities and counties to hold a public hearing and a referendum prior to imposing or increasing a Real Estate Transfer Tax. It provides that the Real Estate Transfer Tax cannot be used as a tool to enforce other elements or requirements or ordinances. The legislation does not, and I repeat, it does not take away any existing revenues from local government. It quite simply requires local government to have citizen input and approval prior to increasing or imposing a Transfer Tax. The argument that this Bill will mean property tax increases simply does not hold true. The current lack of any state regulations on the imposition of Transfer Taxes have led many municipalities to impose Transfer Taxes that are excessive and hurts those least able to pay. For example, when these taxes are imposed on a home buyer, the tax in many cases, is a real barrier on the abilities of our young families to buy their homes. When the seller is required to pay, the tax is taken from the equity on the home. This equity oftentimes represents a families life savings. Transfer Taxes hit young families, trying to buy a home, hard and they often require the homebuyer to come up with an extra 1000 or more dollars at closing. It's especially hard on senior citizens. That the extra \$1 thousand or so is important to them in their retirement. But there's another critical point that we just simply can't ignore, and that is the ability of citizens to own freely, to own and freely, buy or sell"

Speaker Johnson, Tim: "Give the Lady your attention, please.

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Proceed, Representative Zickus."

Zickus: "And we cannot ignore the ability of citizens to own and freely buy or sell private property. It's a very important fundamental right. It's not a privilege. And the plain fact is that the Transfer Taxes are now approaching such a level that they infringe on the ability of our citizens to exercise that right. In short, a fundamental and essential element to our society has been the promotion of home ownership and private property rights. The excessive imposition of Real Estate Transfer Taxes flies in the face of home ownership and property rights. This legislation is pro taxpayer. It's a good initiative. I urge your 'aye' vote."

Speaker Johnson, Tim: "For what purpose does the Gentleman from Clinton, Representative Granberg, arise? Representative Granberg?"

Granberg: "Thank you, Mr. Speaker. Just for the record, how many votes does it take to pass Senate Bill 1463?"

Speaker Johnson, Tim: "Chamber, give the Chair your attention. Senate Bill 1463 is a limitation to the power of Home Rule units of governments to impose certain taxes. Accordingly pursuant to Article 7, Section 6, Subsection G of the Illinois Constitution, this Bill requires a three-fifths majority or 71 votes for passage. Proceeding further on the Bill, the Chair recognizes the Lady from Cook, Representative Currie, proceed."

Currie: "Thank you, Mr. Speaker and Members of the House. I rise in opposition to Senate Bill 1463. I think it's an unnecessarily intrusion on the Home Rule powers that we delegated when we adopted the 1970 Constitution to local units of government. We believe then and I think that we should believe now that on most matters, local governments,

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closer to the people, are able to, are able to make decisions concerning taxes and other issues that matter to their constituents. You may not be aware that it is the Real Estate Transfer Tax that makes it possible for many communities to make sure the water bills get paid, to make sure that building codes are enforced. When the real estate transfer payment is made it is possible for the city to insist, before the title can be transferred, that overdue water bills are current, that building code requirements have been enforced. Just for the City of Chicago, alone, the water bill opportunity in the Real Estate Transfer Tax amounts to a revenue of about \$7 million a year. Why would we want, why would we want to take away the opportunity for local governments, local communities to see to it that buildings are up to code, that buildings are up to standard? That Transfer Tax and the change in title offers a clear opportunity to provide municipal enforcement. Passage of this Bill would take that opportunity away. I think Senate Bill 1463 overreaches. I think that most communities are responsible, are willing to accede to the demands of the marketplace. I don't see why the people whose business it is sell houses want to undercut the very housing stock they hope to make a commission from. It seems to me that Senate Bill 1463 goes beyond what is good public policy for the state, is an intrusion on local government in violation of the Home Rule Authority we granted in our constitution, and is going to make it a lot more difficult for local communities to provide decent, affordable and safe housing for their constituents. I would urge a 'no' vote and I would ask, Speaker, and I am sure that I will be joined by five of my colleagues to take this Bill off of Short

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Debate."

Speaker Johnson, Tim: "Your request is recognized. The Chair recognizes the Gentleman from McLean, Representative Brady, proceed."

Brady: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I rise in support of the Sponsor and of this piece of legislation. This legislation is a good government piece of legislation. It simply allows the people in their own district to have a voice in the process of raising their taxes. It no longer gives blind authority to local units of government to increase Transfer Taxes beyond reasonable means, without going to the voters in that district. The Sponsor's worked very hard on this piece of legislation as have many others. I believe that if we were to look back and how we would allow local governments to impose Transfer Taxes, this would have originally been part of the language. Unfortunately, it was not. This makes that issue a much better issue and I ask you to support the Sponsor on this piece of legislation?"

Speaker Johnson, Tim: "On the Bill the Chair recognizes the Lady from Cook, Representative Schakowsky."

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

Speaker Johnson, Tim: "She indicates that she will, proceed."

Schakowsky: "This legislation was just characterized by the last speaker as good government. I wanted to ask you, Representative, why it is that you might think it would be good government to get rid of a mechanism that requires people who owe money to pay that money? Why are we including in that, in this legislation, that this Transfer Tax can no longer be used as a mechanism to make sure that before people leave the community they pay what everyone acknowledges they owe?"

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Speaker Johnson, Tim: "Representative Zickus."

Zickus: "Yes, Representative. The Real Estate Transfer Tax was never intended to be an enforcement tool. It was intended for revenue. There is nothing in this Bill that prohibits a municipality from imposing an ordinance for an inspection. We are just saying that it cannot be used as a tool. This is a good government Bill because it allows the people, the taxpayers who are going to have to take money out of their pocket to pay for this, the ability to approve by referendum. In addition to the state and county Transfer Taxes that are now imposed, the communities that are imposing them range anywhere from about \$.50 per 1000. Many of them up to \$10 a 1000 and there is an additional fee for a home inspection. But I want to tell you one other thing. Today many buyers get a private home inspection on their property that is thorough, it gives a detailed report. And in a lot of those cases there is a warranty that goes with it. It goes as far as giving you a report on the condition, life expectancy of your mechanical equipment, your roof, your foundation, your doorbell and people will not be as able to get those once they think that the municipality is protecting them, they are not."

Speaker Johnson, Tim: "Representative Schakowsky proceed."

Schakowsky: "Representative, you gave an argument about the tax, but I was asking you about deadbeats, about deadbeats who fail to pay bills, water bills, for example, owed to the city, \$7 million worth of water bills in the City of Chicago. Now, the City of Chicago, it's my understanding, approached you with an Amendment that would simply take out the part dealing with their ability to collect overdue bills from deadbeats. Now, we voted yesterday on a Bill to

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go after people who receive Public Aid, who were overpaid by the State of Illinois, no fault of their own, and we are going to go after that money, from them. Here we have a mechanism in place that allows millions of dollars to be collected. You had an opportunity to separate that out, so that people like me could consider voting against the tax, or against an increase in the tax. But, no, you want to protect deadbeats who owe millions of dollars to municipalities through this legislation. I think that's absolutely wrong and I urge a 'no' vote."

Speaker Johnson, Tim: "On the Bill the Chair recognizes the Gentleman from Cook, Representative Parke. Proceed, Representative Parke."

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

Speaker Johnson, Tim: "She indicates she will."

Parke: "Representative, I like many of us are trying to understand the full implications of this legislation. And one of the things that has been brought out is that the Bill, as originally proposed, would limit that the money collected could only be used to the process of collecting money. Can you clarify that for the Body?"

Speaker Johnson, Tim: "Representative Zickus."

Zickus: "That was never the intent of the original legislation as it came over to us, but we did amend it in committee and we clarified that there is no limit on what they can do with the money that they raised from this. That was taken care of with an Amendment."

Speaker Johnson, Tim: "Representative Parke."

Parke: "Thank you. Another point that's been brought up by some Members and some constituents, is that if you restrict the ability of a municipal government, specifically if you have Home Rule, to raise revenue by virtue of this means, what

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we find is a lot easier than to simply put on a property tax increase on behalf of the municipal government, because then they do not have to go to referendum. They can simply by virtue of a vote of the board pass an increase in the property taxes, rather than to go to the voters to referendum. How would you handle that concern?"

Speaker Johnson, Tim: "Representative Zickus."

Zickus: "One of the reasons for this Bill is so that the voters would have the opportunity if someone is just going to...if they, the people who are going to be raising the taxes have to be accountable to their constituents. If they don't want to do it by voter referendum and with voter approval, then they are going to have to pay the consequences at a later date."

Speaker Johnson, Tim: "Representative Parke."

Parke: "Could you go over one more time for me, as well as other Members of the General Assembly, the concept of the water bill. Many of my municipal leaders have come to me and say if you take this tool away then they will not have the ability to collect the water bills if the people actually leave town before the municipal government can catch up to them. Can you explain how you think this would help that or take care of that problem?"

Speaker Johnson, Tim: "Representative Zickus, in response. Please give the Lady and the Gentleman your attention so that we can hear these questions. Representative Zickus, proceed."

Zickus: "Yes, Representative, there are over a 1000 communities in the State of Illinois that are not Home Rule and they all have to collect their water bills, if there are any due. What's interesting, if you look at...many of the communities that have the water bill. They are charging

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the buyer, it is not even their expense. What happens in real life is that a buyer or a seller will come to the closing with a paid water bill or it doesn't close. Many times if they don't have that, the water is turned off when they leave, before it can be put into the new owner's name, and the water bill must be paid. The majority of the communities that are tying a water bill to the Transfer Tax are charging it to the buyer, and yet it is the seller's responsible. They're also, the City of Chicago, is charging yet another tax. A \$10 certification fee that the water bill is paid."

Speaker Johnson, Tim: "Representative Parke."

Parke: "Thank you, Representative. I don't have any further questions."

Speaker Johnson, Tim: "Chair recognizes the Gentleman from Cook, Representative Dart, proceed."

Dart: "Thank you, Mr. Speaker. To the Bill."

Speaker Johnson, Tim: "To the Bill."

Dart: "To Members here from the City of Chicago this is going to be a major hit to the City's Capital Fund, a major hit. So for you who have parts of the City of Chicago they're, they are expecting a loss of between 8 and 12 million as a result of this. So these would be projects in your districts that will not be able to be followed through on. It would be a tremendous hit. This Bill, I reluctantly rise in opposition too, it was a Bill that has some merit to it, but unfortunately the part to it dealing with the water collection is something that is a killer to the City of Chicago. It is something that at this point in and time we cannot afford. If you want to give us the \$7 or 8 million that we are going to lose on an annual basis, then of course, we would probably be open to talking about it.

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I sympathize with the realtors. They had thought that some of this had been worked out, and it was then brought to their attention. Yet, they wanted a another thing pulled out of this Bill. So I sympathize with them, then the nature of the problem and how it came about here. But I, nonetheless, have to rise in opposition. This is something that, granted the buyer, is the one that is being responsible for this, but it is the only way the City of Chicago can collect this money. I mean it's a fact of life. It's the only way they're going to get the money. Is that fair? Well, that is open to debate. But the reality of it's going to mean a loss to the City of Chicago between \$8 and 12 million which is something they can't afford right now. So, as a result of that, I rise in opposition to this, reluctantly. And I would urge Members, especially those in the City of Chicago, to be careful of this because this is something that's going to be a loss of a lot of money and it will come out of your own district."

Speaker Johnson, Tim: "On the Bill, the Gentlemen from Will, Representative Wennlund."

Wennlund: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Let me tell you why this Bill is needed. Let me tell you in the City of Cicero what it takes before you can sell your home. You've got to go through a mandatory procedure in Cicero. You have to have your deed examined by the town collector. He has to examine your Illinois declaration. He has to examine your Cook County declaration. Number four, the Cicero declaration must be signed by both parties, the buyers and the sellers. Number five you got to have a paid final water bill. Now let me ask you this question. You shut the water off three days before you close, so you have to spend the next three days

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without water between the time they give you a final reading on your water bill and you pay it. And only then can you close. So then you can set a closing date after they read the bill and after you pay it and then you are without water until you move out. Now, that is brilliant. Number six, you have to have a compliance application indicating a final inspection and a report that it is complete. This document must be obtained from the building department. Ah, another delay in the closing. Then you have to show them a sworn and executed buyer's affidavit limiting the number of apartments. Now I don't know what that's got to do with the sale of a home, but that's what the City of Cicero requires. Now, number eight, you have to have any, any additional affidavits required by the building department. That means anything. They can give you requests for affidavits for whatever they want. Again another delay in the closing of your home. Now, in addition to that, number nine, the escrow agreement, if required by the building department, they can require an escrow agreement on the part of the seller of a home. That is absolutely ridiculous. Now, they want a copy of the town of Cicero's certificate of compliance. What does that mean? That means that the building department in the town of Cicero can make the seller of a home comply with whatever requirements they want before you can sell your very own piece of real estate. Then they want a copy of the listing sheets if the property is listed with a real estate agency. What do they need that for? That's absolutely ridiculous, they do not need it. They will know the selling price of the home is. Then they want to check for the City of Cicero revenue stamps. Let me tell you after you complete these 13 steps, here's what the real

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kicker is, you have to advise the town of Cicero as to the number of persons expected to occupy the residence. Well how do you know if your buyer is not going to get pregnant next year and have triplets. That's why this Bill is necessary. Because they interfere with the ownership and sale of real estate. The free and open transfer of real estate. That's why this Bill is a good Bill and you should vote for it."

Speaker Johnson, Tim: "Chair recognizes the Lady from Cook, Representative Monique Davis, proceed."

Davis, M.: "Thank you, Mr. Speaker. The previous speaker made some excellent points. In fact, for a moment I had turned off my speak light. But I think the major issue here is that our Constitution for the State of Illinois places some issues under Home Rule and this is one of those that is under Home Rule in our State Constitution. I think that it is crucially important that we not violate the Home Rule section of the Illinois State Constitution. If this Bill passes, the City of Chicago would lose approximately \$8 million. Eight million and someone would have to fill the hole in that budget. So who would we be looking at? We'd be looking at people who pay property taxes. And we just feel that our property tax rates are certainly high enough. We don't want to have to fill an \$8 million budget-gap. We realize that your arguments are certainly very rational and as I stated many of them make a great deal of sense. And yet, and yet, our underlying premise should be not to violate the State Constitution. And that's what we would be doing. So we should just vote 'no' on this particular legislation and look for some other method for making certain that owners of pieces of property don't specify how many people are going to live in property

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that they will no longer own. There should be a much simpler way of doing it rather than violating our Home Rule. Please don't create a greater budget deficit for Chicago. Vote 'no'."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Vermilion, Representative Black, proceed. Representative Black."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. I simply rise to support the Lady's Motion to pass Senate Bill 1463. She has been willing to amend this Bill to address some of the questions that some of us had about whether or not we could restrict the usage of the Transfer Tax dollars. She's addressed that, and she's made a very concerted effort to address any of the other concerns that we have. Now there's been a great deal said about the pro and con of the Bill. You know a couple of years ago we passed the Disclosure Act that I think gets to root of many of the problems that the opponents have talked about. You do have remedy today if somebody wants to sell a house and not disclose a known fault or a problem with that piece of property. Now, I have heard a lot of talk in the last 10 minutes about, 'Well gee, they may not pay their water bill.' Most of the people talking about that I had a Bill here last year that would have made it very simple for a municipality to cut off your sewer service and your water service if you didn't want to pay your bill. And we had due process provisions in there and many of you now speaking on favor of, 'Oh we have to get tough on overdue water bills,' wouldn't vote for that Bill. Now it passed and the Governor in his infinite wisdom vetoed that Bill. We did not have the votes to override the veto. So most of what you are talking about this

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morning is already available to any municipality that wants to use it. It does not preclude, this Bill does not preclude any kind of inspection ordinance, whatsoever. If you are worried about water bills or anything else, you still have the ability, they have the ability to file a lien. There are any number of ordinances they can pass to go after the deadbeats. This Bill is not going to protect a deadbeat. Let me tell you what the Bill does on a positive nature. It tries to eliminate barriers to people buying and selling real estate. If you want to go back a few years we didn't have some of the problems we have in our neighborhoods today when we were a state of homeowners. That's the issue here. Encourage people to buy and own real estate, and not price them out of the market by the outrageous use of Transfer Taxes that are used to finance things not related to the ownership of homes and real estate. When we go back to being a state of homeowners many of our neighborhood problems will be resolved. The Lady has worked most diligently on this Bill. It makes only common sense to support it. I urge an 'aye' vote."

Speaker Johnson, Tim: "Chair recognizes Gentleman from Kankakee, Representative Novak, proceed."

Novak: "Thank you, Mr. Speaker I simply rise in strong support of this legislation and I am certainly happy to be a Cosponsor. You know in talking to the representative's with the Realtors' Association, I did not realize that in some communities in Northern Illinois when you either buy or sell a home you are hit with a Real Estate Transfer Tax on both ends. Whether you are selling your home or whether you are buying that home from that particular party. The community, the municipality hits you on both ends. That is totally unfair. That, totally, totally inhibits the

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ability of people to buy real estate and I think we don't want to water that down or inhibit that factor. So, I would certainly ask my colleagues on this side of the aisle, the real Estate Transfer Tax is a punitive tax. So I would ask my colleagues on my side of the aisle to support this measure."

Speaker Johnson, Tim: "Chair recognizes the Gentleman from Cook, Representative Kubik, proceed." Kubik: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I have an enormous amount of respect for the Sponsor and I must tell you that she has done a lot to change some basic parts of this Bill. But, you know, I don't think the issue of revenue is really the issue in this legislation. The issue is whether or not a community is going to have the leverage to be able to enforce its own laws, and enforce its own ordinances. That's the issue. Now a previous speaker talked about how many steps a seller of a home has to go through in order to sell a home in one of the communities I represent. Well, I would invite that speaker to come out to that community and see the problems that we are dealing with there. And you know what, the only way you get people to resolve those problems is through the Transfer Tax, because that is the only time you have any leverage on them. You can talk about ordinances, you can talk about all these disclosures. The bottom line is you got to hire lawyers and go after these people. And after they're out of the community, they're gone. They're gone. Tell me how, how effective collection agencies are in getting money? They're ineffective. They, these people are gone. The only time that somebody is willing to settle up is at the time where they want something. They want to sell the house. That is why the Transfer Tax and buying and

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requiring a transfer sticker is so important. I happen to be in the newspaper business, and you know, occasionally somebody doesn't pay an advertising bill, and you know what you can send all the collection agencies after these people. You know when they pay their bill? When they come back and they want to advertise again. That's when they pay their bill. So, that's what this is all about. It's called leverage, folks. And I think that we're taking leverage away from a community and I'll tell you something. I have spent hours in Cicero working to improve that community. And you know what? The only way you're going to do it, the people who are moving out of the community, let's remember something folks if they haven't paid a water bill, or if they are not living up to the building code, they're called deadbeats. These are not, these are not good people who are selling their home. They've got a problem with the home. That's why, they are being discriminated against in this case, because they have violated the building code or they owe money. And money I might point out that all the rest of the taxpayers have to foot the bill on. So you know we can talk about how this is going to limit and be good for real estate sales. But you know when somebody has violated the law or violated the ordinance they shouldn't be able to just pick up and leave and say, 'Ah, good riddance I'm out of that place. I don't have to worry about that anymore and boy, maybe I will get a call once a month from a bill collector, but the hell with them.' Let's force these people to comply with the law. That is what this is all about. I'd even support a bill that just limited the amount of the Transfer Tax in terms of how much it should go up, but that's not the issue here. The issue is whether there ought to be a Transfer

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Tax. And I think we've empowered local communities to use a method to enforce their ordinances. I think it's done a fairly good job. I don't think we ought to decimate that proposal by passing this Bill. Now, the final argument I would make to you is, this applies to Home Rule communities. Under the Illinois Constitution they are given special powers. The people of those communities if they see that this tax is so onerous, can get rid of Home Rule, by vote. They've got that option. They think this is such a bad tax they can get rid of the community Home Rule. I've received lots of cards which I am sure you all have, too. I might point out that 80% of my cards come from people who don't live in non-Home, who live in non-Home Rule communities. So they are not even affected by this tax. But Ladies and Gentlemen, in summation, revenue is important in this Bill, but it is not the crux of the issue. The crux of the issue, let's not take away leverage that communities have to enforce their ordinances. I would urge a 'no' vote on Senate Bill 1464."

Speaker Johnson, Tim: "Chair recognizes Gentleman from Madison, Representative Stephens, proceed."

Stephens: "Thank you, Mr. Speaker. You know it just amazes me 59 communities in the State of Illinois have a Transfer Tax. The opponents stand on the House Floor and indicate, or imply very strongly, that all the people that live in the rest of the communities who don't have a Transfer Tax are just a bunch of deadbeats who sell their house and leave, leave town without paying their water bill or their library bill or whatever else they might owe. Nothing could be further from the truth and it is an absolutely ridiculous claim to make in the first place. You talk about leverage. I'll tell you, Representative, we ought to give some

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leverage to some folks. And this Bill calls for it. It calls for an honorable kind of leverage that recognizes the dignity of a referendum. Allowing people in Cicero or any other community to have a chance to vote for their community. If they want to impose this tax, they may. That's the kind of leverage that we ought to stand for. That's representative government. And to imply that all the rest of us are just a bunch of deadbeats because we don't have a Transfer Tax is the furthest thing from the truth, and I rise in strong support in the Lady's Motion to pass Senate Bill 1463."

Speaker Johnson, Tim: "Chair recognizes Lady from Cook, Representative Ronen, proceed."

Ronen: "Thank you, Speaker. I rise in opposition to this Bill. But may I first ask if this Bill does get the requisite number of votes I am asking for a verification."

Speaker Johnson, Tim: "Your request for a verification is granted."

Ronen: "Thank you, I appreciate that."

Speaker Johnson, Tim: "Proceed."

Ronen: "I rise in strong opposition. Many of my colleagues have already articulately enunciated reasons to be opposed to this and I think it is wrong for us always to be preempting Home Rule and we should realize when we do that, when we take away options from local government the only option they have is the one of property tax. So what we think we are saving in one, we are probably adding to another. But I'd like to speak today, most specifically, about the part of this Bill that deals with water collection. And that part that would not allow the City of Chicago to continue what is a very efficient way of collecting fees for water service. My colleagues have talked about this before. We

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are clear that this would be in excess of \$8 million lost to the City of Chicago. That is a significant amount of money. Now, what happens when those kinds of revenues are lost? The city would have no alternative but to raise the cost of water. Now what does that mean? It means a 3% increase in water fees, for the City of Chicago, but also for 120 other municipalities that receive their water from Chicago. So, I hope my colleagues will listen very carefully and understand that if you vote for this Bill you're voting for a 3% increase in water bills in the City of Chicago and 120 municipalities that buy water from Chicago. I urge all my colleagues to vote 'no'. This a Bill that is not good public policy. I ask that you vote 'no'."

Speaker Johnson, Tim: "Chair recognizes the Lady from DuPage, Representative Cowlshaw, proceed."

Cowlshaw: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. Seems to me that this is a really a very simple Bill. It's a pro taxpayer Bill. It is strongly supported by the Taxpayers Federation of Illinois because it states that if a municipality wishes to either impose for the first time or increase the Real Estate Transfer Tax, it is necessary to have a public hearing and to hold a referendum. Why would any unit of government object to letting the people who ultimately have to pay these taxes have a say in whether they are going to be imposed? The other thing that it seems to me is very clear, is that as municipalities have increased these Transfer Taxes. And in some municipalities there are now Transfer Taxes that amount to \$10 on every \$1 thousand of the selling price of that piece of real estate. It seems to me that as those become more and more excessive they

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become a more and more dangerous infringement on private property rights. And I would point out to you that the people who are the most disadvantaged by these exorbitant taxes that nobody has had anything to say about there being imposed, are senior citizens and first-time home buyers who are generally young people who do not have a lot of extra money to pay for these taxes. Consequently, this is a good Bill for senior citizens and for first-time tax(sic-home) buyers and it is a Bill that recognizes a time-honored principle in America, that a person's home is his or her castle. And when that person has the opportunity to sell it or wants to buy a home, we should not be putting impediments in the way of first-time home buyers nor should we be doing this kind of disservice to senior citizens. Vote 'yes'."

Speaker Johnson, Tim: "Chair recognizes the Gentlemen from...please refrain from demonstration. Chair recognizes Gentleman from Cook, Representative Balthis. To the Bill, Representative Balthis."

Balthis: "Thank you Mr. Speaker, Ladies and Gentlemen of the House. I am happy to hear some of the discussion that has gone on today about the Bill not being a potential of a property tax increase. A Home Rule community does not have to do a referendum to raise property taxes. If you restrict their use of this or their ability to use it, they are going to raise property taxes. So anybody that disagrees with that, let me read from the Mayor of Oak Lawn they collect \$600 thousand a year in the Village of Oak Lawn. They use that money to pay for a bond issue for streets, sidewalks and street lights throughout the village. If this tax is not able to be used or increased to pay off these bonds, they will have a property tax

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increase. The City of Park Forest reduced their tax levy rate by 3% by the use of the Transfer Tax. Oak Park, \$1.3 million that they reduced their property taxes by using their Transfer Tax. The City of Buffalo Grove, the Village of Buffalo Grove used the property tax, the Transfer Tax to reduce their tax levy. Ladies and Gentlemen this, is a tax increase because it's a Home Rule Bill that allows, or decreases their ability to use it. They are going to collect the revenue somewhere, you all know that. On the other issue, we didn't want to let the people speak in November. Why should we be worried about them speaking anytime they want to? Ladies and Gentlemen, this is an issue that is infringement on local government's ability to do the job that they are elected to do. Each and every one of you know that. This is not a fight between the real estate industry and the communities. This is a fight about Home Rule communities being allowed to do what is important to protect there communities. I encourage a 'no' vote."

Speaker Johnson, Tim: "The Chair recognizes the Lady from Cook, Representative Krause, proceed."

