

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

65th Legislative Day

May 21, 1995

Speaker Daniels: "The House will be in order, the Members will be in their chairs. Speaker Daniels in the the Chair. The Chaplain today will be Bill Black."

Black: "Dear Father, in heaven, thank you for these Legislators who are gathered here today to serve the people of Illinois. Bless them, oh Lord. Give them wisdom when the issues are complicated. Be with them in this arena when special interests collide, where strong wills often clash and stubbornness becomes a major obstacle. In the fine art of compromise may values and principles not have to be totally sacrificed at a time when cynicism and distrust are epidemic. Send us spiritual and moral renewal and let it begin with us. Humble us, Lord, before it is too late. Give these men and women strength when they feel like quitting or they have been vilified unfairly by those who may not know all the facts. Protect them from going beyond the limit when burnout and exhaustion brings discouragement and disillusionment and cynicism. Grant these Legislators cool heads, easy for me to say, and warm hearts in these pressure filled days. Remind us, Lord, that they who wait upon Thee shall renew their strength. We pray all these things in the name of the one who gave His life for sinners, Jesus, our Lord. Amen."

Speaker Daniels: "We will be led in the Pledge of Allegiance by Representative Flora Ciarlo."

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

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

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Currie: "Thank you, Speaker. Please let the record show that Representatives Hannig and Martinez are excused today, and perhaps the electrician can help us. Representative. Ah, she got on. Lou Jones's light was having trouble working."

Speaker Daniels: "Representative Cross is recognized."

Cross: "Thank you, Mr. Speaker. If the record would please reflect that Representative Lindner and Representative Zabrocki shall be excused."

Speaker Daniels: "Take the record, Mr. Clerk. There is 114 responding to the roll and there is a quorum present. Committee Reports."

Clerk McLennand: "Committee Reports. Committee Report from Representative Churchill, Chairman for Committee on Rules, to which the following Bills and Resolutions were referred, action taken on May 21st, 1995 and reported the same back with the following recommendations: 'Do adopt' House Joint Resolution #43 and Senate Joint Resolution #36. Committee Report from Representative Churchill, Chairman of the Committee on Rules, to which the following joint action Motions were referred, action taken on May 21st, 1995 and reported the same back 'do approve' for consideration: Concurrence, Senate Amendment #1 to House Bill 211; Nonconcurrence, Senate Amendments #1, 2, 3 and 4 to House Bill 375 and Senate Amendments #1 and 2 to House Bill 2349. Committee Report from Representative Hughes, Chairman of the Committee on Counties and Townships, to which the following joint action Motions were referred, action taken on May 20th, 1995 and reported the same back 'do approve' for consideration: Concurrence, Senate Amendments #1 and 2 to House Bill 513 and Senate Amendments #1 and 2 to House Bill 1854. Representative Cowlishaw, Chairman of the Committee on Elementary and Secondary Education, to which

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the following joint action Motions were referred, action taken on May 20th, 1995 and reported the same back 'do approve' for consideration on the Order of Concurrence: Senate Amendment #1 to House Bill 797 and Concurrence, Senate Amendment #1 to House Bill 2123. Committee Report from Representative Saviano, Chairman of the Committee on Registration and Regulation, to which the following joint action Motions were referred, action taken on May 20th, 1995 and reported the same back 'do approve' for consideration on the Order of Concurrence: Senate Amendment #1 and 2 to House Bill 549. Committee Report from Representative Andrea Moore, Chairman of the Committee on Elections and State Government, to which the following joint action Motions were referred, action taken on May 20th, 1995 and reported the same back 'do approve' for consideration: House Bill 1791 together with Senate Amendments #1 and 2. Committee Report from...Committee Report from Representative Krause, Chairman of the Committee on Health Care and Human Services, to which the following joint action Motions were referred, action taken on May 20th, 1995 and reported the same back 'do approve' for consideration: Senate Amendments...Concurrence, House Bill 1322, Senate Amendments #1 and 2. Committee Report from Representative Skinner, Chairman of the Committee on Privatization and Deregulation, Economic and Urban Development, to which the following joint action Motions were referred, action taken on May 20th, 1995 and reported the same back 'do approve' for consideration: On the Order of Concurrence, House Bill 185, together with Senate Amendment #1 and House Bill 2343, together with Senate Amendment #1."

Speaker Daniels: "Senate Bills Second Reading. Senate Bill 377.

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Read the Bill, Mr. Clerk."

Clerk McLennand: "Senate Bill #377 has been read a second time previously. Committee Amendment #1 was referred to Rules Committee, Committee Amendment #2 was adopted. Floor Amendment #3 has been referred to Rules. No further Floor Amendments. A fiscal note...state mandates note, correctional budget impact note, judicial note, state debt impact note and pension impact note and a home rule note, have all been requested on the Bill and all have been filed."

Speaker Daniels: "Third Reading. Senate Bill 1034. Read the Bill, Mr. Clerk."

Clerk McLennand: "Senate Bill #1034. The Bill has been read a second time previously. No Committee Amendments, no Floor Amendments. Fiscal note, state mandates note requested and filed."

Speaker Daniels: "Third Reading. Senate Bills - Third Reading. Senate Bill 1187. Read the Bill, Mr. Clerk."

Clerk McLennand: "Senate Bill 1187, a Bill for An Act concerning the insanity defense. Third Reading of this Senate Bill."

Speaker Daniels: "Representative Turner."

Turner: "Thank you, Mr. Speaker. Welcome, everyone, on this beautiful Sunday. Senate Bill 1187 contains the same truth in sentencing provisions that this chamber previously debated at length in House Bill 2038. As the Members will recall, the Bill provides that murderers will serve 100% of their sentences. It further provides that various other violent crimes will require an offender to serve 85% of their sentences. Finally, the Bill provides that perpetrators with certain felony offenses will serve 85% of their sentences when a court makes a finding that a victim received great bodily harm. The only difference between

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the original House Bill 2038 and this Senate Bill 1187 is that the crime of aggravated kidnapping has been included within the offenses requiring an offender to serve 85% of their sentences. Also, the Bill itself creates a commission which this chamber had previously addressed with a Resolution."

Speaker Daniels: "Excuse me, Representative Turner. Ladies and Gentlemen, this Bill deals with truth in sentencing. Ladies and Gentlemen, both sides of the aisle. Ladies and Gentlemen. Representative Turner."

Turner: "Thank you, Mr. Speaker. In addition to the truth in sentencing provisions, this Bill also amends provisions of the County and Municipal Codes by expanding the authority of police officers who investigate crimes outside of their jurisdictions. It amends the Criminal Code to change the standards of proof...the standard of proof on the affirmative defense of insanity. The Bill makes changes with regard to the distribution of forfeiture proceeds in Cook County. The Bill makes a change in the Controlled Substances Act by making the statute clear that possession of different controlled substances is a separate violation as to each substance. It also requires that the minimum term of imprisonment for criminal drug conspiracy shall be no less than the minimum term for the crime that is the object of the conspiracy. The Bill also amends the Hospital Lien Act by requiring notice to hospitals which can assert liens for unpaid charges against awards or judgments in favor of treated persons. I would be happy to answer any questions with regard to the truth in sentencing provisions. As to other provisions of this Bill I would ask that the questions that the Speaker would allow be addressed to Representative Jim Durkin who has worked very

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hard on the other portions of this particular Bill. Thank you."

Speaker Daniels: "Is there any discussion? There's one Gentleman seeking recognition on this issue. Representative Hoffman, the Gentleman from St. Clair, is the one person seeking recognition. Representative Hoffman."

Hoffman: "Will the Sponsor yield?"

Speaker Daniels: "Indicates he will."

Hoffman: "Yes, Representative, this contains the watered down version of truth in sentencing. Is that correct?"

Speaker Daniels: "Representative Turner."

Turner: "Representative, that's incorrect. I think you know that."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Well, does this contain truth in sentencing that would ensure that all violent felons serve 85% of their time?"

Speaker Daniels: "Representative Turner."

Turner: "Representative, this is the same truth in sentencing Bill that we had debated before at length and the one that you voted for as well as many Members on your side of the aisle, and as you know, it addresses violent offenders, it addresses murderers and is a very comprehensive truth in sentencing Bill."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Well, Representative, I'm not saying I didn't vote for the watered down version of truth in sentencing. I'm just asking you, is this the watered down version of truth in sentencing?"

Speaker Daniels: "Representative Turner."

Turner: "No, Representative, this is not a watered down version. This is a very comprehensive piece of legislation which addresses a concern of the people in the State of Illinois

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as you well know."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Does this...Does this Bill say that second degree murderers would serve 85% of their time?"

Speaker Daniels: "Representative Turner."

Turner: "No, Representative, that particular crime is not included as you know; however, we have included many many Class X felonies. We've included charges where bodily harm is cause. We've included first degree murder and as you know as well, as we've pointed out in previous discussions, you could take the entire Criminal Code, I suppose, and try to attach this Bill. We've tried to put this Bill in the fashion so that it's responsible and has meaning and can be passed and put into law."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Does this Bill include...indicate that aggravated kidnapping, solicitation for a juvenile prostitute, juvenile pimping, drugged induced infliction of great bodily harm, vehicular invasion, vehicular hijacking, ritualized abuse of a child, or aggravated robbery would serve 85% of their sentence?"

Speaker Daniels: "Representative Turner."

Turner: "Of those Bills, Representative, aggravated kidnapping is included. Not of those Bills, of those offenses. Excuse me."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Well, we had a piece of legislation that would definitely have included all of those provisions or all of those crimes and all those heinous acts and all those violent acts against people where people are hurt and it hasn't been able to be called on the floor of this House. So I would say that this is a watered down version,

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Representative. You were in committee, the Judiciary Criminal Committee, when state's attorney Jack O'Malley testified, weren't you?"

Speaker Daniels: "Representative Turner."

Turner: "Yes, I was, Representative, and if the Bill that you're talking about is the 7.1 billion dollar Bill that's unaffordable, then I would suggest to you that you should take a closer look at this piece of legislation as it is a responsible one."

Speaker Daniels: "Representative Hoffman."

Hoffman: "You're aware...You're saying that our truth in sentencing would cost 7.1 billion dollars. Is that what you're saying?"

Speaker Daniels: "Representative Turner."

Turner: "It was, I believe, 7.3 billion dollars over 10 years. That was the fiscal note, as attached, indicated."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Are you aware that the current Speaker of the House was the Chief Sponsor of that 7.1, according to you, 7.1...or 7.3 billion dollar cost Bill last year? Is that right?"

Speaker Daniels: "Representative Turner."

Turner: "Representative, the Speaker is not the Sponsor of that Bill in the 89th General Assembly. I think you're aware of that. As to other Bills that have been sponsored in the past, the problem is that the people of the State of Illinois are waiting for truth in sentencing. They haven't got it. We're trying to put a Bill out there that may be signed by the Governor, we believe can be signed by the Governor, so that the people of the State of Illinois will long last have truth in sentencing. That's something that your side of the aisle has not given the people of the State of Illinois for the last 12 years."

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Speaker Daniels: "Representative Hoffman."

Hoffman: "Well, since I'm running out of time, I'd better start talking to the Bill. I could talk for way more than a minute on this Bill. I'll tell you what our side of the aisle has given the people of the State of Illinois. Our side of the aisle passed the current Speaker's truth in sentencing last year to the Senate. The Governor showed no foresight or backbone and didn't have it called in the Senate. We had state's attorney Jack O'Malley before our committee and he agreed with our figures that this would cost 487 million dollars over five years. Not 7.3 billion dollars, 487 million. Why aren't we calling a truth in sentencing that's going to ensure that violent criminals are in jail? Why aren't we calling a truth in sentencing that's going to make sure that victims are told the truth? Why aren't we calling a truth in sentencing that Jack O'Malley himself says affordable...is affordable? Ask the current Speaker why we're not? Ask why he's not putting his Bill forward again. We should have a truth in sentencing that's going to mean something, not this watered down version. I say we vote 'aye'..."

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

Dart: "Will the Sponsor yield?"

Speaker Daniels: "Indicates he will."

Dart: "Representative, there's numerous provisions in this Bill and there's a lot of questions I could ask, but due to our gag rule here, I'll get probably about five minutes on this. I wanted to touch on the provisions dealing with the forfeiture laws. Why is it that we are...What's been the major problem that has occurred in Cook County. Namely, how much money has been lost as a result of the present

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scenario as far as where the forfeited money goes?"

Speaker Daniels: "Representative Turner."

Turner: "Mr. Speaker, with permission of the Speaker I would ask that that question be addressed to Representative Durkin who is more familiar, who is the Chief...a Cosponsor in this and could probably answer the question more succinctly and clearly than I could."

Speaker Daniels: "Representative Durkin."

Durkin: "Representative Dart, this is not a question of money being lost, it's a question of practicality. Currently the statutory scheme for the narcotic...under the narcotics forfeiture provisions show that all the moneys are to be funneled through different agencies who are involved in any type of seizure of any type of real estate, money, automobiles. That is broken down and it's distributed on a percentage-wise basis through the statute. The experience in Cook County is that the money which is intended and earmarked for the Cook County state's attorneys office, the money in which they go out and the one's they go and seize the property, the one's who do all the work, the money goes in the Cook County treasury. The problem is right now is that whenever the narcotics fund money is...whenever there's a need for it they have to go through a voucher system with the county which takes up to a month to get money, and right now it's a very impractical sense in which to operate under the...within the narcotics unit."

Speaker Daniels: "Representative Dart."

Dart: "How many investigations have been delayed by the fact they've had to go through the voucher system, and maybe you can have the state's attorneys lobbyist who's on the floor give you the answer?"

Speaker Daniels: "Representative Durkin."

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Durkin: "Presently, there's none that have been delayed cause the practice has been, over the years, is that the money has been going to the Cook County state's attorneys office. It's until recently in which the Cook County...the Cook County government, the Cook County treasury has now requested that the money is to be deposited into the county treasury."

Speaker Daniels: "Representative Dart."

Dart: "But it would seem to me...you're saying here the reason we want to go around this voucher system is because of the bureaucratic problems involved here. So that would mean there's some delay, so there's been some problem caused to the Cook County state's attorneys office. I want to get this in concrete terms. I want to find out why it is that Jack O'Malley wants to have this unique provision. Is there specific investigations that have been delayed because of the fact this money has had to go through the county?"

Speaker Daniels: "Representative Durkin."

Durkin: "Presently, as I told you before, Representative Dart, the money has been going to the state's attorneys office. Now, the money is going to the Cook County treasurer's office. It's very difficult if you're going to operate any type of long range investigations regarding narcotics. As you well know, Chicago has become the center of the heroin and cocaine trade in the midwest if not the United States. The only way you are able to infiltrate the large organizations is through the use of confidential informants. With doing that you are going to have to have money, ready money, within a matter of 24 to 48 hours in which you're going to need access of up to \$50,000 to \$100,000 in which you're going to be able to purchase large

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amounts of cocaine or heroin, and the only way you're going to be able to do that is that by having that money within a separate fund in the state's attorneys office. You have to go through the...As Cook County has requested right now, they want you to go through a voucher system. You cannot operate within that short amount of time to get that type of money by putting a voucher into the Cook County treasury and saying that the money which we had...money which we earned, money which we received and money we worked for through the forfeiture laws, we have to wait and sit on it in the Cook County treasury in able to be proactive in law enforcement. It's unrealistic."

Speaker Daniels: "Representative Dart."

Dart: "How many other counties are allowed this? How many other counties are allowed this?"

Speaker Daniels: "Representative Durkin. Representative Durkin."

Durkin: "It's approximately 2.8 to 3 million dollars that are..."

Speaker Daniels: "Representative Dart."

Dart: "I'm out of time, so...That wasn't my question. My question was, and this is not a question this is to the Bill. It was how many other counties have this? The answer is zero. This is a move by Jack O'Malley to circumvent the the ability of the county treasurer. The county board is opposed to this. Jack O'Malley is going to get a unique provision here where he is going to get all this money. As the speaker honestly and forthright put it, there's been no investigations delayed by this. Jack O'Malley, contrary to what everybody else has said, just wants this money for himself. He wants it beyond the counties purview. There will be very little checks and balances on this. This will go right to him. There's no problem now, he just wants this money. It's a...."

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Speaker Daniels: "Gentleman from Cook, Representative Pugh."

Pugh: "Thank you, Mr. Speaker. I'd like to yield my time to Representative Hoffman."

Speaker Daniels: "Representative Hoffman, Gentleman from St. Clair."

Hoffman: "Yes. Will the the Sponsor yield?"

Speaker Daniels: "He indicates he will."

Hoffman: "Since I ran out of time earlier, Representative, I didn't get to really go and I think that it is important in light of talking about...the discussion that's gone on the floor the last few days to talk about this fiscal impact and what it could potentially mean and the fiscal amount...costs of your Bill and other provisions. Now I had asked you earlier if you were in the Judiciary Committee when Jack O'Malley, the state's attorney of Cook County testified and you had indicated that you were. Did you hear him talk about his proposal and the cost of his proposal?"

Speaker Daniels: "Representative Turner."

Turner: "Certainly."

Speaker Daniels: "Representative Hoffman."

Hoffman: "So you heard him indicate that he estimated that this cost will be 1.9 billion dollars for the comprehensive truth in sentencing not the watered down version that we're voting on now, and that he believed that we could access 1.5 billion dollars from the federal contribution and he also was standing by his last years statement that the cost to the state would only be \$487 million for a comprehensive version of truth and sentencing, not this watered down version. Is that correct?"

Speaker Daniels: "Representative Turner."

Turner: "Representative, you were in the committee just as I was

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and you know that this is supported by Cook County state's attorney Jack O'Malley. You know as well that it's supported by the chief law enforcement officer of the State of Illinois, the Attorney General of this state, Jim Ryan. It will be supported by the Illinois State Police, by the Illinois Sheriff's Association, by the Illinois State's Attorneys Association, by the Illinois State's Attorney Appellate Prosecutors Association. It's a tough Bill. You know it. It was said so in committee and that's why I urge you to support it."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Well, Representative, I'm not saying that we shouldn't support this Bill. I'm just saying that we should have done and we can do and we need to do better, and if we really were serious about this, that we would be doing better, and state's attorney Jack O'Malley specifically indicated that for less than a 100 million dollars a year, out of this current year's budget, we could have comprehensive truth in sentencing throughout the state. Now, you also were in Judiciary Committee when the Attorney General of this state, Jim Ryan, testified. Weren't you?"

Speaker Daniels: "Representative Turner."

Turner: "Representative, I was there when the Attorney General testified and I was there when the Cook County state's attorney testified."

Speaker Daniels: "Representative Hoffman."

Hoffman: "And I would assume you heard Attorney General Ryan make the statement that he didn't believe that we should have the budget-making decisions as to what needs to be done with the criminal justice system in the State of Illinois. Did you hear that?"

Speaker Daniels: "Representative Turner."

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Turner: "I heard him and I heard the Cook County state's attorney indicate that they believe just as you believe, just as I believe that we need to pass responsible truth in sentencing, a meaningful truth in sentencing and a tough truth in sentencing Bill. They're all on board with this. This is...it meets all of those standards and tests and that's why I again I urge you to support it."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Well, Mr. Speaker, I was given five minutes..."

Speaker Daniels: "I kept track of the time. I kept track of the time on my watch."

Hoffman: "No, you didn't, Mr. Speaker."

Speaker Daniels: "Yes, I did."

Hoffman: "No, you didn't, Mr. Speaker. I have not been questioning him for five minutes. I was yielded five minutes..."

Speaker Daniels: "You were for four minutes, Sir."

Hoffman: "...and you just cut me down to one."

Speaker Daniels: "You were questioning him for four minutes. That's right. I'll give you another minute after that."

Hoffman: "Well, were you...were you aware that...of Amendment 7, which we on this side of the aisle had sought to put on this Bill, that it was held in Rules regarding making it a Class IV felony for the falsification of fiscal notes in this state. Are you aware that that was proposed for this Bill?"

Speaker Daniels: "Representative Turner."

Turner: "Representative, I believe the Amendment to which you refer is in..."

Speaker Daniels: "Representative Hoffman, your time is almost expired."

Hoffman: "Well, to the Bill once again. I think that certainly

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on this issue we could debate this issue ad infinitum, but what we're doing here is we're setting up one more task force, one more commission to study truth in sentencing. We've been talking about this now for two years, three years. We've had victims from this state come up and testify that they want truth in sentencing across the board. Jack O'Malley said it's affordable, we can do it. We had the Attorney General testify before us saying we should do it and the budget should not be running this system. So, even if we vote for this, it doesn't mean that we should be satisfied. We need to move forward with something like the Speaker put forward last year for across the board truth in sentencing. We also should be having Amendment #7, which makes it a felony to file false fiscal notes in this state, attached to this Bill and we should be voting on it, but I say to you if you want to get serious about it, let's get serious now."

Speaker Daniels: "Further discussion? The Gentleman from Whiteside, Representative Mitchell."

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

Speaker Daniels: "He indicates he will."

Mitchell: "Representative Turner, this includes all of the material, all of the thought, all of the hard work that the committee that you worked with had on our original Bill. Nothing has been deleted? Nothing has been changed?"

Speaker Daniels: "Representative Turner."

Turner: "The only change in the truth in sentencing provisions is that aggravated kidnapping has been added to those offenses which will require that an offender serve 85% of their sentence."

Speaker Daniels: "Representative Mitchell."

Mitchell: "In other words, in your opinion, we've strengthened an

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already excellent Bill."

Speaker Daniels: "Representative Turner."

Turner: "Yes."

Speaker Daniels: "Representative Mitchell."

Mitchell: "Thank you, Mr. Speaker, to the Bill. You know, we finally, finally have a common sense approach and one that's going to help the constituents in my district who have asked for this. I talked about it during my entire campaign and the people in my district said, we need truth in sentencing. We need to put heinous criminals behind bars and leave them there. Here we have a Bill that will put first degree murderers behind bars for a hundred percent of their sentence. Here we have a Bill that will force those people that commit other heinous crimes, 85% of their sentence for attempt to commit first degree murder, solicitation of murder and the list goes on and on. We have a common sense approach to a problem and one that we can finally afford and we're not done yet. We also have the Truth in Sentencing Commission to continue to look at this problem, but the folks back home told me, boy, it's got to be something we can afford, it's got to be something that makes sense and it's got to be something that we can believe in, and they've already told me when I've gone home, when I've walked around my communities, they've already said, good for you guys. You're finally doing something. You know somebody else was in control. Somebody else had a chance and nothing happened. Now something's happening and they don't like it. Well, I like it. We've finally got something and we've finally done something for the people of this state. Now it's about time that we did. We've argued about this twice and it's still on the table. Let's get it to the Governor cause the

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people of this...Illinois need it and want it no matter what we say on that side. Mr. Speaker, this Bill needs to go to the Governor, now! Thank you."

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

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

Speaker Daniels: "Indicates he will."

Flowers: "Representative Turner, I truly agree with the previous speaker, we need this Bill, but there's a problem with this Bill and I would hope that you would help me in addressing it. Exploitation of a child. Don't you think that our kids are of value and therefore anyone who would try to do them any harm, don't you think that person should do his time and they should not get off for good behavior? Don't you think there should be truth in sentencing for solicitation of a juvenile for prostitution or child pornography or the ritualization of abuse of a child or...? I mean...and this one is really is just mind boggling here. Permitting the sexual abuse of a child, Representative Turner. I mean, let's get tough on the ones that violate children. Don't you think we have an obligation here to say to the children of the State of Illinois that you are of value and we're here to protect you and the persons or the people that harm you will truly do all of their time? Would you please tell me the reason why, Representative Turner, that that's not in this Truth in Sentencing Bill?"

Speaker Daniels: "Representative Turner."

Turner: "Representative. Representative, let me tell you that most of what you just indicated is in this Bill. If you'll take a close look at it you'll find out that aggravated criminal sexual assault is in this Bill. You'll find out that criminal sexual assault is in this Bill. You'll find

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out that aggravated battery of a child is in this Bill. So, when you talk about abuse to kids, sexual abuse to kids, battery on kids, those serious felony offenders who commit offenses against children are included in this Bill. Now, I've already indicated to Representative Hoffman it would be nice, I suppose, if you could attach the entire Criminal Code to the Bill. It's unrealistic to do so, but as to the concerns you've raised they have been addressed and certainly this side of the aisle, that side of the aisle, indeed all of us care about protecting our children."

Speaker Daniels: "Representative Flowers."

Flowers: "Representative Turner, criminal sexual abuse. Is that in this Bill? Specifically, is that particular section in this Bill? I don't want the whole criminal section, but I'm talking about criminal sexual abuse in light of everyday. When we pick of the newspaper there's some violation done to a child. Don't you think that is warrant to be in this legislation that we're about to send to the Governor's desk, and kidnapping of a child? Would you please explain that?"

Speaker Daniels: "Representative Turner."

Turner: "Aggravated kidnapping is in this Bill. I've already indicated that. Criminal sexual abuse is not in this Bill. It is a Class A misdemeanor. But let me tell you something about criminal sexual abuse inasmuch as it's a Class A misdemeanor. There's a provision in the Jail and Jailer's Act. If you are a Class A misdemeanant and you're sentenced to jail and you've caused bodily harm then truth in sentencing does apply even at the local level. So, frankly, even though it's not in this Bill it's already provided for in the statute. But, again, that is a Class A

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misdemeanor. This Bill is focused in on felons. This Bill is focused in on felons who have caused bodily harm to individuals including small children."

Speaker Daniels: "Representative Flowers."

Flowers: "Representative Turner, only if you put forth a ransom for a child, only if the child suffers great bodily harm is then...does this Bill fit in then? Why is that, please?"

Speaker Daniels: "Representative Turner."

Turner: "Representative, that's incorrect. What has been added into the Bill is aggravated kidnapping. That includes aggravated kidnapping for ransom and it also includes all the other forms of aggravated kidnapping as set forth in the statute."

Speaker Daniels: "Representative Flowers."

Flowers: "Does the child have to suffer great bodily harm in order for this Bill to be applicable to the person who victimized the child?"

Speaker Daniels: "Representative Turner."

Turner: "As to the aggravated kidnapping portion of the Bill, the answer is no. Aggravated kidnapping is included as one of those offenses listed where 85% of the sentence must be served."

Speaker Daniels: "Representative Flowers, your time is almost expired."

Flowers: "Representative Turner, do these people, do they have to earn their good time through education or can they just lay there and do their time and get it for free, basically?"

Speaker Daniels: "Representative Turner, can you answer that question?"

Turner: "Once a person is sentenced to the Department of Corrections it falls upon his or her shoulders to take it upon themselves to try to rehabilitate themselves and try

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to obtain counseling if they need it and do other things to make themselves a productive member of society for when they're released from incarceration."

Speaker Daniels: "Committee announcement."

Clerk McLennand: "Rules Committee will meet at 2:45, Speaker's conference room. Rules will meet, 2:45, Speaker's conference room."

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

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

Speaker Daniels: "He indicates he will."

Granberg: "Representative Turner, my concerns are much like Representative Flowers because of the need to protect children. I believe you talked about some of the offenses that were not included in your truth in sentencing legislation. Did you also discuss why the sexual exploitation of a child was not included as well?"

Speaker Daniels: "Representative Turner."

Turner: "Representative, as I've indicated, I don't want to be redundant, but we have taken the offenses where bodily harm is caused a child, like in aggravated criminal sexual assault and criminal sexual assault and aggravated battery of a child, and we've tried to cover the crimes to protect children to the extent that we possibly can; and as I've already indicated, clearly you and anyone else can go through the Criminal Code and there's hundreds of crimes listed in there and you'll be able to find one here on this page and maybe another one on another page that isn't included. But we put this together through a lot of work, through a lot of consultation with the chief law enforcement officer in this state, with the Cook County State's Attorney, with many other individuals including

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persons from your side of the aisle and we've tried to make a meaningful Truth in Sentencing Bill that can get through both chambers and be signed by the Governor."

Speaker Daniels: "Representative Granberg."

Granberg: "Thank you, Representative. Well, I'm not trying to just pick out any offense, Representative, because I've dealt a lot with matters on child protection. In fact, I had the honor of working with Representative Regan about four years ago that he and I worked together to Co-chair a task force on ritual abuse of children - and in fact we passed that legislation to try to protect kids who would be ritually abused and I think I noticed in your legislation that the ritual abuse of a child, that was so important to Representative Regan and myself, is not included in your list. Is that the case?"

Speaker Daniels: "Representative Turner."

Turner: "Well, that particular crime is not included; however, if the factual scenario justified charging and obtaining a conviction for that, my guess is is that it would also be able to charge as aggravated battery of a child and therefore it would be included under that particular offense, or heinous battery even, perhaps."

Speaker Daniels: "Representative Turner...Granberg."

Granberg: "So, did I understand you correctly, Representative, that the ritual abuse of a child would be included in the heinous or aggravated battery of a child, so it would be the similar charge?"

Speaker Daniels: "Representative Turner."

Turner: "Well, it always depends on the facts, but the way you described your last question, it sounded to me as though the type of activity, criminal activity, that you were relating to the rest of us would probably be covered if the

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state's attorney chose to charge it either under heinous battery or aggravated battery of a child."

Speaker Daniels: "Representative Granberg."

Granberg: "But I had always thought, Representative, when I dealt a little bit with criminal law, that that was a specific crime that could be charged against someone who would actually commit this terrible terrible act. Is that not the case?"

Speaker Daniels: "Representative Turner."

Turner: "It is a specific offense listed in the Criminal Code. You are correct."

Speaker Daniels: "Representative Granberg."

Granberg: "One last question and then to the Bill, Mr. Speaker. Representative, are we losing federal money under the Federal Crime Bill by not making this legislation more difficult or tougher on all categories of criminal offenses?"

Speaker Daniels: "Representative Turner."

Turner: "Well, Representative, the feds have not yet given us a definition of what they are classifying as violent offenders, but I have every reason to believe, based upon my discussions with the top law enforcement officers in this state, that our truth in sentencing statute as we've drafted in this legislation would comply with federal standards, and therefore, if federal moneys are ever forthcoming we will be entitled to receive them."

Speaker Daniels: "Representative Granberg."

Granberg: "Thank you, Representative Turner. To the Bill. Representative, my concern is basically twofold. That in fact we are not accessing federal dollars that would be utilized to build additional prisons in this state by not passing tougher truth in sentencing. Secondly, when we're

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dealing with children we're dealing with a class of innocent victims that are truly..."

Speaker Daniels: "You want to bring your...Representative Turner, you want to comment on that? Representative Granberg, you want to wrap it up?"

Granberg: "Thanks. Thank you. When we're dealing with kids, we're truly dealing with a segment of society that needs protection and the sexual abuse of a child should be included in this. The ritual abuse of a child should be included in this legislation. There is no class of victim, no class in society that needs greater protection than our kids who are victimized by these animals who prey on the streets of this state, and I am very very disappointed that we're not including those offenses in your package. Thank you."

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

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

Speaker Daniels: "Indicates he will."

Lang: "Representative, I think you indicated this is an agreed Bill. Is the plan to send this to the Senate for concurrence or are they going to nonconcur or is this going to go to Conference Committee and be changed again?"

Speaker Daniels: "Representative Turner."

Turner: "Representative, I don't want to state unequivocally what the Senate will do, but it's my belief that they will concur."

Speaker Daniels: "Representative Lang."

Lang: "Well, since we've already passed this once, why are we doing it a second time?"

Speaker Daniels: "Representative Turner."

Turner: "Representative, there are some changes as I've indicated

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in this Bill and there are other provisions in this Bill as well that are not falling under the truth in sentencing portion."

Speaker Daniels: "Representative Lang."

Lang: "Would any of those changes put kidnappers, second degree murderers, abusers of the elderly or children behind bars for 85% of their sentences?"

Speaker Daniels: "Representative Turner."

Turner: "Well, as I've already indicated, aggravated kidnapping is one of the changes in the statute...or in the proposed legislation in that it has been added as one of those offenses where 85% of the sentence now must be served, and as I've had previous discussions with your colleagues from that side of the aisle as to children being abused and aggravated criminal sexual assault, criminal sexual assault and aggravated battery of a child are already in the legislation."

Speaker Daniels: "Representative Lang."

Lang: "Representative, you're creating a truth in sentencing commission. That's going to have a cost attendant to it. Rather than having that cost, why don't we save that money and expand the list of crimes for which violent criminals will be behind bars for a longer period of time?"

Speaker Daniels: "Representative Turner."

Turner: "First of all, those who will be members of the commission are only paid expenses, as I know you have the Bill in front of you and always read these things before you make queries on them. So, the cost in that instance at least or with regard to that will be minimal. Second of all, it addresses a concern that the Representative who questioned me just prior to you had raised and that is this commission is there to make certain that we stay on top of

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the federal regulations and/or laws when they are handed down, when they finally tell us what it is specifically that our statute needs to say in order for us to be able to tap in to federal funds. So this commission actually is designed to, if federal funding becomes available, save us money."

Speaker Daniels: "Representative Lang."

Lang: "Well, Representative, two things are obvious. First, there will be a cost attendant to this, and secondly, we have a committee in both the House and the Senate who can study any new federal guidelines that come by. The commission seems to be superfluous. Let me ask you this. Why did you resist Amendment 7 going on the Bill? Amendment 7 would have codified a Class IV felony for filing a phony fiscal note. I think we've all heard enough about that the last few days. Why did you resist that going on your Bill?"

Speaker Daniels: "Representative Turner."

Turner: "Representative, I've been asked that question before. I think I indicated to you that that Amendment was placed in the Rules...and is in the Rules Committee."

Speaker Daniels: "Representative Lang."

Lang: "Let's go to something even more important. I know there's no other county in the state where the state's attorney is going to get this discretionary money as Mr. O'Malley will. Why are you doing this? Right now he has to go to the Cook County Board to get an appropriation for his budget. Why should he have all of this discretionary money at his disposal?"

Speaker Daniels: "Representative Turner."

Turner: "With permission of the Speaker, I would defer that question to Representative Durkin."

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Speaker Daniels: "Representative Durkin."

Durkin: "Representative, the Cook County State's Attorneys Office, as it exists right now, is charged with...they have the largest narcotics unit for assistance, and also, with your investigative unit within the state, they...as I presently stated, in order for them to get access to any type of funds to make controlled buys with informants, or to purchase automobiles in which you can send informants in to make purchases, they have to go through a voucher system in the county and that takes up to three to four weeks which is absolutely impractical if you're going to be dealing in any type of war against crime, any type of narcotics prosecution where you have informants which are relaying information within a short amount of time. You have to have access to ready money. As I stated earlier, anywhere between 50 to \$100,000 if you're going to make any type of sizable buy. The thing is, you have to have an informant go inside the operation, make the buy, and then he comes back out. Then they make the bust. That is not practical. You have to do it within a short amount of time. That is why it is necessary..."

Speaker Daniels: "You want to conclude your answer, Representative Durkin."

Durkin: "It is necessary for them to operate any type of realistic and practical law enforcement efforts in this way."

Speaker Daniels: "The Gentleman from Will, Representative Meyer. Representative Meyer."

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

Speaker Daniels: "The question is, 'Shall the main question be put?' All those in favor signify by saying 'aye'; opposed 'no'. The 'ayes' have it. Representative Turner to

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close."

Turner: "Mr. Speaker, I move for favorable action on this Bill."

Speaker Daniels: "The question is, 'Shall Senate Bill 1187 pass?'

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? The Clerk will take the record. On this question there are 105 'ayes', 6 voting 'no', 3 voting 'present', and this Bill, having received the Constitutional Majority, is hereby declared passed. Committee Reports."

Clerk McLennand: "Committee on Rules has met. Representative Churchill, Chairman of the Committee on Rules, to which the following joint action Motions were referred, action taken on May 21st, 1995, reported the same back 'do approve' for consideration: Concurrence, Senate Amendment #1 to House Bill 1498."

Speaker Daniels: "Mr. Clerk, tell me the status of Senate Bill 326."

Clerk McLennand: "Senate Bill 326 is on Third Reading."

Speaker Daniels: "Return that Bill to Second Reading. Senate Bill 276. Read the Bill, Mr. Clerk."

Clerk McLennand: "Senate Bill 276, a Bill for An Act in relation to alternate fuels. Third Reading of this Senate Bill."

Speaker Daniels: "Representative Balthis."

Balthis: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 276 is a Bill that has been worked on in the Senate. It was not amended in the House. There was a lot of negotiation between the corn growers, some of the petroleum interests; and the Bill sets up a mechanism for those that have to meet the Clean Air Act to where they would get some consideration for the establishment of alternate fuels, and it establishes a fund for the

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development of alternate fuels and I'd be happy to answer any questions."

Speaker Daniels: "Is there any discussion? The Gentleman from Cook, Representative Blagojevich."

Blagojevich: "Representative Balthis... Will the speaker respond for a question or two? Will the Sponsor yield?"

Speaker Daniels: "He indicates he will."

Blagojevich: "Representative Balthis, on the previous Bill I had my light on for about 20 minutes. For the last three years I've worked hard on the issue of truth in sentencing. I had a host of questions to ask the previous Sponsor about truth in sentencing because I had worked on it previously as I've just said. I didn't get a chance to get recognized. What do you think of that?"

Speaker Daniels: "Representative Balthis."

Balthis: "Representative, this Bill has a lot to do with the Clean Air Act and openness and all of that, but I can't find anything in my notes that indicates it has anything to do with truth in sentencing."

Speaker Daniels: "Representative."

Blagojevich: "I understand that, Representative Balthis, but all these issues sort of tie together since we've been sworn under our oath of office to serve not only the people of our districts, but the entire state, and since you and I both have legislative prerogatives and you and I both ought to have the right to ask questions on Bills and on issues that we've worked on and that we believe deeply in, it seems to me, Representative Balthis, you should join me in trying to seek...so that I can have recognition and ask questions of the previous Sponsor on the previous Bill. I would ask you to help me do that. Could you please help me?"

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Speaker Daniels: "Further discussion on this Bill? On this Bill, Sir?"

Blagojevich: "No, Mr. Speaker. I would just like the opportunity to speak on the previous Bill. I had my light on. I had some questions of Representative Turner. Frankly, I Cosponsored that Bill in the first round and I wanted to ask him questions about how we might make that better. I didn't get a chance to get recognized and so I'm trying to do the best I can to raise the issue. Perhaps Representative Balthis can help me do that."

Speaker Daniels: "We'll be very happy to listen to you on this Bill, Sir. Any discussion on this Bill?"

Blagojevich: "On this Bill, I have...the only question I would ask Representative Balthis is what does this Bill do and I why should we support this, and after he answers that, would you join me in helping me get recognized on truth in sentencing?"

Speaker Daniels: "Representative Balthis."

Balthis: "Representative, this Bill is an attempt to answer some of the problems with the Clean Air Act where employers must meet some of the standards. It also sets up a program where companies that are trying to develop alternate fuels would have that, and to answer your last question, I would be happy to set up a meeting with Representative Turner in the back of the Assembly as soon as I get finished with this Bill."

Speaker Daniels: "Further discussion on this Bill? Representative Blagojevich."

Blagojevich: "Is there a cost attached to this, Representative Balthis?"

Speaker Daniels: "Representative Balthis."

Balthis: "Representative, by agreement, the people that

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negotiated this, there would be a registration fee for the vehicles involved in this and that would cover the cost of the program. There is a fiscal note that indicates that the Department of EPA would have some costs that would not be covered by the program."

Speaker Daniels: "Representative Blagojevich."

Blagojevich: "Has any group, environmental group, registered opposition to your Bill?"

Speaker Daniels: "Representative Balthis."

Balthis: "Representative, if they are I'm not aware of it. This Bill is supported by the Illinois Corn Growers, Central Illinois Public Service Company, Central Illinois Light Company, Northern Illinois Gas Company, Natural Gas Pipeline Company, Illinois Farm Bureau, Illinois Secretary of State, Illinois Propane Gas Association, Mid-Com Development Corporation, Amoco Oil Company, and Peoples Gas and Light and Coke Company."

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

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

Speaker Daniels: "Indicates he will."

Deering: "Representative, this Bill is supported by all the major groups that support the expanded use of ethanol. Is that not correct?"

Speaker Daniels: "Representative Balthis."

Balthis: "Yes."

Speaker Daniels: "Representative Deering."

Deering: "Is there any...is there any...any language in this legislation that will guarantee a market value of a bushel of corn when it comes to the market or is that expected to be driven by the demand that we may have on the expanded production?"

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Speaker Daniels: "Representative Balthis."

Balthis: "Representative, the fee that's in this would go to help companies that must meet the requirements to change their vehicles, et cetera, and also set up a fund for research on ethanol. So there is...that's basically what the fund would do in this Bill."

Speaker Daniels: "Representative Deering."

Deering: "Is this...I know this would benefit companies like ADM and some of the petro...some of the other biomass fuel operations, but is there also moneys or anything in this Bill that would allow for expanded...expanded technological advances that can be used? Will there be any grant money or anything associated with this Bill?"

Speaker Daniels: "Representative Balthis."

Balthis: "Representative, 20% of the money in this Bill would go towards research on alternate fuels and the money is designated in this Bill for ethanol."

Speaker Daniels: "Representative Deering."

Deering: "To the Bill, Mr. Speaker. I think that especially in a lot of districts that is similar to mine I feel that we have an abundance of agriculture in this state and we can produce an enormous amount of grain that can be used as an alternative fuel source. I think that that's the way that the General Assembly should be moving in this state and with other states and I wholeheartedly recommend, on behalf of the Illinois agriculture, the support of this Bill."

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

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

Speaker Daniels: "He indicates he will."

Granberg: "Representative Balthis, it's my understanding from the previous questioning that there is a fee included in your

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Bill. Is that a...How much is that fee, Sir, and what is the estimated revenue to be raised from that fee?"

Speaker Daniels: "Representative Balthis."

Balthis: "Representative, the fee is by agreement with those that negotiated the Bill, and it has a \$20 registration fee for approximately 350,000 vehicles and that would generate about a \$7,000,000 fee."

Speaker Daniels: "Representative Granberg."

Granberg: "I'm sorry, I didn't hear that last part. Did you say 7.8 million dollars or \$8,000,000?"

Speaker Daniels: "Representative Balthis."

Balthis: "No, Representative, it's 7,000,000. Rounded off to seven."

Speaker Daniels: "Representative Granberg."

Granberg: "And this \$7,000,000 fee increase, will that be passed on to consumers in the state?"

Speaker Daniels: "Representative Balthis."

Balthis: "Representative, that fee would be charged to those that are concerned with changing their vehicles over to the use of alternate fuels. So, some of that money would go back to those that are going to convert their vehicles to alternate fuel use and part of it goes to ethanol research. So that's what the money is being generated for."

Speaker Daniels: "Representative Granberg."

Granberg: "Thank you. But, Representative, I think the fee goes on all fleet vehicles. Is that correct?"

Speaker Daniels: "Representative Balthis."

Balthis: "Representative, my understanding there is 350,000 vehicles involved in this and I would say to you that it has to be a business that has 10 or more vehicles, as I understand it, before they would be required to change any of their vehicles over to the alternate fuel system."

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Speaker Daniels: "Representative Granberg."

Granberg: "So, the businesses that receive this permission and they are charged the fee, don't you think like in most private enterprises they would pass that fee along to the consumer that they deal with?"

Speaker Daniels: "Representative Balthis."

Balthis: "Representative, this is in a response to a federal mandate in the Clean Air Act in an attempt to help the business community in the State of Illinois respond to a federal unfunded mandate."

Speaker Daniels: "Representative Granberg."

Granberg: "But will not these costs be passed on to consumers because in the private sector the businesses will not absorb these costs, but they will actually pass them on with the people they do business with. Isn't that correct?"

Speaker Daniels: "Representative Balthis."

Balthis: "Representative, as I said before, this is a federal mandate passed by the federal Congress and that is being passed on to the taxpayers of the State of Illinois because of a federal unfunded mandate."

Speaker Daniels: "Representative Granberg."

Granberg: "So the federal government is making us put this \$7,000,000 fee on just fleet vehicles? The federal statute says we have to put a \$7,000,000 fee on only fleet vehicles?"

Speaker Daniels: "Representative Balthis."

Balthis: "The federal government says we must react to the Clean Air Act and this is an attempt to assist the State of Illinois to do that."

Speaker Daniels: "Representative Granberg."

Granberg: "Well, what are the nonattainment areas,

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Representative, that are in violation of the standards with the federal Clean Air Act?"

Speaker Daniels: "Representative Balthis."

Balthis: "Representative, I believe most of those are in the Cook County collar county areas, East St. Louis. Those areas of the State of Illinois."

Speaker Daniels: "Representative Granberg."

Granberg: "Would this \$7,000,000 fee be limited to those areas that are impacted?"

Speaker Daniels: "Representative Balthis."

Balthis: "No."

Speaker Daniels: "Representative Granberg."

Granberg: "So, conceivably, we're going to be charging people in parts of this state who are not in violation of the Clean Air Act for problems in Chicago and East St. Louis. Is that correct?"

Speaker Daniels: "Representative Balthis."

Balthis: "Representative, we're responding to a federal unfunded mandate in an attempt to solve the problem for the taxpayers of the State of Illinois."

Speaker Daniels: "Representative Granberg."

Granberg: "So we're going to be charging people who live in McHenry County or any of the collar counties or downstate for the problems in Chicago and East St. Louis with nonattainments?"

Speaker Daniels: "Representative Balthis."

Balthis: "Yes."

Speaker Daniels: "Representative Granberg."

Granberg: "Thank you, Representative Balthis, and finally one last question, Sir. Does ethanol receive any type of tax consideration, tax break by the federal and state government, currently?"

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Speaker Daniels: "Representative Balthis."

Balthis: "Yes."

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

Black: "Yes, thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. To the Bill. My colleague on the other side of the aisle always likes to trot out his dog by mentioning a fee increase or something and he always hopes that dog will run around the chamber and bite everybody and make them afraid to vote for the Bill, and I think he knows as much as I do that this Bill probably will pass by a sufficient majority, that we don't have to worry about that. If we're going to try to get people worried about a fee on fleet vehicles, those who operate fleets of 10 or more vehicles, and you think that's...ah, gee, that's going to be a problem. Well, I would suggest to you then vote 'no' on this Bill. Vote 'no' on the alternative fuels backed and let's keep importing all of our oil from the arab countries. That...that...Boy, we don't pay any fee for that, do we? Oh, heavens no. Last...Let's see, I filled up this morning and I think it was about a \$1.27 a gallon. So, if you don't want to develop alternative fuels such as natural gas, 80% ethanol, propane bio-based methanol, or fuels derived from biomass, then vote 'no'. Vote 'no'. Worry about your fee increase. I'll tell you, I'd rather pay a fee increase; however, that fleet vehicle operator is going to pass it on to me but I'm not real sure I know how he's going to be able to do that, than to pay what I pay for imported oil. I'm tired of it. I'm tired of the people in Washington talking about for the last 10 years, about alternative fuel, renewable energy. We know how to do it, now let's do it. How many more 'Desert

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Storms' do you want? How many more arab oil sheiks do you want to enrich? Now, let's stop the nonsense. This is going to pass and we all know it. Vote 'aye'."