Krause: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to Senate Bill 1463. On the two parts that are contained in this Bill. As it relates to the Real Estate Transfer Tax, once a local Home Rule municipality has a hearing, determines that it must have additional revenue, this Bill will force that local Home Rule municipality to either use the property tax to increase or a similar tax as to a utility tax which will have a negative effect upon the senior citizens in the community. But in addition, what this Bill does is to take away and to compromise the rights of local communities, as far as zoning regulations, building homes...building code

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regulations, as well as bill payments. The transfer declaration is it an effective means for Home Rule municipalities to maintain the quality of there housing stock to require the inspections prior to the sale. This legislation intentionally takes away that right and definitely would have an adverse effect upon many of the older communities as well as on the housing stock in these communities. I would urge a 'no' vote."

Speaker Johnson, Tim: "The Chair recognizes Gentleman from Cook, Representative Schoenberg, proceed. Representative Schoenberg, to the Bill."

Schoenberg: "Thank...thank you, Mr. Speaker Ladies and Gentlemen of the House. This is an issue which has been framed in a manner that I think really does it a disservice. For those who argue that options will be cut off to attain revenue, there are other options available. This does not preclude municipalities whether it's the City of Chicago, whether it's a suburban municipality, such as the one that I live in. One which, incidentally, has the highest rate of property taxes of any of the 30 suburban townships of Cook County. Nor does it preclude any other municipality from seeking other options for revenue collection. What this does is set reasonable parameters for either establishing or increasing the Real Estate Transfer Tax. Now, as I have been listening to the debate this afternoon, I couldn't help but to reminisce about the debate which we had on this House Floor about the senior citizens' property tax freeze. You may recall that we passed that measure. It was vetoed by the Governor, and following the 1994 elections we came back and we overrode the Governor's Veto. I was proud to be the the House Sponsor of that measure. I was proud to Sponsor the override to that measure. We did that,

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overwhelmingly, and Member after Member stood up about how it was important to preserve the integrity of our communities by making it certain that those who had contributed to those communities for many, many years would be able to live in their homes, and continue living in their homes, and moreover because they were able to maintain home ownership that they would not be have to divest themselves of these assets and go seek more expensive means of finishing the later stages of their lives. Now we face an issue where we are trying...now we face an issue where we are able without providing a subsidy to make the dream, and not just the dream but all the financial benefits that come with home ownership. Developing credit, developing greater economic self-reliance for younger homeowners and lower middle income homeowners, people who are straining to attain home ownership not only because it's an American dream, but because it's an American reality if people are to be part of the middle-class in this country. This Transfer Tax makes it more difficult for younger homeowners whether they live in Lincoln Park or Lincolnwood, whether they live in Beverly, whether they live in Sherman, whether they live in any part of this state. It makes it more difficult for them to attain home ownership. I have great regard for the colleague of mine who is critical of the fact that we are going after overpayments on Public Aid payments yet we are also advancing Senate Bill 1463. There's a very important element that we have to take into account and that is I don't think there is anybody in this Chamber who does not want us to enable more families, particularly lower middle income families, to attain home ownership so that they can attain greater economic self-sufficiency. Representative

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Cowlshaw made a very salient and important point about the fact that the Taxpayers' Federation of Illinois is a strong advocate of this Bill. Frankly, I wish the Taxpayers' Federation of Illinois had come forward a little sooner in their support of this Bill, because I think it would have eliminated many of the arguments that had been made in the weeks leading up to this vote. What this Bill does is shed some sunshine on a process where there is greater public input and greater public participation in the allocation of their dollars. As a suburbanite, as a first time homeowner myself, I don't have any problem with that. Frankly, I think that's the direction that more of our policies should be heading towards. So for those of you who are still making up your minds whether you are a suburbanite, whether you live in the City of Chicago or elsewhere I'd strongly encourage you to be for this. And I'm especially surprised of those colleagues who are from suburban areas who are opposed to this measure. If anyone was sensitive to the issue of greater public participation on these things I thought it was my colleagues from the other side of the aisle, who represent suburban communities. I don't see this as a diminution of suburban powers and I don't think you should either."

Speaker Johnson, Tim: "The Chair recognizes the Gentlemen from Cook, Representative Saviano, proceed."

Saviano: Thank you, Mr. Speaker. You know there's been a lot of debate here on this Bill and I think everybody should listen very, very closely. This Bill actually has two very, very separate issues contained in it. The first issue is an anti-tax issue. The other one is simply a convenience for realtors, lawyers, at closing time. I'm very puzzled. I'm a realtor myself and I stand in

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opposition to this Bill, because what puzzles me is that if I'm a realtor and I'm selling property in an area, usually in the area that I live in, why would I limit any opportunity for my community to preserve the housing stock that ultimately is going to be, perpetuate my livelihood in the business of real estate? And that is what this Bill does. Sure there'd be other, other recourse to maintain housing in housing court, but that is much more expensive to the taxpayers of the community. Without this mechanism there is no expedient way for a municipality to maintain its housing stock. We could be locked up in housing court for three, four years at a cost of thousands of dollars to our taxpayers in legal fees we have to pay our village attorney to pursue these compliance with these violations. I would suggest that we take a closer look at this Bill. Maybe even amend it and lets consider these two issues separately. I'm for the part about the referendum and the public hearing. I think that's great because I think the Home Rule communities right now that have a transfer fee or were thinking about implementing one, already have it. So I don't think, I think they have had every opportunity to either implement one or raise there rates as they see fit. So, let's separate these issues. Let's look at the real fact here that we are just trying to eliminate any unforeseen road blocks at closing time. I'd be willing to offer an Amendment. I would also be willing to negotiate this further if we cannot get a successful vote on this and I would urge a 'no' vote. Thank you."

Speaker Johnson, Tim: "The Chair recognizes Gentleman from Cook, Representative Lang."

Lang: "Thank you, Mr. Speaker. Well this has been an interesting debate. One of the most interesting things I have heard

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was a quote from someone on the other side of the aisle saying, 'That a man's home is his castle.' I haven't heard that since Ralph Cramden said it on the 'Honeymooners' about 30 years ago. So I thought that was interesting. Let me say this, this is an interesting Bill. It's a difficult Bill. I have friends on both sides of this Bill. The Sponsor is my friend, the realtors are my friends, the municipal leaguers are my friends. But let's take a look at what the Bill does before we figure out what to do with it. The Bill not only deals with the issue of Transfer Taxes, it deals with this issue of water bills and other debts that a homeowner might owe to a municipality. We're all very concerned about debt. In fact, we have \$6 billion owed to the State of Illinois today by our own citizens that no one seems to be collecting. There's going to be a Bill that might come through here in the next few days about deadbeat dads, which says that if you want to get married and you owe child support from a previous marriage, you can't get married until you pay that back due child support or at least make some provision for it. And yet it's okay to let people sell their houses and not pay their water bills? I don't think so. I don't think so. Then we've got the issue of local control. Many who are prepared to vote for this Bill...Can you fix the clock, Mr. Speaker?"

Speaker Johnson, Tim: "I intend to do that, Representative Lang."

Lang: "Thank you. Many who are prepared to vote for this Bill are great champions of local control. They say let the locals do it. Those local officials are elected locally by people to make these decisions and if the people don't like what they do, they'll vote them out of office and find new local officials. And some of you who are prepared to vote

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for this Bill are great champions of local control. How about a little consistency from you in your voting patterns? Some of you are great champions of doing away with unfunded mandates, but what is this? I think this is an unfunded mandate. It may be...it may not be a direct unfunded mandate, but nevertheless there's a burden you're placing on municipalities without giving them an out. And without giving them that out you are simply putting another burden on them, another mandate. So, those of you who are for doing away with unfunded mandates, if you vote for this, you're inconsistent. If you're a champion of local control and you vote for this, you're inconsistent. If you want deadbeat dads to pay back their bills before they get married to someone else and you vote for this, you're inconsistent. The proponents of this Bill had an opportunity, with an Amendment that was proposed and given to them, to take this area of the water bills out, so that the City of Chicago wouldn't lose \$8 to \$12 million and other municipalities around the state wouldn't lose millions of dollars. They refused that opportunity. Had they accepted that opportunity I might be voting for this. Had they accepted that opportunity, others of you who are voting 'no' might be voting for this."

Speaker Johnson, Tim: "Proceed."

Lang: "Thank you. But they refused to do that. It's one of these 'all or nothing'. It's one of these, 'We're going to have it our way or not at all.' And I'm going to have a problem when I get home. My father's a realtor and I have a lot of good friends who are realtors up in the gallery. But the more I've thought about this the more I've realized that the Bill is wrong, as written. This Bill could have been written in a way that probably would have gotten a

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hundred votes because I think we should do something about the problem of Transfer Taxes. But the way it's written today, it cannot get a hundred votes. I sincerely hope it does not get 71 votes and I strongly suggest that all of you, before you vote, think about your philosophy of government. Are you for local control or not? Are you against unfunded mandates or not? When you answer those questions for yourself, you'll know that the only vote for you on this Bill is a 'no' vote."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from McHenry, Representative Skinner."

Skinner: "When the previous speaker started I thought he was undecided, but I think he had made up his mind ahead of time. I'd like to thank the Illinois Association of Realtors for their bringing forth this issue and invite them...their opposition to other taxes that can be raised without a referendum. If we're going to talk about local control, what can be more local than voters? I mean, that's the lowest common denominator, isn't it, Representative from Skokie? The people that intend to vote 'no' on this issue, it seems to me, have probably decided that taxes were not going to be the issue this fall, and they may be right. But then again, they may not be back. I would like to suggest that we should not have taxation without referendums. That's why I had these...these posters printed. Says, no taxation...no taxation without referendum."

Speaker Johnson, Tim: "I would remind the Gentleman that our rules prohibit the display of signs."

Skinner: "Oh, thank you for the reminder. I'll put it away."

Speaker Johnson, Tim: "Proceed."

Skinner: "I'm finished."

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Speaker Johnson, Tim: "The Chair recognizes the Lady from Lake, Representative Clayton."

Clayton: "Thank you, Speaker. I agree with much of what has been said today, particularly that this is a difficult issue when we understand issues on both sides of it. However, I would like to point out that it is important for the municipalities to be able to collect the outstanding debts that they have. This is a tool that has been used very successfully by municipalities in this case. Also wanted to point out that if this tool is taken away from a municipality, it will just shift that tax to some other tax, whether it's utility tax, whatever. I believe there should be public hearings for this and I think most municipalities have had public hearings before they have enacted the Transfer Tax. I would certainly be in favor of including that in a Bill. I think what we really have to look at is the local control issue. The unit of government closest to the people is in a much better position to know what is good for their community and not those of us in Springfield. If a Home Rule community enacts a Transfer Tax, it also can eliminate one and this did happen in Elgin. It's unfortunate when a community abuses the powers that have been given to them, but the local people can certainly take care of that. In Elgin the people...the Transfer Tax was in force for only one year. The people in the town did not want it. They went to their village board, they presented all the facts and that village board did eliminate that tax. That's what Home Rule is all about. Let the people be heard and they can be heard on the local level day in and day out. I urge a 'no' vote."

Speaker Johnson, Tim: "Seeing or hearing no further debate, the Chair recognizes the Lady from Cook, Representative Zickus

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to close and if we could give the Lady your attention, the Chair would appreciate it. Proceed. Representative Zickus to close."

Zickus: "Thank you, Mr. Speaker. We've heard a lot about the intrusion on local government, but what about the intrusion on our property rights? We've heard talk about the Constitution and the Home Rule municipalities, but let's take a look at that Constitution. The Illinois Constitution provides that people shall have the right to be secure in their persons, houses, papers, and other possessions against unreasonable searches, seizures and invasions of property. To require the citizens to submit to an inspection of their property without cause really contradicts this basic right. And remember, what the Transfer Tax is doing is taxing a fundamental right, a constitutional right. We have heard people saying that it's going to cost the City of Chicago \$8 to \$12 million because of water bills. I ask you, what do the hundreds of other municipalities in the State of Illinois do to collect their water bills? Most of them will turn it off and the people have to pay to have it turned back on. So, that is not a valid argument. In fact, the City of Chicago, the one that's been quoted the most, is charging the buyer an excessive fee in order to...with this prerequisite on it. We are not taking anything away from a municipality. We are talking about a voter's approval for a new tax, for the imposition or increase of a tax, that the voters should have the right to do that. We're not voting on water bill increases. We are not talking about utility tax increases or property tax increases. If a local municipality chooses to do that, then they must answer to the voter. This is not an unfunded mandate. We talked about philosophy and

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let's think about the philosophy. Let's think about our right to own real estate and the erosion that that's undergoing. Let's vote to protect our property rights. Let's vote for local control. Let's give the voters the right to say if they're taxes should be increased or a new tax imposed. If you believe that the voters have the right to be heard, then vote 'yes' on Senate Bill 1463."

Speaker Johnson, Tim: "The Lady from Cook, Representative Zickus, has moved for the passage of Senate Bill 1463. Those in favor vote 'aye'; those opposed vote 'no'. 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...on this question there are 64 'yes', 47 'no', 5 voting 'present' and the Chair recognizes the Lady from Cook, Representative Zickus."

Zickus: "Yes. Will you please put this on Postponed Consideration?"

Speaker Johnson, Tim: "Your request is granted. Mr. Clerk, committee notice."

Clerk McLennand: "Committee notice. Rules Committee will meet at 2:15 in the Speaker's Conference Room. Rules Committee will meet at 2:15 in the Speaker's Conference Room."

Speaker Johnson, Tim: "The Chair would like to acknowledge that in the gallery is the student advisory group from Rockford who are the guests of Representative Scott and Representative Wait. Welcome to Springfield. Mr. Clerk, Supplemental Calendar announcement."

Clerk McLennand: "Supplemental Calendar #1 is being distributed."

Speaker Johnson, Tim: "On the Order of Senate Bills Second Reading, page 5 of the Calendar, appears Senate Bill 1268. The Chair recognizes...Mr. Clerk, read the Bill."

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Clerk McLennand: "Senate Bill #1268. The Bill has been read a second time previously. Committee Amendment #1, is referred to Rules Committee. Amendment #2, referred to Subcommittee. Floor Amendments #3 and 4, were referred to Rules. Fiscal Note, State Mandates Note, Correctional Budget and Impact Note have all been requested and have all been filed."

Speaker Johnson, Tim: "Third Reading. Senate Bill 1357. Read the Bill, Mr. Clerk."

Clerk McLennand: "Senate Bill #1357. The Bill has been read a second time previously. Fiscal Note, Correctional Budget and Impact Note, State Mandates Note and Home Rule Note have all been requested on the Bill and have all been filed."

Speaker Johnson, Tim: "Third Reading. Turning now to the Order of Senate Bills, Third Reading. Mr. Clerk, read Senate Bill 1268."

Clerk McLennand: "Senate Bill #1268, a Bill for an Act to...in relation to governmental expenses. Third Reading of this Senate Bill."

Speaker Johnson, Tim: "On the Bill the Chair recognizes the Gentleman from Boone, Representative Wait."

Wait: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 1268 basically is a Bill that deals with county jails and prisoners in the county jails. Under the current law the county jails can only charge the prisoners, and these are ones that are out on work release, so they do have money coming in, can only charge them for, basically, for the meals. This would expand that to allow them...or to require them to pay for board and room and the amount would be set by the county board in conjunction with the chief clerk of the circuit. It also, in this part, expands

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mandatory arbitration fund to allow them to pay for mediation as well. I'd be happy to answer any questions."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Cook, Representative Dart. Proceed."

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

Speaker Johnson, Tim: "Indicates he will."

Dart: "Representative, how much money is it that you are expecting that this will take in?"

Speaker Johnson, Tim: "Representative Wait."

Wait: "Well, it all depends. It depends, first all, you know, whether it is Cook County Jail or Winnebago or Boone or whatever. The county board, what I understand, is other counties that are looking at this probably would set a fee of roughly probably 30, 40, maybe \$50 a day. So, depending on how many prisoners they would have and how many they had on work release would determine how many dollars would be generated."

Speaker Johnson, Tim: "Representative Dart."

Dart: "Do you have any exact numbers, though?"

Speaker Johnson, Tim: "Representative."

Wait: "No, this would be left up to the local...the local people to determine how many is on work release. I have no idea on how many particular counties, or even Cook County, how many are currently on work release."

Speaker Johnson, Tim: "Representative, further questions or comments?"

Dart: "So, this is money just from the people on work release, right?"

Speaker Johnson, Tim: "Representative Wait."

Wait: "Yeah. It is basically aimed at people on work release because they do have money coming in. The other people, if they don't have money coming in, it is pretty difficult."

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As the old saying goes in law, 'It's tough to get blood out of a turnip.' So..."

Speaker Johnson, Tim: "Representative Dart."

Dart: "Did your Bill say only people on work release or is this, if I'm not mistaken, it looks like it says every offender not just work release. Could you check that for me? It looks like every offender."

Speaker Johnson, Tim: "Representative Wait."

Wait: "Yes. Actually, I guess, it says for everyone. But in realistic terms, you are only going to get money out of people who have money that's coming in."

Speaker Johnson, Tim: "Representative Dart."

Dart: "Well, people...That doesn't really have anything to do with whether you are on work release or not, Representative. The reality of it is, is that some offenders get out who spent time doing their time, may not have been on work release, just straight time, and they might have a ton of cash. They may be some dope dealer who'll have a ton of cash. So, whether they are work release or not, that is sort of irrelevant. This is for every offender. Would this not have a...in a sense, take away from the money that we could have...could use to give restitution back to victims of crime, though?"

Speaker Johnson, Tim: "Representative Wait."

Wait: "Well, getting back to your question. You talked about who we could get the money out. If you look on page one, I believe. Anyway, it says, line 16, it says 'every offender including offenders who are sentenced to periodic imprisonment for weekends only, gainfully employed, shall pay board and room'. So, basically, they would be gainfully employed."

Speaker Johnson, Tim: "Representative Dart."

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Dart: "But, Representative, you are not reading it correctly. The thing is, it says, 'every offender including these other ones'. So, it includes all of them in there not just whether they are on work release or not. But I want to get back to the point about restitution. When a defendant commits a crime and a victim...One of the options of the court is try to make the victim whole, make the defendant pay for their conduct. There is obviously a limited pool of money that the defendant has. Do we not...isn't it...wouldn't we rather have all that money going to the victim?"

Speaker Johnson, Tim: "Representative Wait."

Wait: "Under current law here, if you look on page two there, it says, 'by order of the court all or a portion of earnings of employed offenders shall be turned over to the clerk to be distributed to the following purposes in the order stated'. First of all, room and board of the offender. Second, necessary travel expenses for these people basically going to work release. And third, to support the offenders dependents, if any."

Speaker Johnson, Tim: "Representative Dart."

Dart: "But, would this not preempt payment for restitution? And would this not come prior to restitution? So, that if they pay for their room and board, there may not be any money left for them to pay restitution to the victim?"

Speaker Johnson, Tim: "Representative Wait."

Wait: "Well, basically, this would be left up to the court to decide, you know, what is the priority because the court would have to determine this. It says here, 'all fees for the room and board collected by the Circuit Court Clerk, shall be distributed in the county's general corporate fund'. So, basically, it would be left up to the judge to

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decide, I would say."

Speaker Johnson, Tim: "Representative Dart."

Dart: "Representative, in case don't. Is there another statute that overrides this one that would say though that restitution comes first and only after restitution is satisfied, then we go after room and board? Because I really feel strongly that we ought to try to make sure these victims of crimes are paid back for what has been done to them by these bad people, and we take care of them first and then we can pay the room and board."

Speaker Johnson, Tim: "Representative Wait, you have 14 seconds to respond."

Wait: "Well, as you recall, Representative, you know we do have a Victim's Compensation Fund which is separate and apart from this. So, they probably could get money directly out of the Victim's Compensation Fund."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Dupage, Representative Tom Johnson."

Johnson, Tom: "To the Bill. I rise in strong support of this piece of legislation. I have to tell you, this is the best initiative that I have seen come out of our Rockford crowd all Session and I would urge a 'aye' vote on this. This is one where Rockford is not taking a program home, but bringing cash in. And for that reason everybody ought to vote 'aye' on this Bill."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Winnebago, Representative Scott."

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

Speaker Johnson, Tim: "Indicates that he will."

Scott: "Representative Wait, isn't the restitution fund virtually dry right now?"

Speaker Johnson, Tim: "Representative Wait."

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Wait: "I understand it is not."

Speaker Johnson, Tim: "Representative Scott."

Scott: "Well, maybe you could tell us how much is in there then right now."

Speaker Johnson, Tim: "Representative Wait."

Wait: "I guess currently it has about 4 million in the fund."

Speaker Johnson, Tim: "Representative Scott."

Scott: "And what are the outstanding claims for that fund right now?"

Speaker Johnson, Tim: "Representative Wait."

Wait: "Currently, I guess there is about 4 million there. They are spending at the rate of about 5 or 6 million. So, you're right, there is a deficient. But we are changing the law. So, hopefully, we will be able to put more money in there so that it will not be running dry."

Speaker Johnson, Tim: "Representative Scott."

Scott: "Now, basically, I support the premise of this Bill and I want to support it. But I want to follow up on something that Representative Dart asked because it is important, especially in light of what you just said. Doesn't the statute under which restitution is handled, doesn't that criminal statute, doesn't that say that restitution comes first before all other costs that are disbursed? Isn't that the case?"

Speaker Johnson, Tim: "Representative Wait."

Wait: "I guess currently the way it works, if a person is on work release they will not let them go out and go to work unless they make sure that they get their board and room money first. I believe, if you look the way our Department of Corrections...This just applies to county jails. But I understand our Department of Corrections, when we have people on work release, the way it works, the defendant

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himself doesn't actually see the check from where he works. They send it right to the Department of Corrections and they decide where and how the money is distributed and who gets it and in what order. And I think that's probably in the statute to determine what order they pay out."

Speaker Johnson, Tim: "Representative Scott."

Scott: "Yeah, but again let's make this broader because we're not just talking about work release here, we're talking about every offender who happens to have a job. Right?"

Speaker Johnson, Tim: "Representative Wait."

Wait: "Yes, anybody that has a job. Right, that has some money coming in."

Speaker Johnson, Tim: "Representative Scott."

Scott: "Now is there any...is there any limit or any way of bringing in what a county can charge or how they say, you know, room and board is set? Is there any limit to that in this Bill?"

Speaker Johnson, Tim: "Representative Wait."

Wait: "Yes. The way it is set is basically with a county board in concurrence with the Chief of the Circuit Court. In our case, of course, would be Judge Agnew, currently. They would sit down and decide what is a fair amount for room and board. And, like I say, I think it would probably be in the 30, 40, \$50 range. It has to be reasonable. I mean you can't charge 500 to a \$1000 a day. It has to be tied in reasonable with board and room, what the actual costs are."

Speaker Johnson, Tim: "Representative Scott."

Scott: "Is there anything in here that would say what they...because I know there is some confusion over what is room and board. We've had this discussion locally. Is there anything in here which would say what board includes?"

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Is it just the food? Is it the cost of preparing the food?
What all goes into board?"

Speaker Johnson, Tim: "Representative Wait."

Wait: "Yes, on line 23, it says all costs incidental to the
incarceration of the offenders. So, it's all costs. Board
and room, all costs."

Speaker Johnson, Tim: "Representative Scott."

Scott: "Okay. For purposes of legislative intent then, what
you're saying then is...you know, if we have to pay cooks
to prepare this, if we have to pay guards to deliver it,
all of that incidental to getting the prisoners fed would
be costs that could be recoverable."

Speaker Johnson, Tim: "Proceed Representative."

Wait: "Yes, that is correct. So, it's not just the actual food
itself. The incidents, the cooks preparing it, all the
overhead costs and things like that associated with the
food and the cost, not just the food itself."

Speaker Johnson, Tim: "Representative Scott, further questions?"

Scott: "Just one more and to follow up one more time. Do we know
for sure whether under the statutes, restitution is
something that comes first? I don't think we ever really
settled that before we got off of it."

Speaker Johnson, Tim: "Representative Wait, briefly."

Wait: "Yeah, I believe that under the current statutes, and we
can check this out, but, I believe currently they would
probably pay the board and room first and in this order
here, travel and then the dependents before they would pay
the victim. So, the victim probably would come out of the
victim compensation. But, hopefully, the way we're
changing the law there would be money in the victim's
compensation. So, they would be compensated that way.
Plus, I understand a defendant can have up to five years to

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make restitution once he actually gets out of the work release program."

Speaker Johnson, Tim: "The Chair recognizes the Lady from Cook, Representative Monique Davis."

Davis, M.: "Thank you, Mr. Chairman (sic-Speaker). Will the Sponsor yield?"

Speaker Johnson, Tim: "He indicates that he will."

Davis, M.: "Representative, if you place a person in prison and that person...how much would they be earning to pay their board and keep? How much would they have to earn?"

Speaker Johnson, Tim: "Representative Wait?"

Wait: "Well, again it would be up to each jurisdiction. You know what Cook County might charge for board and room. I'm sure it would be entirely different than what it would be for downstate. And...First of all, you can't probably make a person pay more than what they have income coming in. So, it would be probably also kind of based on what a person's income is, coming in."

Speaker Johnson, Tim: "Representative Davis."