Speaker Daniels: "Further discussion? The Gentleman from McHenry, Representative Skinner."

Skinner: "Would the Gentleman tell us whether this is going to come from general obligation bonds or from motor fuel taxes? Would you just confirm that the answer is no."

Speaker Daniels: "Representative Balthis."

Balthis: "There are no bonds involved in this program."

Speaker Daniels: "Representative Skinner."

Skinner: "Okay. Well, I'm not going to yield to anybody on this floor in what I've done with alternative fuels. In 1980, when I ran for Congress, I had a Pinto that ran on 85% alcohol and 15% water. Having said that, I didn't get a \$4,000 subsidy from anybody except maybe my campaign fund. I don't think it was \$4,000. What we're saying here is, that if you have 10 vehicles, if you're a businessman and you own 10 vehicles, we're going to tax you \$10 per vehicle, per year, to subsidize something that can work in the free market if we let the free market work, if it's worth working. Now, so far the corn growers in their marketing program haven't even got vehicles that are running in and out of the Chicago metropolitan area, garishly painted yellow, looking like a corncob or something, to show us that this will work. It seems to me they ought to put their money up before we put our small businesses' money up. I mean, why should Central Illinois Power and Light have to pay \$10 per vehicle, per year, to subsidize natural gas and ethanol? This type of cross subsidy probably has the political support to pass this General Assembly, but it doesn't have the logical support

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to muster course...to muster success and a logic course."

Speaker Daniels: "The Gentleman from Will, Representative Meyer."

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

Speaker Daniels: "The question is, 'Shall the main question be put?' All in favor signify by saying 'aye'. Opposed 'no'. The 'ayes' have it. Representative Balthis to close."

Balthis: "Thank you, Mr. Speaker. This measure is a response to the Clean Air Act. It will allow the State of Illinois and the people that work here and have businesses here to respond to that unfunded mandate from the federal government and I ask an 'aye' vote."

Speaker Daniels: "The question is, 'Shall Senate Bill 276 pass?' 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? Clerk will take the record. On this question there are 107 'aye', 9 voting 'no' and none voting 'present', and this Bill, having received the Constitutional Majority, is hereby declared passed. For what purpose does the Lady from Kane, Representative Lindner, arise?"

Lindner: "Yes, thank you, Mr. Speaker. Would you...would the record please reflect that I could not get to my switch and on 1187 I wish to vote in the affirmative."

Speaker Daniels: "The record will so reflect. Announcements."

Clerk McLennand: "Attention Members. For those that returned home to their districts yesterday after Session and have returned for Session today, come up to the Clerk's well and please indicate that for travel reimbursement. Those Members that traveled home after Session yesterday and have returned for Session today, please come up to the Clerk's well and indicate so."

Speaker Daniels: "On the Order of Concurrences, page 14, House

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Bill 1498. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill 1498 is on the Order of Concurrence.

Motion has been filed to concur by Representative Churchill and has been approved for consideration."

Speaker Daniels: "Representative Churchill."

Churchill: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I would move to concur with Senate Amendment #1 to House Bill 1498. We passed House Bill 1498, which is an ethics package, out of this House and sent it to the Senate. It included certain items in that package. The Senate has made some changes and sent it back to us. I'd like to go through the changes with you so you know the present status of this Bill. In the initial Bill, we prohibited fund-raising in the City of Springfield on certain legislative days. The Senate Amendment takes that out. The Senate said, basically, this item and another item should be presented on a separate Bill. And it would be my intention, with the permission of the Chair, to call another Bill after this Bill that would reinclude that item. Secondly, in House Bill 1498 we prohibit the acceptance of honoraria. That is still in this Bill. Third, we prohibited per diem after our deadline day. That is still in this Bill, but it has been changed so that per diems can be accepted on Special Session days and during Veto Session. The Senate apparently felt that that was not clear enough and asked to clarify that language. The next thing that we did was to discontinue legislative scholarships. The Senate did not want to go with that and so that provision would be out if we vote on this Bill. That would be the second portion of the next Bill we'll present. The next Bill that we'll present we'll go back and discuss fund-raising on legislative days and

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legislative scholarships, but in this Bill those two parts are out. The next section of the Bill would require disclosure for ward and township committeemen. That is still in this Bill. And the last section would require open bidding and purchasing contracts. That is still in this Bill. So, this Bill has been amended by the Senate by taking two items out and using some clarifying language on one of the items that we had in. Furthermore, the Senate Amendment adds a portion to the Bill that would say that the compensation of local officials must be fixed at least 180 days prior to the beginning of their terms. That is something that we tried to do in a different Bill and actually did pass out a Bill that passed the House and the Senate. It was not accepted by the Governor. And basically what we're coming back in and saying, let's just make a rule across the board that you have to fix your compensation at least 180 days before you begin your terms. So that is basically the Bill that we have before us in House Bill 1498. Again, I would say we would try to go to another Senate Bill right after this that would have two of those provisions that have been taken out in the House Bill and consider those as separate items. Mr. Speaker, I would be happy to answer anybody's questions on this item."

Speaker Daniels: "The Gentleman from Cook, Representative Lang."

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

Speaker Daniels: "Indicates he will."

Lang: "Representative...Well, first, Mr. Speaker, before you start my time, an inquiry of the Clerk, please."

Speaker Daniels: "Mr. Clerk. State your inquiry."

Lang: "I noticed that on page 14 of the Calendar, just about all of the House Bills upon which Members want concurrence, there have been Motions filed and printed on the Calendar."

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However, on House Bill 1498 there is no Motion printed on the Calendar."

Clerk McLennand: "The Motion to concur was filed with me today."

Speaker Daniels: "Representative Lang."

Lang: "Does that Motion need to be on the Calendar? I don't know what the House rules provide relative to that."

Clerk McLennand: "No. It provides that the Motions to concur we have on there so you know what Motions have been filed."

Speaker Daniels: "Representative Lang."

Lang: "Very well. If you'll start the timer I would ask the Sponsor to yield, Sir."

Speaker Daniels: "Representative Churchill?"

Lang: "Could I have my five minutes, Sir?"

Speaker Daniels: "You are having your five minutes."

Lang: "No. I had a parliamentary inquiry. You should not take away my minute for that, Sir."

Speaker Daniels: "All right. This time I'll do it for you because we miss your voice."

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

Speaker Daniels: "Your welcome very much."

Lang: "Thank you. Representative, is there anything...this seems to be like the Republican ethics package. Is there anything on here about false fiscal notes?"

Speaker Daniels: "Representative Churchill."

Churchill: "The Bill is as I have stated. It is."

Speaker Daniels: "Representative Lang, you're going to lose your minute pretty soon."

Lang: "All right. So apparently there's nothing on here about false fiscal notes. Let me ask you this, Sir. The provision regarding fund-raisers in Springfield is out but you say that's going to be in another Bill. Is that correct?"

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Speaker Daniels: "Representative Churchill."

Churchill: "Yes. The Senate said that they thought we should consider the fund-raising in Springfield issue and the legislative scholarship issue as a separate Bill, not included with this package. And so we have a Bill before us, hopefully the Speaker will call that next, that will consider those two issues and we can debate that on the merits of those two issues at that time."

Speaker Daniels: "Representative Lang."

Lang: "But when you say the Senate said this, who was that? Did all the Senators come to your office and have a meeting with you or what do you mean the Senate said that?"

Speaker Daniels: "Representative Churchill."

Churchill: "No, actually, you know, we sent people out to all the Senators' homes. They're rarely in Springfield and we just kind of got a common wisdom by trying to get them at their houses because we can't find them here."

Speaker Daniels: "Representative Lang."

Lang: "Actually that's a pretty good answer so I'm just going to go on. The Senate is never here, you're correct. Although you've indicated that the issue regarding Springfield fund-raisers is out but is in another Bill, you've taken the issues regarding legislative scholarships out but are not putting that in another Bill. Why is that the case?"

Speaker Daniels: "Representative Churchill."

Churchill: "No, Representative Lang, I don't think you heard me. The next Bill has two items, one is the fund-raising in Springfield or it will be Sangamon County in the second Bill. The other one is the legislative scholarship issue. Both those issues will be in the next Bill."

Speaker Daniels: "Representative Lang."

Lang: "So, perhaps the issue regarding the phony fiscal notes is

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in the next Bill? Is it in the next Bill, Sir?"

Speaker Daniels: "Representative Churchill."

Churchill: "I want to keep the anticipation level high. We'll talk about that Bill when we get to it."

Speaker Daniels: "Representative Lang."

Lang: "So, are you telling us there will be a piece of legislation that we can look forward to, to deal with the issue of false fiscal notes?"

Speaker Daniels: "Representative Churchill."

Churchill: "At this point, Representative Lang, I'm talking about the Bill that's before us."

Speaker Daniels: "Representative Lang. To the Bill before you on the Order of Concurrence."

Lang: "Somehow I thought that's what you were going to say. Representative, your preempting home rule with this legislation. Would you anticipate that it would require 71 votes?"

Speaker Daniels: "Representative Churchill."

Churchill: "We are preempting Section 6, Section (i)...Subsection (i) of Article 7 and that only requires 60 votes."

Speaker Daniels: "Representative Lang."

Lang: "Well, nevertheless though it is true that you are preempting home rule, Perhaps not the section of the Constitution that requires 71 votes but you are taking local control away on this issue, are you not?"

Speaker Daniels: "Representative Churchill."

Churchill: "We are in compliance with the Constitution and it takes 60 votes."

Speaker Daniels: "Representative Lang."

Lang: "Well, that wasn't the question but I think I agree with you. It takes 60 votes but that's not the question. The question is whether this does take away certain home rule

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powers and whether you are dealing with the issue of local control. It seems to me and I think it's clear, I hope you'll admit, that despite the merit or lack of merit of your Bill, which I'm not discussing, I think the Members are entitled to really be aware that you are taking away powers of local units of government. You're taking away home rule powers and delegating them to the state. Because the local unit of government has the power today, the home rule unit today has the power to decide when they will fix salaries, do they not?"

Speaker Daniels: "Representative Churchill."

Churchill: "Representative Lang, there is a section in the Senate Amendment that deals with preemption. It's a section that deals with Section 6, Subsection (i) of Article 7 which requires 60 votes. But this is to create a uniform law across the State of Illinois and we have that power and ability to create those uniform laws and it's the attempt of this Bill, as proposed by the Senate in their ultimate wisdom, that we create this uniform law across the State of Illinois."

Speaker Daniels: "Representative Lang."

Lang: "Hey, Sir, I'm the champion of uniform and consistent laws. I've been discussing that all Session. The question is, I thought you guys were the party of local control. What happened to that?"

Speaker Daniels: "Representative Churchill."

Churchill: "In this particular Bill I think it's..."

Speaker Daniels: "You want to bring your answer to a close, Sir?"

Churchill: "That's the will of the Senate. Perhaps if you'd like to go out to all the houses of the Senators maybe they can indicate to you their thoughts on that."

Speaker Daniels: "Representative Schoenberg."

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

Speaker Daniels: "Indicates he will."

Schoenberg: "Mr. Churchill, would you...would you clarify for our understanding the section on open bidding for purchasing which you alluded to?"

Speaker Daniels: "Representative Churchill."

Churchill: "Yes, Representative Schoenberg, the Amendment does not change that section. So, that section is exactly as it was when we voted on it before and basically provides that...that the law should be in favor of open bidding and that people at O'Hare should practice open bidding in their contractual relationships."

Speaker Daniels: "Representative Schoenberg."

Schoenberg: "So the purchasing reform provisions in this Bill are limited exclusively to O'Hare Airport?"

Speaker Daniels: "Representative Churchill."

Churchill: "On the face of the original language the Bill applied only to municipalities of more than 500,000 and we have made that applicable to airports."

Speaker Daniels: "Representative Schoenberg."

Schoenberg: "So, Mr. Churchill, the standards which are...which are set for bidding, are they similar to the standards which were recommended by the Auditor General's blue ribbon task force last year on establishing a comprehensive procurement code for the state?"

Speaker Daniels: "Representative Churchill."

Churchill: "These are similar to the provisions in division 10."

Speaker Daniels: "Representative Schoenberg."

Schoenberg: "So that the Members understand, there's absolutely nothing within this Bill relative to competitive bidding that has anything to do with the approximately \$2 billion

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worth of services and purchases that are done by the State of Illinois. There's been no effort made to reform that portion of the Procurement Code, correct?"

Speaker Daniels: "Representative Churchill."

Churchill: "Right. This section of the statute is only for municipalities over 500,000 and we're in that section of the statute, so that would be the only thing that we're applying it to. Again, let me just state to you, this is exactly the same language that we passed out of here when we originally considered House Bill 1498."

Speaker Daniels: "Representative Schoenberg."

Schoenberg: "On the...Mr. Churchill, on the subject of establishing comprehensive procurement reform in Illinois, do you anticipate that this Session we will see a Trailer Bill which will address that issue? You may recall that last Session we did consider two versions based on one from the Senate, one from the House. The Governor in his State of the State Address, I believe, or other public comment, indicated that there would be purchasing reform this year. Do you anticipate we will be doing anything this Session?"

Speaker Daniels: "Representative Churchill."

Churchill: "I'm trying to explain House Bill 1498. It's not in House Bill 1498 and I'm not going to speculate beyond House Bill 1498 since we're trying to discuss that Bill right now."

Speaker Daniels: "Representative Schoenberg."

Schoenberg: "Mr. Churchill, the only reason why I raised the question...I wouldn't have...I wouldn't have raised the question had you not indicated in your earlier comments that there would be subsequent legislation that would also be addressing reform related elements that all the Members here want to consider. I think that while I'm going to

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vote for this, I think all the Members should be aware and should be cognizant of the fact that the expectation of our constituencies is that we have some form of comprehensive purchasing reform. The State of Illinois does procure approximately \$2 billion in goods and services and of that, \$93 million in state leases, many of which are used in a very discretionary fashion for purposes that have been called questionable at best. I would hope, Mr. Churchill, that we'd be able to work, if not this Session then in the Veto Session, on addressing this problem as well. Thank you."

Speaker Daniels: "Further discussion? The Gentleman from Will, Representative Meyer."

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

Speaker Daniels: "The question is, 'Shall the main question be put?' 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? The Clerk will take the record. On this question, there are 63 'ayes', 53 'noes'. And the Motion prevails. The Gentleman, Representative Churchill, to close."

Churchill: "Thank you, Mr. Speaker. Since this is the first Bill where we're going to do concurrences, I would just ask for a favorable vote."

Speaker Daniels: "The question is, 'Shall the House concur in Senate Amendment #1 to House Bill 1498?' This is all final action. 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? This is final action. Have all voted who wish? The Clerk will take the record. On this question, there are 103 'ayes', 6 voting 'no', 7 voting 'present'. And this Motion to concur Senate

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Amendment #1 is adopted. And the Bill, having received a Constitutional Majority, is hereby declared passed. We are now going to Senate Bill 1066. Read the Bill, Mr. Clerk."

Clerk McLennand: "Senate Bill 1066, a Bill for an Act that amends the Governmental Ethics Act. Third Reading of this Senate Bill."

Speaker Daniels: "As soon as he finishes I'll call on you. Representative Churchill."

Churchill: "Ladies and Gentlemen of the House this is another Bill in the same package and I'm sure that we can get to the same discussion through this Bill. This puts back the two provisions that were taken out by the Senate in the last Bill, basically, which would prohibit fund-raising in Sangamon County. They changed it from Springfield to Sangamon County during Legislative Session Days or after April 1st until the end of the Spring Session which is basically the same Bill that we had before. The issue we just discussed in the last Bill except we changed the word Springfield to Sangamon County pursuant to a request of the Senate. And again, this repeals the legislative scholarship program effective July 1st, 1996. So, those two components that we originally passed, sent to the Senate, they asked to take out, are now being presented in a separate Bill so we can send this to the Senate if it's the wish of this Body and have the Senate consider them as separate items. I would be happy to answer any questions."

Speaker Daniels: "The Lady from Cook, Representative Davis."

Davis, M.: "Thank you very much, Mr. Speaker. First of all, I think it's significantly important that people..."

Speaker Daniels: "Representative Davis, to the Bill."

Davis, M.: "...who are here to represent their district, we must get an opportunity to speak. On House Bill 1498, that just

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passed out of here, you were...that Bill limits the ability of women to get contracts. Those contracts are less than \$10,000 that are let to women before they're put into the larger pile of bidding has now been abolished with 1498. Women of Illinois should know that you just passed this Bill to limit their opportunity to be in business and to get business with the City of Chicago. I am merely standing to let the people in this Body know that I am an equally elected Representative as you. You cannot just call certain people to speak and ignore the rest of us because you will not have order. I will not stand for it. Lou Jones wanted to speak on that Judicial Bill. I needed to hear from Lou Jones in reference to that Judicial Bill."

Speaker Daniels: "Representative Davis, to the Bill."

Davis, M.: "We demand, I demand that you let us speak."

Speaker Daniels: "To the Bill. Do you wish to speak to this Bill?"

Davis, M.: "All I have to say about this Bill, if it's from Churchill it's probably a bad Bill. Vote 'no'."

Speaker Daniels: "Further discussion on this Bill? Representative Pugh."

Pugh: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Mr. Speaker, I rise out of protest. The Bill that we just passed has a negative effect on our community and the constituency which we were elected to represent. Not one of our Members from the Illinois Legislative House Black Caucus were called upon to speak to this piece of legislation. We are all duly elected officials and the purpose of us being here is to debate the issues so that they can be fairly understood by the masses. Mr. Speaker."

Speaker Daniels: "To the Bill, Sir."

Pugh: "If we are going to...if we are going to continue with this

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tyrannical approach to government, then you will be faced with a tyrannical approach to protest. And we will not sit idly by and allow you to change the rules in midstream that would not allow us to debate the issues to represent our constituency in a manner that which we were elected to represent them."

Speaker Daniels: "To the Bill, Sir. Representative Pugh, any Member has a right to move the previous question. That was voted on in a roll call and that is the majority rule. Now I will recognize you on this Bill. If you care to discuss this Bill, you may proceed, Sir. On this Bill, Sir?"

Pugh: "No, Sir. I'm speaking to the last Bill from which we were denied our rights and our privileges to speak to and we will not, once again, sit idly by and allow our rights to be denied. We were duly elected to represent our people. There's elements and parts of that legislation that we needed to discuss, that we needed to have some clarity on. We were not obliged that privilege and we would like to be...have that Bill recalled, if it's at all possible."

Speaker Daniels: "On the Bill, Sir."

Pugh: "I'm speaking to the last Bill, Sir."

Speaker Daniels: "We are now on Senate Bill 1066. Do you wish to proceed on this Bill, Sir?"

Pugh: "I'm speaking on a point of personal privilege, Sir."

Speaker Daniels: "That Bill has passed. At your request...at the request of your side a roll call was held. If you wish to proceed on this. Representative Pugh."

Pugh: "Point of order, Sir. Point of order."

Speaker Daniels: "Representative Pugh."

Pugh: "So...Inquiry of the Chair."

Speaker Daniels: "State your inquiry."

Pugh: "How long is point of personal privilege?"

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Speaker Daniels: "Short. You may state your point."

Pugh: "No...I asked the question, Sir. Could you answer?"

Speaker Daniels: "You have stated your point and I have answered that point. Any Member of this House may move the previous question anytime he or she wishes. You asked for a roll call, there was a roll call put for it. The majority of the House voted to move the previous question primarily because almost every aspect of this Bill had been thoroughly debated previously by Members of this House. Representative Pugh, on this Bill. If you wish to proceed Sir, on this Bill."

Pugh: "Point of personal privilege, Sir."

Speaker Daniels: "Representative Pugh. We're not going to go through this all but you may state your point."

Pugh: "Well, I'm trying to understand the process according to the new rules that you've established. According to the new rules, how long is a point of personal privilege?"

Speaker Daniels: "You have stated your point. If you have a new point to state I will listen to it, but we are going to proceed. Now you have a minute and 42 seconds left to talk on this Bill if you wish to do so, Sir."

Pugh: "So am I speaking to my five minutes or am I speaking to the point of personal privilege, and I'm just trying to get some clarification because my five minutes has..."

Speaker Daniels: "Do you wish to address this Bill? First answer that question. Are you going to address this Bill, Sir?"

Pugh: "With my five minutes."

Speaker Daniels: "Your question...Representative Pugh. Now, Representative don't get excited, we don't want you getting sick. Representative Pugh. Representative Pugh. Okay. On the Bill. Representative Pugh, your point has been stated and answered. Further discussion? You have five

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minutes on this Bill."

Pugh: "Representative...Will the Sponsor yield for a question?"

Speaker Daniels: "He indicates he will."

Pugh: "Representative, to...is this an ethics...would this Bill be considered and Ethics Bill?"

Speaker Daniels: "Representative Churchill."

Churchill: "Yeah, I think that the previous Bill that we just passed was the major ethics package there. Two components of that Bill the Senate did not like and so they took them out and we're just trying to see if we'll send them back. Basically, the two points are whether or not you can have fund-raising in Sangamon County during Session days or after April 1st and whether or not we should have the legislative scholarship program. Those were items that were hotly debated when we originally considered the previous Bill during the House Session and apparently were hotly debated in the Senate, and we've been asked to treat them as separate items, so they're back here before you."

Speaker Daniels: "Representative Pugh."

Pugh: "Representative, so the...Can you tell me the other portions of the Bill that this does not address?"

Speaker Daniels: "Representative Churchill."

Churchill: "Yeah, it...I guess it doesn't address the rest of the world except for the two items that I have stated, so it's kind of hard to tell you what it does not address, but the other items that we passed out of here just on the last Roll Call and also, previously, considered issues like honorary bidding contracts and those kind of things. This solely looks at the two issues that the Senate wanted consideration on individually which is the fund-raising issue and the legislative scholarship issue, so, that's all we have in this Bill and that is at the request of the

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Senate."

Speaker Daniels: "Representative Pugh."

Pugh: "So this Bill does not deal with the elements in the previous Bill that had to do with taking away contracts that were typically allotted for minorities and females?"

Speaker Daniels: "Representative Churchill."

Churchill: "This Bill deals with legislative scholarships and fund-raising during legislative days. Just those two things, Representative Pugh."

Speaker Daniels: "Representative Pugh."

Pugh: "Does the University of Illinois employees under this legislation still receive their legislative scholarships?"

Speaker Daniels: "Representative Churchill."

Churchill: "Under this Bill, there would be no legislative scholarships after July 1, 1996."

Speaker Daniels: "Representative Pugh."

Pugh: "The question was, does this also include the University of Illinois employees, the Department of Conservation employees, and all other elect...all other state employees?"

Speaker Daniels: "Representative Churchill."

Churchill: "This deals with the legislative scholarships that are specifically carved out in statute. It does not deal with other types of scholarships that we have in this state."

Speaker Daniels: "Representative Pugh."

Pugh: "So, this only addresses the legislative scholarships that a minor...a poor student from your district or a poor student from my district who couldn't ordinarily go to school if it was not for our legislative scholarship. It takes away the scholarship for only those individuals, it does not take away the scholarship for the individuals that are employed with the University of Illinois that make 20,

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30, \$40,000 a year that are employed with the Department of Conservation that make 20, 30, \$40,000 a year. It only takes away scholarships from individuals who are indigent and with no other means of support other than this legislative scholarship would be able to go to school, am I correct?"

Speaker Daniels: "Representative Churchill."

Churchill: "This takes away the legislative scholarship, and I don't know...you know, who gets those scholarships from everyone of us. Each one of us has the right to give those scholarships out and we all treat those in our own fashion, I guess. In your district, if that's the way you do that, if you hand them out to poor students that would not be able to get a scholarship in some other fashion, this Bill would take those scholarships away from you. Now, there may be other scholarship programs in this state, through the Student Scholarship Commission or other types of grants or other scholarships through the universities or other colleges and things. Those are not affected by this Bill. This only affects the ones that you'd have the right to give out."

Speaker Daniels: "Representative Pugh. Your time is almost expired, Sir."

Pugh: "I have no further questions."

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

Black: "Yes, thank you very much, Mr. Speaker, and Ladies and Gentlemen of the House. I simply rise in support of the Bill. If anyone, and I'm sure there are people in here who mean very sincerely, their support for the General Assembly Scholarship Program, its been around about 98 years. In fiscal year 1994, \$4,191,000 was waived in tuition charges

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to our state universities and colleges. Four million, one hundred and ninety one thousand dollars in tuition charges were waived for recipients of General Assembly scholarships. We appropriated no money, not one penny, to cover the cost of those tuition waivers. The previous speaker said that they are used for low income or indigent people. Now, if that's how you choose to award yours, I applaud you. It's very difficult however, as individual Legislators for us to do that because we don't have access to family financial statements. That information is not privy to us. It is not public domain. That's a private situation. I know of no way. I've tried to get my Committee to be able to get that information and those that collect it say it is not available to us as a General Assembly Member to award scholarships on the basis of financial need. So I...if you do that, that's fine, I commend you. I bear no one any ill will who thinks this process and practice should continue, but I just simply said as I did a month ago, after 90 some years of doing something, it doesn't mean it has to continue adinfinitum. We all know that the General Assembly scholarship program operates under no guidelines whatsoever. It's however we decide in our individual district offices, that these are to be awarded. So, if you feel strongly that this is a perquisite that Members of the General Assembly should continue to offer, then your vote will be made accordingly. I for one, think that if we really are serious about helping those students attend higher education, then let's take the \$4.1 million that it cost in Fiscal Year 1994 to waive tuition for which we appropriated no money, then let's all be serious enough to appropriate \$4 million dollars and put it in the Illinois Student Assistant

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Commission. They're equipped to handle those students who need genuine financial aid. In all due respect, to any Member on this floor, I'm not sure we're equipped to handle that. So, I simply rise to support the Gentleman's Bill that passed out of here once before. I trust it will pass out again."

Speaker Daniels: "The Lady from Cook, Representative Davis."

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

Speaker Daniels: "He indicates he will."

Davis: "Do you find the free football tickets from the University of Illinois...that they too perhaps should be under ethical review?"

Speaker Daniels: "Representative Churchill."

Churchill: "That's not a part of this Bill, but if you want to put a Bill in, I'll work with you on it."

Speaker Daniels: "Representative Davis."

Davis: "Well, do you realize that there are some people who actually would not get a opportunity to attend a medical school or perhaps dental school if they were not given some kind of scholarship? Are you aware of that?"

Speaker Daniels: "Representative Churchill."

Churchill: "Yes, I am. There are many people in this state who go to all different kinds of colleges, some public, some private, some...you know the flagship, the University of Illinois, some other schools around this state, and they go to college on scholarships. They have to. They can't afford the prices of college today, and that is the essence of this Bill. The question of whether or not the legislative scholarships that we have the right to grant, should be continued to be used, and that's what this Bill is all about."

Speaker Daniels: "Representative Davis."

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Davis: "Who better than the Legislator would perhaps know the need in some communities of those who seek a college education. Is your intent with this legislation, to prohibit and halt the number of college graduates in the State of Illinois? Is that your intent?"

Speaker Daniels: "Representative Davis...Representative Churchill."

Churchill: "No, I would hope that each one of those students would be able to get a scholarship through some other means. The question is whether we, as Members of the Legislature should be granting these scholarships, and I think that's the business that...you know for the most part, I hope everybody does it correctly. That there may be somewhere out there there maybe a public perception that somebody may not have done it correctly, and I would think that perhaps that ought to be something that should be done by a body like the State Scholarship Commission which is prepared to look at all those scholarships, and that we as Legislators should not be in the business of giving out the scholarships."

Speaker Daniels: "Representative Davis."

Davis: "Representative, to the Bill. We could look upon those loans to businessmen from DCCA that we passed recently as scholarships. We could look upon those loans hopefully they will be paid back, and we could be saying that these are scholarships to these businessmen in order that they can continue to earn those big, big bucks. We had a student to come down this aisle about two years ago and he wanted to meet Nelson Rice. Nelson Rice was a Legislator from the far south side of Chicago, and this podiatrist said, 'I'd like to meet the Gentleman who gave me a scholarship four years ago. It's because of him that I am

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now practicing and paying a big income tax to the State of Illinois.' I believe that this legislation is under that big title that you're earning of being mean spirited. You are attempting to limit an education to only those whose parents earn a large sum of money. With the halt or abolishing of these scholarships, you're not increasing the pool of scholarships in any other area, saying that some more will be available. I think what you're doing, is continuing to harm people who have no means or whose means do not equal yours. I don't believe that any Legislator on this side of the aisle, did anything unethical with a scholarship, and if so, that individual should be dealt with on a individual basis. If the State of Illinois wants to keep its citizens uneducated, continue to pass these kinds of mean spirited Bills that hurt the less fortunate. Continue to give loans to businessmen who really don't need them, and deny access to an education for people who perhaps would have no other way. Vote 'no' on this mean spirited legislation that's meant to hurt the less fortunate."

Speaker Daniels: "The Lady from Cook, Representative Erwin."

Erwin: "Thank you, Speaker. With all due respect to the opponents of this legislation, I rise to support it. You know...it seems to me that each and every one of us ought to feel very good about contributing an increase of \$4.1 million annually, annually, annual increase to the Illinois Student Assistance Commission. Unlike ourselves individually, the Illinois Student Assistance Commission has professionals to evaluate the real financial needs of students. I am very concerned that students that are...need financial support to go to colleges, have it available. This will provide \$4.1 million every single

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year, in an increase to the Student Assistance Commission, and that seems to me to be a very, very good thing. So, I think our proper role is to be determining the policy in higher education, not to giving out individual scholarships. I mean, my goodness, we don't give out individual grants in public aid or in mental health or in children and family services. It's an absolutely inappropriate role it seems to me for Legislators, although it has been something that has been around for a long time, is indeed a perk, and I would submit to you that what we need to do is to continue to support the Student Assistance Commission and continue supporting the monetary award program, so that their funding is adequate enough to make sure that every student in this state who needs financial assistance can get it. So, I would urge an 'aye' vote on this if you really do care that chil...that students in real need, where we can evaluate and know for sure that someone has looked at their family finances, that the truly needy do get the help. So, I support...I support an 'aye' vote."

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

Novak: "Mr. Speaker, thank you very much. I had my light on for about twenty five minutes. I realize a lot of people want to speak about this, but I have some questions I would like to ask of the Sponsor."

Speaker Daniels: "The Gentleman indicates he'll yield."

Novak: "Representative Churchill, I'm sure you feel the same way that I feel today. I was so warm and fuzzy and I felt almost cleansed voting on House Bill 1498 and I just can't wait to vote for this Bill. It's going to make me warm and fuzzy, and I feel like I have been baptized all over again,

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but I do have a couple of questions. I do have a couple of questions I'd like to ask you. What days with the gu...I'm glad you know it's Sunday, Sir, but what days...how far does this legislation go back with respect to the prohibition of fund-raisers in Springfield during Session? Can you give me the date that prohibition starts?"

Speaker Daniels: "Representative Churchill."

Churchill: "On the...there's two parts to the Bill; the one part that deals with fund-raising, fund-raisers would be prohibited prior to April 1st on those days in which the Legislature was in Session, and after April 1st, would be prohibited every day until the end of Session."

Speaker Daniels: "Representative Novak."

Novak: "So, let me give a scenario here. Say...let's say were in Session since we're facilitating our Sessions now, let's say we're in Session in February or March for that matter. Let's say it went on for three days, Tuesday, Wednesday and Thursday. So on a Monday evening when most come down to Springfield and most of the lobbyists are in Springfield, this Bill would not preclude an individual from holding a fund-raiser the Monday before we go in Session prior to April 1st, correct?"

Speaker Daniels: "Representative Churchill."

Churchill: "Before April 1st, if their stay is not a day in which the Legislature is not in Session, such as a Monday, we go into Session on Tuesday, you could have a fund-raiser on Monday, we would be in Session on Tuesday. After April 1st, you could not do that."

Speaker Daniels: "Representative Novak."

Novak: "Thank you, Representative Churchill. I just wanted to point that out. To me, that's a loophole. Is the Leadership included in this too? Are Leadership prohibited

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from holding fund-raisers from April 1 on?"

Speaker Daniels: "Representative Churchill."

Churchill: "Leadership is prohibited and campaign committees that support Members like the House Democratic Campaign Committee or the House Republican Campaign Committee would be included in this Bill."

Speaker Daniels: "Representative Novak."

Novak: "Yes, thank you very much. I'm glad that that's included. What about Constitutional Officers such as the Governor, the Attorney General?"

Speaker Daniels: "Representative Churchill."

Churchill: "This Bill only impacts Members of the Legislature."

Speaker Daniels: "I know you're all surprised. Representative Novak."

Novak: "Oh boy, another loophole. This is great. Of course, you know, I'm going to feel warm and fuzzy and cleansed voting for this Bill, but here is another loophole, and I want the press to know about this I hope. So, the Governor and the Secretary of State and the Attorney General, they might not have interest before this body or do they, Representative Churchill?"

Speaker Daniels: "Representative Churchill."

Churchill: "I know those people are always concerned about everything we do in this body."

Speaker Daniels: "Representative Novak."

Novak: "So, as I indicated, the Governor and the Secretary of State and the Attorney General and the Treasurer and the Comptroller, they can have fund-raisers in Springfield, and they can raise...and you know well...as well as I know, they raise a lot of money. Much more than Legislators do on an individual basis. So, there's another loophole that needs to be pointed out. What about...what about on the

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honorarium, Representative? What is the difference...let's say a Legislator went and spoke before a trade association and they told him 'Thanks, thanks for speaking, you enlighten us about a legislative issue', and then two weeks later, that Legislator just by circumstance received a contribution in the mail, well, let's say a \$100, and they say, 'We would like to contribute to your campaign'. We all receive, let's be honest about it, unsolicited contributions. We all receive that. How can you distinguish between an honorarium, and let's say an unsolicited contribution two or three weeks subsequent to a date of a casual discussion of legislation before a trade association?"

Speaker Daniels: "Representative Churchill."

Churchill: "Representative Novak, I want to make...I want to make sure there is a distinction made here. The portion that deals with honoraria was in the previous Bill, and that is not in this Bill, but there is another question that perhaps you can interpret your question, being that, could you accept a campaign check on the days where we're prohibited from having fund-raisers? And the answer is no, you cannot accept a campaign check on those days."

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

Granberg: "Thank you, Mr. Speaker. I rise on a point of personal privilege, Sir."

Speaker Daniels: "State your point."

Granberg: "A few moments ago, and I know this has been a difficult Session for everyone, but Representative Pugh was debating a Bill and a number of us on this side of the aisle heard what amounted to a racial slur directed towards the Representative. Now, I know its been difficult, but if

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we're going to let this process denigrate into comments and slurs, its been bad enough. Everyone has the same right in this Body, Ladies and Gentlemen, the same rights, and we should have respect for all Members. Comments such as we heard should not be tolerated anywhere, let alone in this chamber, and I would hope the Members would refrain from any activity that deals with such issues."

Speaker Daniels: "That is good advice for both sides of the aisle. Further discussion? The Gentleman from Champaign, Representative Johnson."

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

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

Churchill: "Thank you, Mr. Speaker. I would like to remind the Members of two particular points. First, on the legislative scholarships; the legislative scholarships are not means tested, so, those scholarships can be given to people who perhaps don't have enough means to get to college, but they may be given to people who do have enough means to get to college, and I believe if you go through the other parts of getting scholarships through the universities, or through the State Scholarship Commission, those are means tested, so, I think that they favor those people who do not have the ability to get to college in some other way. So, perhaps if we take...if there were 30 or 40 or 50 scholarships given out by Members to people who could afford it, those are now Members...those are now scholarships that could be given out to people who may not be able to afford it. Secondly, on the legislative days for fund-raising the various lobbyists, the unions, the business guys, everybody has gotten together over the last

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couple of years and said that they're not going to attend fund-raisers when we're in legislative Session. So, they're the ones who have driven this and I would ask...and I think that those...that they're absolutely correct in what they've asked us to do, and therefore, I think we should vote 'aye' on this Bill. Thank you."

Speaker Daniels: "The question is, 'Shall Senate Bill 1066 pass?' 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? The Clerk, will take the record. On this question, there are 90 'ayes', 23 'noes', 2 voting 'present', and this Bill having received a Constitutional Majority is hereby declared passed. The Gentleman, Representative Lang, moves to reconsider the vote by which House Bill 1498 passed. On that, Representative Black."

Black: "I move to table the Gentleman's Motion."

Speaker Daniels: "The Gentleman moves to table the Gentleman's Motion. On that Motion to table, all those in favor signify by voting 'aye'; opposed by voting 'no'. The voting is open. On the Motion to table Representative Lang's Motion. 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 64 'ayes', none...52 voting 'no', none voting 'present', and the Gentleman's Motion to table prevails. Mr. Clerk, Committee announcements?"

Clerk McLennand: "The Committee posted for 3:30 p.m., will meet in five minutes, and those Committees posted for 4:00 p.m., will meet in 35 minutes."

Speaker Daniels: "The House will now stand in recess until 5:15, 5:15. Representative Pugh."

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Pugh: "Thank you, Mr. Speaker. I rise on a point of personal privilege."

Speaker Daniels: "State your point."

Pugh: "I'd just like to say that signifying is worst than stealing, and that an individual that results to signification which is the lowest form of entertainment, is bordering on imbecilic justification of his existence."

Speaker Daniels: "The House now stands in recess until 5:15."

Speaker Ryder: "The House will be in order. Members will be in their seats. Mr. Clerk, Committee Reports."

Clerk McLennand: "Committee Report from Representative Rutherford, Chairman of Committee on Constitutional Officers, to which the following joint action motions were referred: Action taken on May 21, 1995, reported sending back due approved for consideration; Concurrence on House Bill 823, together with Senate Amendment #2, and House Bill 1696, together with Senate Amendment #2; Non-concurrence, House Bill 823, together with Senate Amendment #1. Committee Report from Representative Wirsing, Chairman of the Committee on Higher Education, to which the following joint action motions were referred: Action taken on May 21, 1995, reported to be sent back due approved for consideration; Concurrence, House Bill 122, together with Senate Amendment #1, and House Bill 471, together will Senate Amendment #1. Committee Report from Representative Wait, Chairman of the Committee on Transportation of Motor Vehicles, to which the following joint action motions were referred: Action taken on May 21, 1995, reported sent back due approved for consideration; Concurrence, House Bill 1633, together with Senate Amendment #1. Committee Report from Representative Balthis, Chairman of the Committee on Cities and Villages to which the following joint action

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motions were referred: Action taken on May 21, 1995, reported sent back due approved for consideration; Concurrence, House Bill 1489, together with Senate Amendment #1. Committee Report from Representative Cross, Chairman of the Committee for the Judiciary for Civil Law, to which the following joint action motions were referred: Action taken on May 21, 1995, reported sent back due approved or consideration; Concurrence, House Bill 741, together with Senate Amendment #1, and House Bill 1910, together with Senate Amendment #1. Committee Report from Representative Brady, Chairman of the Committee on Personnel and Pensions, to which the following joint action motions were referred: Action taken on May 21, 1995, reported sent back due approved for consideration; Concurrence, House Bill 323, together with Senate Amendment #1, and House Bill 413, together with Senate Amendment #1, and House Bill 2177, together with Senate Amendments #1 and 3."

Speaker Ryder: "Mr. Clerk, what is the status of Senate Bill 274?"

Clerk McLennand: "House...Senate Bill #274 is on the order of Third Reading."

Speaker Ryder: "Please return that to Second Reading. Representative Ryder in the Chair. On the order of Senate Bills - Second Reading. Mr. Clerk, please read Senate Bill 92."

Clerk McLennand: "Senate Bill 92, has been read a second time previously. No Committee Amendments, no Floor Amendments. State mandates note and fiscal note have been requested on the Bill and have been filed."

Speaker Ryder: "The Bill shall remain on Second Reading. Mr. Clerk, Senate Bill 180."

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Clerk McLennand: "Senate Bill 180, the Bill has been read a second time previously. Committee Amendment #1 has been referred to Rules; Floor Amendment #2 has been referred to Rules. No further Floor Amendments. The state mandates note has been requested on the Bill and has been filed. A fiscal note has been requested on the Bill and has not been filed."

Speaker Ryder: "The Bill shall remain on Second Reading. Mr. Clerk, Senate Bill 192."

Clerk McLennand: "Senate Bill 192, the Bill has been read a second time previously. A fiscal...no Committee Amendments. Floor Amendments #1 and 2 have been referred to Rules. A fiscal note and state mandates note have been requested on the Bill. A state mandates note has been filed, the fiscal note has not been filed."

Speaker Ryder: "The Bill shall remain on Second Reading. Mr. Clerk, Senate Bill 205."

Clerk McLennand: "Senate Bill 205, the Bill has been read a second time previously. No Committee Amendments, no Floor Amendments. A fiscal note, state mandates note and home rule note, have been requested on the Bill and they have all been filed."

Speaker Ryder: "Mr. Lang, for what purpose do you rise, Sir?"

Lang: "Thank you, Mr. Speaker. On Senate Bill 205, we have what on Mr. Daniels list who admittedly was an irregular fiscal note. Some have called it a phoney or forged fiscal note, I'll just simply call it a regular because too tired to battle with you. In the meantime however, this was on the list that Mr. Daniels indicated would not be moved until the investigation was complete. Is the investigation now complete?"

Speaker Ryder: "Mr. Lang, the Speaker indicated that the

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investigation was complete. Allow me to inquire of the Clerk if a new fiscal note has been filed. Mr. Clerk, has a new fiscal note been filed?"

Clerk McLennand: "A fiscal note has been filed by the Department of Revenue, signed by the Director of the Department of Revenue."

Speaker Ryder: "Anything further, Mr. Lang?"

Lang: "Mr. Speaker, can I require as to whether this is a new fiscal note, or simply the previous fiscal note filed on May 11th at about 10:30 a.m., that was signed later?"

Speaker Ryder: "I think that your council was distracting the Clerk. Allow me to inquire if I may. Mr. Clerk....anything further Mr. Lang.?"

Lang: "Could you bear with me one moment, Sir, since this is one of those on Mr. Daniels list?"

Speaker Ryder: "I understand."

Lang: "It's important for both you and I, I think to make sure that this does not move until we're straight on this."

Speaker Ryder: "Mr. Lang, allow me to suggest to you two things; first of all, we will be diligent in this matter and we will work with you on it and I would advise that the staffer that is holding the book for you, took the Clerk's original copy and we request the return of that, Sir. Mr. Lang."

Lang: "Just so you know, Sir, this is not an original, it's a photocopy. I think the originals are kept upstairs, but..."

Speaker Ryder: "The copy that belongs with the Bill, Sir. I'll do my best."

Lang: "Mr. Speaker."

Speaker Ryder: "Mr. Lang."

Lang: "I think we still have a problem here, Sir. Section 2 of

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the fiscal note asked for Mr. Nemerovski's edification, that...starts on page 1157 of Volume One of the statute books, talks about the preparation of the fiscal notes, and going on to the next page 1158, the very first line, 'In the case of Bills having a potential fiscal impact on units of local government, the fiscal note shall be prepared by the Department of Commerce and Community Affairs.' The fiscal note itself indicates that it has impact on home rule units, they are of course, units of local government. Accordingly, this fiscal note should be signed by and prepared by DCCA."

Speaker Ryder: "Mr. Clerk."

Clerk McLennand: "This fiscal note was filed by the Department of Revenue. DCCA prepared the state mandates act note and DCCA prepared the home rule impact note."

Speaker Ryder: "Anything further, Mr. Lang?"

Lang: "Anything further? I just read you the statutes, Sir. It's not proper. This fiscal note must be filed by DCCA. That's what the statutes says, and allow me to quote from Mr. Daniels comments the other day, 'The Clerk, in cooperation with the Assistant Clerk, will institute new procedures to insure compliance with all note acts, and long standing practices of the House', end quote. Mr. Daniels said that, not I, and the statute is clear. I've read the language, the language is very clear. DCCA must prepare this fiscal note."

Speaker Ryder: "Mr. Lang, before I respond to that, I want to make...just simply to inquire that your staff member returned the copy to the well. Did he, Mr. Clerk?"

Clerk McLennand: "Yes, it was returned."

Speaker Ryder: "Now that we have that document back with us, Mr. Lang, I will repeat to you what has been consistently the

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ruling of the Chair in previous inquiries concerning this matter, that the notes are required in the House of origin as requested according to the statutes and that has...as a result, Sir, it is not a requirement here. However, however, because of the sensitivity on this particular Bill and because of the concerns that you have raised, we'll take this Bill out of the record until we can be clear on it. Anything further, Mr. Lang?"

Lang: "Yes, I thank you for your courtesy in taking the Bill out of the record, I think that was the appropriate thing to do. But so that we're clear as we go along in this matter, I want to read to you Mr. Daniels comments so that you, Mr. Ryder in the Chair, are aware of what they were."

Speaker Ryder: "Mr. Lang."

Lang: "It's important that you..."

Speaker Ryder: "Please, may I interrupt you just one moment? We're taking the Bill out of the record, so, you need to clarify for me, the purpose for which you're seeking attention at this point. Would you do that, Sir? Mr. Lang."

Lang: "Well, I can read this on a Bill by Bill basis, but I thought if I read to you Mr. Daniels comments, then you as sitting as Speaker, would be aware of Mr. Daniels position on this, so that you would know how to handle these additional requests."

Speaker Ryder: "Mr. Lang, I'm happy to be edified for yo...by you, it happens everyday. I'm simply...with the Bill being out of the record, Mr. Clerk, take the Bill out of the record. If you'd simply indicate the purpose...the reason for which you rise, I will recognize you for that purpose. You may read away and we'll get it over with so we can proceed with the business. Is that acceptable, Mr. Lang?"

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Thank you. The Chair recognizes Mr. Lang."

Lang: "I rise on an inquiry of the Chair."

Speaker Ryder: "Please state your inquiry, Mr. Lang."

Lang: "Thank you. Is this the practice we are going to be following as we deal with the fiscal notes? However, the long standing courtesy of the House has been to honor fiscal note requests for Senate Bills. This practice permits House Members to be fully appraised to the fiscal impact of a Bill, prior to Third Reading. The Clerk in cooperation with the Assistant Clerk, will institute new procedures to insure compliance with all note acts and long standing practices of the House. So, Sir, Mr. Daniels has indicated that despite the fact that we may have a dispute as to whether we really need fiscal notes on Senate Bills. I believe we do, you believe we do not. Mr. Daniels has indicated in his comments regarding note gate, that this is the long standing practice of the House to require and to file fiscal notes on Senate Bills and that he would insure that the Clerk and the Assistant Clerk would see to it that those long standing practices were complied with. So, the inquiry of the Chair is, will we proceed in a way consistent with Speaker Daniels comments the other day?"