Davis, M.: "Prisoner. If you have a prisoner and if he's downstate, his income may be a little less than in one of the northern prisons. So, he would pay more for his room and board. But, do you know what this smacks of? Do you remember sharecropping days? Sharecropping days was when you had people who worked on plantations and as they worked on those plantations, a part of their income was to be used for their board and keep. And they could never ever earn enough to pay what they were being charged for their board and their keep. During plantation days when people were sharecroppers and they had to pay for any food they ate, they have to pay for the facilities that were available for them to live in, it created a condition where these people

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who worked from sunup to sundown were still in debt at the end of the year. They never had enough to pay what taxes might be due. And it was called a system that America still carries the shameful burden of having a factual history. Now I don't know what it is you're trying to do, but once you have incarcerated a person and placed them in prison, you have limited his or her ability to earn an income. Now is this...is following this, are we going to come up with forced labor? Are we reaching the day in Illinois with the worker...the prisoner who goes to prison will be forced into forced labor? Forced labor, then you keep the check for the room and board. What that's really called is involuntary servitude. Now what's another name for involuntary servitude? Because, you see, once you decide that perhaps the rent should be increased, but perhaps the pay should not be increased, this worker is subject to always being in your debt. Now you claim you got drug dealers who are rich, who can afford to pay their upkeep. If these drug dealers are rich, it means they haven't been paying their taxes and it means they've been allowed to keep income that was illegally gained. I don't want to use that income that was illegally gained to run our prisons. Nor do I believe that the State of Illinois wants to return to the day of involuntary servitude. Involuntary servitude is when people are forced to work for a minimum type of room and board and yet they have no decision about the cost of those items. A person who is free can decide I'm going to move because this cost is too high over here or the service is not being provided that I'm paying for. But when you have a person in prison, who is being charged whatever a locality decides, it really smacks of a plantation and it smacks of something that I

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hate to name. I know you're interested in prison industries. If you get prison industries, now you want to put into law something that will force a labor market. What you are saying is, once you're incarcerated, we're going to force you to have to give us labor. The laborer's wages will not be union wages. They may take jobs from union workers."

Speaker Johnson, Tim: "Representative Davis, your time has come to a close. But I will give you an additional minute in any event."

Davis, M: "Thank you, Mr. Speaker, for that additional minute. I would just like to say Illinois should be moving away from anything that taints our reputation as a free state. Let's not move backwards to a day in which people were not really sure whether Illinois was a free state or a slave state. Let's not move backwards. Involuntary servitude is not what we should be about. If a person is incarcerated, he should have to pay back his victim if that money is available, but don't force people to work in prison industries. Vote 'no' on this mean-spirited piece of legislation. Thank you."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Cook, Representative Giles."

Giles: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Will the Sponsor yield?"

Speaker Johnson, Tim: "He indicates he will."

Giles: "Representative, do you have any provision in your piece of legislation that will sort of give restitution or refund a potential defendant who have been wrongly accused of a crime and now incarcerated? Do you have any restitution for that individual to pay that room and board?"

Speaker Johnson, Tim: "Representative Wait."

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Wait: "Representative, no, there's nothing in this Bill. I believe that Representative Johnson had one in his Bill that addressed that issue."

Speaker Johnson, Tim: "Proceed, Representative."

Giles: "Representative, I believe that before we put forth such legislation that would blanket all individuals that are incarcerated without having some sort of provisions that will truly look out for the rights of all individuals whether they are incarcerated or free, we should, as Legislators, truly look at the piece of language and try to do our best to protect all individuals' rights. I will ask that if...since that piece of legis...that language is not in this Bill, that maybe you would take this Bill out of the record and consider putting forth some measures that will entertain that...that language."

Speaker Johnson, Tim: "Representative Wait, do you wish to respond?"

Wait: "What was that question, Representative? Sorry."

Giles: "Representative, if you would take this Bill out of the record and try to address the measure that we just got through debating. And then you could put forth such legislation that will truly address all individuals rights."

Speaker Johnson, Tim: "Representative Wait."

Wait: "Representative, we are already addressing these rights. Well, first of all this Bill, in response to you and the other question there Representative, this does not, you know, deal with sharecrop. This deals with people, who have victimized and who criminalized, who are criminals, basically, and we're only expanding it to cover board and room. Currently, they just charge for board. So, all we are doing is expanding it to say they should pay for board

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as well as room. The question is, do we ask the criminals who have victimized people to pay for their incarceration or help pay for it, because again it is not going to pay it all, or are we going to ask the taxpayers. That's what it comes down to. You want the taxpayers or you want the people who have gone out and victimized people to help pay for their incarceration."

Speaker Johnson, Tim: "Representative Giles, further questions or comments?"

Giles: "Yes, Mr. Speaker. To the Bill."

Speaker Johnson, Tim: "To the Bill."

Giles: "I feel that we should truly look at this piece of legislation and see exactly what it does and what it do not address, and that is individuals who may be wrongly accused. I am hard on crime and...but, nevertheless, there are individuals that are innocent in actions that has been imposed upon them and we should not punish those individuals if they have not done anything wrong, and that we should, in this particular piece of legislation, there should be some restitution if an individual is found innocent in a later time. I would urge Members on this side of the aisle to vote 'no' on this piece of legislation. Thank you."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Lake, Representative Lachner."

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

Speaker Johnson, Tim: "The question is, 'Shall the main question be put?' Those in favor say 'aye'; those opposed say 'no'. In the opinion of the Chair the 'ayes' have it. The main question is put. Representative Wait to close."

Wait: "Thank you. I'd just ask the Body here to support this

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Bill. This is just a Bill that would say that the criminals should help pay for their incarceration if they have job. It's either a question if they pay or are we going to ask the taxpayer to pay. I would just ask for your support."

Speaker Johnson, Tim: "The question is, 'Shall Senate Bill 1268 pass?' Those in favor vote 'aye'; those opposed vote 'no'. 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 100 voting 'yes'; 8 voting 'no', 5 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Continuing on the Order of Senate Bills Third Reading, page 5 of the Calendar, appears Senate Bill 1357. Mr. Clerk, read the the Bill."

Clerk Rossi: "Senate Bill 1357, a Bill for an Act in relation to the County Impact Incarceration Program. Third Reading of this Senate Bill."

Speaker Johnson, Tim: "On the Bill the Chair recognizes the Gentleman from Cook, Representative Durkin. Proceed."

Durkin: "Thank you, Mr. Speaker. This Bill creates the Cook County Boot Camp. This is a project which has been worked out by the Cook County Sheriff, Michael Sheehan and also the State's Attorney of Cook County for approximately four years. The...presently, the structure has been completed which is directly east of the court house at 26th and California. They are waiting for the authorization from the General Assembly to start this program. I believe it's going to be very beneficial to the administration of justice in Cook County and I would suggest that I will take questions, that we move this Bill out and we get it to the Governor's hands as quick as we can so we can get this

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operation going."

Speaker Johnson, Tim: "The Gentleman has moved for the passage of Senate Bill 1357. Those in favor vote 'aye', those opposed vote 'no'. 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 116 voting 'yes', 0 voting 'no' or 'present', and this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, read Senate Bill 1419."

Clerk Rossi: "Senate Bill 1419, a Bill for an Act relating to student assistance. Third Reading of this Senate Bill."

Speaker Johnson, Tim: "The Gentleman from DeKalb, Representative Wirsing."

Wirsing: "Thank you, Mr. Speaker. I would like to remove an Amendment from Senate Bill 1419. Therefore, I ask that the Bill return to the Order of Second Reading."

Speaker Johnson, Tim: "Representative Wirsing has moved to table...At the Sponsor's request the Bill will return to the Order of Second Reading. Representative Wirsing."

Wirsing: "Mr. Speaker, I move that Amendment #4 to Senate Bill 1419 be tabled and would be pleased to answer any questions."

Speaker Johnson, Tim: "I was about to indicate Representative Wirsing has moved to table Amendment #4 to Senate Bill 1419. Is there any discussion on the Motion? The Gentleman from Saline, Representative Phelps."

Phelps: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I have a question of the Sponsor. Would he yield, please?"

Speaker Johnson, Tim: "He indicates he will."

Phelps: "Representative Wirsing, as a Member of the Higher

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Education Committee, if I remember, last Thursday we had probably most of the time a discussion that was in committee that particular day, was over this Amendment that Representative Weaver sponsored. And many of us, Members on this side of the aisle, found merit with his Amendment. We acknowledged the idea that if the intent is stated for the matter of record from Representative Ryder, perhaps he could clear up some confusion. But I don't guess I've seen very many instances in the eleven and a half years that I've been here that a committee would, in a bipartisan fashion, endorse an Amendment and then House action recede from it unless there was something that was disruptive or entered into the Bill or that Amendment that clouded it, the intent. So, perhaps we could ask Representative Weaver or yourself to explain why we're removing this after the endorsement from the committee on a bipartisan level was clearly made."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Coles, Representative Weaver. Proceed."

Weaver: "Thank you very much, Mr. Speaker. Will the Sponsor of the Motion yield?"

Speaker Johnson, Tim: "He indicates he will."

Weaver: "Representative, I've got a great deal of respect for you as a Sponsor of this Bill and basically agree with your intent of the IIA or the access portion of this program, and although Amendment #4 provides for control of the use of the \$500 per student grant. Again, a couple of questions. I'd like to establish your legislative intent if we do remove this Amendment. My first question is, is it your intent that this money is to be used for academic related expenses?"

Speaker Johnson, Tim: "Representative, in response."

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Wirsing: "Thank you. Yes, the intent continues to be that these dollars are to be used for the academic aspect of a student, whatever those may be. And that's the significant part of this that...in the Bill and what this Amendment was attempting to address was the...some of those issues. Without the Amendment it is my intent that those dollars will go towards the cost of academic for that clientele of students. I have offered this Motion based on the fact that we have given at several conversations and meetings with a variety of people relative to community colleges, relative to universities and with ISAC people as well, given assurances when asked that after one year we would come back and ask for...get a review, the numbers, all the figures we needed to really make an assessment as to how this program has functioned, if it, in fact, is doing what it's intended to do because this is a new area that we're addressing. This is unlike any other proposal. So, I think...so, based on that I've had to have those kind of requests which are more specific and more designed to truly deal with the whole issue of how this proposal is delivered and at the same time offering assurances that those dollars are looked after very carefully by each individual institution."

Speaker Johnson, Tim: "Representative Weaver."

Weaver: "Representative, is it also your intent that an effort be made, even though ISAC is not legislatively required by this Bill to track the money or how it's spent for several years, that the individual institutions will provide that oversight and that they will also provide safeguards at the institutional level to ensure that the dollars are not spent for illegal or unrelated products or services to the academic life of the student?"

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Speaker Johnson, Tim: "Representative Wirsing."

Wirsing: "I could simply answer with a 'Yes', but I'd like to expand that to your question. Because of the meetings, the individuals, the phone calls that have transpired since last week relative to this whole issue of how do we administer this new program and maintain some absolute...well, first of all allow the flexibilities of dollars being spent in unusual areas and getting...having, now, commitments from those people involved, whether it's ISAC, whether it's in the college level, the university level, that there is...they can track that. They will track that so that after a year's operation we can truly take a look at how those dollars have been spent. The other thing is, this is a funding for one year and so we can come back. And that's been my conversation with people that we've met with, that we will come back in one year as we go through the budget process - as to how this program would...whether it would continue, how it might continue after the one year. So, that...that's a check and balance as well."

Speaker Johnson, Tim: "Representative Weaver."

Weaver: "Thank you, Mr. Speaker. To the Motion then. I, too, have met with many folks from the community college system and they have assured me that they will take responsibility for tracking how these dollars are spent. And with these assurances not only by the Community College Trustees Association and the CCB and with the assurances by an honorable sponsor and under the scrutiny of the program next year, I do not oppose the Gentleman's Motion to table this Amendment."

Speaker Johnson, Tim: "Representative Phelps, does that answer your question? Proceed."

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Phelps: "Not entirely, I had asked for clarification. However, I do have a follow-up question, one last one, for Representative Weaver."

Speaker Johnson, Tim: "One last question. Proceed."

Phelps: "Okay. Representative, with this explanation that you just heard from Representative Wirsing, I think that you just stated now that you understand that the community college board has taken this particular position. What has changed since committee, because they were there and testified that they were to make these assurances anyway? So, if it wasn't good enough then, what makes it good enough now?"

Speaker Johnson, Tim: "Representative Weaver."

Weaver: "Well, I've received personal assurances from the President of the President's Association and from the Community College Trustees Association, that they in fact will track this money. That in their estimate that very little of the money will be left over to be spent at the student's discretion anyway. But rather than, I think, risk the possibility of this whole program not being put into effect simply because of the crunch of time between our chamber and the Senate, I've agreed to accept those assurances. But, believe me, I remain, I guess, a skeptical Member over here. I've seen what can be done with loopholes and what can be done with discretionary spending of money and I'm going to keep a real, real close eye on this program. And if I see any movement where the funds are misspent, were used for nonacademic reasons, I intend to come down not only on the Community College Board, but also ISAC with both feet."

Speaker Johnson, Tim: "On the Motion the Chair recognizes the Lady from Cook, Representative Erwin."

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Erwin: "Thank you, Speaker. I rise in support of this Motion to table Amendment #4. For the benefit of particularly some of the Members on my side of the aisle, I think it's important to know that one of the important provisions in Senate Bill 1419 will permit, as I'm sure Representative Wirsing has mentioned, but will permit additional dollars to go for the neediest of students, particularly freshmen students in this case. But for things like child care and transportation, which on many occasions are the impediments to going back to school. And so I do think, I appreciate Representative Weaver's agreement to table this Amendment. I think that it is too important a provision to jeopardize everything in this Bill. So, I'm delighted to support it and encourage everyone to support this Motion."

Speaker Johnson, Tim: "On the Motion, the Chair recognizes the Gentleman from Madison, Representative Hoffman."

Hoffman: "Yes. Will the Sponsor yield?"

Speaker Johnson, Tim: "He indicates he will."

Hoffman: "Representative, what exactly is left in this Bill? It's my understanding what is taken out and let me just get this...is the portion that says where the money definitely has to be spent. In other words, no longer will it have to definitely be spent in a bookstore. Is that right? Is that what you're trying to do?"

Speaker Johnson, Tim: "Representative Wirsing."

Wirsing: "Yes. There needs to be a flexibility that allows these dollars under what the underlying Bill says. For such things as child care, such things as perhaps in a populated area is trying to give to a community college, transportation costs. Those are unusual expenses. But in this defined area it is important to this clientele of students because they don't...they may get into a program

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where their tuitions and fees are paid, but they don't have any cash money to pay for those other things that they can get to school to gain their academic value."

Speaker Johnson, Tim: "Representative Hoffman, further questions?"

Hoffman: "So it's my understanding this Motion, by tabling this Amendment, it puts the flexibility that the community colleges as well as the universities were in favor of and puts it into the form that they are now in favor of if we table Amendment #4. Is that correct?"

Speaker Johnson, Tim: "Representative Wirsing."

Wirsing: "Yes."

Speaker Johnson, Tim: "Representative Hoffman."

Hoffman: "I support this Motion. I think it's a good one."

Speaker Johnson, Tim: "On the Motion the Gentleman from Cook, Representative Pugh."

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

Speaker Johnson, Tim: "He indicates he will."

Pugh: "Representative, would I be correct in understanding that the withdrawing of this Amendment will present us with a clean piece of legislation? This Bill will be Senate Bill 1419 in it's essence. Am I correct?"

Speaker Johnson, Tim: "Representative Wirsing."

Wirsing: "Yes."

Speaker Johnson, Tim: "Representative Pugh."

Pugh: "And the Bill will allow for college students, those individuals that have other kind of impediments, to securing an education like day care or paying for bus transportation or paying for the cleaning of their clothes. They will be allowed to use these dollars for that instance. Am I correct?"

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Speaker Johnson, Tim: "Representative Wirsing."

Wirsing: "Yes."

Speaker Johnson, Tim: "You can interject. Proceed."

Pugh: "Thank you. To the Bill, Mr. Speaker. This is an excellent piece of legislation without the Amendments. It's one that is very much needed as we know. Students, particularly freshmen and sophomore students that attempt to attend college on a regular basis, run into all kinds of financial difficulties. This piece of legislation would allow them a mere stipend of \$500 a month, which actually would not cover the cost of books or any other kind of outside expenses, and we speak highly in favor of tabling Amendment #4 in an effort to secure passage of Senate Bill 1419."

Speaker Johnson, Tim: "Thank you, Sir. On the Motion the Chair recognizes the Gentleman from Williamson, Representative Woolard. Proceed."

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

Speaker Johnson, Tim: "He indicates he will."

Woolard: "For the purpose of legislative intent, I think maybe you've addressed this already, but I'd like to just have it further clarified if I may. Your intent with the legislation, with this Amendment gone, is only to provide dollars, make those dollars available for students for any educationally reas...any educational support or direct expense and nothing further. Is that correct?"

Speaker Johnson, Tim: "Representative Wirsing. Give the Gentleman your attention."

Wirsing: "Yes. Yes. Just let me...But I do have to make a comment. We do have to understand and recognize that this...this proposal is different than a normal funding

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program because it does allow for extending beyond the classroom, if you will, whether it's the child care, whether it's transportation and there might be some other areas as well. But basically, yes, you're correct."

Speaker Johnson, Tim: "Representative Woolard, further questions or comments?"

Woolard: "Transportation. Only transportation to and from the educational facility. Correct?"

Speaker Johnson, Tim: "Representative Wirsing."

Wirsing: "Yes."

Speaker Johnson, Tim: "Representative Woolard."

Woolard: "Day care. Only day care for those times when that student is involved in the educational process. Correct?"

Speaker Johnson, Tim: "Representative Wirsing."

Wirsing: "Yes."

Speaker Johnson, Tim: "Representative Woolard."

Woolard: "To the Bill."

Speaker Johnson, Tim: "To the Bill. To the Motion."

Woolard: "I stand very much in support of this piece of legislation in it's entirety. I do believe that by removing this Amendment that we are extending the opportunity if, in fact, we don't further codify this thing. Maybe through legislative intent we can. But if we are not careful we're going to be in the same boat that we are with some of the federal programs that fund additional expenditures for people in the educational process, and that is of giving them money to use as they choose. That is not the intent of this Bill. I want everyone to understand that the local control is by that educational facility where the student is attending. But there is some responsibility there and I, too, will be standing with Representative Weaver and others if, in fact, this is not

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what happens. We should not be giving students money to use in a discretionary fashion and calling it in the best interests of education. But we should be supporting everyone equal access and opportunity to higher education."

Speaker Johnson, Tim: "With no one seeking further recognition the question is, 'Shall Amendment #4 to Senate Bill 1419 be tabled?' Those in favor say 'aye', those opposed say 'no'. In the opinion of the Chair the 'ayes' have it and the Amendment is tabled. Any further Amendments, Mr. Clerk?"

Clerk Rossi: "No further Motions."

Speaker Johnson, Tim: "Third Reading. Returning now...Representative Lang, for what purpose do you rise?"

Lang: "Thank you, Mr. Speaker. As promised, when we missed the cake for the birthday of that great humanitarian pig farmer Chuck Hartke, yesterday, we now have a cake available to celebrate his birthday in the front of the Democratic side. I do want want you, before the cake is cut, I would like you to come over and take a look at it because there are some little, shall we say, critters on the cake. Little pink pigs. And we think he should see them as well. So, happy birthday, Chuck."

Speaker Johnson, Tim: "Returning now to the Order of Senate Bills Third Reading. Mr. Clerk, read Senate Bill 1419."

Clerk Rossi: "Senate Bill 1419, a Bill for an Act relating to student assistance. Third Reading of this Senate Bill."

Speaker Johnson, Tim: "On the Bill the Gentleman from DeKalb, Representative Wirsing."

Wirsing: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. What Senate Bill 1419 does, there are three aspects to it. First of all it deals with the monetary award program grants and increases that by a \$100 for a full-time student, \$50 for a part-time student. It creates a high-ed

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net fund that is currently...it's called the Incentive for Access...I'm sorry, that has been created here in Illinois. It creates the Incentive for Access Program granting up to \$500 per year for freshmen students with no family support. I would hope that...for support of that I would be willing to ask any questions relative to Senate Bill 1419."

Speaker Johnson, Tim: "Seeing or hearing no further discussion. The question is, 'Shall Senate Bill 1419 pass?' Those in favor vote 'aye', those opposed vote 'no'. 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 116 voting 'yes', 0 voting 'no' or 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, Committee Reports."

Clerk McLennand: "Committee Report. Committee Report from Representative Churchill, Chairman from the Committee on Rules to which the following Joint Action Motions were referred, action taken on May 8th, 1996 and reporting the same back 'do approve' for consideration. To the House Floor the following Amendments are approved for consideration: Floor Amendment #2 to Senate Bill 1691; Floor Amendment #1 to Senate Bill 1501; Floor Amendment #4 to Senate Bill 1490; Floor Amendment #3 to Senate Bill 350; Floor Amendment #1 to Senate Bill 825; and also approved for consideration, Conference Committee Report #2 to House Bill 32. Reported out to the Order of Concurrence, Motion to Concur, with Senate Amendment #1 to House Bill 2557. And on the Order of Nonconcurrence, Senate Bill 1037 is placed."

Speaker Johnson, Tim: "Continuing on the Order of Senate Bills Third Reading. Mr Clerk, read Senate Bill 1448."

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Clerk McLennand: "Senate Bill #1448, a Bill for an Act that amends the Illinois Vehicle Code. Third Reading of this Senate Bill."

Speaker Johnson, Tim: "The Gentleman from Boone, Representative Wait."

Wait: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This Bill basically would allow sales of trailers for basically hauling boats, motor vehicles, to be exempted under the Sunday Sale Law. The problem is, now, if they they have them at off campus sales, for example, at malls and things like that, they are not able to sell the trailers with the boat. This would just carve out an exception and allow them to be sold on Sunday."

Speaker Johnson, Tim: "Give the Gentleman your attention. On the Bill the Chair recognizes the Gentleman from Cook, Representative Dart. Proceed."

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

Speaker Johnson, Tim: "He indicates he will."

Dart: "Representative, you're moving the requirements dealing with permits. Why are we doing that?"

Speaker Johnson, Tim: "Representative Wait."

Wait: "Basically, right now, there's some confusion over whether they can sell these. Like I said, the trailers that go along with boats and sails. In other words they bring the boats, they bring the trailers and everything at the Sunday showings at malls and things like that and the people are ready to sign on the dotted line - but because some people have construed them to be like, you know, automobiles and trucks which you cannot sell on Sunday. So, this is just to clarify where that would permit them then to sell the trailer along with the boat for example."

Speaker Johnson, Tim: "Representative Dart."

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Dart: "What is the reason why we're moving...we're removing the blue laws for the motor homes, Representative?"

Speaker Johnson, Tim: "Representative...Representative Wait."

Wait: "Well, this just clarifies it does not apply to automobiles, it does not apply to trucks. This just applies to motor homes, mini homes, vans, campers, and recreational trailers, which is basically boat trailers."

Speaker Johnson, Tim: "Representative Dart."

Dart: "Would this allow for the sale of motor homes and trailers, though, on Sundays, though?"

Speaker Johnson, Tim: "Representative Wait."

Wait: "Yes. This would allow that they be sold on Sunday. Just these items which I named."

Speaker Johnson, Tim: "Representative Dart."

Dart: "But we still cannot sell cars, though. Is that correct?"

Speaker Johnson, Tim: "Representative Wait."

Wait: "Right. We are not changing that part of the law."

Speaker Johnson, Tim: "Representative Dart."

Dart: "Why is it though, we want to make that distinction between cars and motor homes. So, why is it that it's okay to sell them on Sundays but you can't sell cars on Sundays?"

Speaker Johnson, Tim: "Representative Wait."

Wait: "Well, basically, it was the...once the people who sell boats found out they were having some confusion and so they asked for this specific exemption. The...you know, car dealers, truck people, nobody had come and asked for an exemption for them."

Speaker Johnson, Tim: "Representative Dart."

Dart: "Did...I'm sorry, do the car dealers favor this?"

Speaker Johnson, Tim: "Representative Wait."

Wait: "The car...car dealers and Secretary of State are neutral on this Bill."

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Speaker Johnson, Tim: "Representative Dart."

Dart: "They're neutral on it though? Do they have any opposition to the fact that this exception is being cut off?"

Speaker Johnson, Tim: "Representative Wait."

Wait: "No, they do not object to it."

Speaker Johnson, Tim: "Representative Dart."

Dart: "What's the change you're making in regards to out-of-state dealers?"

Speaker Johnson, Tim: "Representative Wait."

Wait: "We're making basically no changes. If an out of state dealer comes into Illinois, they still have to join with two other in-state licensed dealers to be able to sell."

Speaker Johnson, Tim: "Representative Dart."

Dart: "Is there any opposition to any of these different provisions in the Bill?"

Speaker Johnson, Tim: "Representative Wait."

Wait: "No, I've not heard of any opposition."

Speaker Johnson, Tim: "Representative Dart."

Dart: "No further questions."

Speaker Johnson, Tim: "On the Bill the Chair recognizes the Gentleman from Vermilion, Representative Black. Proceed, Sir."

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

Speaker Johnson, Tim: "He indicates he will."

Black: "Representative, I remember this Bill in committee. If I remember correctly, this Bill will allow recreational vehicle dealers to sell a motorized RV or a camping trailer or a boat and a trailer, et cetera, et cetera, on Sunday, but an automobile dealer can't sell a car on Sunday. Is that correct?"

Speaker Johnson, Tim: "Representative Wait."

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Wait: "That is correct."

Speaker Johnson, Tim: "Representative Black, further questions?"

Black: "I want...I have an automobile dealer in my district who also sells recreational vehicles. Does that mean he's going to be able to be open at his dealership to sell recreational vehicles, but he won't be able to sell automobiles. Correct?"

Speaker Johnson, Tim: "Representative Wait."

Wait: "This really only applies to off-site sales. It does not apply to his local dealership."

Speaker Johnson, Tim: "Representative Black."

Black: "I think...Let me clarify that because I think the Bill says that RV dealers and it goes on, may operate businesses...their business on Sunday. I don't think it has...I know it deals with off-site, but I think it also deals with...if you're an RV dealer, you can do business on Sunday. Am I mistaken in that?"

Speaker Johnson, Tim: "Representative Wait."

Wait: "Okay. The Section we're changing is the one...First of all, you have to have a permit from the Secretary of State 10 days ahead of time with a \$25 fee to have the off-site sales to be able to sell these. But I...you still would not be able to sell, you know, cars and trucks under this Bill."

Speaker Johnson, Tim: "Representative Black."

Black: "All right. Well, thank you very much, Representative, Mr. Speaker and Ladies and Gentlemen. To the Bill. I hold the Sponsor in the utmost respect and he didn't create the mess that we have, but this is a classic example of what government can do. In the infinite wisdom of the General Assembly, we said some years ago you cannot sell an automobile in this state on Sunday. Now I'm not sure why

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we're deciding what you can and can't sell on Sunday, but this Bill says you will be able to sell a recreational vehicle on Sunday, or a motorboat and a trailer on Sunday, but you still can't sell a car on Sunday. So, I think what I'm going to have to do is to just stand up and say I can't vote for this Bill if you call it on Sunday."

Speaker Johnson, Tim: "The Gentleman from Cook, Representative Lang."

Lang: "Well, thank you very much. Will the Sponsor yield?"

Wait: "Maybe."

Lang: "Will the Sponsor yield? Is that possible?"

Speaker Johnson, Tim: "He indicates he will."

Lang: "Representative, let me see if I can get this straight. We voted some years ago before I was here - you may have been here - to say that car dealers can't sell cars on Sunday. Now this Bill allows those that sell RV's to sell them on Sunday which is an exception to that law. I guess that law kept them from doing that. What if a car dealer sells both? Are they required to separate it, have separate doors? Can someone walk through the showroom where the cars are, but do they have to wear blindfolds or something and not look at those cars on the way to see the RV's?"

Speaker Johnson, Tim: "Representative Wait."

Wait: "We are not changing the law with regards to whatever their home base is. This only applies to off sales that are issued through a special permit issued by the Secretary of State at trade shows. This does not apply or change the law, whatever the law is currently, where you would have a dealership and if they were selling two at the same time, does not affect that law."

Speaker Johnson, Tim: "Representative, further questions or comments?"

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Lang: "Well, why don't you just simply change it to make it on-site and why don't you just simply change it to allow automobile dealers that want to be open on Sunday to be open on Sunday? Why do we have to carve out an exception for this one narrow group?"

Speaker Johnson, Tim: "Representative Wait."

Wait: "Well, this has to do with a lot of trade shows. Especially like in the Cook County area, the McCormick place, I suppose, where they show these boats and trailers. And this just makes it easier for the general public when they're out at these trade shows, that they could buy them right there."

Speaker Johnson, Tim: "Representative Lang."

Lang: "You're concern for Cook County is just overwhelming to me. You just took \$12 million or tried to take \$12 million away from the City of Chicago on their water bills, but now you want to make sure they can sell RV's there on a Sunday. And we're really thrilled to know that you have that kind of compassion for the county in which I live. Let me ask you a question. Representative Hartke, in committee, proposed Amendment #4 which was a family Tax Equity Act, a renters Tax Equity Act and others. Did you...were you for that, Sir, or did you resist that going on your Bill?"

Speaker Johnson, Tim: "Representative Wait."

Wait: "Well, I believe that was ruled non-germane, so it was ruled out of order."

Speaker Johnson, Tim: "Representative Lang."

Lang: "You're the chairman of that committee aren't you, Sir?"

Speaker Johnson, Tim: "Representative Wait."

Wait: "Yes, that's what we...the committee ruled, right. We referred it to Rules, actually, is technically what we did."

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Speaker Johnson, Tim: "Representative Lang."

Lang: "Yes, but were you for it, Sir? I understand that you want to uphold the highest integrity of the House, and if you felt it should go to Rules, darn it, it ought to go to Rules. But were you for it?"

Speaker Johnson, Tim: "Representative Wait."

Wait: "Well, I was only concerned about my Bill, so I didn't even pay any attention to that particular issue cause we wanted to only have germane issues on this Bill."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Well, I know because this is so important to Cook County, the Cook County lobbyists are just storming this place to make sure that those RV's can be sold on Sunday. Is that right, Sir? I mean, they're all over. I've received hundreds of letters from RV...potential RV buyers in Cook County, but only one's who want to buy it on Sunday. Those who want to buy it on Thursday haven't bothered me. But there are many that want to buy them on Sunday apparently. Is that what your mail shows you as well, Sir?"

Speaker Johnson, Tim: "Representative Wait, do you wish to respond?"

Wait: "Yes, I've had a few people contact me and definitely in favor of it."

Speaker Johnson, Tim: "Representative Lang, further questions or comments?"

Lang: "Well, I would just...I'd be dying if you would share the copies of those letters with me from those constituents you have. And I dare say, since this doesn't affect just Winnebago County, you must be getting letters all over the state from people that want to buy RV's on a Sunday. Internationally, someone has suggested, and I would very much like to get copies of those letters. Could you supply

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them to me, Sir?"

Speaker Johnson, Tim: "Representative Wait."

Wait: "I'll see what I can do to dig them up."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Well, we'll see what we can do about digging up some votes for you on this side of the aisle as well. Thank you, Sir."

Speaker Johnson, Tim: "On the Bill the Chair recognizes the Gentleman from Cook, Representative Hassert."

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

Speaker Johnson, Tim: "The question is, 'Shall the main question be put?' Those in favor say 'aye', those opposed say 'no'. In the opinion of the Chair the 'ayes' have it, the main question is put. Representative Wait to close."

Wait: "Thank you. I'd just ask the House to support this Bill. This clarifies a few things that there was some question about. It makes it easier for the consumer to buy things associated with boats and a trailer and it just is a good government Bill. Thank you."

Speaker Johnson, Tim: "The question is, 'Shall Senate Bill 1448 pass?' Those in favor vote 'aye', those opposed vote 'no'. 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 96 voting 'yes', 13 voting 'no', 6 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, Supplemental Calendar announcements."

Clerk McLennand: "Supplemental Calendar #2 is being distributed."

Speaker Johnson, Tim: "Continuing on the Order of Senate Bills Third Reading. Mr. Clerk, read Senate Bill 1473."

Clerk McLennand: "Senate Bill #1473, a Bill for an Act concerning

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agriculture. Third Reading of this Senate Bill."

Speaker Johnson, Tim: "The Gentleman from Vermilion, Representative Black, on the Bill."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 1473 has various Amendments to the Ethanol Act and other items that deal with agriculture in the State of Illinois. Rather than go through each of them separately, I'd be glad to answer any questions that you might have. This Bill has been amended to take out the reference to weights and measures. With that I...with that change, I don't know of any opposition to the Bill. I'll certainly do my best to answer any questions anybody has."

Speaker Johnson, Tim: "The Gentleman from Vermilion, Representative Black, has moved for the passage of Senate Bill 1473. Those in favor vote 'aye', those opposed vote 'no'. 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 116 voting 'yes', 0 voting 'no' or 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Representative Monique Davis, you may want to turn off your speak light. I think it's on inadvertently. Representative Davis, for what purpose do you rise?"

Davis, M.: "Mr. Speaker, I really appreciate this opportunity for a point of personal privilege."

Speaker Johnson, Tim: "On a...state your point."

Davis, M.: "The Odyssey...Odyssey 21...Odyssey 21, the old Bauer's Opera House, will be the location for Senator Emil Jones' event tonight."

Speaker Johnson, Tim: "Thank you..."

Davis, M.: "Senator Jones has moved from the farm to the Odyssey,

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which is at 620 South First, the old Bauer's House. Thank you very much."

Speaker Johnson, Tim: "Thank you, Ma'am. Either now or in recent past, students from Arcola Grade School with Miss VanGundy and Miss Greathouse, as well as Columbia Elementary School are present in the gallery. Represented...Collectively, by Representative Weaver and myself and Representative Winkle, welcome to Springfield. Introductions, Mr. Clerk."

Clerk Rossi: "House Joint Resolution 111, offered by Representative Churchill. Rules."

Speaker Johnson, Tim: "Mr. Clerk, further introductions."

Clerk Rossi: "House Joint Resolution 110, offered by Representative Lindner; House Resolution 109, offered by Representative Krause; House Resolution 110, offered by Monique Davis and House Resolution 111, offered by Representative Goslin. Rules."

Speaker Johnson, Tim: "Continuing on the Order of Senate Bills Third Reading appears Senate Bill 1604, and on that Bill, the Lady from DuPage. Mr. Clerk, please read the Bill."

Clerk Rossi: "Senate Bill 1604, a Bill for an act amending the County Jail Act. Third Reading of this Senate Bill."

Speaker Johnson, Tim: "Continuing on the Bill. The Lady from DuPage, Representative Cowlshaw."

Cowlshaw: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. This Bill is a response to a very great concern on the part of municipalities and counties as to the soaring costs for medical care for people who have been arrested and are in the custody of a police department or a county jail. What this Bill does is to create a \$10 dollar fee for each criminal conviction or criminal order of supervision to be paid by the offender and then the fee will be devoted to reimbursement to medical providers for

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treatments given to arrestees held in custody by police authorities or to inmates confined in county jails. The Bill is supported by the United Counties Council, the Illinois Sheriffs' Association, Lake County, the Elmhurst Chief of Police, the Illinois Association of Chiefs of Police, the Madison County State's Attorney, the Metro Counties Association, and the Illinois Municipal League. I would be glad to answer any questions."

Speaker Johnson, Tim: "On the Bill the Chair recognizes the Gentleman from Cook, Representative Dart."

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

Speaker Johnson, Tim: "Indicates she will."

Dart: "Representative, it's...just so I can go through this, it's for convictions and orders of supervisions. Is it an additional \$10 fee that's going to be imposed on these people?"

Speaker Johnson, Tim: "Representative Cowlshaw."

Cowlshaw: "Yes."

Speaker Johnson, Tim: "Representative Dart."

Dart: "So, then this would be a fee placed on top of any other fee that has been done whether it's a DUI fee or whatever it is? This would be just an additional \$10 fee?"

Speaker Johnson, Tim: "Representative Cowlshaw."

Cowlshaw: "That is correct and it would be used exclusively, could only be used for the costs of medical expenses for those persons who are either arrested and in the custody of a municipal police department or who are inmates in a county jail."

Speaker Johnson, Tim: "Representative Dart."

Dart: "And in under the present system right now, the counties and sheriffs are being sort of left holding the bag, though. Is that correct? This is in an effort to try to

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remedy that situation in some way?"

Speaker Johnson, Tim: "Representative Cowlshaw."

Cowlshaw: "That is a very accurate assessment of not only the problem that we are trying to respond to, but, in fact, I think it is a clear understanding of what this Bill is all about and thank you very much, Sir."

Speaker Johnson, Tim: "Representative Dart."

Dart: "No further questions."

Speaker Johnson, Tim: "Seeing or hearing no further questions, the Lady from DuPage, Representative Cowlshaw, has moved for the passage of Senate Bill 1604. Those in favor vote 'aye', those opposed vote 'no'. 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 voting 'yes', 1 voting 'no', 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Returning to the Order of Senate Bills Third Reading. On page two of the Calendar appears Senate Bill 350. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 350, a Bill for an Act in relation to the Adopt-a-Highway Program. Second Reading of this Senate Bill. Amendments 1 and 2 were adopted in committee. No Motions have been filed. Floor Amendment #3, offered by Representative Hughes, has been approved for consideration."

Speaker Johnson, Tim: "On Floor Amendment #3 the Chair recognizes the Lady from McHenry, Representative Hughes. Proceed."

Hughes: "The Bill is on Second. I was going to ask to move it to Second. I would like to offer Amendment #3 to Senate Bill 350. This Amendment deletes some language in a previous Amendment with respect to liability for damages. That is

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all that this Amendment does."

Speaker Johnson, Tim: "On the Amendment the Chair recognizes the Gentleman from Cook, Representative Dart."

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

Speaker Johnson, Tim: "She indicates she will."

Dart: "Representative, if I'm not mistaken this Amendment, what this does, it removes all...it gives complete immunity for any actions that this agency may do that may end up in whatever injuries. Is that correct?"

Speaker Johnson, Tim: "Representative Hughes."

Hughes: "I'm not sure I heard your question precisely, correctly, but what the Amendment does is remove all of the language in the last paragraph, referencing liability from the previous Amendment and the Bill."

Speaker Johnson, Tim: "Representative Dart."

Dart: "But then doesn't it...doesn't it add back in then new language dealing with removing liability and giving immunity as well?"

Speaker Johnson, Tim: "Representative Hughes."

Hughes: "No, it does not."

Speaker Johnson, Tim: "Representative Dart."

Dart: "Okay. Is House Amendment 3 on the system right now, do you know?"

Speaker Johnson, Tim: "Representative Hughes."

Hughes: "I can't answer if it's on the system. I'd have to pull mine up. It's not in front of me."

Speaker Johnson, Tim: "Representative Dart, proceed."

Dart: "An inquiry of the Clerk, if Amendment #3 is on the system. I don't know if I have it here."

Speaker Johnson, Tim: "Mr. Clerk. Mr. Clerk, in response."

Clerk Rossi: "Amendment #3 is on the system. Members may want to do a down load and update on their laptops."

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Speaker Johnson, Tim: "Representative Dart, do you have further questions?"

Dart: "Yeah, just one question. Representative, I see the text of this now and I see the deletion part. Does that delete all references to the tort immunity parts? Those are all removed from this Bill, now?"

Speaker Johnson, Tim: "Representative Hughes."

Hughes: "That is correct."

Speaker Johnson, Tim: "Representative Dart."

Dart: "No further questions."

Speaker Johnson, Tim: "No further questions? The Lady from McHenry, Representative Hughes, does move for the adoption of Floor Amendment #3. Those in favor say 'aye', those opposed say 'no'. In the opinion of the Chair the 'ayes' have it. The Motion is adopted. Any further Amendments, Mr. Clerk?"

Clerk Rossi: "No further Amendments."

Speaker Johnson, Tim: "Third Reading. Continuing on the same Order of business, Mr. Clerk, please read Senate Bill 825."

Clerk Rossi: "Senate Bill 825, a Bill for an Act amending the Judicial Districts Act. Second Reading of this Senate Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Kubik, has been approved for consideration."

Speaker Johnson, Tim: "On Floor Amendment #1 the Chair recognizes the Gentleman from Cook, Representative Kubik. Proceed."

Kubik: "This simply adds an effective date to the Bill."

Speaker Johnson, Tim: "Seeing no discussion. No, I do see discussion. Representative Scott, the Gentleman from Winnebago, for what purpose do you rise?"

Scott: "Thank you, Mr. Speaker. I'd ask a question of the Sponsor, if he'll yield."

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Speaker Johnson, Tim: "Proceed. He'll yield."

Scott: "Thank you. Representative Kubik, this appears...does...just to be a Vehicle Bill or a shell?"

Speaker Johnson, Tim: "Representative Kubik."

Kubik: "Yeah, this is a vehicle, shell, whichever you wish to call it. It's...But we are putting in an effective date for this vehicle or shell."

Speaker Johnson, Tim: "Further questions, Representative Scott?"

Scott: "Well, why have we added an effective date to a Bill that does nothing?"

Speaker Johnson, Tim: "Representative Kubik."

Kubik: "Because..."

Speaker Johnson, Tim: "Representative Scott."

Kubik: "...We want it to be effective at a certain point in time even though it doesn't do anything."

Scott: "So, we want to do nothing immediately. Is that basically the tenor of it?"

Speaker Johnson, Tim: "Representative Kubik."

Kubik: "Why wait? Might as well do it right away."

Speaker Johnson, Tim: "Representative Scott."

Scott: "In all seriousness, what are the plans for this? Do we know, basically...I mean, obviously this could have concern for all of us because we're...it amends the judicial district. So, are there any plans right now or on the drawing board for this?"

Speaker Johnson, Tim: "Representative Kubik."

Kubik: "Representative, I know of none myself. I must tell you this does deal with judicial redistricting. It is a vehicle. I don't know if we'll address this issue this Session, but we'd like to move this issue along in case there is some need to do something on this...in this area."

Speaker Johnson, Tim: "No further questions, Representative

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Scott? The Chair recognizes the Gentleman from Cook, Representative Lang."

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

Speaker Johnson, Tim: "He indicates he will."

Lang: "Thank you. Representative, this Vehicle Bill that came out of the Senate was introduced in the Senate March 2nd, 1995. That is 14 months ago. And all you guys have figured out to do with this Bill is to make it effective immediately?"

Speaker Johnson, Tim: "Representative Kubik."

Kubik: "I think we've waited long enough, Representative Lang, so we're going to make it effective immediately."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Now just to show that everybody has their problems, my analysis indicates that although the Bill was introduced on March 2nd, 1995, it was analyzed on May 5th, 1991. So, I just want you to know that we do have these problems over here too, from time to time. Representative, this Bill, although it's a Shell Bill, deals with a very serious topic, which is how the Supreme Court districts and the Appellate Court districts in Cook County are divided. Is that correct?"

Speaker Johnson, Tim: "Representative Kubik."

Kubik: "Representative, I don't know that it specifically deals with Cook County or downstate. I know that it does amend the Judicial Districting Act, so I suppose you could make that assumption."

Speaker Johnson, Tim: "Representative Lang, further questions or comments?"

Lang: "Well, is it not possible that this could go to the Senate and end up back here in a form where we would be completely changing the boundaries for the Appellate Court in Cook

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County and for the Supreme Court judges in Cook County?"

Speaker Johnson, Tim: "Representative Kubik."

Kubik: "Representative, I cannot tell you what the Senate is doing. I can tell you that there...it is an issue that we'd like to move along in case there is some need to do something like that. But I'm not saying that we're going to do it, I'm just saying we'd like to keep this issue alive."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Well, then let me ask you this, Representative. Will you refuse to call this Bill if it comes back here with new boundaries, new districts for the Supreme Court and/or Appellate Court in Cook County?"

Speaker Johnson, Tim: "Representative Kubik."

Kubik: "I would not make that commitment."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Thank you. To the Bill and to the Amendment. Listen carefully, Ladies and Gentlemen."

Speaker Johnson, Tim: "Give the Gentleman your attention."

Lang: "Well, thank you, Mr. Speaker. Not only is this a Vehicle Bill, not only are we doing nothing to it and we know the dangers of Vehicle Bills, but we all know that there is a secret movement afoot to change how the boundaries look for the Supreme Court Judges, as they come out of Cook County. Now there's no Bill going through here yet, but this could be the Bill. This could be the Bill that turns the current system into a completely different system. And we will have no input if we let this Bill out this way. So, I would recommend that if Mr. Kubik is serious about this Bill currently doing nothing, and having no real intentions for it, and Mr. Kubik not move the Bill now, and I would recommend we not allow this Amendment to proceed. And, Mr.

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Speaker, I would request a Roll Call Vote and should this receive the requisite number, I would request a verification."

Speaker Johnson, Tim: "Representative Lang, your request for a roll call is granted. Your request for a verification is also granted. And the Chair would remind you that being an Amendment, it simply requires more 'yes' votes than 'no' votes. So the question is, 'Shall Floor Amendment #1 to Senate Bill 825 be adopted?' Those in favor signify by voting 'aye'; those opposed by voting 'no'. The voting is open. Have all voted...voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 66 voting 'yes', 50 voting 'no', 0 voting 'present'. Representative Lang, do you persist in your request for a verification? You withdraw your request? Floor Amendment #1 is adopted. Mr. Clerk, further Amendments?"

Clerk McLennand: "No further Amendments."

Speaker Johnson, Tim: "Third Reading. Proceeding on the same Order of business, Mr. Clerk, read Senate Bill 1501."

Clerk McLennand: "Senate Bill #1501, Bill's been read a second time previously. Floor Amendment #1, offered by Representative Winkel, has been approved for consideration."

Speaker Johnson, Tim: "The Gentleman from Champaign, Representative Winkel, on Floor Amendment #1, proceed."

Winkel: "Thank you, Mr. Speaker. Floor Amendment #1 to Senate Bill 1501 amends the Bill. It replaces it. Basically, this is an effort to collect child support, delinquent child support. The question on the marriage license under this Amendment would ask whether either party to the proposed marriage owes delinquent court-ordered child

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support. And I would be glad to answer any questions on this Amendment."

Speaker Johnson, Tim: "On the Amendment, the Chair recognizes the Gentleman from Cook, Representative Lang."

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

Speaker Johnson, Tim: "Indicates he will."

Lang: "Thank you. Representative, have you ever heard of the Supreme Court's case called Zablocki versus Redhail?"

Speaker Johnson, Tim: "Representative Winkel."

Winkel: "Mr. Lang, which Supreme Court?"

Speaker Johnson, Tim: "Representative Lang."

Lang: "This is the United States Supreme Court, Sir. It's the country in which we live, the United States Supreme Court."

Speaker Johnson, Tim: "Representative Winkel."

Winkel: "Yes, that case, I have heard of it."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Well, without talking about the merits of your Bill and how I feel about it, which I will do shortly, isn't it not the case that this case is directly on point? Isn't this case strike a Wisconsin statute that does, that did exactly what you're intending to do here?"

Speaker Johnson, Tim: "Representative Winkel."

Winkel: "Representative Lang, no, that is not true."

Speaker Johnson, Tim: "Representative Lang."

Lang: "What is the difference?"

Speaker Johnson, Tim: "Representative Winkel."

Winkel: "The difference as I read the Wisconsin case is that, that was a question of whether the court was going to allow a marriage or not. Under this Bill, we simply have a question on a marriage license certificate that the applicant for the marriage would have to either indicate whether or not they're in arrears for delinquent child

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support. If they are, they have to mark it down truthfully. If they're not, they mark it down, no. If they're behind, then they don't get the marriage license until they get that corrected."

Speaker Johnson, Tim: "Representative Lang, further questions or comments."

Lang: "But nevertheless, your Bill would restrict the right of someone to get married, if they owe child support. Is that correct?"

Speaker Johnson, Tim: "Representative Winkel."

Winkel: "It's certainly no more of a restriction than having to get the license in the first place. It's simply a condition of getting the license."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Let me ask you this, Representative, since you're very concerned about this issue of child support. I have a Bill that's stuck in Rules that says that every employer in this state should report all new hires and their Social Security number to the Department of Public Aid, so they can be cross-referenced. In the State of New York, they did that and in two months, they caught 18,000 unpaid child support deadbeat fathers. Shouldn't we add that to your Bill so we can get deadbeat fathers in Illinois to pay up?"

Speaker Johnson, Tim: "Representative Winkel."

Winkel: "Certainly, that's a very interesting concept. I'll be glad to explore that with you, after Session."

Speaker Johnson, Tim: "Representative Lang."

Lang: "You want to hold this Bill on Second Reading while I whip up a quick Amendment, so that you can say, 'Great, let's put it on?' You can be a hero. I'll let you be the Sponsor."

Speaker Johnson, Tim: "Representative Winkel."

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Winkel: "That is gracious and magnanimous of you. I appreciate the offer, but I really do want to proceed with my Bill as I'm attempting to amend it."

Speaker Johnson, Tim: "Representative Lang."

Lang: "So you're not interested in being a hero today. You only want to collect some of the child support, not all of it. Is that your plan, Sir?"

Speaker Johnson, Tim: "Representative Winkel."

Winkel: "Representative, I think this plan that we're presenting in Senate Bill 1501, Senator Garcia's idea, I think is an outstanding attempt, excellent effort at attempting to collect delinquent child support. I think it'll be very effective. That's why I'm proud to pick up the Bill on this side and as amended, I think it'll even be more effective."

Speaker Johnson, Tim: "Representative Lang."

Lang: "What other states have this kind of law, Sir, that...I mean that has not been stricken by the court?"

Speaker Johnson, Tim: "Representative Winkel."

Winkel: "Texas."

Speaker Johnson, Tim: "Representative Lang."

Lang: "And what are the statistics? What impact has that had on unpaid child support in the State of Texas?"

Speaker Johnson, Tim: "Representative Winkel."

Winkel: "I do not have the statistics from Texas."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Well, then how do you know this is going to work? I mean, on the face of it, I think we can look at it and say, 'Yes, this looks like it's going to work.' But as you know, we pass thousands of laws out of this Body that look like they're going to work and really accomplish nothing. How do we know this is going to work? What evidence is there

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that it will accomplish your goal, Sir?"

Speaker Johnson, Tim: "Representative Winkel."

Winkel: "I think, in this case, you can rely on your common sense that if it's a question on a marriage license application, that that will be an effective screening tool and we will be able, through that mechanism, to identify people who are behind in their child support and deal effectively with it."

Speaker Johnson, Tim: "Representative Dart. Representative Lang."

Lang: "Thank you. What happens if a person lies on that form and then they get married. Is the marriage void?"

Speaker Johnson, Tim: "Representative Winkel."

Winkel: "No, it's not void. They would be subject to a misdemeanor charge."

Speaker Johnson, Tim: "Representative Lang, your time's drawing to a close. Proceed."

Lang: "So, the next thing I'd like to do, Mr. Speaker, is remove this from Short Debate. I'm joined by numbers, thousands, hundreds of colleagues. Oh, this is an Amendment. All right, it's an Amendment. Thank you. Representative, I don't think you've done such a great job answering my questions, but my time is up. Maybe someone will pick it up from here."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from McHenry, Representative Skinner."

Skinner: "Excuse me, Representative Meyer, I didn't mean to hit you in the chin with the microphone."

Speaker Johnson, Tim: "Representative Meyer accepts your apology. Proceed."

Skinner: "Would you, would the Sponsor please tell us, why he thinks this approach is constitutional? Why this is

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different from the Wisconsin law?"

Speaker Johnson, Tim: "He indicates he'll yield. Representative Winkel."

Winkel: "This will be a very minimal requirement to answer yet a single question on a marriage application. It's a very minimal requirement. It's just simply a matter of answering the question on the marriage certificate. I don't think that that interferes unduly with the fundamental right of marriage."

Speaker Johnson, Tim: "Representative Skinner."

Skinner: "It's my understanding that if you answer that you owe child support, you're not issued a certificate. Is that correct?"

Speaker Johnson, Tim: "Representative Winkel."

Winkel: "That is correct."

Speaker Johnson, Tim: "Representative Skinner."

Skinner: "That sounds less than minimal. That sounds like it will be prohibiting marriage."

Speaker Johnson, Tim: "Representative Winkel."

Winkel: "It would not be a complete bar. Obviously, that problem can be solved once the delinquency is brought current."

Speaker Johnson, Tim: "Representative Skinner."

Skinner: "And you think that's good enough to pass muster with a court that is vastly different from the court of 1977."