Speaker Ryder: "The answer is, yes. You're welcome, Sir. The next...continue on the Order of Senate Bills - Second Reading. Senate Bill 217, Mr. Clerk."

Clerk McLennand: "Senate Bill 217, the Bill has been read a second time previously. Committee Amendment #1 was referred to Rules. No Floor Amendments. A fiscal note has been requested on the Bill and has been filed."

Speaker Ryder: "Third Reading. Mr. Clerk, Senate Bill 387."

Clerk Rossi: "Senate Bill 387, has been read a second time previously. Amendments 1, 2 and 3 were adopted in

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Committee. No Motions have been filed, no Floor Amendments approved for consideration. The fiscal note, state mandates note and home rule note that were requested on the Bill as amended have been filed."

Speaker Ryder: "Mr. Lang, for what purpose do you rise, Sir? Mr. Lang."

Lang: "Thank you. Who prepared and filed the...Mr. Ryder, I can't hear thing in this House."

Speaker Ryder: "Then I'll attempt to get some order for you, Sir."

Lang: "Thank you very much."

Speaker Ryder: "Mr. Clerk, please take Senate Bill 387 out of the record. Mr. Clerk, Senate Bill 441, 441 Mr. Clerk."

Clerk Rossi: "Senate Bill 441, this Bill has been read a second time previously. No Amendments were adopted in Committee. No Floor Amendments have been approved for consideration. The fiscal note and the home rule note that were requested on the Bill, have been filed."

Speaker Ryder: "The Chair recognizes Mr. Lang. For what purpose do you rise, Sir?"

Lang: "Speaker, I rise on a point of inquiry."

Speaker Ryder: "Please state your inquiry."

Lang: "Thank you. On Senate Bill 192, there were no note requests filed and the Bill was taken out of the record against the Sponsor's wishes. Can the Chair enlighten us as to how that happened?"

Clerk Rossi: "A fiscal note had been requested on fis...on Senate Bill 192 and that note has not been filed."

Speaker Ryder: "Mr. Lang."

Lang: "I believe that that fiscal note request was withdrawn on Friday."

Speaker Ryder: "Mr. Lang, we'll check into it and get back to

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you, Sir. We're Continuing on to Senate Bill 441. The notes requested have been filed. Third Reading. Mr. Clerk, Senate Bill 465."

Clerk Rossi: "Senate Bill 465, this Bill has been read a second time previously. Amendment #1 was adopted in Committee. No Motions filed, no Floor Amendments approved for consideration. The fiscal note that was requested on the Bill and the state mandates note that was requested on the Bill, have been filed."

Speaker Ryder: "Mr Lang, for what purpose do you rise?"

Lang: "Thank you. I have an inquiry. I couldn't hear the Clerk. What did he say about the fiscal notes?"

Speaker Ryder: "They have been filed, Sir."

Lang: "And, what notes were filed, please?"

Speaker Ryder: "The Gentleman has asked for your attention, please attempt to do so. Mr. Clerk, Mr. Lang has made a request for you to identify the party and agency that has filed a note in response to the fiscal note. Did I state it correctly, Mr. Lang? Mr. Lang. Please state your request."

Lang: "Well, I think I'm about to ask that question, but that's not the one I asked. I just simply asked, Sir, what notes have been filed?"

Speaker Ryder: "Well, I apologize, Sir."

Lang: "You have to build the case, Sir, I'm sure you know that...how this works, so one thing at a time."

Clerk Rossi: "The state mandates note and the fiscal note have been filed on the Bill. The notes are signed by...the note is signed by Dennis Whetstone, the Director of DCCA."

Speaker Ryder: "Mr. Lang."

Lang: "Are these two separate notes and are they both signed by Mr. Whetstone?"

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Speaker Ryder: "Mr. Clerk."

Clerk Rossi: "One note."

Speaker Ryder: "Mr. Lang."

Lang: "Thank you. We have a copy of that note. It looks valid.
Thank you."

Speaker Ryder: "The Speaker and the Sponsor thank you, Sir. Mr. Clerk...oh, excuse me. Please move Senate Bill 465 into Third Reading. Mr. Clerk, continuing on, Senate Bill 560. Hello Mr. Lang, for what purpose to you rise, Sir?"

Lang: "Well, Mr. Speaker, do you think you can move a Bill to Third Reading, that you're the Sponsor of while you're in the Chair?"

Speaker Ryder: "There was no objection, I had leave of the House to do so. Mr. Lang, would you grant leave or do you object? Mr. Lang."

Lang: "Sir, I'm going to grant you leave simply because you treated me with such respect, and I think you said something about liking my tie earlier, but I think this is a bad practice to have the Speaker moving the Speaker's Bills to Third Reading or Second Reading while he is sitting in the Chair, but certainly you have leave from this side of the aisle to move that very important Bill to Third Reading."

Speaker Ryder: "Mr. Lang, we thank you. Mr. Clerk, take Senate Bill 560 out of the Record. Mr. Clerk, Senate Bill 586."

Clerk Rossi: "Senate Bill 586, has been read a second time previously. No Committee Amendments, no Floor Amendments approved for consideration. The fiscal note that was requested on the Bill, excuse me, the state mandates note, the state mandates note and the home rule note that have been requested on the Bill have not been filed."

Speaker Ryder: "The Bill shall remain on Second Reading. Mr.

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Clerk, Senate Bill 586. Senate Bill 586, Mr. Clerk. My apologies, we'll move on to Senate Bill 637, Mr. Clerk."

Clerk Rossi: "Senate Bill 637, has been read a second time previously. Amendment #1 was adopted in Committee. No Motions were filed, no Floor Amendments approved for consideration. The fiscal note and the state mandates note that were requested on the Bill, have been filed."

Speaker Ryder: "Mr. Lang, for what purpose do you rise?"

Lang: "Thank you. First, I would ask an inquiry of the Chair."

Speaker Ryder: "Please state your inquiry, Sir."

Lang: "Do we have a response to our inquiry on Senate Bill 192?"

Speaker Ryder: "Mr. Lang, may we finish this Bill? We'll come right back to that next. Do you have an inquiry on this Bill, Sir?"

Lang: "Can the Clerk tell me which fiscal notes were filed and who signed them and when they were signed?"

Speaker Ryder: "Mr Clerk."

Clerk Rossi: "A fiscal note has been filed by the State Fire Marshall and it is signed by Ed Heffernan and a fiscal note...a state mandates note, fiscal note has been filed by the State Department of Commerce and Community Affairs. There is also another fiscal note that's on file, but we can't tell who filed it."

Speaker Ryder: "Mr. Lang."

Lang: "Well, let's go through these one at a time if we can. I have a copy of..."

Speaker Ryder: "Please state your inquiry."

Lang: "The inquiry would first be as to the validity of the state mandates act fiscal note. I have a copy that was filed on May 17th at about 5:00 p.m. that is unsigned. The inquiry would be, when was this signed and by who?"

Speaker Ryder: "Mr. Clerk."

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Clerk Rossi: "The fiscal note was signed by Dennis Whetstone, the Director of DCCA, and it was signed on the evening of the 18th."

Speaker Ryder: "Anything further, Mr. Lang?"

Lang: "Yes, I would ask the Chair to rule that that state mandates note is invalid. It's invalid because when it was filed on the 17th, it became a public record. You can't straighten out a public record by defacing it. A new and amended fiscal note should have been filed on the 18th, rather than changing a public record that was filed on the 17th. I would therefore, ask the Chair to rule that the state mandates act fiscal note, that the Clerk indicates is filed, is invalid."

Speaker Ryder: "The Chair rules that the note is valid, Sir. Mr. Lang."

Lang: "I would move to overrule the Chair and ask for a Roll Call Vote on that Motion. I would ask to verify if you receive the requisite number."

Speaker Ryder: "The Gentleman has moved to overrule the Chair. The question is, 'Shall the Chair be sustained?' All those in favor of sustaining the Chair, vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Motion, there are 62 voting 'yes', 52 voting 'no', none voting 'present', and the Gentleman has requested a verification. Mr. Clerk, please read those voting in the affirmative."

Clerk Rossi: "A poll of those Representatives voting in the affirmative. Representatives Ackerman. Balthis. Biggert. Biggins. Black. Bost. Brady. Churchill. Ciarlo. Clayton. Cowlshaw. Cross. Deuchler. Durkin. Hanrahan. Hassert. Hoeft. Hughes. Johnson, Tim. Johnson, Tom."

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Jones, John. Klingler. Krause. Kubik. Lachner. Lawfer.
Leitch. Lindner. Lyons. McAuliffe. Meyer. Mitchell.
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.
Weaver. Wennlund. Winkel. Winters. Wirsing. Wojcik.
Zickus. and Mr. Speaker."

Speaker Ryder: "Mr. Lang, do you have questions of the affirmative? This vote requires 71 negative votes. Do you have questions in the affirmative?"

Lang: "Representative Klingler."

Speaker Ryder: "Representative Klingler is in her chair, Sir."

Lang: "Oh, hi."

Speaker Ryder: "Any further, Sir?"

Lang: "Representative Bost."

Speaker Ryder: "Representative Bost is on the side of the chamber. Do you have further, Mr. Lang?"

Lang: "Representative Andrea Moore."

Speaker Ryder: "Representative Andrea Moore is standing in the middle row, Sir."

Lang: "Working on that good leaf burning Bill, no doubt."

Speaker Ryder: "The purpose is unknown to me, Sir. Do you have further inquiries?"

Lang: "Representative Persico. He's standing here..."

Speaker Ryder: "Representative Persico, is standing in the aisle."

Lang: "I didn't recognize him without a tie."

Speaker Ryder: "Well dressed."

Lang: "Representative Leitch."

Speaker Ryder: "Representative David Leitch is in his chair, Sir. Anything further, Mr. Lang?"

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Lang: "Representative Moffitt."

Speaker Ryder: "Representative Moffitt is not voting."

Lang: "Just as well, isn't it."

Speaker Ryder: "Well, that's what it means when there's not a green light by his name there."

Lang: "Thank you, Sir. I had forgotten that."

Speaker Ryder: "Your welcome."

Lang: "Representative Hanrahan."

Speaker Ryder: "I'm sorry I didn't..."

Lang: "Representative Hanrahan."

Speaker Ryder: "Representative Hanrahan. Representative Hanrahan. Representative Hanrahan. I do not see him, please remove him from the Roll."

Lang: "Representative Winters."

Speaker Ryder: "Representative Winters is standing by the glass on the side, Representative Lang. Any further inquiries?"

Lang: "Most probably, bear with me for a moment. Representative Wirsing."

Speaker Ryder: "Representative Wirsing is in his chair, Sir. Do you see him? Representative Wirsing."

Lang: "Oh yes, I do, I do."

Speaker Ryder: "Thank you. Anything further, Mr. Lang? Any further inquiries, Mr. Lang?"

Lang: "One moment, Sir."

Speaker Ryder: "Any further inquiries, Mr. Lang?"

Lang: "Representative John Jones."

Speaker Ryder: "Representative John Jones. Representative John Jones. He's on the side. Do you see him, Mr. Lang?"

Lang: "No further, Sir."

Speaker Ryder: "No further verification...no further Representatives to be verified? Oh, Representative Hanrahan has now joined us, please return him to the Roll."

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Mr. Lang, you had indicated you'd completed the verification, do you have something else, Sir?"

Lang: "We could... You indicated the state mandates act fiscal note was valid, but I have questions on the other note, so..."

Speaker Ryder: "Mr. Lang."

Lang: "...when you're finished with the Roll Call."

Speaker Ryder: "We'll finish this. On this Motion, there are 62 voting 'yes', 52 voting 'no', and none voting 'present', and the ruling of the Chair is hereby sustained. Mr. Lang, further inquiry of the Chair? On Senate Bill 637. Mr. Lang."

Lang: "Thank you, Sir. As to the fiscal note that the Clerk indicated was on blank paper, unsigned, undated. Did the Clerk conduct any inquiry to determine who filed this clearly phoney fiscal note?"

Speaker Ryder: "Mr. Clerk, would you respond to the inquiry of Mr. Lang?"

Clerk McLennand: "Yes. The one that is on the blank stationery is from the State Fire Marshall, Don Williams, who is the liaison came over...or Dan Williams came over on the night of the 18th and subsequently, they have sent us over another one that is signed by the fiscal officer that is on their stationery."

Speaker Ryder: "Any further inquiry, Mr. Lang?"

Lang: "Yes. So, the blank one we should ignore and the one that is on the stationery of the State Fire Marshall is the correct one, Sir?"

Clerk McLennand: "They both say the same thing, but the one that is on the stationery is correct."

Speaker Ryder: "Any further questions, Mr. Lang?"

Lang: "Yes. The copy of the note that was filed reportedly by

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Mr. Heffernan, who I know well, and is a wonderful person, from the office of the State Fire Marshall, I don't have any indication that this one was stamped. All the other fiscal notes I have were stamped, 'Filed by the Clerk'. This one was not stamped, 'Filed by the Clerk', can the Clerk indicate to me when this was filed?"

Speaker Ryder: "Mr. Clerk."

Clerk McLennand: "We do not have an indication. There was no stamp on there."

Speaker Ryder: "Mr. Clerk, is the fiscal note in the possession of the Clerk at this time?"

Clerk McLennand: "Yes."

Speaker Ryder: "Mr. Lang."

Lang: "Well, Mr. Speaker. Again, I refer to Mr. Daniels comments, that the integrity of these fiscal notes would be protected. This may very well be Mr. Heffernan's signature, this may very well be a fiscal note filed by the Office of the State Fire Marshall, this may well be a valid fiscal note, but given what we've been through here the last few days, and given Mr. Daniels comments as to the integrity that these notes would be protected, the fact is, the Clerk has indicated this is filed, but hasn't stamped it. He doesn't know when, he doesn't know how, he doesn't know who. Unless he's going to give us that information, every other fiscal note we have on both House and Senate Bills, have been timed stamp but this one. How are we...even the ones that were phoney, I might add, so, how do we know that this is a valid fiscal note?"

Speaker Ryder: "Mr. Clerk, was this note filed in the practice that was customary for the House, including the time that Mr. Madigan was Speaker and you served as Clerk?"

Clerk McLennand: "Yes."

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Speaker Ryder: "Thank you, Mr. Clerk. Any further inquiry, Mr. Lang?"

Lang: "Well, what practice was undertaken? You ind...Mr. Speaker, you asked the Clerk to say...gee, that's a pretty leading question actually. Mr. Speaker."

Speaker Ryder: "Thank you."

Lang: "Mr. Speaker, I think you did follow the practice, but every other Bill the practice was to stamp these. This one is not stamped, and so, we do have a right to know what practice was followed so we know this is a valid and properly filed fiscal note."

Speaker Ryder: "The Clerk has indicated that it has been, with the Bill, and it is present at the time, today. You may consider that it is filed as of this moment, Sir. Do you have further inquiry on this Bill? Mr. Lang."

Lang: "Is it your...is it your statement then that this is a valid fiscal note, Sir?"

Speaker Ryder: "The Chair will rule that that is a valid fiscal note as filed. Consistent with past practices, yes Sir, Mr. Lang. Further inquiry?"

Lang: "I move to overrule the Chair, ask for a Roll Call Vote and ask for a verification, Sir."

Speaker Ryder: "Mr. Lang, during the last verification, you were unable to find any House Members present. I will grant your request for verification on this Roll Call, Sir. I will grant your request for a verification on this Roll Call, Sir, but I am simply indicating to you that if that practice continues, at some point, the Chair may believe that your actions are dilatory. I will acknowledge your request now. The Gentleman has moved to overrule the Chair. Mr. Lang, for what purpose do you rise?"

Lang: "Well, I appreciate you granting this to me, Sir, but your

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own House Rules that were forced on us in January, clearly gives any Member the right to ask for verification of any Roll Call. There is no rule that you can make to declare that request dilatory. It says..."

Speaker Ryder: "Mr. Lang."

Lang: "...that Members have the right to ask for verification."

Speaker Ryder: "Mr. Lang. I've granted your request. We are about to take that vote. The question is, 'Shall the Chair be sustained?' All those in favor of sustaining the Chair, shall vote 'yes'; those opposed shall vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this Motion, there are 62 voting 'yes', 53 voting 'no', and none voting 'present', and the Gentleman has requested a verification of the affirmative, and the Chair has ruled that it requires 71 negative votes. The verification shall proceed. Please read the Roll of those in the affirmative."

Clerk McLennand: "Those Representatives voting in the affirmative. Ackerman. Balthis. Biggert. Biggins. Black. Bost. Brady. Churchill. Ciarlo. Clayton. Cowlshaw. Cross. Deuchler. Durkin. Hanrahan. Hassert. Hoeft. Hughes. Johnson, Tim. Johnson, Tom. Jones, John. Klingler. Krause. Kubik. Lachner. Lawfer. Leitch. Lindner. Lyons. McAuliffe. Meyer. Mitchell. 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. Weaver. Wennlund. Winkel. Winters. Wirsing. Wojcik. Zickus. and Mr. Speaker."

Speaker Ryder: "Any questions of the affirmative, Mr. Lang?"

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Lang: "I just marvel at sometimes..."

Speaker Ryder: "Any questions of the affirmative, Mr. Lang?"

Lang: "Well, wait, I have a comment to make. Inquiry of the Clerk."

Speaker Ryder: "Then you make state your inquiry."

Lang: "Thank you. I'm wondering how it is Mr. Clerk, that sometimes you read those names in ten minutes and sometimes in 45 seconds?"

Speaker Ryder: "Thank you, Mr. Lang. Do you have inquires of the affirmative?"

Lang: "So, I don't get an answer? Okay. Maybe he'll think one up. Representative Klingler."

Speaker Ryder: "Representative Klingler is in her chair as she was last time. As she has been every time, Mr. Lang."

Lang: "Representative Poe."

Speaker Ryder: "Representative Poe. He's in his chair. Any further, Mr. Lang?"

Lang: "Representative Roskam."

Speaker Ryder: "Representative Roskam is in the aisle at the rear. Any further, Mr. Lang? Any further inquiries, Mr. Lang?"

Lang: "Representative Hanrahan."

Speaker Ryder: "Representative Hanrahan is in his chair. Any further, Mr. Lang? Any further inquiries, Mr. Lang?"

Lang: "Representative Persico."

Speaker Ryder: "Representative Persico is in the Republican aisle. Any further, Mr. Lang? Mr. Persico is present."

Lang: "Mr. Speaker, it's not my fault your Members will not stay in their chair. I can't find them if their wandering."

Speaker Ryder: "Mr. Lang. They're approximately in the same place they were three minutes ago when you did this before. Do you have any further inquiries?"

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Lang: "No, I don't think so for now."

Speaker Ryder: "No further inquiries? The Motion to sustain the Chair, received 62 'affirmative', 53 in the 'negative', and none voting 'present', and the Chair is sustained. None further seeking recognition Mr. Clerk, move Senate Bill 637 to Third Reading. Mr. Clerk, Senate Bill 675."

Clerk McLennand: "Senate Bill 675, the Bill has been read a second time previously. Committee Amendment #1 has been adopted, no Floor Amendments. A fiscal note has been requested on the Bill, has not been filed."

Speaker Ryder: "The Bill shall remain on Second Reading. Mr. Clerk, Senate Bill 830."

Clerk McLennand: "Senate Bill 830, Senate Bill #830 has been read a second time previously. No Committee Amendments, Floor Amendment #1 has been referred to Rules. A fiscal note has been requested on the Bill, has not been filed."

Speaker Ryder: "The Bill shall remain on Second. Continuing on the Order of Senate Bills, Second Reading, Mr. Clerk, what is the status of Senate Bill 192?"

Clerk McLennand: "Senate Bill 192, has been held on the Order of Second Reading pending a fiscal note request by Representative Lang who has withdrawn that request."

Speaker Ryder: "Have all other notes been filed?"

Clerk McLennand: "The state mandates note requested, has been filed."

Speaker Ryder: "Third Reading. Mr. Clerk, what is the status of Senate Bill 205?"

Clerk McLennand: "Senate Bill 205, has been held on the Order of Second Reading. A fiscal note and a state mandates note had been requested, and both have been filed."

Speaker Ryder: "Mr. Lang, for what purpose to you rise, Sir?"

Lang: "My attention was diverted. Has the Clerk said anything

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about the notes yet on this Bill?"

Speaker Ryder: "Mr. Clerk."

Clerk McLennand: "The state mandates note and fiscal note had been requested on the Bill, the Clerk in an error had said that the fiscal note had not been filed."

Speaker Ryder: "Mr. Lang."

Lang: "Was this not the Bill that a few moments ago I argued that DCCA needs to be the org...agency that signs the fiscal note? Who signed the fiscal note, Mr. Clerk?"

Speaker Ryder: "Mr. Clerk, do you have a fiscal note from...Mr. Lang, one moment please."

Clerk McLennand: "The state mandates act fiscal note, had been filed on the Bill, signed by Don...Dennis Whetstone."

Speaker Ryder: "Mr. Lang."

Lang: "When was that filed?"

Speaker Ryder: "Mr. Clerk."

Clerk McLennand: "It was filed on the 11th, and was signed on the evening of the 18th."

Speaker Ryder: "Mr. Lang."

Lang: "Well, I have...I have a copy of home rule impact note filed by DCCA with a signature that appears to be Mr. Whetstone's, and I have a fiscal note filed by the Department of Revenue, which is not in order under the statute that I have read to you. There is a third document that you have, Mr. Clerk?"

Clerk McLennand: "The state mandates act fiscal note."

Speaker Ryder: "Mr. Clerk, is the state mandates act fiscal note filed in a customary practice in this and previous administrations including under Speaker Madigan, Mr. Clerk?"

Clerk McLennand: "It was the customary practice to accept this as both the state mandates note and the fiscal note."

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Speaker Ryder: "Further inquiry, Mr. Lang?"

Lang: "Thank you. Since we do not have a copy of this, can I ask that the Bill be taken out of the record so that we can review the document?"

Speaker Ryder: "Further inquiry, Mr. Lang? Mr. Lang."

Lang: "Well, I've asked that the Bill be taken out of the record until we've had an opportunity to review the document, or if you what just take a 2 second or 30 second break here while Mr. Casper takes a look at the document, we would appreciate that."

Speaker Ryder: "Your staff council, Sir? Mr. Casper your staff council?"

Lang: "Yes, that is correct, Sir."

Speaker Ryder: "Thank you. Mr. Lang."

Lang: "Mr. Speaker, there are two separate state statutes; one that calls for a state mandates act fiscal note, and one that calls for a fiscal note. Do you have before you a state mandates act fiscal note which is filed under a separate statutory requirement, a separate statutory scheme? The statute that I read to you requires that there be filed by DCCA, a fiscal note. You do not have such a document. I would ask you to hold the Bill on Second Reading."

Speaker Ryder: "Mr. Lang. Mr. Lang. The Chair has previously ruled that these notes are not required except in the house of origin. However, it is the past custom of the House, to accommodate that. It is further the past practice of the House, under this Speaker and previous Speakers to allow the Department of Commerce and Community Affairs to file a joint note. The Clerk has indicated that to be the case, and the Chair's ruling that this note is valid. Mr. Lang."