Speaker Johnson, Tim: "Representative Winkel."

Winkel: "Yes."

Speaker Johnson, Tim: "Representative Skinner."

Skinner: "You may be right."

Speaker Johnson, Tim: "Further questions? The Gentleman from Winnebago, Representative Scott, proceed."

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

Speaker Johnson, Tim: "Indicates he will."

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Scott: "Actually, Representative Skinner started on the line that I was going to pursue. I've been reading a copy of this Zablocki and Redhail case. I guess what confuses me is that, if I'm reading your Amendment correctly, Representative, you have to file an affidavit that says you don't owe child support. You can't merely file an affidavit that says whether or not you owe child support. You have to file one that says you don't, right?"

Speaker Johnson, Tim: "Representative Winkel."

Winkel: "That's incorrect, Representative."

Speaker Johnson, Tim: "Representative Scott."

Scott: "Well, let me read, is this not the correct Amendment, 'An applicant for a marriage license shall submit to the county clerk a notarized statement stating that as of the date of the application for a marriage license, the applicant does not owe delinquent, court-ordered child support.' In other words, in order to get a marriage license, you have to submit this affidavit saying you don't owe child support."

Speaker Johnson, Tim: "Representative Winkel."

Winkel: "Representative, we're talking about Amendment #1 and it is simply a question that's going to be put on the marriage license application. And the question is only whether either party to the proposed marriage owes delinquent court ordered child support as defined in Section 203.5."

Speaker Johnson, Tim: "Representative Scott."

Scott: "So in not making it, you don't have to answer that question in the affirmative then, you just have to answer whether or not you owe delinquent child support and you get the marriage license regardless of whether or not you do?"

Speaker Johnson, Tim: "Representative Winkel."

Winkel: "It's a question on the marriage license certificate. The question I just read which would appear on that

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certificate application and you would have to provide a truthful answer to that. If your answer indicates that you're more than 30 days in arrears in child support, a marriage license will not be granted."

Speaker Johnson, Tim: "Representative Scott."

Scott: "Okay, so then if you do owe child support, you can't proceed with the marriage. How is that, I guess I don't understand how that's different than what they had in Wisconsin. I mean, that seems to be exactly the same. It's worded differently, but the net effect is still the same. If you owe child support, you can't get a marriage license. How do you see it as being different? What are the distinctions there?"

Speaker Johnson, Tim: "Representative Winkel."

Winkel: "The distinction is that it's a question on the marriage license application. It's very minimal intrusion and can be overcome by bringing that delinquency current."

Speaker Johnson, Tim: "Representative Scott."

Scott: "But how is that different than what Wisconsin had?"

Speaker Johnson, Tim: "Representative Winkel."

Winkel: "It does not involve the judiciary or court finding or court order."

Speaker Johnson, Tim: "Representative Scott."

Scott: "But the intrusion is on the right to marry. The intrusion is on the right, itself, to marry. If you deny the marriage application until in either a court order allows it or you bring their arrearage up to date, it still seems like you've got the same intrusion. It's not a further intrusion because you have to go to court. I mean, I don't see that as being something that's going to take away from the rationale here. I mean, I want to support your concept, but I don't want to pass another Bill and

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have something happen to it, like happened yesterday with the other Bill we passed last year. I mean, I want this one to survive. So, I mean, and you're saying that because a person doesn't have to go to court, you think that is substantially different enough from this case."

Speaker Johnson, Tim: "Representative Winkel."

Winkel: "That's precisely what I'm saying and it's a matter of opinion. And it's my opinion that that's a very minimal intrusion. Having people, as you know having practiced in court, you know that that is a very substantial intrusion on time and effort. Most likely to have to hire an attorney. You don't have to do that here. You don't have to hire an attorney. You don't have to appear in court. You don't have to have pleadings. You don't have to present evidence. You don't have to have witnesses. This is a very minimal intrusion. It's simply asking the question, the question whether you owe child support and if you do, you're not going to get the license until you satisfy the condition, the condition being that you bring yourself current."

Speaker Johnson, Tim: "Representative Scott."

Scott: "I agree that it's different, but I don't agree that it would necessarily change the opinion of the Supreme Court. Because, you know, I'm reading from the Court's opinion. They're talking about the collection device. Rationale cannot justify the statute's broad infringement on the right to marry. I mean, I think we're doing the same thing. They're not focusing on the methodology for collecting; they're focusing on the fact that you have to collect in order to be able to marry or you have to pay up in order to be able to marry, not on the mechanism for doing that, but the fact you have to do it. So I don't see

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that we really...we've got a difference without a distinction, I think, between that Bill and the one they had in Wisconsin."

Speaker Johnson, Tim: "Representative Winkel, you have 15 seconds."

Winkel: "Representative, you and I simply disagree. I think the collection device does come into play. Ours is very simple, straightforward, easily satisfied out of court. The other that they consider was very onerous."

Speaker Johnson, Tim: "On the Amendment, the Chair recognizes the Lady from Cook, Representative Currie."

Currie: "Thank you, Speaker and Members of the House. I share Representative Scott's reservation. This Amendment, I think, does not clarify that this Bill would not fall as the Wisconsin statute did in the United States Supreme Court. The issue is that the laws may not infringe an individual's ability to enter into a marriage contract and with or without courts, circuit clerks, or what have you, the fact is the passage of this law would do exactly that. Passage of this law says if the answer to the question is, 'Yes, I owe child support,' you can't get married. The United State's Supreme Court has consistently held that the right of marriage is a basic, fundamental right that adheres in our Constitution and our relationship as members of a democratic society. Many other rights that have also been upheld by that Court would be meaningless if we didn't start out with the premise that the right to marry is fundamental. What's the reason for this law? What's the point? Well, the point you would argue, is that we want to make sure that children are given the support they're entitled to. All of us support that premise. The problem is that there is nothing in this proposal that would make

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it more likely the child support in fact is collected. We have many ways of collecting child support. Unfortunately in this state, our Department of Public Aid does a particularly poor job of seeing to it that absent parents pay the money that they're supposed to pay under orders that are entered into by the court. So maybe this is a red herring. We'll find another way to try to collect the child support since our own system, our own government isn't prepared to do it. But the question then becomes, how effectively will this collection device work? I ... it will not work at all. What happens of course is that we'll have children in this society with or without benefit of marriage. Have you ever heard of illegitimacy? Is it not fair to say that more and more children today are born out of wedlock? And does anybody in his or her right mind think it's a good idea to say to it that we will have more illegitimate children born in the State of Illinois because we passed Senate Bill 1501 that said that parents of that child that's about to be born must be born in an illegitimate state? I think not. I think that's not good public policy. And I think, of course, as I say, this is not a Constitutional measure in any case. Finally, let's talk a bit about people who are not able to meet a support obligation because they just don't have the cash. People who are indigent. You're not going to collect money from them with a Bill like this. Obviously, you weren't able to collect money from them because 'you can't get blood from a stone'. You're not going to prevent them from parenting another child with this legislation. All, again, you're going to do is to say to it that their child will be born illegitimate and in fact, you haven't met the initial premise, which is to try to stop children from coming into

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the world without adequate levels of support. And finally, what you're saying is that if you happen to be indigent and you owed child support, you lost your job and you can't pay the child support, you're the one who cannot marry again in the State of Illinois. Not only is the right of marriage a fundamental right in this country, but any effort to say that certain classes of individuals by virtue of their monetary status are more or less eligible for the benefits of matrimony, strikes me as an extremely poor idea of public policy. So as a way of seeing to it that kids get support, this falls flat on its face. As a way of seeing to it that our policies discriminate against people by virtue of their economic class, this Bill sure manages to do it. And finally, this Bill is directly in contradiction to clear precedent set by the United States Supreme Court. Marriage is a fundamental right. It's an inherent right of our rights as private individuals. And it would be a mistake to support Senate Bill 1501, with or without Amendment 1."

Speaker Johnson, Tim: "On the Amendment, the Chair recognizes the Gentleman from Cook, Representative Pedersen."

Pedersen: "Will the Sponsor yield?"

Speaker Johnson, Tim: "Indicates he will."

Pedersen: "Representative, practically everything that I read, it deplores the notion that we have a lack of marriages today in the areas of, you know, the poor and the children that are deprived and all that. And I just wonder to what extent this legislation would discourage the very thing we're trying to encourage and that is marriage. I realize that maybe the people that are behind in child support, may be marrying someone else, but other than where the children are. But nevertheless, do you have any notion of...after

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all, I mean, they don't, they can do what they want without getting married. A lot of people do that today. They just live together and I think the general policy we should be encouraging marriage today. And I just wonder to what extent would this discourage it?"

Speaker Johnson, Tim: "Representative Winkel."

Winkel: "Representative, the proposed child support collection that we have in this Bill is certainly not intended to discourage marriage. But by the same token, we are attempting to impose upon those who have abused the privilege and the right of marriage in the past from doing so again in the future. The restriction of liberty here is on those who abuse the liberty in the past. And I think it's wrong for the state to close its eyes to that the reality that these are people that have abused that fundamental right in the past. And for us to look the other way, allow them to have the license to remarry and abuse that privilege again, that right, I think is wrong."

Speaker Johnson, Tim: "Representative Pedersen, further questions or comments?"

Pedersen: "Well, I just, you know, I think the intentions are okay. But I, at the same time, what I'm really asking is what will it actually do? I mean, isn't there some concern about the fact that less marriages, this would encourage people not to get married and thus, really work at cross purposes? In other words, what do you think it will actually do in this area?"

Speaker Johnson, Tim: "Representative Winkel. Give the Gentleman your attention. Representative Winkel, in response."

Winkel: "Representative, the intent and I think what will happen as a result of passage of this Bill as amended is that it will encourage and help facilitate the collection of past

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due or delinquent child support."

Speaker Johnson, Tim: "Further questions? Further questions? Representative Pedersen, do you have no further questions? The Chair recognizes the Gentleman from Saline, Representative Phelps."

Phelps: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Will the Sponsor yield please?"

Speaker Johnson, Tim: "He indicates he will."

Phelps: "Representative Winkel, as a former county clerk, responsible for marriage licenses, some of this concern just comes to mind, so maybe you can help me. Do you have anything in the Bill that addresses before a couple would go to get their blood tests or any kind of work in that particular area become to the county clerk's office? Do you know how you address that before they would be expending money, thinking they could get married, then finally get to the county clerk's office, that they were denied marriage license? Do we have anything in the Bill to answer reimbursement or whatever might occur in that particular situation?"

Speaker Johnson, Tim: "Representative Winkel."

Winkel: "As a matter fact, Representative, we work very closely with the County Clerks Association and their lobbyists on this Bill. They were, at first, very concerned about some of the ramifications of this Bill. This Amendment is an Amendment that was done in conjunction with the County Clerks Association. They drafted it and in answer to your question, the Bill does provide as amended that with each marriage license application, the County Clerk is to provide both parties of the proposed marriage with a document that describes the requirements for a granting of a marriage license certificate. So they would be told up

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front about this condition."

Speaker Johnson, Tim: "Representative Phelps."

Phelps: "Do you have anything in the Bill that addresses the possibility of a couple that are living together or it's a boyfriend/girlfriend situation and have kids already and they want to come to get license to get married and find that they can't because of previous obligations they haven't met, that addresses your Bill? Is there anything you addressed with that?"

Speaker Johnson, Tim: "Representative Winkel."

Winkel: "Certainly, there's nothing in the Bill that would... Let me put the other way, in this Bill, the only condition that we're adding to the marriage license application, again, is that they have to verify that they are not 30 days delinquent in their child support. So the same condition would apply in that case that you give as a hypothetical. It doesn't change that condition on the license."

Speaker Johnson, Tim: "Representative Phelps."

Phelps: "One last question, do you think you would expand or think it would make sense, I guess, according to the reasoning of what you have in this Bill, as a couple let's say, would be wanting to get a divorce, at that dissolution agreement, would it not make sense on the premise that you base this particular issue, that before they can get a divorce, they clear up their child support, if there's any involved?"

Speaker Johnson, Tim: "Representative Winkel."

Winkel: "Representative, I'm sorry, I didn't follow your question. Could you..."

Speaker Johnson, Tim: "Representative Phelps."

Phelps: "Simply put, before a couple get a divorce, do you think that it would be feasible to require this same requirement

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that you have here?"

Speaker Johnson, Tim: "Representative Winkel."

Winkel: "Representative, I have not given that any thought. I'm not sure if that would... I'd have to give that some analysis, some thought. But that's not something that's included in this Amendment. It's not included in this Bill. And I'd be glad to discuss your hypothetical with you in more detail. But I don't have an opinion at this time."

Speaker Johnson, Tim: "No further questions. Chair recognizes the Gentleman from Clinton, Representative Granberg."

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

Speaker Johnson, Tim: "Indicates he will."

Granberg: "Representative Winkel, I apologize. I just listened to the last few minutes of the dialogue. Let me understand this. So you would rather have a child born out of wedlock and the parents do not get married. And that's what this does. So you would encourage a child to be born illegitimate, out of wedlock, and not be married?"

Speaker Johnson, Tim: "Representative Winkel."

Winkel: "Absolutely not, Representative. You know better."

Speaker Johnson, Tim: "Representative Granberg, to the Amendment."

Granberg: "But I'm reading the Amendment, let me give you a hypothetical. The mother is pregnant, the father of the child wants to get married. So the child is born with that relationship, with that family environment, a legal father. But he owes \$200 in back child support, so he would not get, be able to receive, they would not be able to receive a marriage license. In which case, the child would be born out of wedlock and there would be no legal marriage. Isn't that correct?"

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Speaker Johnson, Tim: "Representative Winkel."

Winkel: "Representative, clearly the intent of this Bill is to encourage the past due, to bring current the delinquent child support. That is a part of the responsibility that is a part of the fundamental right of marriage. And for us to ignore that past abuse of that obligation under a previous marriage and simply grant yet another marriage license to somebody who's already proven that they've abused that right in the past, greatly dilutes the meaning of that fundamental right, greatly reduces the meaning of that license. And certainly we want to make sure and the intent of this Bill is, is that when we have people that are going to get a license to marry yet again, that they have fulfilled their past obligations under previous marriages and that their child support is brought current."

Speaker Johnson, Tim: "Representative Granberg."

Granberg: "My hypothetical, Representative, so in that hypothetical, the mother is pregnant. They want to get married so they can raise the child in a traditional family setting without the stigma of illegitimacy. Now would they be able to do that under your Bill?"

Speaker Johnson, Tim: "Representative Winkel."

Winkel: "Absolutely, as soon as they clear up the condition of past due child support and fulfill their obligations from the previous marriage."

Speaker Johnson, Tim: "Representative Granberg."

Granberg: "So they will not be able to get married if there is past due child support. The child will be born illegitimate and not in a traditional family setting."

Speaker Johnson, Tim: "Representative Winkel."

Winkel: "Representative, obviously that result can be avoided by bringing the past due child support current. That's the

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object, the purpose of this Bill."

Speaker Johnson, Tim: "Representative Granberg."

Granberg: "But again, so the child will be born with the stigma of illegitimacy because they will not be able to get legally married. I mean, that is correct, isn't it?"

Speaker Johnson, Tim: "Representative Winkel."

Winkel: "Representative, I mean, I can keep repeating myself, too. The result can be avoided if the condition, if the past due child support is brought current. That stigma that you keep hypothesizing about and repeating can be avoided. That result can be avoided if they bring their child support current."

Speaker Johnson, Tim: "Further questions, Representative Granberg?"

Granberg: "Well, thank you. To the Amendment, clearly that will happen. We will encourage illegitimacy with this Amendment and with this Bill. I think we should encourage traditional family environments. I thought that side of the aisle prided themselves on that fact. Apparently, they do not or at least this will not do that, what they intend. This will actually encourage the birth of illegitimate children instead of having them raised in a traditional family environment and having the parents of that child, having them married. Now frankly, that doesn't make a great deal of sense to me. But with due respect to the Sponsor, I vote 'no' because I believe we should go with traditional family environments. And I think we should encourage people to get married. So if the Sponsor does not want to do that, let's amend the Bill. Let's take care of that situation so that does not occur. So with due respect to the Sponsor, if they want to encourage illegitimate births, that's fine, but I intend to vote

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'no'."

Speaker Johnson, Tim: "The Chair recognizes the Lady from Cook, Representative Davis, proceed."

Davis, M.: "Thank you so much, Mr. Speaker. I'd like to ask the Representative this question."

Speaker Johnson, Tim: "He indicates he will yield, proceed."

Davis, M.: "Thank you. Can a person seeking a marriage license, who owes child support, go to Indiana and get a marriage license?"

Speaker Johnson, Tim: "Representative Winkel."

Winkel: "Representative, my recollection of the statute is that if you attempt to avoid the requirements of the State of Illinois by going to Indiana or some other state or some other jurisdiction, that the purpose of evading the clear conditions of the statute, then that is a voidable marriage certificate in the other state."

Speaker Johnson, Tim: "Proceed with further questions, Representative."

Davis, M.: "You know, a few years ago in this Body, we passed a Bill that stated that a person had to have an AIDS test before they got married and the result of that legislation was that people simply drove across the border to either Wisconsin or to Indiana, got their marriage license, bought their cake, rented their tuxedos, purchased their dresses, which meant a lot of businesses lost business, based upon that legislation and the people still got married without having the AIDS test. And we still had to recognize those marriages. Mrs. Jones, with her license from Indiana, was still Mrs. Jones in Illinois. Now, here's another question. Suppose a gentleman has children, has been unemployed for several months or years, has not paid his child support, has impregnated another person and chooses to marry her, we

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in Illinois are going to deny him that right? Or are we encouraging the termination of that pregnancy?"

Speaker Johnson, Tim: "If that was a question, Representative Winkel, do you wish to respond?"

Winkel: "Representative, my answer remains the same."

Speaker Johnson, Tim: "Representative Davis."

Davis, M.: "I'm sorry, Sir. What is your answer?"

Speaker Johnson, Tim: "Give the Lady your attention, the Gentleman your attention. Representative Winkel."

Winkel: "Representative, my answer to your question remains unchanged from the previous hypotheticals."

Speaker Johnson, Tim: "Representative Davis."

Davis, M.: "Well, I do understand that you're looking for a stick or a hammer that will ensure that people who owe child support, pay it. And I think it's a good goal, it's an excellent goal. But I don't believe that this is the method we should use to prevent it. Now I'm sure there are a lot of guys who would love this legislation. Sure there is some men who would say, 'I would marry you, however I owe that child support.' So the Illinois law is preventing that marriage from taking place. 'Any old excuse,' Mary says, 'will do.' But we believed that those of us who are fortunate enough, who are honored to be in this Body, we should be about the business of encouraging, encouraging those who would like a legal sanction, encouraging their marriage. We don't think that because of financial circumstances, you should be denied the same opportunity perhaps that Donald Trump has or any wealthy person or people with means might have. Some people are laid off from their jobs for long periods of times. We have a high unemployment rate in Illinois of middle management positions. And the child support could be late. It

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doesn't mean it isn't coming. It could just be late because a person is between jobs. And I don't think that his or her future bride or groom should be denied an opportunity of marrying because of those financial situations. You know that's really how America got started. People were running from these types of laws."

Speaker Johnson, Tim: "If you could bring your comments to a close, Representative."

Davis, M.: "They were running from these kind of laws in England and that's why they came here. Because everybody could get married, no matter if they owed debt or they didn't owe debt. I urge a 'no' vote on this well intended legislation."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Will, Representative Wennlund."

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

Speaker Johnson, Tim: "The question is, 'Shall the main question be put?' Those in favor signify by saying 'aye'; those opposed by saying 'nay'. In the opinion of the Chair, the 'ayes' have it. The main question is put. Representative Winkel has moved the adoption of Floor Amendment #1. Those in favor signify by saying 'aye'; those opposed by saying 'no'. In the opinion of the Chair, the 'ayes' have it. The Motion is adopted. Further Amendments, Mr. Clerk?"

Clerk Rossi: "No further Amendments have been approved for consideration. The Notes that have been requested on the Bill have been filed."

Speaker Johnson, Tim: "Third Reading. Senate Bill 1502. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1502, this Bill's been read a second time previously. No Committee Amendments, no Floor

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Amendments. The Fiscal Note and the State Mandates Notes that have been requested on the Bill have been filed."

Speaker Johnson, Tim: "Third Reading. Mr. Clerk, read Senate Bill 1691."

Clerk Rossi: "Senate Bill 1691 has been read a second time previously. No Committee Amendments. Floor Amendment #2, offered by Representative Bost, has been approved for consideration."

Speaker Johnson, Tim: "On Floor Amendment #2, the Chair recognizes the Gentleman from Jackson, Representative Bost."

Bost: "Thank you, Mr. Speaker, Members of the House. Floor Amendment #2 to 1691 requires the Department of Corrections within 90 days of the passing of this law to remove all curtains, cell coverings or any other matter of or objects that obstruct or otherwise impair the line of vision into a committed person's cell. Basically, several Members of the House have already heard about this. It basically removes the curtains and makes a safer environment for the guards. Be glad to answer any questions."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Washington, Representative Deering. Proceed."

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

Speaker Johnson, Tim: "Indicates he will."

Deering: "Representative Bost, it's very surprising to see that you're calling this Amendment. We've got you on several Roll Calls, as with many of your Republican colleagues, voting to send Amendments that we filed in committee many times back to Rules. We could have already had this in the process. Why now do you have a change of heart?"

Speaker Johnson, Tim: "Representative Bost."

Bost: "Well, I'm glad you brought that up, Representative

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Deering, because every Amendment that has been brought up that I have supported or have refused to vote for in committee usually have nothing to do with the Bill it was trying to be placed on. So I'm glad I went out and found this Bill to have it put on so that we can actually take care of the problem."

Speaker Johnson, Tim: "Representative Deering."

Deering: "Well, Representative, I know that the Bills that we tried to amend in committee were...the Amendments would have been germane. They dealt with the same subject matter. We didn't have a problem with that. Apparently it was interpretation, even though you know it would have been nice to support those Amendments, because this has been an issue that I've been fighting ever since I've come up here to Springfield. But nevertheless, what's to say if we pass this thing, that what... Is there any teeth in the language that would require the department to remove the curtains?"

Speaker Johnson, Tim: "Representative, in response."

Bost: "Basically, Representative, what this does is it just requires them within 90 days. It does put it in the statutes. They have argued for several years that, you know, they're trying to take care of the problem. This puts a time limit on it and forces them."

Speaker Johnson, Tim: "Representative, further questions."

Deering: "Does the language in the Amendment say 'shall' or 'may'? That's what I'm trying to find out."

Speaker Johnson, Tim: "Representative, your response."

Bost: "The Amendment in line...page 2, line 32, you find 'shall'."

Speaker Johnson, Tim: "Representative?"

Deering: "Okay, what happens if the department refuses to comply with the 90 day time period?"

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Speaker Johnson, Tim: "Representative Bost."

Bost: "It's my understanding that if it is not complied with, it could possibly lead to a suit by a guard or someone of that nature to try to force the compliance."

Speaker Johnson, Tim: "Representative Deering, further questions."

Deering: "So you're telling the Body here that if the department doesn't adhere to this, the guards can sue? Is that what your answer is?"

Speaker Johnson, Tim: "Representative Bost."

Bost: "It is my interpretation that it's just like any other law that we put out that if there's not a fine or there's not something being placed in that way, I would hope that when this Body passes a law, that of all at least our Directors would respond to those laws that we pass."

Speaker Johnson, Tim: "Representative Deering."

Deering: "Well, you know, we have a lot of statutes out there and by law...required by a certain time period to hand out the Road Fund and I think last year they were two or three months late. I don't know, that's law, too. They just decided not to follow that. However, the 90 day time period, we have several correctional institutions in the state. Now, say this passes, is signed into law by the Governor. They go down to Menard and they start at Menard. They have 90 days to remove them from Menard. Do they then have a 90 period from the time they start in another institution or do they have to remove them from all institutions within 90 days of the day the Governor signs this into law?"

Speaker Johnson, Tim: "Representative Bost."

Bost: "It is all institutions will have the curtains removed within 90 days."

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Speaker Johnson, Tim: "Representative Deering."

Deering: "Will there be any circumstances where curtains would be permissible in any institutions?"

Speaker Johnson, Tim: "Representative Bost."

Bost: "No."

Speaker Johnson, Tim: "Representative Deering."

Deering: "How come the guard...or how come the inmates have curtains now? Can you answer that?"

Speaker Johnson, Tim: "Representative Bost."

Bost: "Can you repeat the question? I'm sorry, I didn't hear you."

Speaker Johnson, Tim: "Representative Deering. If the Ladies and Gentlemen of the chamber can give Representative Deering and Bost your attention. Representative Deering, restate the question."

Deering: "How come the inmates have curtains now? Why do they have to have the curtains?"

Speaker Johnson, Tim: "In quick response, Representative Bost. You have 14 seconds."

Bost: "It is my understanding that it is... They have continued to put them up over the last several years and we've wrote tickets and everything like that, but they've not been taken down. But as far as..."

Speaker Johnson, Tim: "On the Amendment, the Gentleman from Cook, Representative Schoenberg."

Schoenberg: "Thank you, Mr. Speaker. Actually, I rise on a point of personal privilege. I'd like to welcome my friends and neighbors from my backyard parish in Evanston, the students at St. Athanasius. If you could give them all a Springfield welcome. Thank you."

Speaker Johnson, Tim: "Welcome to Springfield. The Chair recognizes the Gentleman from Cook, Representative Dart, on

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the Amendment. Representative Dart, proceed."

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

Speaker Johnson, Tim: "Indicates he will."

Dart: "Representative, why was it you would not support Amendment #1?"

Speaker Johnson, Tim: "Representative Bost. In response, Representative Bost."

Bost: "Amendment #1 was put on in the Senate."

Speaker Johnson, Tim: "Representative Dart."

Dart: "No, no. My Amendment was Amendment #1, a House Amendment we put those on in the House. And my Amendment dealt with the notification for the child molesters, rapists and murderers who are released on the street. The thing that was overturned the other day. We thought it would be a criminal Bill. This is germane, it deals with the precise topic. We figured let's get this back on the books right away before we have any more problems on the streets, and you won't let us have this out there. What is it that...What is your reason why you don't want on your Bill an Amendment that is going to make sure that rapists and murderers are not wondering our streets without people knowing they're there? It's germane. It doesn't fall into the crack that you talked about earlier. What's the problem?"

Speaker Johnson, Tim: "Representative Bost."

Bost: "That Amendment was apparently presented in committee."

Speaker Johnson, Tim: "Representative Dart."

Dart: "No, it was the same as your Amendment #2. The exact same thing was filed here. And mine was Amendment 1, so it obviously occurred in time before yours, so we also had plenty of time to go through it. Why don't you want this issue decided?"

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Speaker Johnson, Tim: "Representative Bost."

Bost: "That was a decision not made by me. That was a decision made by Leadership."

Speaker Johnson, Tim: "Representative Dart."

Dart: "But, Representative, this is your Bill, your Party controls the House now. You guys can decide what Bills come in and out of the Rules Committee. You know that, I know that. If you wanted that Amendment, you could've walked into the Speaker and said, 'Speaker, that Amendment's important. Let's get this done.' I've got a Bill that's perfect for it. It's sitting right there. We could have done it in a bipartisan way, instead you turned your back on it. Why?"

Speaker Johnson, Tim: "Representative Bost."

Bost: "I don't think I turned my back on that Amendment. What I did was I presented this Amendment because I feel this one is important with this particular legislation. If that comes out on another piece of legislation, you know, I'd be glad to support it."

Speaker Johnson, Tim: "Representative Dart."

Dart: "Representative, I hate to burst your bubble here, but the underlying Bill dealt with post-conviction hearings. It had nothing to do with curtains in prisons. My Bill had a lot more to deal with post-convictions hearings than your Bill does right now. If you were serious about this, you could have had this done right now instead of us waiting here, Representative. We can get this done, and we should get this done right away. I know Representative Klingler's very interested in this issue. We could have had it done today, started working on it right now. Instead you have turned your back on it. It's your Bill. Your Party runs this place. If you wanted it on there, you can put it on

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there. You know it. Why don't you want it on there?"

Speaker Johnson, Tim: "Representative Bost."

Bost: "The Bill I am debating... The Amendment I am debating is Amendment #2, and if your Bill comes up, then you can debate that."

Speaker Johnson, Tim: "Representative Dart, please... Representative Dart, you can ask your questions, but please restrain or restrict your comments to this Bill, not another Bill. Proceed."

Dart: "I've been trying to do that...but I've been responding to the responses over there. I would love to put it on one of my Bills. My Bills haven't got out of Rules in two years though, Representative. Your Bill has. This is a perfect place for it, Representative. I'm just trying to find a logical reason why we are deciding not to address the topic of notification right now instead of waiting."

Speaker Johnson, Tim: "Representative Bost, your time is drawing to a close. Do you wish to respond?"

Bost: "My response will still be the same, and that is, I am dealing with Amendment #2, and I will continue to work on Amendment #2. If the proposed language that you have comes out at a time, I will deal with that language when it's on the floor. This is the Amendment that we're dealing with. It deals with the removal of curtains within 90 days."

Speaker Johnson, Tim: "Representative Dart, you have 10 seconds."

Dart: "Yeah, Representative...Speaker, I would ask for another minute, because there was over a minute delayed while the Representative was trying to figure out why he didn't put the Amendment on."

Speaker Johnson, Tim: "We will... We'll grant you another minute. Proceed."

Dart: "Yea, and to this Bill. Representative, it's my

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understanding and I, too, have been to the prisons and have visited them, that the prison already has the authority to prohibit the putting up of curtains and the like in the prisons. Why is it that we need this if they can already do that?"

Speaker Johnson, Tim: "Representative Bost."

Bost: "They have prohibited the putting up of curtains for years. Why it has not been done, I cannot answer that question. All I can answer is what I am trying to do with this legislation. And with this legislation, we're trying to remove those curtains for the safety of the guards, for the safety of the inmates, for the general safety of the citizens of the State of Illinois. And, I would love to have you support it."

Speaker Johnson, Tim: "The Amendment...The Chair recognizes the Gentleman from McHenry, Representative Skinner."

Skinner: "Mr. Speaker, in the last 30 seconds of this debate, we've finally gotten down to the subject matter of this Amendment, which is curtains or coverings on prison windows. Now when Representative Rutherford was kind enough to give us a tour of his home prison at Pontiac, many of us noted that in some cell blocks, there were blankets on the cells and some cell blocks, there were not blankets on the cells. And I asked one of the guards, 'Well, you know, how come?' And he said, 'Well, the cell blocks that there are no curtains or sheets up or blankets up covering the cells are the ones that the guards are in control and the ones that have the blankets are the ones that the gangs are in control of.' It seems to me that this is a superb Amendment; it's a superb idea. If the Department of Corrections cannot enforce its own rules on its own and needs help from the General Assembly, as most

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assuredly the Channel 2 News show of Richard Speck snorting cocaine that was on TV last night in Chicago on WBBM shows, then it's obvious that the General Assembly has to step in and do something about it. This is a step in that direction and I think we should forthwith pass it."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Vermilion, Representative Black."

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

Speaker Johnson, Tim: "The question is, 'Shall the main question be put?' Those in favor signify by saying 'aye'; those opposed by saying 'nay'. In the opinion of the Chair, the 'ayes' have it and the main question is put. Representative Bost has moved for the adoption of Floor Amendment #2. Those in favor signify by saying 'aye'; those opposed by saying 'no'. In the opinion of the Chair, the 'ayes' have it. Floor Amendment #2 is adopted. Mr. Clerk, further Amendments?"

Clerk McLennand: "No further Amendments. A Home Rule Note and Judicial Note have been requested on the Bill and have been filed."

Speaker Johnson, Tim: "Third Reading. Returning to the Order of Senate Bills - Third Reading appears Senate Bill 350. Mr. Clerk, read the Bill."

Clerk McLennand: "Senate Bill #350, a Bill for an Act in relation to the Adopt-a-Highway Program. Third Reading of this Senate Bill."

Speaker Johnson, Tim: "Mr. Clerk, I understand a sponsorship change has been filed."

Clerk McLennand: "Yes, Representative Hughes is now the Chief Sponsor on this Bill."

Speaker Johnson, Tim: "The Lady from McHenry, Representative

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Hughes is recognized on the Bill. Proceed."

Hughes: "Thank you, Mr. Speaker. Senate Bill 350, as it now stands, contains two primary sections. The first creates the Southern Illinois Tourism Development Board, which provides that the southern most 35 counties in Illinois shall be represented by seven members, gubernatorially appointed and confirmed by the Senate on the board. There's further details on that. Funding for that board, the members of which serve without compensation, would be through a new special license plate for the Southern Illinois Tourism...called the Southern Illinois Tourism Development License Plate. And the major portion of fees from that plate would support this board. When there are questions, if there are on that portion of the Bill, I would ask to defer those questions to Representative Tenhouse, who was Sponsor of this Amendment to the Bill. The Second Amendment to the Bill has to do with railroad crossings and safety. And its provisions are that no railroad may change or modify the warning system at a railroad highway grade crossing without permission from the Illinois Commerce Commission and also provides that local authorities may not install, remove, or modernize traffic control signals at a highway intersection that is interconnected with grade crossing warning devices when the change affects the number, type, or location of traffic control devices. Also included in this Amendment is the creation of a toll-free telephone service to be maintained by the Illinois Commerce Commission. I would be happy to answer questions."

Speaker Johnson, Tim: "On the Bill, the Chair recognizes the Gentleman from Saline, Representative Phelps. Proceed."

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

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Speaker Johnson, Tim: "Indicates she will, proceed."

Phelps: "Representative Hughes, I want to direct your attention to the part of the Bill that enhances Southern Illinois tourism through license plates. Did you say that was put on in committee and who was the Sponsor of that Amendment?"

Speaker Johnson, Tim: "Representative Hughes."

Hughes: "That was House Committee Amendment #1, sponsored by Representative Tenhouse, and although I'm generally familiar with it, I would prefer he answer specific questions in regard to that Amendment."

Speaker Johnson, Tim: "Representative Phelps, proceed."

Phelps: "Thank you, Mr. Speaker. Possibly I could just address directly the Bill and the Amendment. First of all, I rise in support of the Amendment that possibly will generate some funds for several counties throughout Southern Illinois including my district. I thought it might be a little bit interesting. I talked to Representative Tenhouse, who said when he sponsored the Amendment, he had no idea in Committee, when the staff gave it to him, what it did but he was doing it as a favor of the staff that asked him to sponsor it. So I really am appreciative of the concern that Members on that side of the aisle has for this provision because it possibly could hold some funds for tourism in Southern Illinois where we have shown a potential for economic development. On a note that relates to this Bill, let me just digress a little bit in the background. In 1992, I defeated an opponent who then asked us the year later, area Legislators in the Southern Illinois tourism area, together, to pitch this idea about the license plates generating funds for the Southern Illinois Tourism Bureau, along with a tax increase on riverboats in Metropolis specifically and some other items

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that he had mentioned. And he directly had given that responsibility to be handled by then, Republican Senator Ralph Dunn and Senator Jim Rea on this side...as a bipartisan manner. I have yet to see that Bill come forward, but when I heard that this was being offered as a possible way for tourism funds to come to Southern Illinois, naturally it's good for Southern Illinois and I commend the Sponsors, although I was not contacted. I don't think Representative Bost, Representative Jones, I know Representative Woolard wasn't contacted in a way of supporting of this issue so I see there may be some political posturing going here; however, we welcome the funds in Southern Illinois. We need them. Thank you very much."

Speaker Johnson, Tim: "On the Bill, the Chair recognizes the Gentleman from Washington, Representative Deering, proceed."

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

Speaker Johnson, Tim: "Indicates she will, proceed."

Deering: "Representative, you mentioned something about railroad crossings and the railroads couldn't change the markings or the safety indicators at the crossings. Could you expound on that a little further, please?"

Speaker Johnson, Tim: "Representative Hughes."

Hughes: "Yes, that portion of the Bill is the statutory implementation that provides the ICC to be the agency overseeing any changes in those grade crossings that are interconnected. This is already in practice. It is a clarification of who and what agency is the one in control here. It is consistent with the Governor's program as announced in his State of the State to designate the ICC as the agency in control there."

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Speaker Johnson, Tim: "Representative Deering."

Deering: "So if there are any grade crossing upgrades or anything that needs to be done at the request of a municipality or a county, it's still paid for through the Railroad Crossing Fund, the Railroad Crossing Safety Fund..Everything is still in line as it is under current statute today, correct?"

Speaker Johnson, Tim: "Representative Hughes."

Hughes: "This would apply to any interconnected crossings. That's correct. To the ICC."

Speaker Johnson, Tim: "Representative Deering."

Deering: "This will not make it easier to close any crossings, will it?"

Speaker Johnson, Tim: "Representative Hughes."

Hughes: "I'm sorry, could you repeat that? I apologize."

Speaker Johnson, Tim: "Representative Deering."

Deering: "Will anything in this Bill or in the language contained in the Bill make it easier to close any railroad crossings?"

Speaker Johnson, Tim: "Representative Hughes."

Hughes: "There is nothing in this Bill that has anything to do with closing crossings."

Speaker Johnson, Tim: "Representative Deering."

Deering: "Thank you, Mr. Speaker. No further questions."

Speaker Johnson, Tim: "On the Bill, the Chair recognizes the Gentleman from Cook, Representative Dart, proceed."

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

Speaker Johnson, Tim: "Indicates she will."

Dart: "Representative, if I'm not mistaken, the Department of Commerce and Community Affairs is supposed to...is in the business of promoting Illinois through tourism and the like. Why is it we need a special new organization for

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Southern Illinois?"

Speaker Johnson, Tim: "Representative Hughes."

Hughes: "I would ask that question be referred to Representative Tenhouse."

Speaker Johnson, Tim: "With leave of the House, Representative Tenhouse in response. Is Representative Tenhouse present on the House floor? He's not. Proceed with your questions, Representative. Representative Tenhouse was here momentarily and if he returns, I'm sure he will be glad to respond, Representative Dart. Proceed."

Dart: "Well, that's the thrust of my question. Is that why are we creating a new agency to do what one agency already is supposed to be doing. And it's their role, their duty, one that they have a substantial amount of our budget eaten up to do. It seems as if we're creating a duplicative thing here that I would love to get an answer as to why it is needed. Because, obviously, what it must mean is that that department doesn't do its job, I guess. They don't work in Southern Illinois? I would like to get some type of response to that."

Speaker Johnson, Tim: "Representative Hughes, do you wish to respond?"

Hughes: "First of all, DCCA has seen substantial cutbacks. This is a way for the region to do something for itself and for it to generate some extra funds by the support of residents of that region supporting local efforts for tourism."

Speaker Johnson, Tim: "Representative Dart."

Dart: "Yea, but when they cut funds, it's been cut statewide and for everybody. Should not every region be allowed this then, because every region's been cut?"

Speaker Johnson, Tim: "Representative Hughes."

Hughes: "This Bill deals with a region. It doesn't say another

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region couldn't so the same thing."

Speaker Johnson, Tim: "Representative Dart."

Dart: "Yea, but I mean I suppose people in your area and my area and others wonder why we're not trying to promote our areas as well. I mean, we should want to focus in on those as well. I mean, I know my area would love to have more tourism dollars and more ways to advertise and promote it. It just seems rather strange to me. It must be a department that doesn't work real well."

Speaker Johnson, Tim: "Representative Hughes."

Hughes: "I don't believe this has anything to do with the department and how well it works or doesn't work. This is an initiative from Southern Illinois to do something to benefit Southern Illinois, supported by the Representatives from that area and the residents of that area. Various areas of the state adopt a number of techniques and a variety of techniques to promote tourism and economic development. This is one more."

Speaker Johnson, Tim: "Representative Dart."

Dart: "Well, I'm all for that and I believe we have enough magnanimous people on this side of the aisle that would want to help our friends from Southern Illinois as well but, as I say, I find it rather strange to create a new board, a new bureaucracy, give them a license plate on which they will be collecting money off of to do the precise, exact job that the Department of Commerce and Community Affairs is supposed to be doing. That is their job. That is their mandate. That is what they're supposed to do. I mean, there would be...I mean, it defies reason and logic why we would need to create something if they were doing their job. If what you're saying is they've experienced cuts, then I suppose the answer to that is to

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give them more money, to send more money to DCCA. That would be the normal way we would go about doing this. There is no other way to get around this, Representative. This is obviously a clear statement that in Southern Illinois, there is a lack...there is a need for more emphasis on this area because the people in charge of it are not doing their job. As I said, we have plenty of people on this side of the aisle who are willing to help Southern Illinois out, but I think it is a very interesting statement on what is being done right now with our tax dollars, with our budget money that we have to create a new bureaucracy, give them a license plate to allow them to collect money, because the people that are supposed to be doing it now, that take up quite a bit of our budget, are not doing their job."

Speaker Johnson, Tim: "Any further questions? Seeing none, the Lady from McHenry, Representative Hughes has moved for the passage of Senate Bill 350. Those in favor vote 'aye'; those opposed vote 'no'. 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 'yes', 0 voting 'no' or 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Continuing on the same order of business, Mr. Clerk, read Senate Bill 1502."

Clerk McLennand: "Senate Bill #1502, a Bill for an Act concerning cash bonds from builders or developers. Third Reading of this Senate Bill."

Speaker Johnson, Tim: "The Gentleman from Vermilion, Representative Black, on the Bill. Proceed."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen

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of the House. Senate Bill 1502 addresses concerns of the Illinois Housing Industry with regard to some local governments' requirements on posting cash bonds for home related project or developments. The problem with the cash bond has been that most units of local government don't keep the cash bond separate. Then when the project is done, the builder or developer often waits an inordinate amount of time to get that bond returned to them. So what we would propose to do in this legislation is to simply allow the builder or developer to give an irrevocable letter of credit in place of a cash bond and then to further specify that in case of a cash bond, how the project will be ruled or adjudicated complete, and the fact that the cash bond must then be refunded in a reasonable period of time. I think it's a very common sense piece of legislation. I'll be glad to answer any questions you might have."

Speaker Johnson, Tim: "On the Bill, the Chair recognizes the Gentleman from Cook, Representative Lang, proceed. Representative Lang."

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

Speaker Johnson, Tim: "He indicates he will."

Lang: "Thank you. Representative, let me see if I understand this. So instead of the cash bond, they would be able to provide a letter of credit. Is that correct?"

Speaker Johnson, Tim: "Representative Black."

Black: "That is correct."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Is that any less risky? Would we be leaving the potential for the municipalities holding the bag if we do this?"

Speaker Johnson, Tim: "Representative Black."

Black: "Well, having grown up in a small family business that was

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connected with home building, no, I really don't think so. It's an irrevocable letter of credit. I think just as good, if not better than a cash bond. The problem when you post a cash bond is in most small businesses, the concern, the very legitimate concern of cash flow, and the fact that when the project is complete, in many cases the municipality or whatever unit of local government is concerned, they didn't keep this cash in a separate account. And then when it comes time to be refunded, there's often a considerable delay in getting the bond back to the developer or the builder. So I don't really think, even though I believe the city is opposed to this, I don't think there's any added risk to the city. I think it's a much simpler way to do it, quite frankly."

Speaker Johnson, Tim: "Representative Lang, further questions?"

Lang: "Thank you. So the Bill also requires that if they do post the cash bond, if it remains unpaid after 60 days, they pay interest. Is that correct?"

Speaker Johnson, Tim: "Representative Black."

Black: "That is correct, and I think the intent would be to...If you're going to still require a cash bond, then account for it. And once you go through the process that the Bill also has saying in effect this is now complete, refund the money. If it's just simply a bureaucratic delay past 60 days, yeah, I really think you should pay interest on that. That is a considerable harm on cash flow to any small businessman or woman."

Speaker Johnson, Tim: "Representative Lang, further questions or comments?"

Lang: "Is this not an unfunded mandate, Sir?"

Speaker Johnson, Tim: "Representative Black."

Black: "No, I certainly wouldn't think it would be an unfunded

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mandate in any way, shape or form. But if it is, I want to amend it to make sure that Workers' Comp. and Unemployment Insurance isn't adversely affected."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Are the Municipal League and the Northwest Municipal Conference all right with this now or are they still opposed, Sir?"

Speaker Johnson, Tim: "Representative Black."

Black: "I would imagine that anything I do for the next two years, the Municipal League will oppose, but I really don't know. I think they probably filed an opposition slip in committee, but I'm not aware of any specific objections they have to the Bill. In all due respect to them, they probably have more of an objection to the Sponsor than they do to the Bill."

Speaker Johnson, Tim: "Representative Lang."

Lang: "And this does pre-empt Home Rule, is that correct? So how many votes do you contemplate, Mr. Black, that this Bill will need to pass?"

Speaker Johnson, Tim: "If you'd pose that question to the Chair, the Chair will respond. Senate Bill 1502 is a limitation to the authority of Home Rule units of government with respect to powers and functions exercised concurrently by Home Rule units and by the state. Accordingly this limitation is made pursuant to Article VII, Section 6, Subsection I of the Illinois Constitution and therefore requires a simple majority or 60 votes for passage. Proceed, Representative Lang."

Lang: "Thank you. Can you give us a real life experience where there is a significant problem with the cash bonds and why the letters of credit are necessary?"

Speaker Johnson, Tim: "Representative Black."

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Black: "I think there are people who could give you some actual events. Let me tell you what I've witnessed on more than one occasion. You get a subdivision or you get a public improvement as part of your development substantially completed. And then winter comes. So you...Maybe there's some landscaping and yet a curb yet to be poured, but winter overtakes you, and that's not unusual in Illinois. And so you don't have the project say 100% complete. But any reasonable person would know that as soon as spring gets here, you might put in the last two bushes and you would finish pouring the curb. What is happening currently is because of winter delays, some units of government say, 'Ah ha, you have not finished the job; therefore, we are not returning your 100 - 200 thousand, whatever it is, cash bond.' And the developer or the builder is then forced to wait until April or May. I don't think that's fair. I think the Bill addresses this by having an architect or other professional signify that the job is complete and allows for an orderly return of the builder's money."

Speaker Johnson, Tim: "Representative Lang, the time has expired, but I'll give you an additional minute in any event. Proceed."

Lang: "Thank you. Just one additional question. If you're going to require that the municipalities pay interest if they hold a cash bond more than 60 days, are you also going to require that the developer who posts a letter of credit pay interest if there is some delay in retrieving that money from the bank that has guaranteed that letter of credit?"

Speaker Johnson, Tim: "Representative Black, if you could bring your remarks to a close."

Black: "The Bill is silent on that. I've got to tell you, I'm not sure whether that could be done. But again, on that

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letter of credit, I think it would behoove the builder or the developer to make sure that everything is done, least they have to forfeit their letter of credit and the bank or whoever is holding that would then have to pay the money. I don't think that would be a problem, but to your specific question, the Bill is silent on whether you'd have to pay interest on your irrevocable letter of credit."

Speaker Johnson, Tim: "On the Bill, the Chair recognizes the Gentleman from Will, Representative Wennlund. Representative Wennlund."

Wennlund: "Thank you. Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. In response to Representative Lang's questioning concerning the requirement of a cash bond, now picture this, Ladies and Gentlemen of the House. A subdivision goes in that requires streets, curb and gutter, sidewalks, sewer lines, water lines and street lights. A million dollars worth of improvements. So Representative Lang wants the developer to go down to the bank, draw out a million dollars in cash, put it in his pick-up truck and take it to the village hall, where the village puts it into a bank account - an interest bearing bank account - during the period of time the improvements are going in, keeps the interest on the money and then can sit down for another 60 days after the improvements are completed. The problem is the village doesn't get...or the municipality doesn't get around to approving all of the improvements, getting his engineer out there to say, 'Yes, all the public improvements are fine. Here's your million dollars back, minus the interest we earned during that nine months or year that it took to develop that subdivision.' That is ludicrous. That's why they should be required to accept an irrevocable letter of credit. Let the developer

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and the builder earn the interest on his money during that period. He's got to pay interest to the bank in order to purchase that irrevocable letter of credit. This is a sensible Bill, it makes absolute sense, and we ought to pass it."

Speaker Johnson, Tim: "Representative Lang, you've spoken in debate, but your light is on. For what purpose do you rise?"

Lang: "Well, on a point of personal privilege."

Speaker Johnson, Tim: "State your point."

Lang: "The previous speaker used my name in debate about three times."

Speaker Johnson, Tim: "State your point."

Lang: "I never said at any time during my questioning of Mr. Black that I disagreed with the Bill. I never said at any time any of the things Mr. Wennlund said I said. This is a place where we debate Bills, Mr. Wennlund. This is a place where we ask questions about Bills. And if asking questions about Bills and debating Bills is foreign to you, you should find another line of work, Sir."

Speaker Johnson, Tim: "The Gentleman from Vermilion, Representative Black, has moved for the passage of Senate Bill 1502. Those in favor signify by voting 'aye'; those opposed by voting 'no'. 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 voting 'yes', 1 voting 'no', 0 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Proceeding on the same Order of Business, Mr. Clerk, read Senate Bill 1691."

Clerk McLennand: "Senate Bill #1691, a Bill for an Act that

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amends the Court of Criminal Procedure of 1963. Third Reading of this Senate Bill."

Speaker Johnson, Tim: "The Gentleman from Jackson, Representative Bost."

Bost: "Thank you, Mr. Speaker, Members of the House. Senate Bill 1691, now as amended, deals with the curtains that we discussed a while ago, and it also amends the Code of the Criminal Procedure to require petitioners under the Post-Conviction Act to specifically identify their pleading under the Act. If the...If the petition does not so state specifically, the court is not required, as it is required now, to interpret the intent of the petitioner and give him the benefit of the doubt."

Speaker Johnson, Tim: "On the Bill, the Chair recognizes the Gentleman from Cook, Representative Dart, proceed. Give Representative Dart your attention, please. Representative Dart."

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

Speaker Johnson, Tim: "Indicates he will."

Dart: "Representative, in the post-conviction provisions, at what point in time will this provision kick in in the appellate process?"

Speaker Johnson, Tim: "Representative Bost."

Bost: "It's after the conviction, Representative."

Speaker Johnson, Tim: "Representative Dart, further questions?"

Dart: "I understand, that's why it's called post-conviction, but the...in the appellate process, where in the appellate process would this measure in your Amendment come into play along that...appellate area?"

Speaker Johnson, Tim: "Representative...Representative Bost."

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

Speaker Johnson, Tim: "Representative Dart."

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Dart: "I'm going to be out of time if I ask this one again. Representative, I'm just trying to figure out, you're making changes in the post-conviction area here. When the post-conviction kicks in, at what point would your new changes here dealing with the heading and the like come into play, because this would narrow it at some point?"

Speaker Johnson, Tim: "Representative Bost."

Bost: "Representative, it's collateral attack."

Speaker Johnson, Tim: "Representative Dart."

Dart: "This would be a collateral attack. At what point though would this be going on at the same time the habeas provision would be going on?"

Speaker Johnson, Tim: "Representative Bost."

Bost: "Yes."

Speaker Johnson, Tim: "Representative Dart."

Dart: "Let me go on to something else right now. Representative, we talked earlier about you and your squad there of 20. Representative, this, another question, maybe Representative Turner is behind you can help you. This deals with men in prison. This is the curtain provision, because he's been visited...he's visited some of the prisons he was talking about and with dealing with the curtains. And he and I talked about the fact that the people in the prison who have the curtains up, the rules already prohibit that now. What is this going to make a material change in though?"

Speaker Johnson, Tim: "Representative Bost."

Bost: "Representative, you know as well as I do that there's a difference between a rule and a law. This makes it law. And now, they have a definite law that they have to follow."

Speaker Johnson, Tim: "Representative Dart."