Lang: "Thank you. I think it's time we dealt with this issue

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once and for all, whether or not Senate Bills require a fiscal note in the House. I refer Mr. Nemerovski to page 1158 of Volume 1 of the Statutes, Section 50/3, 'Whenever the Sponsor...wait a minute...whenever the Sponsor of any measure is of the opinion that no fiscal note is necessary, any Member of either House may therefore request that a note be obtained and in such case, the matter shall be decided by majority vote of those present and voting, and the House of which he is a Member'. This clearly say, Sir, any measure, not just the House of origin, but any measure, and then it must be decided by a majority vote in the House in which the Member requesting the fiscal note is a Member. That would be this House. A Member of this House has requested a fiscal note and therefore, it is clearly in order, and therefore the fiscal notes are necessary on Senate Bills in the House, Sir, when requested by a Member."

Speaker Ryder: "Mr. Lang. The Chair would rule, that that Section in which you just stated, applies in those circumstances in which the Sponsor of the Bill is under an obligation under the law to produce a note. The Chair has consistently ruled that the Sponsor of the Bill, not in the House of origin, does not have that obligation. The Chair continues to rule in that fashion, and reminds Mr. Lang, that your...agreed to that precedence on a previous Bill, Senate Bill 465. We thank you for that. Anything further, Mr. Lang?"

Lang: "Sir, Section 3 that I just read to you, says the words, 'In either chamber'."

Speaker Ryder: "Mr. Lang. The Chair has ruled. Mr. Lang."

Lang: "However, to overrule the Chair, I ask for a Roll Call vote, and move to verify the vote."

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Speaker Ryder: "Mr. Lang, you'll have a Roll Call vote. The Motion before us is, 'Shall the ruling of the Chair be sustained?' All those in favor vote 'aye'; those opposed vote 'nay'. The voting is now opened. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Motion, there are 62 voting 'yes', and 53 voting 'no', and none voting 'present'. The Gentleman has requested a verification and it will be granted. Do you persist in that, Mr. Lang? Mr. Lang."

Lang: "No, I'm going to withdraw this request in the interest of time."

Speaker Ryder: "The Gentleman has withdrawn his request. There's 62 voting 'yes', 53 voting 'no' and none voting 'present', and the ruling of the Chair has been sustained. Mr. Clerk, please move Senate Bill 205 to Third Reading. Mr. Clerk, what is the status of Senate Bill 405?"

Clerk McLennand: "Senate Bill 405, a Bill for an Act that amends the counties code, Second Reading of this Senate Bill. Committee Amendments #1, 2, 3 and 4 have been adopted. Floor Amendment #5 has been referred to Rules. A fiscal note and a correctional budget and impact note have been requested on the Bill, and a fiscal note and correctional budget impact note had been filed on the Bill. A Motion has put on by Representative Skinner to table Amendment #2 to the Bill."

Speaker Ryder: "The Chair recognizes the Gentleman from Cook, Representative Pugh. For what purpose do you rise, Sir?"

Pugh: "Thank you, Mr. Speaker. The House Black Caucus will be requesting a caucus immediately, and we be caucusing for approximately 30 minutes."

Speaker Ryder: "Mr. Pugh. Would you mind holding that request

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for one moment please? May I ask your indulgence, Sir?"

Pugh: "Sure."

Speaker Ryder: "Thank you. Mr. Pugh. Representative Pugh. Would you grant us the indulgence to finish this Motion? I'll then recognize Representative Brunsvold for the purpose of calling a Democratic caucus and I will grant that, Sir. Is that agreeable with you?"

Pugh: "Were not calling a Democratic caucus, Sir, it's a Black caucus."

Speaker Ryder: "Mr. Pugh. I apologize, I was distracted at the time that you made your response. Could we hold your request in limbo for just a moment? Thank you. Mr. Pugh. Mr. Pugh. With your consent, we would like to finish this Bill and I'll be back to your request immediately. Is that acceptable, Sir?"

Pugh: "Would I be...would it be safe to assume that the request would be granted at that...after we finish this?"

Speaker Ryder: "I will deal with that, Sir. If you're willing to allow us to finish this Bill, I'll come directly back to you. Mr. Pugh."

Pugh: "But I'm willing to grant that request, Sir..."

Speaker Ryder: "Thank you."

Pugh: "...because I have a lot of respect...I really respect you..."

Speaker Ryder: "Mr. Pugh, I..."

Pugh: "...and your position in the Chair, but I'm asking whether or not our request will be granted once that is conducted...that business is conducted?"

Speaker Ryder: "Mr. Pugh, I will return to you immediately following conclusion of this Bill, Sir. Immediately. Mr. Skinner. For what purpose to you rise, Sir?"

Skinner: "I move to table Amendment 2 to Senate Bill 405, in an

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attempt to foster better relations between Cook County and the outlying areas surrounding Cook County."

Speaker Ryder: "Is there any discussion on this issue? The Chair recognizes the Gentleman from Cook, Representative Lang."

Lang: "Thank you. I don't have any problem with this Amendment being tabled, my light was on to discuss the notes when we get there."

Speaker Ryder: "I'll recognize you for that purpose. You've heard the Gentleman's Motion to table Amendment #2. All those in favor of tabling Amendment #2, say 'aye'; those opposed 'nay', the 'ayes' have it and Amendment #2 is amended (sic-tabled). Any further Motions, Mr. Clerk?"

Clerk McLennand: "No further Motions."

Speaker Ryder: "Thank you. Now the Chair recognizes Representative...Mr. Lang, do you have questions on this Bill?"

Lang: "Inquiry of the Clerk. What is the status of any fiscal note requests?"

Clerk McLennand: "No notes requests are outstanding. A fiscal note has been filed by the Department of Corrections and correctional budget impact note has been filed."

Speaker Ryder: "Further inquiry, Mr. Lang. Mr. Lang."

Lang: "Yes. The fiscal note that was been filed by DCCA on May 18th at about 10:00 or reportedly filed by DCCA at that time, this is one of the admitted irregular notes. Is this the one that we're dealing with? Is this the note that the Clerk says is properly filed?"

Clerk McLennand: "No, it is not."

Speaker Ryder: "Any further questions, Mr. Lang?"

Lang: "What note has been filed by DCCA, when was it filed and who signed it?"

Speaker Ryder: "Mr. Clerk."

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Clerk McLennand: "The state mandates act fiscal note was filed by DCCA on May 21st at 2:30, signed by Dennis Whetstone."

Speaker Ryder: "Mr. Lang."

Lang: "And what is the status of the correctional...corrections fiscal note and the correctional budget and impact note?"

Speaker Ryder: "Mr. Clerk."

Clerk McLennand: "The correctional budget impact note and corrections fiscal note were filed May 19th, both at approximately 3:00 p.m. and signed by Mrs. Stutler, legislative liaison."

Speaker Ryder: "Mr. Lang."

Lang: "Are these refiled notes? Were these notes that were previously unsigned and signed later? Are there notes on file that are not signed? What is the status of how the Clerk received these two responses from Corrections?"

Speaker Ryder: "Mr. Clerk."

Clerk McLennand: "These are the only notes that I have on the Bill at this time."

Speaker Ryder: "Mr. Clerk, were the notes that have been filed on the Bill, filed in the usual and customary practice of the Clerk's operation under this Speaker and under previous administrations and Speakers, Mr. Clerk?"

Clerk McLennand: "Yes."

Speaker Ryder: "The Chair recognizes the Gentleman from McHenry, Mr. Skinner."

Skinner: "Mr. Speaker, I personally filed them. They were signed in blue ink by Mrs. Stutler and I filed them on the...two days ago, I think."

Speaker Ryder: "Thank you. Further inquiry, Mr. Lang?"

Lang: "Two questions are relative to the purported DCCA notes, Mr. Speaker. The first question would be...adds to...what the investigation has shown as to how the irregular fiscal

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note was filed and who filed it. Do you have any response to that question?"

Speaker Ryder: "Mr. Lang. Mr. Lang. We've dealt with the issue. It's the ruling of the Chair that the notes were validly filed. Do you have further inquiry? Mr. Lang."

Lang: "Mr. Speaker. The phoney note says fiscal note, the note that the Clerk has indicated as valid, is a state mandates act fiscal note under the statute, those are two different notes."

Speaker Ryder: "Mr. Lang."

Lang: "Now, we will...let me finish my sentence."

Speaker Ryder: "Certainly."

Lang: "We'll admit the state mandates act fiscal note appears valid, I have no problem with that, but there's also a fiscal note request on this. The only fiscal note that is on file is the one that is admittedly irregular, and I would ask that this be held invalid and that the Bill be held on Second Reading until a fiscal note is properly filed."

Speaker Ryder: "The singular fiscal note has been ruled...indicated not to be valid. The fiscal note that is combined with the mandates note has been ruled by the Chair to be valid, consistent with past practices of this House during this Speaker and previous administrations, Sir, and the Chair has ruled so previously on this Bill. Do you have further inquiries?"

Lang: "Yes, Mr. Speaker. Just calling something a fiscal note does not make it so. You're a fair-minded person. The document that is entitled state mandates act fiscal note, says it's a fiscal note, but if you read it Sir, especially the Section entitled Synopsis, it merely talks about the state mandates act. It says nothing about fiscal at all.

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It says nothing about money at all, and if you'll read this yourself, Sir, you will see that this is not a fiscal note."

Speaker Ryder: "The Chair rules that the note is valid consistent with past practices under this administration and previous administrations. The Chair has so ruled on three occasions, Mr. Lang. Mr. Lang."

Lang: "Thank you, Mr. Speaker. I'm...I believe that those kinds of rulings and I hope Mr. Skinner the Sponsor is listening to this, because I know his legislation is important to him, these kinds of rulings jeopardize the legislation. Someone will have to certify in this House, Speaker Daniels being that person, that all the requirements of state statutes have been met. If this goes out of this House this way, the Constitutional and Statutory requirements will not have been met, but considering that, I'm not about to change your ruling, Sir. I would move to overrule your ruling as per Roll Call Vote on a verification."

Speaker Ryder: "The Gentleman, the Gentleman has moved to overrule the ruling of the Chair. Mr. Skinner, for what purpose to you rise?"

Skinner: "I would like to read the title from this fiscal note that was filed that I personally filed. It says, 'Corrections fiscal note'. The word fiscal note is there, and it seems to me that the Gentleman probably has that piece of paper. It's different from the other one that says, 'Correctional budget and impact note'."

Speaker Ryder: "He does indeed. The Gentleman has moved to overrule the ruling of the Chair. Those in favor of sustaining the Chair, shall vote 'aye'; those opposed shall vote 'no'. Voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr.

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Clerk, take the record. On this Motion, there are 62 voting 'yes', 53 voting 'no', none voting 'present', and the Gentleman, do you persist in your verification? Mr. Clerk, please verify...please read the Roll of those voting in the affirmative."

Clerk McLennand: "Those voting in the affirmative. Representative Ackerman. Balthis. Biggert. Biggins. Black. Bost. Brady. Churchill. Ciarlo. Clayton. Cowlishaw. Cross. Deuchler. Durkin. Hanrahan. Hassert. Hoeft. Hughes. Johnson, Tim. Johnson, Tom. Jones, John. Klingler. Krause. Kubik. Lachner. Lawfer. Leitch. Lindner. Lyons. McAuliffe. Meyer. Mitchell. 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. Weaver. Wennlund. Winkel. Winters. Wirsing. Wojcik. Zickus. and Mr. Speaker."

Speaker Ryder: "Thank you. Any questions of the affirmative, Mr. Lang."

Lang: "Thirty nine seconds I'm told. Very good, Mr. Clerk."

Clerk McLennand: "Thank you."

Lang: "Very good indeed."

Clerk McLennand: "Thank you, Mr. Lang."

Lang: "Nice tie by the way."

Speaker Ryder: "Any questions, Sir?"

Lang: "Yes, I do."

Speaker Ryder: "Representative Klingler..."

Lang: "Representative Pedersen."

Speaker Ryder: "Representative Pedersen. Representative Bernie Pedersen is in his Chair, Sir."

Lang: "Is that Pedersen or Pedersen?"

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Speaker Ryder: "It is Pedersen, Sir."

Lang: "Nice tie."

Speaker Ryder: "Representative Lang. Anything further?"

Lang: "Representative Klingler."

Speaker Ryder: "Representative Klingler is in her own chair."

Lang: "Representative McAuliffe."

Speaker Ryder: "Representative McAuliffe. Representative Roger McAuliffe. Representative McAuliffe. The Chair does not see him, please remove him from the Roll. Further inquiry, Mr. Lang? Mr. McAuliffe has now returned to the chamber, please return his name to the Roll. Further inquiry, Mr. Lang, Sir?"

Lang: "Representative Hassert."

Speaker Ryder: "Representative Hassert. Representative Hassert. Representative Hassert. I don't see him, please remove him. Mr. Lang, further inquiry?"

Lang: "Representative Ciarlo."

Speaker Ryder: "Representative Ciarlo. Representative Ciarlo is on this side, Sir. Do you see her? Thank you. Any further inquiry?"

Lang: "Representative Saviano."

Speaker Ryder: "Representative Saviano. He's in his chair. Any further inquires, Mr. Lang? Further inquiries?"

Lang: "Representative Wennlund."

Speaker Ryder: "Representative Wennlund is mistaken about your tie, but he is present. Representative Lang, further inquiry? Representative Lang, further inquiry? Representative Lang."

Lang: "Representative Bost. Oh, he's in his chair, sorry."

Speaker Ryder: "Thank you. Further inquiry, Mr. Lang?"

Lang: "Representative Moffitt."

Speaker Ryder: "Representative Moffitt. Representative Moffitt."

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Mr. Lang. Mr. Lang. He is not voting. Further inquiry?
Seeing none...Mr. Lang."

Lang: "Nothing further, Sir."

Speaker Ryder: "No further. On this Motion, there are 61 voting 'yes', 53 voting 'no', and none voting 'present', and the ruling of the Chair is sustained. Mr Clerk, please move Senate Bill 405 to Third Reading. Mr. Pugh, as promised I shall return immediately to you. It is the ruling of the Chair, in order for a caucus to be requested, that it is either a Democratic or Republican Caucus. Does the Democratic Leader wish to request a caucus? Mr. Brunsvold."

Brunsvold: "Thank you, Mr. Speaker. You're denying the Black Caucus a conference?"

Speaker Ryder: "No, Sir. Do you wish to request a caucus, Sir?"

Brunsvold: "If you're not going to allow them to call a conference..."

Speaker Ryder: "Mr. Brunsvold."

Brunsvold: "Then I will request a Democratic conference immediately."

Speaker Ryder: "A Democratic caucus has been requested and will be complied with. Mr. Brunsvold, thank you. Mr. Pugh, thank you. Representative Biggert."

Biggert: "Thank you, Mr. Speaker. The Republicans will caucus then immediately in Room 114."

Speaker Ryder: "Thank you. The Democrats shall meet in Room 114, the Republicans...or 118, the Republicans in 114. The House will reconvene in 30 minutes. Thank you."

Clerk McLennand: "Messages from the Senate. Message from the Senate from Jim Harry, Secretary of the Senate. I am directed to inform the House of Representatives that the Senate has concurred with the House of Representatives on

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the passage of the following Bills, together with the attached Amendments and asks concurrence of the House in Senate Amendments. House Bill 36 together with Senate Amendment #1. House Bill 150, together with Senate Amendment #1. House Bill 340, together with Senate Amendment #1. House Bill 377, together with Amendments #1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. House Bill 505, together with Senate Amendments #1 and 2. House Bill 929, together with Senate Amendments #1 and 2. House Bill 974, together with Senate Amendments #1, 2, 3, 4, 6. House Bill 1069, together with Senate Amendment #1. House Bill 1116, together with Senate Amendment #1, passed the Senate 'as amended' May 21, 1995. Message from the Senate. 'Mr. Speaker, I'm directed to inform the House of Representatives that the Senate has refused to concur with the House in the adoption of their Amendment to a Bill the following title, Senate Amendment #...Senate Bill 428, together with House Amendment #3 to Senate Bill 428, action taken by the Senate May 21, 1995.' 'Mr. Speaker, I'm directed to inform the House of Representatives that the Senate has concurred with the House of Representatives in the passage of a Bill, the following title, House Bill 206, together with the attached Amendment, has been printed by the Senate, and the adoption of which I'm instructed to ask the concurrence of the House, Senate Amendment #1 to House Bill 206, passed the Senate 'as amended' May 21, 1995.'

Doorman: "Attention, Members of the House of Representatives, the House will convene at 8:45. All persons not entitled to the floor, please retire to the gallery. Thank you."

Clerk McLennand: "Committee announcement. Rules Committee will meet at 9:15 in the Speaker's Conference Room. Rules - 9:15 - Speaker's Conference Room."

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Speaker Daniels: "The House will come to order. The Members will be in their chairs. Representative Turner."

Turner: "Thank you, Mr. Speaker and Ladies and Gentlemen of the Assembly. Let me first of all apologize for the delay or the length... I shouldn't say apologize because there were some rather important issues that were brought up in the...I won't call it the Subcommittee of the Democratic Caucus, but it was the Minority Caucus's meeting held in conjunction with the Democratic Caucus, and as a result of that particular meeting, there were a couple of issues that I'd like to address to the Speaker, bring to the Speaker's attention. One is that the Members of the Minority Caucus are concerned because of the...I know that there are some 166 hours or more left before the deadline of this Assembly, and the issues such as the Medicaid issues and Chicago School Reform that are in the process of being implemented and put together and many of my Members feel that they've had no input into the back room meetings that are taking place, or wherever these meetings are going on, and in that regard we understand that the process is moving relatively fast, and it's hard to keep up with certain issues, but we have an extreme concern about the, what we consider the arbitrary denial of allowing our Members the ability to speak on those issues when they do surface and hit the floor. And so we ask the Chair's indulgence in allowing each and every Member, not only the Minority Caucus Members on this side of the aisle, but all the Democratic Caucus Members, the ability to speak regarding those particular issues as they come to the...as they're brought forth here to the House floor. We're also concerned and we know that the tensions are getting high as we move towards deadlines. Having been around here fifteen

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years, I was sharing something with one of the new Members and I said, 'You just watch the number of people that go in and out of that Nurse's Station during the next four or five days.' Lot of them are getting their blood pressures checked, a lot of Tylenol is being distributed and other medications to try to keep people's tempers down, and we just ask that each and every Member respect each other here in this chamber and that we watch our name calling and other verbiage that sometimes get out of hand in heated debate, and so we ask that we try to be cognizant of that fact, that we are each elected officials from our respected districts representing some 100,000 people or less, but more importantly, I think that the gist of our meeting dealt with our inability and what we feel relatively no input into some of the issues that we consider extremely important to the...because the majority of our caucuses from the City of Chicago, those issues that are extremely important and that affect in particular the kids and those in our community who are affected by the health care questions and how we're going to pursue those in this state."

Speaker Daniels: "Thank you, Representative Turner. We'll certainly take your words in due stead and there's some very good advice in those words. I would caution Members on both sides of the aisle to try to keep your rhetoric within the boundary of propriety; that includes both sides of the aisle, the Republican side and the Democrat side, and I think we all know who we're talking about and what was said and those people that perhaps owe individuals apologies. As elected officials, you take it upon yourself to offer those apologies. So Representative Turner, I thank you for your words of advice, and we will do our best

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when we are running the House to make sure that Members stay within those boundaries of propriety, so I thank you very much. We will now go to... Mr. Clerk, tell me the status of Senate Bill 662."

Clerk McLennand: "Senate Bill 662 is on the Order of Third Reading."

Speaker Daniels: "Return that to Second Reading. Senate Bills - Third Reading. Senate Bill 566. Read the Bill, Mr. Clerk."

Clerk McLennand: "Senate Bill 566, a Bill for an Act that amends the Property Tax Code. Third Reading of this Senate Bill."

Speaker Daniels: "Representative Andrea Moore."

Moore, Andrea: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 566 amends the Property Tax Code in three ways. Number one, it requires the chief county assessing officer to notify each person receiving a senior citizen homestead exemption that they may also qualify for the benefit of the senior citizen's Real Estate Tax Deferral Act. In addition it amends the Code to permit a county to sell or assign tax delinquent property to any party, including taxing districts, property that's been acquired by the county. And number three, this Bill amends the Property Tax Code requiring local government authority responsible for the issuance of building and occupancy permits to notify the chief accounting assessment officer when such a permit has been issued for the parcel of property. It stipulates that the assessment officer shall include in his or her assessment books the value of the improvement in the property's assessment as of the date of occupa...as of the date that the occupancy permit was issued. This came through... This passed through the House Committee and went through the

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Senate Third Reading 51-0-0, and I would respectfully ask for respect and would answer any questions."

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

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

Speaker Daniels: "Indicates she will."

Dart: "Initially, Mr. Speaker, I'm joined by the appropriate number of Representatives to take this off of Short Debate. Representative, as to the first part of this Bill, it requires the Assessor's Office to undertake notifying senior citizens about an exemption. What exemption is that?"

Speaker Daniels: "Representative Moore."

Moore, Andrea: "It requires the chief county assessing officer to notify each person receiving a senior citizen homestead exemption that they may also qualify for the benefits of the senior citizen's Real Estate Tax Deferral Act."

Speaker Daniels: "Representative Dart."

Dart: "How many senior citizens is that?"

Speaker Daniels: "Representative Moore."

Moore, Andrea: "I don't understand this question."

Speaker Daniels: "Representative Dart."

Dart: "How many people are going to have to be notified?"

Speaker Daniels: "Representative Moore."

Moore, Andrea: "In which of the 102 counties would you like the answer?"

Speaker Daniels: "Representative Dart."

Dart: "Well, no, I mean my point is this. Is the Cook County assessor opposed to this... that portion of the Bill?"

Speaker Daniels: "Representative Moore."

Moore, Andrea: "Thank you. The Cook County assessor representative came to the committee and though they were

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opposed to the Bill as it stands, the discussion with committee, if it required an additional mailing, they were opposed to it. They admitted that the reduction would be quite significant if they could just include a notification with the mailing."

Speaker Daniels: "Representative Dart."

Dart: "Okay, cause where I was coming from on this one was there had been discussions that this was being opposed by them because they saw this as an unfunded mandate, where they're going to have to undertake do something that they were not going to be funded for. Is it your statement that this Bill in its present form will not cost locals a penny more to do, that they'll be able to do it on a similar form so there will be no cost attached at all?"

Speaker Daniels: "Representative Moore."

Moore, Andrea: "No, I'm not prepared to say that there would be absolutely no cost, but the thought is that the cost would be relatively small because they have that one notification that goes out anyway."

Speaker Daniels: "Representative Dart."

Dart: "Is there any estimate on a cost? Was there a fiscal note? Was there any type of indication from anybody about whether this was going to cost nothing or a lot or what?"

Speaker Daniels: "Alright, excuse me. Ladies and Gentlemen of the House, the Page in the center aisle has a large diet coke for somebody. Over here, Mr. Page. Representative Moore."

Moore, Andrea: "The cost... It's expected that the cost would be minimal because this notice is to be sent to seniors who already qualify for the senior citizens homestead exemption."

Speaker Daniels: "Representative Dart."

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Dart: "Are we talking about senior citizens who have not only...
When you say qualify, are they ones who have qualified and
applied or they ones that just technically come under the
statute as individuals who are qualified to get this?"

Speaker Daniels: "Representative Moore."

Moore, Andrea: "Well, actually if I...it's my understanding that
in all counties except Cook, the chief county assessing
officer must mail an application for this senior citizen
homestead exemption to the senior citizens if an
application has already been made or if an application is
even required."

Speaker Daniels: "Representative Dart."