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Dart: "But I guess my point is this is that we do not pass laws for every aspect of the prison, how they're supposed to operate, when they're suppose to be out in the prison yard, when they're supposed to be fed and the like. If what you're saying they don't follow rules, so that's okay, but now we're going to have to force them to do certain things. Are we going to have to micro-manage the entire prison system? Because the rules mean nothing to them. They follow them when they want, if they want, and now we're going to have to come in and micro-manage it? Is this the start of micro-managing the prisons? Are we going to be coming in with a Bill later about what we're going to feed them, when we're going to feed them, when they're going to go out and walk?"

Speaker Johnson, Tim: "Representative Bost."

Bost: "If the rules that have been put in place are not being properly followed, I would hope we don't have to get to that point. This particular case is endangering the lives of many, many guards - all guards. It's endangering the life of prisoners. This particular case, I hope will send a very clear message, that it's time to take our prisons back. It's time that we get control of our prisons, and it's time that we actually put the safety back in our prisons so that guards can go to work and their families don't have to be scared to death every time they go to work, that they're going to end up with a shank in their back or they're going to end up with a club up side their head or they're going to end up with something else that might end up making it where they can't come home to those families at night."

Speaker Johnson, Tim: "If you could bring your comments and questions to a close, Representative Dart. You have 10

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seconds."

Dart: "Representative, I dare say you could've saved your ranting, because everyone here supports the notion. The problem is the statement you're making about the..."

Speaker Johnson, Tim: "The Gentleman from...Lady from Cook, Representative Lou Jones, proceed."

Jones, L.: "Thank you, Mr. Speaker. I yield my time to Tom Dart."

Speaker Johnson, Tim: "Your request is granted. Representative Dart, proceed."

Dart: "Thank you. As I was saying, Representative, you can save your ranting and raving, the people here on this side of the aisle are as concerned about the guards as you are. These are people that we hold near and dear to us as well, but we jeopardize every day as well because of some of the silliness around this place. The reality of it is though is a question about the message this is making loud and clear about the Department of Corrections. The other day the Department of Corrections, it was found out with equipment from the Department of Corrections was given over to Richard Speck and his gang, and they then were using that camera equipment for pornographic movies. During the course of the movies, they were also snorting cocaine. The reality of it is, Representative, is what you're saying with this is that they don't follow any of the rules. I mean obviously they probably have rules against cocaine in the prison. They obviously have rules against making porno movies in the prison as well. What I'm saying to you, Representative, and my experience is much like yourself, Representative Turner, other people who've been through the prison system. We've seen the curtains up there on the walls and stuff. They know it's dangerous, but yet they're

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still leaving them up there. What is it about this Bill that now it is that they don't follow the rules? So now we're going to have to make sure they do it by passing a law. What is it about this that's going to make it different? What is it? Because it's a rule, they should follow the rules. The rules are there for them to follow. They're ignoring them, you're saying, so now you're going to pass a law for this. What is it about this that's going to be so different than the rules though so we can go back and tell these prison guards, 'We have done something now.' We know they're supposed to follow rules, they don't follow those. We know that they follow the law hopefully. What is it that we can tell them that they will follow this, they can rely on this?"

Speaker Johnson, Tim: "You can respond, Representative Bost. Representative Dart, if you'll restrict your comments to the Bill. Representative Bost."

Bost: "The Department makes rules. We make laws. I would hope that the law will be paid attention to. I would've hoped that the rules would be paid attention to, and I...but we well know if we talk about rules, the rules say that no one can smoke on the House floor, but it happens. You know, but this is..."

Speaker Johnson, Tim: "Give the Gentleman your attention, please. Give the Gentleman your attention. Representative Bost."

Bost: "...regardless. This makes this a law. Hopefully, we're sending a clear message to the Director, to the Department of Corrections that we want it to be safe for our guards."

Speaker Johnson, Tim: "Representative Dart, further questions or comments?"

Dart: "Representative Bost, I could not agree with you more. I just think it's a crying shame that our Governor and his

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administration and his department is run so poorly to jeopardize our guards on a regular basis. And they put their lives at risk everyday because they don't follow rules. I think that's a crying shame. I'm happy that you are as aware of that as I am that they are running it in a very inept way. It's unfortunate we had to wait for Richard Speck to be thrown all over the screen..."

Speaker Johnson, Tim: "Representative Dart, if you could please restrict your comments to the Bill."

Dart: "This is to the Bill, Mr. Speaker. I believe that this is something that should be done. It's unfortunate it's taking a law to do it. Now, on the other matter, Representative, this is a...the Bill now deals with post-convictions and it deals with the curtains in the prisons. There is no provisions on here at all dealing with notification of sex offenders and murderers, is that correct?"

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Cook, Representative Pugh. Representative Pugh. Oh, Representative Dart, go ahead. I thought you were concluded, give you another minute, go ahead."

Dart: "Thank you, Mr. Speaker, so kind of you."

Speaker Johnson, Tim: "I try to be kind to all my Members, Representative."

Dart: "To the Bill. The people on this side of the aisle are just as concerned about the guards. We're hoping that this Bill will send a message to the people that run our prisons that we do want them to follow rules. We want them to follow laws. We don't want the jail guards to be jeopardized every day they walk into the prison system. We hope...We hope that a law will have more effect than a rule does. We find it rather troubling that this Bill, which

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was a perfect Bill for notification Bill for sex offenders. We find it troubling that the other side of the aisle has seen fit not to have that issue brought up today. We feel every day we wait there, we jeopardize people's lives. But once again, I hope that the Department will wake up now and will follow the laws, because apparently the rules don't work."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Champaign, Representative Winkel."

Winkel: "Mr. Speaker, I move the previous question."

Speaker Johnson, Tim: "The question is, 'Shall the main question be put?' Those in favor signify by saying 'aye'; opposed by saying 'no'. In the opinion of the Chair, the 'ayes' have it. The main question is put. The Gentleman from Jackson, Representative Bost, has moved for the passage of Senate Bill 1691. Those in favor signify by say...by voting 'aye'; those opposed by voting 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 111 voting 'yes', 0 voting 'no' and 4 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Granberg, for what purpose do you rise?"

Granberg: "Speaker, I've had my light on. We had an Amendment to Representative Bost's Bill to increase the staffing at our prisons, to do those things that would really be tough on crime. You wouldn't recognize me, you wouldn't let the Amendments be filed. You're trying to protect a downstate target from doing the right thing. And that's the wrong thing to do, Speaker. Let the people be heard. Let the process be open. Quit trying to cover your targets. Let's

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protect our guards for a change."

Speaker Johnson, Tim: "Thank you, Sir. Committee Notice, Mr. Clerk."

Clerk McLennand: "Committee Notice. Rules Committee will meet at 5:05 in the Speaker's Conference Room. The Rules Committee will meet at 5:05 p.m. in the Speaker's Conference Room."

Speaker Johnson: "Supplemental Calender #2. Under Conference Committee Reports appears House Bill 32. The Gentleman from Cook, Representative Parke is recognized."

Parke: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This is a Bill that we've been working on for almost a year. It is something that we've discussed with the other side of the aisle to make sure that there is an understanding and agreement on this. This Bill is an agreement between the Department of Public Health, the Illinois Manufactured Housing Association, the Illinois Housing Institute, and the Illinois Municipal League. Conference Committee Report 2 to House Bill 32, creates the Illinois Manufactured Home Installers Act. This Act requires the Department of Public Health to publish guidelines for those individuals who install manufactured homes and to accredit manufactured home installer courses. Presently, no law provides for such guidelines or the accreditation of such courses. This legislation charges the Department of Public Health to work with all interested parties to adopt guidelines for the training of installers of manufactured homes in this state. Sellers of manufactured homes would also be encouraged to inform buyers to use an installer who has been accredited by the Department of Public Health. The seller shall also inform the buyer that failure to properly install the manufactured homes may invalidate any implied or expressed warranties

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concerning the home. This is a concern that the Department of Public Health has recognized. We want to make sure that those men and women, or those homeowners who purchase these homes are going to be installed in a proper manner and that in keeping with this legislation, the Association of Retired People have come out in endorsement of this Bill. I certainly stand ready to take any questions."

Speaker Daniels: "Representative Parke."

Parke: "Thank you and to continue for legislative intent, it is the intent of this legislation to authorize the Department of Public Health to publish guidelines for manufactured home installers and to accredit manufactured home installer's courses. This Act will not hinder the enforcement occurring in installation regulations established by local units of government, by unit of local government. Furthermore, the Act will not impede on a local government's ability to regulate manufactured housing within its jurisdiction. That is read into the record for legislative intent."

Speaker Daniels: "Speaker Daniels in the Chair. Any discussion? The Lady from Cook, Representative Schakowsky."

Schakowsky: "Thank you. I wanted to...oh, thank you Mr. Speaker. Will the Sponsor yield?"

Speaker Daniels: "He indicates he will."

Schakowsky: "Wanted to ask you, what is the position of the AFL/CIO now on this Bill?"

Speaker Daniels: "Representative Parke."

Parke: "Okay, the original Bill that we had, the underlying Bill that there was a lot of concern, especially with plumbers, all that language has been removed. We presume because we've accommodated that that their opposition is either neutral or not an opposition any longer."

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Speaker Daniels: "Representative Schakowsky."

Schakowsky: "Also, for legislative intent, I'd like to ask a few questions. First, does this Bill in any way change the standards for hooking up sewer mains and potable water lines for manufactured houses?"

Speaker Daniels: "Representative Parke."

Parke: "The answer is no. And I might follow up on your first question. Is that when we form the group that is going to decide the guidelines, we will certainly include the union representation so that they're part of helping to establish the guidelines because again, as is proposed it's just common sense legislation now to make sure everybody's on the same page and make sure that they're installed properly."

Speaker Daniels: "Representative Schakowsky."

Schakowsky: "Second question, will the trained installers of manufactured houses be schooled in the installation of plumbing hookups?"

Speaker Daniels: "Representative Parke."

Parke: "It is not my understanding that that is going to be part of the legislation at all."

Speaker Daniels: "Representative Schakowsky."

Schakowsky: "Will this Bill in any way preempt the Illinois Plumbing License Law's requirements, that hookups of water and sewer services to manufactured homes be connected by licensed plumbers?"

Speaker Daniels: "Representative Parke."

Parke: "No, that will not...that is not part of the legislation."

Speaker Daniels: "Representative Schakowsky."

Schakowsky: "So, a manufactured home installer who is not a licensed plumber, who connects such water and sewer lines, would be in violation of the Illinois Plumbing License

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Law?"

Speaker Daniels: "Representative Parke."

Parke: "Could you say that one more time, please?"

Speaker Daniels: "Representative Schakowsky."

Schakowsky: "In other words then, a manufactured home installer, who is not a licensed plumber, who does connect such water and sewer lines, would be in violation of the Illinois Plumbing License Law?"

Speaker Daniels: "Representative Parke."

Parke: "That is correct. They would be liable for breaking a law."

Speaker Daniels: "Representative Schakowsky."

Schakowsky: "Well, I want to...I appreciate the Sponsor's answering my questions. His legis...the language that he put in for legislative intent and his declared commitment, I take it as a commitment, to work with organized labor on the...and the plumbers on the rules that are developed to implement this. So I urge an 'aye' vote."

Speaker Daniels: "Further discussion? Being none, the Gentleman from Cook, Representative Parke to close."

Parke: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. There's been a lot of compromise and give and take on this legislation. I think that we've come up with a Bill that would protect the public safety, and I would ask the House to pass this."

Speaker Daniels: "The question is, 'Shall the House adopt Conference Committee Report #2 to House Bill 32?' All those in favor signify by voting 'aye'; opposed by voting 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question, there are 111 'ayes'; 0 voting 'no'; 5 voting 'present',

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and this Bill having received the required Constitutional Majority, is hereby declared passed. And the House does adopt Conference Committee Report #2 to House Bill 32. Messages from the Senate."

Clerk McLennand: "Messages from the Senate. Mr. Speaker, I am directed to inform the House of Representatives that the Senate has concurred with the House of Representatives in the passage of the following Bills together with Senate Amendments. House Bill #3510, together with Senate Amendment #1; House Bill #3165, together with Senate Amendment #1; and House Bill #1798, together with Senate Amendment #1, the adoption of which I am instructed to ask concurrence of the House. These were passed by the Senate today, May 8th."

Speaker Daniels: "Announcements."

Clerk McLennand: "Attention Members. Please leave your computers, laptop computers on the desk this evening. Do not take them with you. We will be upgrading software and running a few tests. So again, leave your laptop computers here in the chamber this evening. Thank you."

Speaker Daniels: "Committee Reports."

Clerk McLennand: "Committee Reports. Committee Report from Representative Churchill, Chairman of Committee on Rules, to which the following joint actions were referred, action taken on May 8, 1996, reported the same back: 'Do approve for consideration'. To the House floor, House Joint Resolution #107. Reported to the floor, approved for consideration, Floor Amendment #2 to Senate Bill 1459; and on the Order of Concurrence, a Motion to concur with Senate #1 to House Bill 3227; and a Motion to concur with Senate Amendment #1 to House Bill 2809, have been approved for consideration. And approved for consideration, House Joint

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Resolution #111."

Speaker Daniels: "Mr. Clerk, on page six of the Calendar, appears Senate Bill #1459. Read the Bill please."

Clerk McLennand: "Senate Bill #1459, the Bill's been read a second time previously. Floor Amendment #2, offered by Representative Klingler, has been approved for consideration."

Speaker Daniels: "Representative Klingler."

Klingler: "Thank you, Mr. Speaker, and Members of the General Assembly. I'm offering Floor Amendment #2, and this Amendment would become the Bill. Floor Amendment #2, would create the Child Sex Offender and Child Murderer Community Notification Act. This is identical to two Bills which we have visited earlier. Both Bills passed the House unanimously, 116 to 0. No one in this chamber has voted against these Bills, and I would assume that no one would vote against them at this time. I would ask your support for this important measure of the Child Sex Offender Notification and Child Murderer Notification Bill."

Speaker Daniels: "Representative Lang."

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

Speaker Daniels: "She indicates that she will."

Lang: "Representative...well, a question of the Clerk first. Is this Amendment on the system? Are we ready to go with this?"

Clerk McLennand: "All Members should run an update of their system. The Amendment is on the system."

Speaker Daniels: "Representative Lang."

Lang: "Thank you. Representative, this is exactly the same as the Section of the Bill that we passed last year that Judge Jaffee held unconstitutional yesterday?"

Speaker Daniels: "Representative Klingler."

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Klingler: "No, Representative, this portion was never held unconstitutional."

Speaker Daniels: "Representative Lang."

Lang: "Well, then why are we doing this again?"

Speaker Daniels: "Representative Klingler."

Klingler: "Representative, we are doing this Bill as a single subject matter Bill. That was the only issue that was addressed in the court."

Speaker Daniels: "Representative Lang."

Lang: "So, the last Bill we passed last year was not a single subject matter Bill, is that correct?"

Speaker Daniels: "Representative Klingler."

Klingler: "Representative, the process on the Cook County decision, will be ongoing for a long time. We cannot wait to protect our children. This Bill is set to go into effect on June 1st, and we need to act now to have this implementation and law in effect."

Speaker Daniels: "Representative Lang."

Lang: "Representative, you were warned during debate last year by this side of the aisle, that what you were doing was unconstitutional. Judge Jaffe apparently has agreed with us. Why did you not, if it was so valuable to you and so vital to you to protect the abused children of Illinois, why didn't you heed our warning then? Why do we now have a Bill that has been declared void by a judge of the Circuit Court of Cook County? Why didn't you do the right thing then, Representative?"

Speaker Daniels: "Representative Klingler."

Klingler: "Representative, we did the right thing then, and we're doing the right thing now."

Speaker Daniels: "Representative Lang."

Lang: "Representative, it obviously was not the right thing then

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and you were told that you were violating the single subject matter rule when you put the Bill about sex offenders in the same Bill with underground storage tanks and eavesdropping on the working men and women of Illinois, and yet you said during debate that you thought that was perfectly okay and that we were not violating that rule. The judge seems to disagree with you. What do you think about the judge's ruling?"

Speaker Daniels: "Representative Klingler."

Klingler: "Representative Lang, House Bill 2517, which was the Child Sex Offender Community Notification Bill, was passed as a single subject matter Bill. House Bill 3449, which was a Child Murder Notification Bill, was passed as a single subject matter Bill, and we're now combining these two regarding notification, into a single Bill."

Speaker Daniels: "Representative Lang."

Lang: "So, I presume that the answer to my first question was, 'yes'? You said yourself in this debate, that that Bill violated the single subject matter rule, and what you're trying to do is put a single subject matter on one Bill today, is that what you're trying to do?"

Speaker Daniels: "Representative Klingler."

Klingler: "Representative, we're moving forward to protect the children of Illinois. We have all...everyone in this chamber has voted 'yes' on both provisions of this, on the Child Murderer provision and on the Child Sex Offender provision. The Illinois State Police have been working very hard with local law enforcement agencies and they are on the final round of the provisions for the notification. This is all set to begin June 1st. We need to act now, so that this Act and notification can begin on June 1st."

Speaker Daniels: "Representative Lang."

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Lang: "Well, Representative, you seemed pretty sure last time that you had a single subject matter Bill, you're pretty sure this time you have a single subject matter Bill?"

Speaker Daniels: "Representative Klingler."

Klingler: "Absolutely, Representative."

Speaker Daniels: "Representative Lang."

Lang: "Well, Representative, I'm very concerned because you said that last time. The fact is, that you knew it wasn't a single subject matter Bill, and the fact is...the fact is, that when you passed that Bill last time, the very children you're trying to protect today and the very children you were trying to protect then, were put at risk by you. Because you decided to put two completely unrelated pieces of legislation with that. And by what you did that day, you put the children of Illinois at risk by that very important Bill that we all voted for. What is our assurance today that you know what you're doing today?"

Speaker Daniels: "Representative Klingler."

Klingler: "Representative, your party was in control of this Chamber for the last 12 years. If you thought this was such an important issue, you had 12 years to do this in."

Speaker Daniels: "Representative Dart. Representative Dart."

Dart: "Will the Sponsor yield?"

Speaker Daniels: "She indicates she will."

Dart: "Representative, does this Bill have any of the measures that were originally in 721? Does this have in the provisions dealing with child murderers and cop killers getting automatic life sentences?"

Speaker Daniels: "Representative Klingler."

Klingler: "I'm sorry, can you repeat the question?"

Speaker Daniels: "Representative Dart."

Dart: "Sure. Does this Bill have the provision...does this

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Amendment have the provisions that your prior Bill, 721, which we all voted on, does this have in it, the provision that provides for natural life for child murderers and cop killers?"

Speaker Daniels: "Representative Klingler."

Klingler: "Representative, this Bill is the identical language of two Bills which passed the House unanimously. They are House Bill 2517, which passed 116 to 0, and House Bill 3449, which passed 116 to 0. It is the identical language."

Speaker Daniels: "Representative Dart."

Dart: "Well, I hate to correct you, Representative, but you're wrong. It is not identical to 2517 at all. It's missing quite a few of the things in there. I would suggest you might want to take a look at your Bill and find out what is in it. Does this have the Predatory Criminal Sexual Assault of a Child Act, is that in this one too that you had in 721?"

Speaker Daniels: "Representative Klingler."

Klingler: "Representative, that was a separate issue which was added in the Senate Conference Committee."

Speaker Daniels: "Representative Dart."

Dart: "Does this have any of the provisions in here that you had dealing with the drug offenses...with the...increase the penalties for possession and manufacture of 5,000 grams of cannabis or more?"

Speaker Daniels: "Representative Klingler."

Klingler: "Thank you, Mr. Speaker. This Bill addresses the important issue of notification to schools, to day care centers, to licensed child care facilities and to neighborhoods of sex offenders to protect children. I'd like to point out to the Members of the General Assembly,

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of an article which appeared this morning in the New York Times. It says, 'The U.S. House endorses a Bill to require notification on sex offenders.' And this Bill is passing through the Federal Government at this time. I think we, in fact, should be applauding ourselves because we are ahead of the time, along with New Jersey in passing this legislation. We will have our provision in place. We've already worked with the state police, we've already worked with law enforcement. We are ready to go. So what the U.S. House is telling us to get ready for, we will have done."

Speaker Daniels: "Representative Dart."

Dart: "Well, Representative, I hate to burst your bubble. You might think we're ready, but the people that you put in charge of administering this, the state police, don't think we're ready. The state police, as a matter of fact, sent out a letter that I believe that I read to the Body before in which they stated that your vote on the Quality First Education Plan, was going to jeopardize this very program. So once again, Representative, you're talking out both sides of your mouth here. Once you're sitting here talking about how important these children are, but at the same time you're voting to take away the money to administer the program. You can't have it both ways, Representative. This is the height of hypocrisy. This is why voters hate politicians. Because we sit here and talk about how much we care about the children. If we cared about the children you would have walked into your Leadership and you would have said, 'This is something that's important to me. I don't want you mixing this up with a LUST Fund Bill and an Eavesdropping Bill,' but you stuck in like a good little trooper and you allowed them to roll them altogether, and

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just like we told you, it was found unconstitutional, Representative. And so we are jeopardizing people. It's because you did not stand up for children, Representative, and it's because you did not stand up to your Leadership, Representative. It's everything that people hate about politicians, Representative. So, I would suggest next time when you go off yelling and screaming about how much you care about children, I would suggest maybe next time you back it up. You think about what you're doing. You think about the Bills you're voting on because this has a bigger impact and the children are actually a little more important than a press release, Representative."

Speaker Daniels: "Representative Black."

Black: "Thank you very much, Mr. Speaker, and Ladies and Gentlemen of the House. I rise in support of the Lady's Amendment. The previous speaker said how everybody hates politicians. Well don't paint us all with the same brush. My wife called a little while ago and said she loves me. I don't know whether anybody loves you or not, but I feel pretty comfortable with, you know, the fact that my wife likes me. I am absolutely amazed that you would stoop to demagogue this Bill. You know, for crying out loud, you're the hypocrites, you're not going to vote 'no' on it. You're going to vote 'yes'. But oh, oh, you were clairvoyant. You're a constitutional lawyer. I tried to tell you last spring that this was unconstitutional. Oh me, oh my. And you all voted for it. Everyone of you voted for it. You know, there comes a time when you are in the Minority, and I spent 10 years there. There comes a time when you would be better served by sitting down and voting your little switch, rather than try to be all things to all people. There comes a time when you're in the

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Minority that you need to realize some Bills are going to fly out of here with nary a 'nay' vote. And if you want to get up, Representative, and whine because your name isn't on it, that's your problem, not mine. That's the only thing you're whining about. Your name isn't on it. Oh my goodness. You don't have a sense of history of this Body. Years ago when the Democrats controlled it, they passed a Motorcycle Helmet Bill. And lo and behold, about four years after that, the Supreme Court ruled that law unconstitutional. Well, gee whiz. The last time I checked, that's why we have a Executive Branch, a Legislative Branch and a Judicial Branch. If I sat here everyday and worried about the 7,000 votes a Session that I cast, are all of them constitutional? Will a judge somewhere in Cook County overrule what I've done? I don't know that I could get out of bed and come to the chamber in the morning. I do the best I can. Most of us in this chamber do the best we can. If you're going to tell me you're clairvoyant and are going to tell me how the distinguished judges in the State of Illinois will rule on every measure, I say you should be on the Physic Network. You don't belong in the General Assembly. You got to get one of those infomercials. Get on television at 1:00 in the morning. Get a real job and make some money reading people's fortunes. You don't belong here. Now, you can either lead, follow, or get out of the way, because this Bill, this Bill is going to pass. And it's going to go to the Governor and it's going to get signed. And if you want to vote 'no', or you want to go back in the ladies' room or the men's room and pout, because my name isn't on the Bill, you do it. And then you answer, you answer to the parents, you answer to the children, you answer to the grandparents.

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It's time for some of you demagogues to sit down and vote your switch and get on with the business at hand. I'm ashamed of all of you."

Speaker Daniels: "Representative Durkin. Representative Durkin."

Durkin: "I move the previous question."

Speaker Daniels: "The question is, 'Shall the main question be put?' All in favor say 'aye'; opposed 'no'. The 'ayes' have it. Representative Klingler now moves for the adoption of Amendment #2. All those in favor signify by voting 'aye'; opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? One hundred and nine, 112, 114, 16. Have all voted who wish? Take the record, Mr. Clerk. On this question, there are 116 'ayes'; 0 voting 'no'; 0 voting 'present', and this Amendment having received a Majority is hereby declared adopted. Further Amendments?"

Clerk McLennand: "No further Amendments."

Speaker Daniels: "Third Reading. Mr. Clerk, on the Order of Third Reading appears Senate Bill 1459. Read the Bill, Sir."

Clerk McLennand: "Senate Bill 1459, a Bill for an Act that amends the Criminal Code of 1961. Third Reading of this Senate Bill."

Speaker Daniels: "Representative Klingler."

Klingler: "Thank you, Mr. Speaker and Members of the General Assembly. Senate Bill 1459 is the Child Sex Offender and Child Murderer Notification Act, which is the Amendment which you just adopted. I would urge support for this Bill."

Speaker Daniels: "Representative Granberg."