Dart: "That's what I was getting at, Representative, though. Is
it for people who have actively applied for this or is this
for everybody who comes under the heading and qualifies for
it?"

Speaker Daniels: "Representative Moore."

Moore, Andrea: "It's any senior citizen that qualifies for the
exemption."

Speaker Daniels: "Representative Dart."

Dart: "I guess that gets in my question. Maybe you can explain
this then. Is ... if it's individuals who have formally
come forward and applied for this senior citizen exemption,
I could see where there would be minimal or no cost if, in
fact, that individual...they have that information on the
person and they give notice to just that person in a form
of another notice. If you're talking about everybody
that's qualified, you're talking about people who have made
no affirmative action and you're talking about every single
senior citizen who comes under this rudiment. Can you
explain that?"

Speaker Daniels: "Representative Moore."

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Moore, Andrea: "I'm sorry, I didn't get the very end of the question."

Speaker Daniels: "Representative Dart."

Dart: "I really was just trying to get after the universe. How many people we are dealing with here? Are we dealing with just those people who have affirmatively come forward and said I want the senior citizen homestead exemption, so the assessor has the information and has already mailing things out to those people, because the language of the Bill seems to say all qualified people, which would mean everybody who meets these minimum requirements, whether or not they have formally come forward, because I like I'm sure most of the Representatives here get senior citizens calling them up all the time to get circuit breaker information and for...and we usually end up mailing them quite a bit of it. So are we talking about all those that qualify, or just those that are presently enrolled?"

Speaker Daniels: "Representative Moore, could you answer that question. Representative Dart, your time is expired."

Moore, Andrea: "It's those seniors who have been identified as being eligible."

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

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

Speaker Daniels: "She indicates she will."

Currie: "Representative, there were questions in committee about the underlying Bill, the one that requires the assessors to notify eligible...seniors eligible for the homestead exemption that they might also be eligible for the property tax deferral program. It was my understanding that you were going to work, for example, with the assessing officials in Cook to find out whether indeed your Bill will

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cost them another \$85,000 a year or whether there is some way they can combine the two applications. Did you have those conversations?"

Speaker Daniels: "Representative Moore."

Moore, Andrea: "We did have those discussions, but I think it would be up to the county assessment office, that office, to make that determination as far as how they are actually going to implement it. In committee they listed three different ways that it could be implemented. One would be a small piece of paper that would notify people in the actual mailing. Another possibility was to make an alteration to the actual form and then, of course, the most expensive way would be to mail them out separately."

Speaker Daniels: "Representative Currie."

Currie: "Representative, the first contention was that there was no way they could avoid a second mailing. If that turns out to be right, then we're talking an additional \$85,000 a year cost and we're talking about imposing that cost on every county assessing official, and I think there is a legitimate concern on the part of the Members of this Assembly about unfunded mandates. That's one of the things the Governor says he doesn't support and won't, in fact, sign. So I was hopeful you could tell us tonight that, in fact, if developed, that it was possible, technically possible and feasible, for the assessing officials to mail these notices in conjunction with the notices about the potential eligibility these people might have for the senior citizen homestead exemption. Now I'm told, Representative, that the chief county assessing official in Lake County opposes your Bill. Is that right?"

Speaker Daniels: "Representative Moore."

Moore, Andrea: "Not to my knowledge."

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Speaker Daniels: "Representative Currie."

Currie: "Well, Representative, if I were you I think I might check that out and I would hope that before this measure reaches the Governor's desk, we have an answer to the question whether counties can achieve its objective without additional cost. Now we have put Amendments on this Bill in the House and I would hope that you would encourage Senator Geo-Karis to wait, should this Bill pass, to wait before concurring in these Amendments until we have answers to questions like, 'Does the Lake County Supervisor of Assessments oppose this Bill or doesn't he?' Do we have any commitment from you on that score?"

Speaker Daniels: "Representative Moore."

Moore, Andrea: "Thank you. As I said before, in committee it was discussed that there were three separate ways that it might be accomplished, and it would be my intent that the assessors find the least expensive way to do this. As I said before, this requires the real estate tax deferral notice to be sent to seniors who already qualify for the senior citizen homestead exemption. And so they will be able to have control of how they wish to make this additional notification."

Speaker Daniels: "Representative Currie."

Currie: "To the Bill, Speaker. What was clear from the testimony in committee is that is not clear that these two notices can be combined in a single mailing. We had hoped by this time to have some clarification on that point, but there is a distinct risk that passage of the underlying Bill, Senate Bill 566, will be an unfunded mandate on our county assessing officials. I would very much appreciate it if we could have a commitment from the Sponsor of the Bill that she will try to get to the bottom of this issue before

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there is Senate action. It may be that the best place for this Bill to end up is in a Conference Committee, if it should develop that the county assessing officials cannot combine these mailings. I think the Amendments that were added to this Bill are sensible and reasonable ones. I'm not opposed to the concept of the underlying Bill, but I would have thought that we would take responsibility for seeing to it that we are not adding unfunded mandates which the Governor's promised to veto anyway, that that's not what our business is about. So I would appreciate hearing from the Sponsor in her closing or at some other point that it will be her effort to get to the bottom of the question whether assessing officials will be able to meet the demands of this Bill without additional cost."

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

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

Speaker Daniels: "Indicates she will."

Fantin: "Does this Bill require notification to the seniors to be done by mail?"

Speaker Daniels: "Representative Moore."

Moore, Andrea: "It requires the notice be sent to seniors who already qualify for the senior citizen's homestead exemption."

Speaker Daniels: "Representative Fantin."

Fantin: "Do you know what the tax deferral Bill is? What the Tax Deferral Act does?"

Speaker Daniels: "Representative Moore."

Moore, Andrea: "Excuse me, could you repeat the question, please?"

Speaker Daniels: "Representative Fantin."

Fantin: "Do you know what the tax deferral does? Do you know

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what the Act does if they do let the seniors know that this is available to them? Do you know what this does for the seniors?"

Speaker Daniels: "Representative Moore."

Moore, Andrea: "It allows senior citizens to defer their property taxes."

Speaker Daniels: "Representative Fantin."

Fantin: "Could you explain that in depth a little bit more. You're saying it just allows them to defer their taxes. What would be the reason for them to want to defer their taxes? I mean... What would be the reason? What..."

Speaker Daniels: "Representative Moore."

Moore, Andrea: "It's my understanding that seniors meet certain qualifications and have certain needs that they are allowed under certain circumstances to defer their taxes."

Speaker Daniels: "Representative Fantin."

Fantin: "Do you know how many seniors throughout this state would be eligible for this?"

Speaker Daniels: "Representative Moore."

Moore, Andrea: "For which? The homestead exemption...or for the tax deferral?"

Speaker Daniels: "Representative Fantin."

Fantin: "I'm sorry, yes, the homestead exemption."

Speaker Daniels: "Representative Moore."

Moore, Andrea: "I do not have the number; it's whoever qualifies."

Speaker Daniels: "Representative Fantin."

Fantin: "Are you aware of about how many seniors have taken advantage of the deferral program?"

Speaker Daniels: "Representative Moore."

Moore, Andrea: "No, I do not."

Speaker Daniels: "Representative Fantin."

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Fantin: "Close estimates that we have, there's about 400,000 seniors that do get the homestead and only about 500 have qualified for the deferral program. To the Bill, please."

Speaker Daniels: "To the Bill."

Fantin: "Working with this program, the tax deferral is good for just a few seniors. I don't think it's a good program for everyone and we often try to discourage seniors from doing this. If they do go with the deferral program, there are penalties added when their taxes are not paid and if they have any family to leave their home to or anything, this...the home is usually eaten up by the taxes and the penalties. It's only good for someone that has no family, no relatives, no one to leave their home. It's something we usually try to discourage people if they have family. I don't believe it's a good thing to be calling attention to the seniors. We do tell them if they ask about it, but you bring this out, the seniors are going to be very confused. The packet on the deferral program is quite large. It's quite a lengthy thing for them to do. It's very confusing. I think you're going to confuse our seniors a lot more. It's very difficult for them now to understand all these forms. I work with them all the time. I think we're going to cause a lot more problems for seniors than we are giving them an answer. All right, it's going to be very expensive. It's not something they can do that easily. You're doing another mandate here. As the previous Representative pointed out, there is no funding for this mandate and I don't think it's necessary. I think you're just going to cause more confusion for the seniors and it's pretty difficult for them now."

Speaker Daniels: "Further discussion? The Lady from Macon, Representative Curry."

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

Speaker Daniels: "She indicates she will."

Curry: "Representative, how many counties will this Bill affect?"

Speaker Daniels: "Representative Moore."

Moore, Andrea: "All 102 as far as I know."

Speaker Daniels: "Representative Curry."

Curry: "Have you had the opportunity to speak with any assessors in any of the downstate counties about this Bill?"

Speaker Daniels: "Representative Moore."

Moore, Andrea: "No."

Speaker Daniels: "Representative Curry."

Curry: "Why are we having county assessors issue notices on a program that county treasurers are responsible for?"

Speaker Daniels: "Representative Moore."

Moore, Andrea: "That is not my understanding of the law. I understand that the assessors issue... They are required to issue a real estate tax deferral notice and this will be included...to be sent with the senior citizen homestead exemption."

Speaker Daniels: "Representative Curry."

Curry: "Well, Representative, if I could just inform you a little bit about what the senior citizen's real estate tax deferral is administered by the county treasurers of each county, not the chief assessing official."

Speaker Daniels: "Is that a question?"

Curry: "I think, Representative, that you're confusing the senior citizens' tax freeze exemption that this Body passed last year with the senior citizens' tax deferral program that's administered by the county treasurer's office."

Speaker Daniels: "Is that a question, Ma'am?"

Curry: "I asked her a question before, Mr. Speaker."

Speaker Daniels: "Okay. Representative Moore."

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Moore, Andrea: "I do not believe that the treasurer's office administers this in all the 102 counties."

Speaker Daniels: "Representative Curry."

Curry: "Thank you, Mr. Speaker. I think you ought to have your staff go back and look because as a former county treasurer, county treasurers do administer this program, and I can tell you that in the four years that I served as the treasurer of Macon County, we probably issued or had about 20 to 25 people qualify or apply for this program. I understand what you're trying to do in trying to inform the citizens of this state and especially the senior citizens that they might be eligible for this program, but I think there's a better way that you might be able to do that, and that might be through the county treasurer's office and may be included in their real estate tax bill in the back of the bill as part of the notice. I think requiring assessing officials to send out another notice is wrong and for those of you who have small counties in central and southern Illinois, I can tell you that this will be an additional mandate on your counties and your assessing officials will not like this. Your county boards will not like this. In Macon County we send out more than 9,000 senior citizen exemption applications every year. They're going to have to change their forms to comply with this loss. It's going to cost them money right off the bat. And if they have to send out another form, that's going to be additional printing and postage. This is another unfunded mandate that this Body is going to put on local governments. We have to vote 'no' and I urge my colleagues a strong 'no' vote on this Bill."

Speaker Daniels: "Further discussion? The Gentleman from McHenry, Representative Skinner."

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Skinner: "Mr. Speaker, listening to the Lady from Macon and the Lady from Lake speak on this issue is like seeing two ships passing in the night, both of them are correct and neither of them know the other one is there. Certainly the county treasurer administers this Bill, but every county assessor in the state, every year has to find out if senior citizens are alive or not. So they have to send them a postcard. It doesn't quite say, 'Are you still alive?' But that's the intent of it. If you're not alive, you don't get the homestead exemption. Now what on earth can possibly be wrong with putting something on that notice that says, 'Oh, by the way, if you'd like the most conservative type of property tax relief that exists, property tax relief that you will repay from your estate after you die, it's here.' Now I understand why liberals wouldn't like that. Liberals only like to give away money. They don't like to help people reap...like people to... Why do you discourage people from the...from doing the program, madam county treasurer? Because it's not a give-away program? It's a self-financing way to keep yourself in your house until you die and then -- and then -- you can repay the county for the taxes you borrowed in the other way. This is a splendid Bill. It certainly ought to receive 118 votes, but I don't expect the give-away Democrats to vote for it."

Speaker Daniels: "Further discussion? The Gentleman from Will, Representative Meyer. Representative Meyer."

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

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

Moore, Andrea: "Thank you, Mr. Speaker. Since property tax rates are proving to be a continual and an increasing burden on

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the senior home owner, any property tax relief that can be made available to them or brought to their attention may allow more seniors to keep their homes. There is no intent on trying to put additional burden on local governments and there is no reason why this small effort cannot be coordinated within the counties. I would urge an 'aye' vote."

Speaker Daniels: "The question is, 'Shall Senate Bill 566 pass?' 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? The Clerk will take the record. On this question there are 84 'aye', 15 'no', 15 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Senate Bill 689. Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 689, a Bill for an Act amending the Civil Administrative Code of Illinois. Third Reading of this Senate Bill."

Speaker Daniels: "Representative Brady."

Brady: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Senate Bill 689 is a Bill that passed the Senate unanimously as well as House Committee. It simply codifies into writing that the Director of the...Department of Dentistry in the Department of Health will be a licensed dentist. I ask for your favorable vote."

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

Granberg: "Thank you, Mr. Speaker. Representative Brady, I'm sorry, because of the noise and distractions, I could barely understand what you were saying. Could you briefly repeat that explanation, please?"

Speaker Daniels: "Representative Brady, excuse me. Ladies and

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Gentlemen of the House. Thank you. Representative Brady."

Brady: "Certainly, Representative. It requires the Department of Public Health to select a licensed dentist to serve as the Division Chief."

Speaker Daniels: "Representative Granberg."

Granberg: "Thank you, Mr. Speaker, and Representative, what is the purpose behind that?"

Speaker Daniels: "Representative Brady."

Brady: "The important issues in dental health, Representative, we thought that like the Director of Public Health having to be a licensed doctor, that the Division Chief of Dentistry should be a licensed dentist. The knowledge that goes along with it and the expertise we thought would lend creditability and provide for a more effective system."

Speaker Daniels: "Representative Granberg."

Granberg: "Representative, are similar agencies regulated, or not regulated, do they have...they serve in the same capacity, that a member of that profession is the head of that professional regulation agency?"

Speaker Daniels: "Representative Brady."

Brady: "I believe that, for instance, the head of the...in other similar agencies, and I'm... I believe that the head of the real estate division in the Department of Professional Regulation has to be a licensed realtor. As I said, the head of the Department of Public Health has to be a licensed doctor, so to answer your question, there are some agencies that have similar requirements."

Speaker Daniels: "Representative..."

Brady: "I might add, Representative, that this has always been the practice as well."

Speaker Daniels: "Representative Granberg."

Granberg: "So this has always been done, Representative?"

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Speaker Daniels: "Representative Granberg (sic - Brady).

Brady: "Yes, it's just never been in the statute, and the Department would like to see that done."

Speaker Daniels: "Representative Granberg."

Granberg: "So, Representative, I assume that you're merely codifying existing policy and that would be the extent of the impact of the legislation?"

Speaker Daniels: "Excuse me, Mr. Clerk."

Clerk Rossi: "There's a Rules Committee meeting immediately in the Majority Leader...or the Speaker's Conference Room."

Speaker Daniels: "Representative Brady."

Brady: "If I understand your question to be that we're just simply codifying what past experience has been, yes, and the Department supports this."

Speaker Daniels: "Representative Granberg."

Granberg: "Thank you, and Representative, did the Department come to you with this idea to merely...to codify the policy? Were they concerned that they could not actually do this without legislation?"

Speaker Daniels: "Representative Brady."

Brady: "No, the Department can do this. They just support codifying it."

Speaker Daniels: "Representative Granberg."

Granberg: "Thank you, Mr. Speaker. So the Department comes to you and they say this has been our practice, and it sounds like a sound practice, Representative. I don't believe I have any objection or any question about that, and they say this is something we have done, that their counsel in the Department say that we need to codify this because we might have been operating outside the parameters of existing policy or that we might have...suffer some repercussions because we have...we continue to operate under this policy,

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or were they concerned that the Director might not consider or continue this same policy?"

Speaker Daniels: "Representative Brady."

Brady: "Representative, I think there's... No, they had no direct concerns that they spoke with me about. Senator Raica initiated this Bill in the Senate; I picked it up. It's just my understanding the Department supports this and they think it's a good idea."

Speaker Daniels: "Representative Granberg."

Granberg: "Well, thank you, Representative. I assume then that the Dental Society, their Association and their representatives in this state have contacted you and worked with you to whatever extent and they will therefore then be in support of this legislation as well."

Speaker Daniels: "Representative Brady."

Brady: "Yes, Representative, they testified in committee as such."

Speaker Daniels: "Representative Granberg."

Granberg: "Thank you, Mr. Speaker. I think I am fine with this, but I will...joined with the requisite number of colleagues to remove this from Short Debate in case they have any concerns. Representative, I appreciate... Representative, I'm sorry, were you indicating that there was a problem or a concern?"

Speaker Daniels: "Representative Brady."

Brady: "No, Representative, but this...was something I was hoping to move timely before Representative Spangler got back to the kitchen."

Speaker Daniels: "Representative Granberg."

Granberg: "Well, Representative, I can certainly understand that concern, and what I would not do certainly is to put anything on your desk in close proximity to the

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distinguished Rep..."

Speaker Daniels: "Representative Granberg, are you completed?"

Okay. Further discussion? Representative Lang."

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

Speaker Daniels: "He says he will."

Lang: "Representative, I think I understand the policy considerations as to why you'd want the dental coordinator to be a dentist, but can you give us any examples of any problems there have been in that office for the last however many years because this requirement has not been in place?"

Speaker Daniels: "Representative Brady."

Brady: "No, in fact, the head of this division has always been a dentist."

Speaker Daniels: "Representative Lang."

Lang: "You say it's always been a dentist, but now you want to codify it, is that correct?"

Speaker Daniels: "Representative Brady."

Brady: "Yes."

Speaker Daniels: "Representative Granberg (sic - Lang)."

Lang: "Is there some reason why we want to do this now all of a sudden?"

Speaker Daniels: "Representative Brady."

Brady: "Senator Raica thought so. It's supported by the Department as well as the Dental Society."

Speaker Daniels: "Representative Granberg... Representative Lang."

Lang: "How many... Don't insult my colleague, Sir. How many divisions such as this..."

Speaker Daniels: "You do look... You talk a lot alike together."

Lang: "Sorry, Sir?"

Speaker Daniels: "You say the same things. I confuse you, sorry."

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Lang: "Yeah, I understand we're clones, absolutely. How many divisions such as this are their under the Department of Public Health? You have the dental coordinator, the real estate person or in R&R or how many such people are there where the head of that department should be someone who is licensed in that area?"

Speaker Daniels: "Representative Brady."

Brady: "I have no idea."

Speaker Daniels: "Representative Lang."

Lang: "Well, are there any other such departments that don't have this type of statutory construction where you're going to guarantee that the head of that department is a licensed person of that category?"

Speaker Daniels: "Representative Brady."

Brady: "I have no idea."

Speaker Daniels: "Representative Lang."

Lang: "Well, I think I support your legislation, Sir, but don't you think it might be a good idea to find the others and just let's get this done now so that we don't have one this year and one next year and two the following year, and we wind up with a dozen pieces of legislation whereby with one simple piece of legislation we can cover all of this. Why don't we do that...this all at once?"

Speaker Daniels: "Representative Brady."

Brady: "Representative, I simply took Senator Raica's Bill and tried to take a good idea and pass it in the House."

Speaker Daniels: "Representative Lang."

Lang: "Well, did you simply read Senator Raica's Bill before you presented it in committee? Did you give any thought to the Bill as to how you might improve it, Sir?"

Speaker Daniels: "Representative Brady."

Brady: "No, I thought it stood well on its own merit."

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Speaker Daniels: "Representative Lang."

Lang: "Well, I'm stumped. I guess if it's good enough for you, Mr. Brady, it's got to be good enough for me."

Speaker Daniels: "Representative Brady to close."

Brady: "Ask for an 'aye' vote."

Speaker Daniels: "The Gentleman moves for the passage of Senate Bill 689. 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? Clerk will take the record. On this question there are 110 'ayes', none voting 'no', none voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 756. Read the Bill, Mr. Clerk."

Clerk McLennand: "Senate Bill 756, a Bill for an Act that amends the Lieutenant Governor's Commission on Community Service Act. Third Reading of this Senate Bill."

Speaker Daniels: "Representative Lawfer."

Lawfer: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, Senate Bill 756 transfers the authority and power and duties of the Act of the Illinois Commission on Community Service, transfers those duties from the Lieutenant Governor to the Department of Commerce and Community Affairs. This is a... The Community Service Act was created to ensure state implementation of the National and Community Service Trust Fund Act of 93. This was an initiative of President Clinton to promote volunteers and voluntary action throughout the state and by the Lieutenant Governor establishing this Commission, this was...enabled Illinois to capture 4,000,000 of federal funds in FY95. As this has grown and the Ameri-Corps projects have expanded, I think that it is appropriate that they be turned over to

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the Department of Commerce and Community Affairs and that is being reflected in the budget at this time. I would be glad to answer any questions."

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

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

Speaker Daniels: "He indicates he will."

Granberg: "Representative Lawfer, I assume the Lieutenant Governor came to you to sponsor this legislation to transfer this program. I assume then that Lieutenant Governor Kustra has too much to do as Lieutenant Governor?"

Speaker Daniels: "Representative Lawfer."

Lawfer: "I think that the Lieutenant Governor needs to be applauded for the initiative that he took to establish this. If this would not have been established by the Lieutenant Governor's Office, then we would have been unable to implement President Clinton's plan here in Illinois to promote volunteerism and help some very, very worthwhile people to that...will be...receive not only training but some educational benefits from this. I think that the Lieutenant Governor needs to be applauded for that. There will be... This does allow for some employees, and because of the federal funds, those employees now are being transferred to the Department of Commerce and Community Affairs."

Speaker Daniels: "Representative Granberg."

Granberg: "Thank you. So the Lieutenant Governor should be applauded because he is too busy so he doesn't want to carry out this program. Is that my understanding?"

Speaker Daniels: "Representative Lawfer."

Lawfer: "Well, I think you've seen that the Lieutenant Governor has been very active and created a tremendous amount of

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projects, and this is just one of... projects that he has served, that his office has served as an incubator for these types of projects."

Speaker Daniels: "Representative Granberg."

Granberg: "Well, Representative, last night we discussed Lieutenant Governor's budget and your side of the aisle indicated that he could not take a decrease because he was so busy. So should we now have a corresponding decrease in Lieutenant Governor Kustra's budget, because he's giving up a program?"

Speaker Daniels: "Representative Lawfer."

Lawfer: "I think if you'll look at the Lieutenant Governor's budget, there was a decrease of about 60% and that is reflected by that \$4,000,000 of federal funds."

Speaker Daniels: "Representative Granberg."

Granberg: "Representative, what other items do...does the Lieutenant Governor have responsibility of that he is too busy to conduct this program?"

Speaker Daniels: "Representative Lawfer."

Lawfer: "I think that this...I think this program is better served by the Department of Commerce and Community Affairs, because it is a rapidly growing project as there are more federal funds available to...through the implementation of President Clinton's volunteer program. In case some of you are not familiar with the Ameri-Corps projects and so on, there are 13 of them in existence in the State of Illinois at this time. They very closely resemble what some of you may remember back in the thirties, which was a civilian conservation corps, and this is very much a similar type program. It enables people to get an education or to get some experience and then also some money for education, so it's a very worthwhile project and I think as we look

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forward, it's better served under the Department of Commerce and Community Affairs."