Granberg: "Thank you, Mr. Speaker. To the Bill. My good friend from Danville indicated that we was upset that we would

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demagogue this issue last fall, then we all voted for it. Well, Mr. Black, I did not vote for it, because it was unconstitutional. I indicated to Representative Klingler last fall, this was patently unconstitutional. The Supreme Court cases indicated it was obvious. And that we were jeopardizing children in this state, we were jeopardizing small business people who owned all these underground tanks, and I asked her to take the Bill out of the record so we could vote on these issues separately if we were really concerned about all the impacted parties. Representative Klingler refused to do that. You indicated that we could not predict and you said everybody would vote 'yes'. I did not, Representative, because it was the wrong thing to do. Because if we voted 'yes' we were jeopardizing these people. We were making them rely on this Bill that they thought would become law. Well, it's unconstitutional. We put everyone of those people in jeopardy in this state. Everyone who's been convicted, every underground tank owner who's on the verge of bankruptcy, we held out this false hope that they would be taken care of and they were not. We told you on the floor last fall that would happen. It did. I did not agree with it. I would not agree with it. The Sponsor was wrong. We should have separated the issues, had the political courage to deal with each of them individually, up front. But instead, we chose to use sexually abused kids to pass a gas tax. Why don't we have the courage to deal with the gas tax by itself? But no, your Leadership said, 'No, we would not do that'. Representative Klingler would not take the Bill out of the record, and we jeopardized everybody in this state by giving them false hope. Well, let's quit the demagoguery. Let's do these things the right way. Let's

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vote on them separately, and do the right thing for the people of Illinois. Let's do the right thing for these kids. Let's protect them. It's too bad we couldn't have done it last fall. It's too bad we couldn't have protected our small business people last fall when it should have been done. But no, political gimmickry. Everything for elections and to hell with public policy. Poe even set a public policy. That's what's happened in this chamber. That's what happened in this Legislature, and it's wrong and it's got to stop."

Speaker Daniels: "Representative Black."

Black: "Well, thank you very much, Mr. Speaker. The Gentleman, and I've never used the term loosely, although your testing that. The Gentleman from Clinton used my name in debate and I'm shocked. I'm appalled. I'm outraged and I'm hurt. But I will say to that Gentleman that I will rise and publicly apologize for saying that he voted for a good Bill, when in fact he didn't. I'll apologize for saying that. I hope that Gentleman has written his thank you note to that judge in Cook County for bailing him out for not voting for the Child Sexual Offender Bill last year. At least he could thank the judge for bailing him out of that one. I want to see if he votes 'no' this time. And I will say this, the Gentleman is an attorney. I have great respect for him and his profession, and since he was so clairvoyant and we failed to heed his message last year, a fact that has caused me many a sleepless night. And I shan't make that mistake again. I shall listen more closely to my friend and colleague. I will Sponsor the LUST Fund Bill. I expect you to Cosponsor it with me. I sponsored the Ikenberry Commission Report. You wouldn't get on that one with me. I offered to Sponsor the

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Riverboat Graduated Tax, you wouldn't get on that one with me. So we'll work these issues out. But I think in summation and because I do hold you and I hope everybody here knows we truly are friends. We've spent many a time off this floor together and that's not going to change. We can go out tonight and have dinner, only if he buys. But I would say, still you mean. I would say that the Gentleman did move me to do one thing. And I know I will be joined by all of my colleagues on this side of the aisle and certainly most of them on that side of the aisle. We need to let the President of the United States know that we have one of the preeminent constitutional scholars in the United States here in the Illinois General Assembly. And this man needs to move on and that the next vacancy that occurs at the United States Supreme Court, I say to everyone in this chamber, shame on all of us, if we don't jointly, in a bipartisan spirit, some of you are looking at anything to get rid of him, I understand that. But in a bipartisan spirit, we should let the President of the United States know and at Bob Dole's first opportunity, at Bob Dole's first opportunity I will urge him and I know the Speaker and all of us on this side of the aisle will do so, hopefully joined by all of you, to elevate this man to the United State's Supreme Court because it is time that we honestly had somebody on that court who understands the constitutional issues of the day and then can review for the rest of his life, every action we take in the Illinois General Assembly. Now isn't that a scary thought? Could you realize that every Bill I pass in the next Session, if we can get this Gentleman on the United State's Supreme Court, he will rule on every one of my Bills? That does scare me a just a little bit. But I'm going to tell you

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Representative, I may have been born at night, but I wasn't born last night. So, I will say to you in closing, 'I do apologize to my good friend and colleague.' I just assumed he would have voted for what all of us know is a vital and necessary Bill. But I did forget his message and I do appreciate his clairvoyance. I do intend to watch the Psychic Hotline Network and I will be calling in tonight on that 800 number and get rid of whoever is on there, and say, 'I've got somebody down in the Southern part of Illinois, that you need to get on this network.' If I can be your agent, Sir, for just 10% of what we could make. But I know, I know after his impassioned plea, that we don't need to demagogue this Bill any further today. It's going to roll out of here unanimously. We all learned that sometimes what we do is subjected to review, particularly when it goes up to Cook County. So often subjected to review, but now we're going to do what's right, and what's right at this point in time is to pass this Bill without any further histrionics, because quite frankly I'm tired and I have a sore throat, and I need to go out to dinner with my good friend and colleague. So let's all vote 'yes'. Get this Bill over to the Senate, on to the Governor's desk and then we can all go out to dinner tonight and argue about who was most clairvoyant last year. And I look forward to that discussion this evening at Sebastians at the table in the rear where my..."

Speaker Daniels: "Representative Turner."

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

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

Klingler: "Thank you, Mr. Speaker, Members of the House. I would

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urge once again your support for this Bill. This is a measure which is, as I mentioned earlier, that, is taking on national interest, and I would like to add that in the U.S. House, the vote was 418 to 0 to require notification for sex offenders. We're far along on this measure with implementation. We should vote now and vote 'yes' to protect children."

Speaker Daniels: "Representative Klingler moves for the passage of Senate Bill 1459. All those in favor will signify by voting 'aye'; opposed by voting 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 116 'ayes', 0 voting 'no', 0 voting 'present'. This Bill having received a Constitutional Majority, is hereby declared passed. Senate Bill 825. Read the Bill, Mr. Clerk."

Clerk McLennand: "Senate Bill #825, a Bill for an Act that amends the Judicial Districts Act. Third Reading of this Senate Bill."

Speaker Daniels: "Representative Kubik."

Kubik: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 825, is a vehicle that deals with the issue of Judicial Redistricting. We'd like to send it over to the Senate, and I would appreciate your support."

Speaker Daniels: "Representative Lang."

Lang: "Thank you, Mr. Speaker. To the Bill. Let's make this simple. We debated it during the Amendment stage earlier today. This is a Bill that is fraught with danger in terms of redistricting. The Appellate Court, the Supreme Court of the State of Illinois. This is not good policy, particularly since it is a Shell Bill. All we did today was add an effective date. So we added an effective date

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to a Shell Bill, very powerful legislation. So now, we're going to send it to the Senate so that they can do anything they want to it's very dangerous. No one on this side of the aisle should be voting for it. No one on that side of the aisle should be voting for it, and Mr. Speaker, if this should receive the requisite number, we will request a verification."

Speaker Daniels: "Representative Kubik moves for the passage of Senate Bill 825. All those in favor will signify by voting 'aye'; opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question, there are 63 'aye', 52 'nay', 1 'present', and the Gentleman requests a verification. Poll the Affirmative Roll."

Clerk McLennand: "Those Representatives voting in the affirmative are: Ackerman. Balthis. Biggert. Biggins. Black. Bost. Brady. Churchill. Ciarlo. Clayton. Cowlshaw. Cross. Deuchler. Doody. Durkin. Goslin. Hassert. Hoeft. Hughes. Johnson, Tim. Johnson, Tom. Jones, John. Klingler. Krause. Kubik. Lachner. Lawfer. Leitch. Lindner. Lyons. McAuliffe. Meyer. Mitchell. Moffitt. Moore, Andrea. Mulligan. Murphy, Maureen. Myers. Noland. O'Connor. Pankau. Parke. Pedersen. Persico. Poe. Roskam. Rutherford. Ryder. Salvi. Saviano. Skinner. Spangler. Stephens. Tenhouse. Turner, John. Wait. Wennlund. Winkel. Winters. Wirsing. Wojcik. Zickus, and Mr. Speaker."

Speaker Daniels: "Question of the Affirmative Roll? Representative Pedersen, leave to be verified. Question of the Affirmative Roll? Representative Lang."

Lang: "Representative Klingler?"

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Speaker Daniels: "Representative Klingler is up front."

Lang: "Oh, doing an interview on that wonderful Bill. Congratulations, Representative. Representative Wennlund?"

Speaker Daniels: "Representative Wennlund. The Gentleman is in the aisle."

Lang: "Representative Myers?"

Speaker Daniels: "Representative Myers is in his chair."

Lang: "Representative Ryder?"

Speaker Daniels: "Representative Ryder. Representative Ryder. Is the Gentleman in the chamber? Representative Ryder. He is in the back of the chamber, Sir."

Lang: "Representative Tenhouse?"

Speaker Daniels: "Representative Tenhouse. In the back of the chamber."

Lang: "Representative Weaver, oh Representative Weaver is voting 'present'. A very correct vote for you, Sir."

Speaker Daniels: "Right. He's present, Sir."

Lang: "A very correct vote you, Sir, congratulations."

Speaker Daniels: "Representative Lang."

Lang: "Representative Persico?"

Speaker Daniels: "Representative Persico is in the rear of the Chamber. Further questions?"

Lang: "Bear with me, Sir. We're not in that big of a hurry today. Representative Bost?"

Speaker Daniels: "Representative Bost is in his chair."

Lang: "Oh, in his chair, in his chair where he belongs. No further, Sir."

Speaker Daniels: "This question having received 63 'aye', 52 'no', 1 voting 'present', this Bill having received a Constitutional Majority, is hereby declared passed. Senate Bill 1279. Read the Bill, Mr. Clerk."

Clerk McLennand: "Senate Bill #1279, a Bill for an Act concerning

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the Liability of Insurance Producers Limited
Representatives and Registered Firms. Third Reading of
this Senate Bill."

Speaker Daniels: "Representative Brady."

Brady: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the
House. Senate Bill 1279, as amended, yesterday, provides
that insurance agents be held at the fiduciary standard if
the cause of action involves the wrongful retention of
misappropriation by an agent of any money that was received
as premiums..."

Speaker Daniels: "Okay, Representative Brady."

Brady: "...as a premium deposit or payment of claim. It also
continues to hold the agents responsible under standard of
ordinary care. We worked on an Amendment to compromise
this issue, and I ask for your favorable support."

Speaker Daniels: "Any discussion? The Gentleman from Cook,
Representative Lang."

Lang: "Thank you. Inquiry of the Clerk before you start my time,
Mr. Speaker. And the inquiry would be, what Amendments are
on the Bill?"

Speaker Daniels: "Mr. Clerk."

Clerk McLennand: "Floor Amendment #1 has been adopted."

Speaker Daniels: "Amendment #1."

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

Speaker Daniels: "He indicates he will."

Lang: "Representative, Amendment #1 that was added to the Bill,
is that the Amendment that satisfies both the Bar
Association and the Trial Lawyers?"

Speaker Daniels: "Representative Brady."

Brady: "Yes it is, Representative."

Speaker Daniels: "Representative Lang."

Lang: "Well, then I'm too tired to debate you, I'll vote for the

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Bill."

Speaker Daniels: "Representative Brady now moves for the passage of Senate Bill 1279. All those in favor signify by voting 'aye'; opposed by voting 'no'. The voting is open. This is final action. Have all voted who wish? Have voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 114 'ayes', 0 voting 'present', 1 voting 'no'. This Bill having received a Constitutional Majority, is hereby declared passed. On the Order of Concurrence on Supplemental Calendar #1, appears House Bill 2809. Representative Moffitt. Representative Moffitt."

Moffitt: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. House Bill 2809 passed out of here unanimously, 110 'yes', and 1 'present' vote. Passed the Senate 56 to 0, and had several provisions in it that I think there was complete agreement on. And just real quickly, the provisions that this Bill provides for was that...defined what it...for purpose of multi-townships assessment districts, what it means to be contiguous that if they meet at any point that that complies so if it just touches the corners that's satisfactory. Also, when a unit of government owns...has leased property and there are taxes on that leased property, this gives the county the option of not...if by the county board ordinance of not having to publish that in the paper anymore. We have situations where if it is leased property, no tax buyer is going to buy those taxes, yet the county is locked into having to continue a certified notice and publish those each year, so it will help save the county some expenditures. And the third thing in the case of scavenger sales, it defines that you will include the current tax year. The law was silent

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on that issue and this just clarifies it. No objection to that, but it would include the current tax year on a scavenger sale. And fourth, provides that if taxes are paid under protest and there has been no further action on those protested taxes, then after ten years, the objection shall be dismissed, and the county collector may then distribute those taxes. A lot of this money is tied up in a lot of counties. This would allow it to be distributed. Also, a provision was put in here that says that that would apply to tax objections filed before, on, or after the effective date of this Amendatory Act, so that those that have been already paid under protest for decades, it would immediately apply. Be happy to answer any questions."

Speaker Daniels: "Representative Dart."

Dart: "Will the Sponsor yield?"

Speaker Daniels: "He indicates he will."

Dart: "Representative, the provisions dealing with the multi-township assessment districts in defining contiguous, how is it that they are defining it?"

Speaker Daniels: "Representative Moffitt."

Moffitt: "In the past, it was assumed that if they had a common boundary, that that was contiguous, but if the townships only met at the corners such as this, there was a question of whether or not that was contiguous. There are some multi-township assessment districts in the state that simply touch at the corner. This says that, for the purpose of this law, that would be contiguous."

Speaker Daniels: "Representative Dart."

Dart: "How many townships is this going to affect?"

Speaker Daniels: "Representative Moffitt."

Moffitt: "Representative, I don't have a total count on that. That was a request by the...by some Democrat

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Representatives. We know...we think there are several in the state. It would not be a large number that just touch at the corners, but it clears it up for them. We know of I think, two or three. There could easily be others, but we know two or three counties where that does, in fact, exist. There could be more."

Speaker Daniels: "Representative Dart."

Dart: "The publication time limits that you're making changes too, why is that?"

Speaker Daniels: "Representative Moffitt."

Moffitt: "The provision where we changed, are no longer needing to publish, strictly applies to leased property. An example I can give you, I know a municipality that owns...that they own the airport hangar space. They rent the spaces out, and the person that rents the space, is responsible for assessment or taxes that's been put on there. If those are not paid, no tax buyer will buy taxes on a leased space. There's nothing really to obtain. You would not eventually own property through a tax deed. It's just lease...it's a lease-hold agreement. This says that after 10 years, that the county would no longer have to publish those. There would not be a lot of properties in the state that that would involve, but without this, we're forcing counties to continue to publish for 30 years, continue to send a certified notice for 30 years on property that's owned by a municipality, and yet there's no hope of ever recouping that cost. So, we forced them into an expenditure and they can't recoup it. If it was private property, the tax buyer would buy it, the county would eventually recoup that cost. It won't happen on leased hold arrangement."

Speaker Daniels: "Representative Dart."

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Dart: "That makes sense, but do you know how many of the properties we're talking about? How many people this would affect?"

Speaker Daniels: "Representative Moffitt."

Moffitt: "Again, I don't have a number. I know that there are several municipalities around. This could also apply...where the road project has gone through a particular area, a small tract of land is left, perhaps is owned by the state, the state leases that out to someone to farm or for whatever use, probably just to farm a small irregular tract of land that that tenant is then oftentimes responsible for those taxes. If they don't pay it, again it has to be published. A notice has to go to the person that was obligated, yet no hopes of ever recouping it. A tax buyer is not going to be able to end up owning that property if it's owned by the state. So, when we look at the total, there would be a number of them around the state and it would come and go at different times on what properties they owned and what they were using them for."

Speaker Daniels: "Representative Dart."

Dart: "Your changes with the time limits for objections, how many different people are going to come under this? How many different parcels of property are going to be affected by this change there?"

Speaker Daniels: "Representative Moffitt."

Moffitt: "Representative, just to make sure I understand your question, are you talking about the taxes that are paid under protest? You said a change of time, I want to make sure I understand your question."

Speaker Daniels: "Representative Dart."

Dart: "You're changing it down to 10 years that objections have to be filed...that are filed with the court and when

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there's no further action for 10 years, they're to be dismissed with prejudice. Do you have an idea or ballpark figure on how many objections such as this we're talking about that will be dismissed?"

Speaker Daniels: "Representative Moffitt."

Moffitt: "We do not have a determination on that. I know when the County Treasurers' Association was in full support of this, and when one of their zones met, pretty much every county in that zone, it happens to be the zone I live in, indicated that they would like to see this and they had taxes that would fall under this. I don't have a number, but it would be across the state, there would probably be counties that this would help, then they would be able to distribute that money and it would be prorated the same way it would have been had they never been held up for protest."

Speaker Daniels: "Representative Dart."

Dart: "Do you have any idea the amount of money that we're talking about though?"

Speaker Daniels: "Representative Moffitt."

Moffitt: "Not really. I was informed though of one county in the zone that I live in, had over a \$1 million just in that one county under protest. My home county, of Knox County, Illinois, has I believe it's about \$170 thousand in a paid under protest account where the protesters never followed through, so there would be a couple of examples in Western Illinois."

Speaker Daniels: "Representative Moffitt now moves that the House concur in Senate Amendment #1 to House Bill 2809. All those in favor will signify by voting 'aye'; opposed by voting 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have

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all voted who wish? Mr. Clerk, take the record. On this question, there are 112 'ayes', 0 voting 'no', 2 voting 'present', and the House does concur with Senate Amendment #1 to House Bill 2809, and this Bill having received a Constitutional Majority, is hereby declared passed. On Supplemental Calendar #1, appears House Bill 3227. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill #3227, a Motion to concur has been approved for consideration."

Speaker Daniels: "Representative Saviano."

Saviano: "Thank you, Mr. Speaker, Members of the House. House Bill 3227 passed this chamber with a vote of 113 to 0. Went over to the Senate, apparently at the time we passed this Bill, the one provision that we had in the Bill that waived the payment of fees by the Chicago Housing Authority to the Clerk of the Circuit Court, for forceful detainer actions. At the time we passed it, it didn't...the numbers that we were provided with weren't that extravagant. After further research, the Senate was advised that it was a lot of money and the County of Cook didn't want to absorb that additional cost. So, Senate Amendment #1, deletes that provision from the Bill, but keeps in the Bill, the fact that the Chicago Housing Authority Police, could go out and serve forceful detainer actions and evictions instead of the Cook County Sheriff's Department, and I would ask that the House concur with Senate Amendment #1."

Speaker Daniels: "Representative Davis."

Davis, M.: "Mr. Speaker, I just have a question. Did I understand you correctly, Representative Saviano, that you had removed the provision that said the county had to absorb the cost for these evictions?"

Speaker Daniels: "Representative Saviano."

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Saviano: "That is true. When it refers to the filing cost of forced detainer actions."

Speaker Daniels: "Representative Davis."

Davis, M.: "Have you talked with the President of the County Board or the County Board at all? Are they satisfied at this point with this Amendment?"

Speaker Daniels: "Representative Saviano."

Saviano: "Yes."

Speaker Daniels: "Representative Davis."

Davis, M.: "So, Representative, am I correct then that...who's going to pay the cost for these evictions? Who now will pick up that cost?"

Speaker Daniels: "Representative Saviano."

Saviano: "Currently the Chicago Housing Authority pays for the filing fees to start those sort of actions."

Speaker Daniels: "Representative Davis."

Davis, M.: "I think it's a good Amendment. Thank you very much."

Speaker Daniels: "Representative Mautino. Representative Saviano, you may close."

Saviano: "I would just ask that we concur with Senate Amendment #1, and ask for a favorable vote. Thank you."

Speaker Daniels: "Representative Saviano moves that the House concur with Senate Amendment #1 to House Bill 3227. All those in favor will signify by voting 'aye'; opposed by voting 'no'. 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 'aye', 0 voting 'no', 0 voting 'present', and the House does concur in Senate Amendment #1 to House Bill 3227, and this Bill having received a Constitutional Majority, is hereby declared passed. On the Supplemental Calendar...excuse me, Committee

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Announcements."

Clerk McLennand: "Committee Announcements. This evening, Wednesday, May 8th, immediately upon adjournment, the Executive Committee will meet in Room 118. The Elections and State Government Committee will meet in Room 114. Again, immediately upon adjournment, the Elections and State Government will meet in Room 114, and Executive Committee will meet in Room 118. For Thursday, May 9th, Appropriation Education will meet at 9:00 a.m., and Appropriation Human Services will meet at 10:00 a.m."

Speaker Daniels: "On the Order of Supplemental Calendar #2, for the Order of Nonconcurrency, Senate Bill 1037. Representative Saviano. Representative Saviano."

Saviano: "Thank you, Mr. Speaker. I would ask the Motion to refuse to recede from House Amendment #1, and I would request a Conference Committee on this matter."

Speaker Daniels: "The Gentleman's moved to refuse to recede from House Amendment #1 to Senate Bill 1037. All those in favor will signify by saying 'aye'; opposed 'no', and the House refuses to recede from House Amendment #1 to Senate Bill 1037, and the House requests a Conference Committee be appointed. We now will call House Resolution 96. Read the Resolution, Mr. Clerk."

Clerk McLennand: "House Resolution #96, urges all the citizens of Illinois to participate in Stand for Children on June 1, 1996."

Speaker Daniels: "Representative Flowers."

Flowers: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. This is a relatively simple but yet important Resolution. On June 1st of 1996, there will be a march on Washington, D.C., and there Marian Wright-Edelman, is asking people to come together to show our forces for the

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love and the respect for children. And Maine is the only state that has adopted a Resolution on their behalf, and I'm proud to stand before you, and bring before you, House Resolution 96, and I would hope that all of you would join with me in this Resolution. Oftentimes whenever we run for office, the main thing that we all talk about, is the importance of our children. The importance of education, the importance of housing, the importance of protecting them. Now is an opportunity that we can show them better than we can tell them. And I would urge for the adoption of House Resolution #96, and would ask that all Members would join me on this Resolution."

Speaker Daniels: "Representative Flowers ask for leave to place all Members as Cosponsors of the Resolution. Is leave granted? Leave is granted. Representative Flowers now moves for the adoption of House Resolution 96. Being no discussion, all those in favor signify by saying 'aye'; opposed 'nay'. The 'ayes' have it, and House Resolution #96 is adopted. Supplemental Calendar #1, House Resolution 108."

Clerk McLennand: "House Resolution #108, extends sincere wishes to John Cross for a speedy recovery."

Speaker Daniels: "Representative Black."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. The board doesn't reflect that, but I know there are several Cosponsors on this Resolution and many of you have worked with John Cross, will certainly join with those of us who are sponsoring this and wish him well. John had a kidney removed yesterday. I talked to him this morning. He's in great spirits. He hopes to be released Saturday and to recover about another week at home. He wanted me to relay to all of you that he realizes the flag

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is at half staff at Boone's and Brown's, but if you're in the vicinity tonight, tell them that he expects to be back within two weeks. I'm sure that all of you join me in wishing John a speedy recovery. Remarkable young man. The Resolution shows, I think, his sense of humor and the fun that we've always had with him. And I thank you, Mr. Speaker, for this. John, if you're able to get a tape of this, we all wish you well and hope to see you back here before we adjourn."

Speaker Daniels: "Representative Granberg."

Granberg: "Thank you, Mr. Speaker. We join with Representative Black in wishing John well. And Representative Black, I wanted to make you feel better because I predict he will have a successful recovery. And I want to show how good you are at predictions. You're not very clairvoyant because you said President Dole and that's not going to happen. So we all wish John very well."

Speaker Daniels: "Representative Novak."

Novak: "Yes, thank you. I would like to join with my colleagues for a speedy recovery for John Cross. When I was Chairman of the Energy and Environment Committee and John and I worked very well together. He worked on the Republican staff. He's a very, very knowledgeable young man. A bit fast at times, but he has a lot of energy and a lot of enthusiasm. So one thing maybe we can say is, 'John, take it easy. We wish you the best.'"

Speaker Daniels: "Representative Black, Granberg, and Novak, and others move for the adoption of House Resolution #108. All those in favor will signify by saying 'aye'; opposed 'no'. The 'ayes' have it, and Representative Black moves that all Members of the House be added as Cosponsors. Leave of the House is granted, and this Resolution is hereby adopted.

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Supplemental Calendar Announcement."

Clerk McLennand: "Supplemental Calendar #3 has been distributed."

Speaker Daniels: "House Joint Resolution 111, on Supplemental Calendar #3."

Clerk McLennand: "House Joint Resolution #111, the Adjournment Resolution, resolved by the House of Representatives, of the 89th General Assembly, in the State of Illinois, the Senate concurring herein: That when the House of Representatives adjourns on Thursday, May 9, 1996, it stands adjourned until Monday, May 13, 1996, at 12:00 noon in Perfunctory Session. And when it adjourns on that date, it stands adjourned until Tuesday, May 14, 1996, at 10:00 a.m. And when the Senate adjourns on Thursday, May 9, 1996, it stands adjourned until Tuesday, May 14th."

Speaker Daniels: "Representative Churchill now moves for the adoption of House Joint Resolution 111. All those in favor signify by saying 'aye'; opposed 'no', the 'ayes' have it. House Joint Resolution 111 is hereby adopted. And Representative Flowers, for what purpose do you rise?"

Flowers: "Speaker, I would like to announce that the Democratic Task Force on Children will have a meeting in Tom Dart's office immediately after we recess or adjourn for today."

Speaker Daniels: "Thank you. Mr. Clerk, Committee Announcements."

Clerk McLennand: "Committee Announcements again, Executive Committee will meet in Room 118 immediately upon adjournment today. Executive Committee, in 118, immediately upon adjournment. Elections and State Government will meet in Room 114 immediately upon adjournment. Elections and State Government in Room 114. And for Thursday, May 9th, Appropriation/Human Services will meet at 10:00 a.m., and Appropriation/Education will

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meet at 9:00 a.m."

Speaker Daniels: "Representative Churchill now moves that the House stand adjourned until Thursday, May 9, 1996, at the hour of 11:00 a.m. All those in favor signify by saying 'aye'; opposed 'nay'. In the opinion of the Chair, the 'ayes' have it, and allowing Perfunctory time for the Clerk, the House now stands adjourned until Thursday, May 9, 1996, at the hour of 11:00 a.m."

Clerk McLennand: "House Perfunctory Session will be in order. Introduction of Resolutions. House Resolution #112, offered by Representative Novak, is referred to the Rules Committee. Being no further business, the House Perfunctory Session stands adjourned. The House will reconvene in full Session on Thursday, May 9th, at the hour of 11:00 a.m."

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