Speaker Daniels: "Representative Granberg."

Granberg: "Speak...speak...speak."

Speaker Daniels: "Representative."

Granberg: "Mr. Lawfer, is...does Lieutenant Governor Kustra, does he do a radio talk show program on this program? Does he talk about it on the radio?"

Speaker Daniels: "Representative Lawfer."

Lawfer: "I have not heard one."

Speaker Daniels: "Representative Granberg."

Granberg: "Well, Representative Lawfer, it seems to me that the Department of Commerce and Community Affairs have been too busy to carry out their normal functions, even the ones that we request of them, in regards to certain types of notes, so is this going to help them carry out that policy of filling out notes?"

Speaker Daniels: "Representative Lawfer."

Lawfer: "I think what you have to look at is the overall structure here. What we are doing here by this is moving the duties of the Commission to DCCA, the Department of Commerce and Community Affairs, and recently as you well realize, the Lieutenant Governor was given an oversee...or oversight on that department. I think this is very appropriate."

Speaker Daniels: "Representative Granberg."

Granberg: "Thank you, Mr. Speaker. To the Bill, Sir."

Speaker Daniels: "To conclude your remarks, Sir."

Granberg: "Thank you. I'm a little dismayed. I understand what we're trying to do, and I appreciate the Director of DCCA, Mr. Whetstone generally does a good job, a very good job, but the Lieutenant Governor of this state, we've gone from

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Dave O'Neill, who quit because there wasn't enough to do, and now we're saying that the Lieutenant Governor is too busy to carry out this program. I think it's a little silly that we're transferring these functions. I think there's plenty of confident staff within the Governor's Office to adequately carry out this small program, but if that's what the Lieutenant Governor wants, well, so be it."

Speaker Daniels: "Further discussion? Representative Blagojevich."

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

Speaker Daniels: "Indicates he will."

Blagojevich: "Representative Lawfer, first of all I want to commend you. I...It's my understanding that your Bill would transfer the Lieutenant Governor's responsibilities for the Department of DCCA from the Lieutenant Governor's Office and out of the office. Is that correct?"

Speaker Daniels: "Representative Lawfer."

Lawfer: "It would transfer the Illinois Commission on Community Service, those duties covered under that Act."

Speaker Daniels: "Representative Blagojevich."

Blagojevich: "Well, I applaud that effort, Representative. How much money would that take from the Lieutenant Governor's budget? Do you know?"

Speaker Daniels: "Mr. Clerk. Mr. Clerk."

Clerk McLennand: "Committee Report. Report from the Committee on Rules. Dated May 21st, 1995, pursuant to House Rule 8-4(a). The Committee on Rules has met and placed the following House Bill on the Order of Concurrence -- House Bill 206. Signed Robert Churchill, Chairman, Committee on Rules."

Speaker Daniels: "Representative Lawfer."

Lawfer: "If I understood the question, the question was to save

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money? Is that... Would you repeat the question, please."

Speaker Daniels: "Representative Blagojevich."

Blagojevich: "Representative, when we transfer these programs out of the Lieutenant Governor's budget, how much money does that leave the Lieutenant Governor in his present budget?"

Speaker Daniels: "Representative Lawfer."

Lawfer: "I believe it's the same as last year."

Speaker Daniels: "Representative Blagojevich."

Lawfer: "If you're referring to the General Revenue Fund."

Blagojevich: "In fact, Representative, isn't it true that the appropriation that's earmarked for the Lieutenant Governor's Office, notwithstanding your Bill, is still 2.7 million dollars. Isn't that true? In fact, isn't that also true that that makes our Lieutenant Governor's budget the largest in the United States, of all 50 states? In fact, isn't it also true, Representative Lawfer, that this budget is \$300,000 more than the Lieutenant Governor's budget in California and three times larger than the Lieutenant Governor's budget in Indiana. Isn't that true?"

Speaker Daniels: "Representative Lawfer."

Lawfer: "Ed, we're talking about the Illinois Commission on Community Service and the services under that Act. There is no change."

Speaker Daniels: "Representative Blagojevich."

Blagojevich: "Representative Lawfer, let me rephrase the question. I'll break it down. After you remove the programs for DCCA and move it to DCCA, it leaves the Lieutenant Governor's budget with 2.7 million dollars. Isn't that correct?"

Speaker Daniels: "Representative Lawfer."

Lawfer: "What this does is move 4,000,000 of federal funds from the Lieutenant Governor's Office to the Department of

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Commerce and Community Affairs."

Speaker Daniels: "Representative Blagojevich."

Blagojevich: "Representative, isn't it also true that Lieutenant Governor Kustra is in charge of DCCA and that this really is just a shell game? We're just transferring one program out of one area that Lieutenant Governor Kustra controls into another area that he still controls?"

Speaker Daniels: "Mr. Clerk, announcement."

Clerk McLennand: "Committee notice. Committee on Rules will meet on Sunday, May 21st at 9:45 p.m. Rules Committee -- 9:45."

Speaker Daniels: "Representative Lawfer."

Lawfer: "If this Bill passes, the program will be under the control of DCCA and, of course, it will be part of the Lieutenant Government...Lieutenant Governor's oversight."

Speaker Daniels: "Representative Blagojevich."

Blagojevich: "So, Representative Lawfer, the fact of the matter is Lieutenant Governor Kustra, with your Bill or without your Bill, is still going to be in control of the monies that this was...that was earmarked for that Lieutenant Governor's budget before. Is that correct?"

Speaker Daniels: "Representative Lawfer."

Lawfer: "What this does is just 'ducktails' it into a lot of things that are already being done by the Lieutenant Governor."

Speaker Daniels: "Representative Blagojevich."

Blagojevich: "To the Bill, let me speak to the Bill and I may run out of time. Can I get a little of time from my colleagues here, Mr. Speaker?"

Speaker Daniels: "Speak fast."

Blagojevich: "Okay. Representative Lawfer, I would encourage you to continue along in this path, except I would say this. Let's try to cut some of these budgets; let's do something

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about cutting the Lieutenant Governor's budget; 2.7 million dollars for the Lieutenant Governor's budget in these difficult times is to me unnecessary and almost obscene. I wonder if I can get a little more time, because I've got a few points to make."

Speaker Daniels: "You going to speak fast? I'll give you another minute. I know you're running for office, so I want you to have enough time."

Blagojevich: "That's all I need. So, Representative, it would be, I think a pretty ideal thing for all of us to do is encourage Lieutenant Governor Kustra to do more than simply transfer this program into another agency. Why not cut that existing Lieutenant Governor's budget to virtually nothing. Other states, incidentally, other states do the following. Some states operate the Lieutenant Governor's Office out of the Secretary of State's Office. Others operate it out of the Governor's Office. We can't fund schools adequately. We can't pay our Medicaid bills. It seems to me that 2.7 million dollars can be used for some of that or it could be used for truth in sentencing or for prisons or other things. Why not encourage Lieutenant Governor Kustra to do something like that? The original Constitution of Illinois only provided for the Lieutenant Governor to preside over the Senate and to be available in the event that the Governor's incapacitated. It seems to me that 2.7 million dollars, a staff of 30 -- a staff of 30 -- is unnecessary for this office. For the money we spend..."

Speaker Daniels: "You want to bring your remarks to a close. Congressman Flanagan is watching and listening."

Blagojevich: "Thirty seconds."

Speaker Daniels: "Thirty seconds."

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Blagojevich: "Thirty seconds. Thank you, Mr. Speaker. For the money that we spend, 2.7 million dollars, we can take that money, Representative Lawfer, we can do the following: We can hire 90 DCFS caseworkers for 30,000 a year or we can hire...we can hire 50 Illinois state troopers at \$55,000 a year or we can do something for the schools. We could get 1,800 computers at \$1,500 per unit. Why not take your Bill to the next step, and let's do something that goes in the classrooms, goes into public safety or goes into protecting children rather than putting it into the Lieutenant Governor's budget. The Lieutenant Governor himself feels he has more influence being a radio talk show host than being the Lieutenant Governor. Why don't you join us and do something like that, Representative Lawfer. Thank you, Mr. Speaker, for your indulgence."

Speaker Daniels: "Representative Flowers, do you wish to address this Bill?"

Flowers: "Mr. Speaker, I would really like to give my time to Representative Blagojevich so he could continue wonderful progress."

Speaker Daniels: "Now you've already used a minute of a half of that time, so I'll give you three and a half. Representative Blagojevich."

Blagojevich: "Again I thank you, Mr. Speaker, for your indulgence. I was just... I feel that we can be very optimistic in this session. I refuse to believe that we can't work together on something like this. Everybody, with the exception of Congressman Flanagan is in a budget cutting mood these days, and it seems to me that if we can be optimistic and look at this positively, we might be able, Representative Lawfer, to do something fundamentally for lesser government, but more effective government."

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Former President Reagan, the eternal optimist, use to tell a story about having optimism and it had to do with two little boys. One little boy was...and incidentally it had to do with two little boys who received Christmas gifts. One little boy received a shiny new bicycle, and this was a spoiled kid, who had no value on things and he promptly, quickly destroyed the bicycle. He misused it; he abused it. The other little boy, Representative Lawfer, was given a pile of horse manure for Christmas, but that little boy was like President Reagan. He was the eternal optimist, and rather than being disappointed about that pile of horse manure, do you know what he did? He did this. He dugged into that pile of horse manure cheerfully, because as he said, 'There's got to be a pony in there somewhere.' So I just happen to believe that when I gave you those arguments about all those other states and how far in excess our budget is compared to others, you would agree with me that we need to do something about eliminating that 2.7 million dollars out of Lieutenant Governor Kustra's budget and putting it into either schools, state police or DCFS caseworkers. Thank you."

Speaker Daniels: "The Gentleman from Champaign, Representative Johnson. Representative Johnson."

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

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

Lawfer: "Thank you very much. I think we've thoroughly discussed this, and in regards to the story about the pony and the horse, a very appropriate story, especially with given my background, 35 years as a dairy farmer, so I can understand how you finally called onto that type of thing that I've

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done all my life. I would ask for a favorable vote."

Speaker Daniels: "The Gentleman moves the passage of Senate Bill 756. All 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? The Clerk will take the record. On this question there are 105 'aye', 3 voting 'no', 7 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Seven sixty-three. Read the Bill, Mr. Clerk."

Clerk McLennand: "Senate Bill 763, a Bill for an Act that amends the Personnel Code. Third Reading of this Senate Bill."

Speaker Daniels: "Representative Bost."

Bost: "Thank you, Mr. Speaker, Members of the House. Senate Bill 763 amends the Personnel Code and allows employees at the Department of Corrections to receive leave of absence without pay to serve as an elected law enforcement position. This includes provisions that makes this Act retroactive to cover the 1994 election."

Speaker Daniels: "Any discussion? The Gentleman from Bureau, Representative Mautino."

Mautino: "I'd like to yield my time to Representative Deering."

Speaker Daniels: "Representative Deering."

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

Speaker Daniels: "Indicates he will."

Deering: "Representative, what's the genesis of this legislation?"

Speaker Daniels: "Representative Bost."

Bost: "Representative Deering, as we've discussed in committee, I believe where this came from is that Senator Dunn, along with some other Senators, realized the importance of allowing correctional officers the opportunity to run for

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elected positions, and when elected to have that time to serve and receive that leave of absence. There are several places around the state, well, there are two places around the state where this would be brought into effect."

Speaker Daniels: "Excuse me. Ladies and Gentlemen of the House, can Representative Deering please have your attention. He kind of demands your attention. Ladies and Gentlemen, hello. Representative Deering."

Deering: "Thank you, Representative, so you said there are two correctional employees that would fall into this situation?"

Speaker Daniels: "Representative Johnson in the Chair."

Speaker Johnson, Tim: "Representative Bost."

Bost: "At this time there are two. What this will do is it will allow the time...over time, hopefully, it will encourage them all over the state to take the opportunity, go out and participate in the process we participate in and go out and run for those elected positions. Not only, you know, this is law enforcement positions, so that could be sheriffs or coroners."

Speaker Johnson, Tim: "Representative Deering."

Deering: "Will this affect... Will the benefit of this legislation directly benefit anyone in your district?"

Speaker Johnson, Tim: "Representative Bost."

Bost: "Not at this time. It may in the future. Right now the area that it affects is, from what I understand, it's in your district and it is in Peoria."

Speaker Johnson, Tim: "Representative Deering."

Deering: "Thank you, Representative. That was going to be my next question. What about my district then? I know as well as you do that this directly affects the sheriff in my home county, and apparently there's another former

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correctional employee that it affects also. Tell me, did both of these employees already sign quit slips with the Department of Corrections?"

Speaker Johnson, Tim: "Representative Bost."

Bost: "I'm sorry, Representative, could you repeat the question. I'm having trouble hearing you."

Speaker Johnson, Tim: "If we could have some attention. Give Representative Deering your attention so we can hear the question. Thank you."

Deering: "Yes, Representative, this is just for the Department of Corrections. Is that correct?"

Speaker Johnson, Tim: "Representative Bost."

Bost: "It's my understanding that it is and this Bill only deals with the Department of Corrections."

Speaker Johnson, Tim: "Representative Deering."

Deering: "Can you tell me then did these two former correctional employees or these two correctional employees, have they signed quit slips from the Department of Corrections?"

Speaker Johnson, Tim: "Representative Bost."

Bost: "It is my understanding they left the Department of Corrections."

Speaker Johnson, Tim: "Representative Deering."

Deering: "My question is did they sign a quit slip?"

Speaker Johnson, Tim: "Representative Bost."

Bost: "I have no idea."

Speaker Johnson, Tim: "Representative Deering."

Deering: "I can answer that, Representative. I know my sheriff did; he told me he did. He signed a quit slip. Representative, it seems to me that this is special legislation, which is specifically prohibited under the Illinois Constitution, Article 4, Section 13. Some questions. Why just the Department of Corrections?"

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Speaker Johnson, Tim: "Representative Bost."

Bost: "Well, Representative, I think it's important that I say that I would encourage to come back at a later date and work on legislation that would allow any state employee to have the same opportunity that we have when we run for this office if we were state employee, which is...once we are elected to that position, we can take a leave of absence. That's my understanding whenever I talked to the Sponsor of this legislation in the Senate that he felt that with the amount of time we had left that he wanted to go ahead and pursue this as is, and then so I will gladly work with you in the future to come up with legislation that would cover all state employees."

Speaker Johnson, Tim: "Representative Deering, if you could bring your comments and questions to a close."

Deering: "Well, Representative, you know I know you stated that we can get a leave of absence if we get elected to this office, we'll get to that a little later in the questioning because there's a section there. It seems to me that there's no, you know, way of Illinois state troopers, appellate prosecutors, appellate defenders and central management service employees who are...have police powers. I would seem to think that they should all have been included in this legislation."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Macoupin, Representative Hannig. Representative Hannig, for what purpose do you rise?"

Hannig: "Mr. Speaker, I yield to Representative Deering."

Speaker Johnson, Tim: "Representative Deering, proceed with your second five minutes."

Deering: "Thank you, Representative, and thank you, Speaker. Now since there's no rational basis that you can provide for

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any differences, it seems to me, there again, that this is special legislation and case law as I understand says that unless you can...unless you can show, let me get the words here, a substantial difference that this is special legislation that is not allowed by the Constitution. So why would you want to run this?"

Speaker Johnson, Tim: "Representative Bost."

Bost: "Representative Deering, I explained to you that this affects two places already, and it will only open the door to every county in the State of Illinois. Now that's not really quite special I would say, because it does affect the whole state, and also, you know, I agree with you. I have no problem with coming back at a future date and working on other legislation. Right now this is the legislation that I've got that I talked with the Sponsor with. He chose not to amend it at this time, and I have no problem with carrying this piece of legislation."

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

Deering: "Yes, Mr. Speaker, thank you. Well, there again we disagree, Representative, because this legislation only pertains to the Department of Corrections, so that again according to our legal opinion says that that would be special legislation, but moving right along. Now, it's my understanding that current law provides that any state employee under the control of CMS can get an unpaid leave of absence if that individual is elected to a state office, and that state office, mind you, not a local office, a state office, and that employee can come back when his or her elected term ends. Is that not correct?"

Speaker Johnson, Tim: "Representative Bost."

Bost: "That is correct."

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

Deering: "Your Bill would extend this to an elected local office, in particular, elected law enforcement position such as the county sheriff's office. Is that correct?"

Speaker Johnson, Tim: "Representative Bost."

Bost: "Yes, Representative, that is correct because we know the importance of allowing good, qualified people that are trained in these jobs to have the opportunity to run for these positions."

Speaker Johnson, Tim: "Representative Deering."

Deering: "Are you saying then that correctional employees are the only ones that are qualified to run for these offices?"

Speaker Johnson, Tim: "Representative Bost."

Bost: "No, Representative Deering, I'm not. I'm saying that this opens the door for other...for a lot of qualified people to come out and run for these offices. We want to be sure and encourage them to do that."

Speaker Johnson, Tim: "Representative Deering."

Deering: "Well, there again you're opening up to a lot of employees who run for office, as long as they work for the Department of Corrections, so that is not opening it up to everyone, but why should we be doing this for local offices? There has to be a reason why this was just limited to state elected offices. Is it possible that it was done to create a conflict of interest, for example, if I'm the sheriff and I bust a major drug ring and put some people in prison, then I get beat in the next election and have to go back to the prison, would there not have maybe been some concern that of retribution if I was in that same facility?"

Speaker Johnson, Tim: "Representative Bost."

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Bost: "Representative, now on each individual case, I don't know if some hypothetical time it might not occur, but I think that would be a judgement call made by those particular people that run for office. This doesn't force them to go back to work in the prison, if they feel that there's a possibility that that would take place. So this just gives them the opportunity to leave their position at the Department of Corrections, run for that political office, and serve their communities or counties, and have that opportunity."

Speaker Johnson, Tim: "Representative Deering."

Deering: "Well, Representative, you know I have Menard in my district, and it had 200 assaults on the staff last year. That was 20% of assaults in all state facilities. You weren't here a few years ago when we struggled to get ten new guards for Menard. It seems to me that this is possibly taken in opposite direction. If an officer is off on a leave of absence, would the Department have to keep that position open until his or her leave of absence is up?"

Speaker Johnson, Tim: "Representative Bost."

Bost: "No, under this legislation, we know that there are several people waiting to take those positions. We can go ahead and move them in and those...the next opportunity these people could be brought back after they were defeated or/and wanted to come back to Corrections."

Speaker Johnson, Tim: "Representative Deering, I'll give you an extra minute on Representative Hannig's time, if you could, to bring your questions, comments to a close."

Deering: "Representative, since the potential statewide impact could be 102 employees, you know at any given time, you know that's a pretty substantial impact on the Department

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of Corrections. Now I offered an Amendment to this Bill that would increase the amount of guards in adult correctional facilities statewide starting in FY97. We provided a funding mechanism for that. You refuse to answer that Bill, so would you not be concerned about increasing correctional officers in our prisons?"

Speaker Johnson, Tim: "Representative Bost, in conclusion."

Bost: "Representative, know that I also am concerned about those same problems, but also I know that we need to work with..."

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

Bost: "Thank you, Mr. Speaker."

Speaker Johnson, Tim: "Do you wish to conclude your answer?"

Bost: "Know that I have many people in my area in my district, as in yours, that work for the Department of Corrections. We want to do everything we can to make sure -- to make sure -- that we provide as many guards as we can to do what we can to help them out. I understand the conditions in which they work. This only allows them the opportunity -- the opportunity -- to run for office. That same opportunity that if we were state employee that it would grant us. Representative, you raise a lot of points. I know you're concerned about this legislation, but I also know this is good legislation."

Speaker Johnson, Tim: "Representative Deering."

Deering: "Thank you, Representative. I believe I have some of my colleagues who would yield more time..."

Speaker Johnson, Tim: "I had recognized Representative Meyer. For what purpose do you rise?"

Meyer: "Mr. Speaker, I move the previous question."

Speaker Johnson, Tim: "The question is...If you desire a Roll

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Call, we'll give you a Roll Call. The question is, 'Shall the main question be put?' All in favor signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? On this question there are 62 voting 'yes'... Mr. Clerk, take the record. There are 62 voting 'yes', 53 voting 'no' and the previous question is put. The...Representative Bost to close."

Bost: "Thank you, Mr. Speaker. This piece of legislation is a good piece of legislation. It allows more people to enter into the system, to allow more people to run for public office. I appreciate your 'yes' vote."

Speaker Johnson, Tim: "The question is, 'Shall Senate Bill 763 pass?' All 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. Prior to declaring the... The Chair recognizes the Gentleman from Clinton, Representative Granberg. What purpose do you rise? Your light is on."

Granberg: "Mr. Speaker, my light's been on for approximately ten minutes. I wanted to ask the Sponsor questions. I have prison facilities in my district, as other Members on that side of the aisle do. You have intentionally ignored our lights. We ask for a verification on the Motion...on the previous question."

Speaker Johnson, Tim: "Well, what purpose do you rise at this point?"

Granberg: "The point is, Mr. Speaker, you are ignoring us once again. We've had problems in this chamber when you've been in the Chair. Members have their rights. We have things we need to do and questions we need to ask, Sir, and now we

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want a verification if you'll ignore...or ignore that request or answer it?"

Speaker Johnson, Tim: "No, certainly accede to their request. The request... The question is... The request is for a verification. The Clerk will read the Affirmative Roll Calls. There are 62 voting 'yes', 50 voting 'no' and 3 voting 'present'. Read the Affirmative Roll."

Clerk McLennand: "Those Representative voting in the affirmative. Ackerman. Balthis. Biggert. Biggins. Black. Bost. Brady. Churchill. Ciarlo. Clayton. Cowlshaw. Cross. Deuchler. Durkin. Hanrahan. Hassert. Hoeft. Hughes. Tim Johnson. Tom Johnson. John Jones. Klingler. Krause. Kubik. Lachner. Lawfer. Leitch. Lindner. Lyons. McAuliffe. Meyer. Mitchell. Andrea Moore. Mulligan. Maureen Murphy. Myers. Noland. O'Connor. Pankau. Parke. Pedersen. Persico. Poe. Roskam. Rutherford. Ryder. Salvi. Saviano. Skinner. Spangler. Stephens. Tenhouse. John Turner. Wait. Weaver. Wennlund. Winkel. Winters. Wirsing. Wojcik. Zickus. Mr. Speaker."

Speaker Johnson, Tim: "Questions of the affirmative, Representative Granberg."

Granberg: "Thank you, Mr. Speaker. Is Representative Klingler here?"

Speaker Johnson, Tim: "In her seat. Further questions."

Granberg: "Representative Wennlund."

Speaker Johnson, Tim: "Representative Wennlund is in his seat."

Granberg: "I'm sorry, Representative, you weren't here earlier. We didn't see you; I apologize."

Speaker Johnson, Tim: "He is here now. Further questions."

Granberg: "Representative Andrea Moore."

Speaker Johnson, Tim: "Representative Andrea Moore is in the left aisle. Further questions."

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Granberg: "Representative Moffitt."

Speaker Johnson, Tim: "Representative Moffitt is an excused absence. He is not recorded as voting anything."

Granberg: "Representative Saviano."

Speaker Johnson, Tim: "Representative Skip Saviano. Is Representative Saviano here? Representative Saviano, is he here? To your left. Further questions."

Granberg: "Representative Ackerman."

Speaker Johnson, Tim: "Representative Ackerman is in the rear of the chamber. Further questions."

Granberg: "Representative Leitch."

Speaker Johnson, Tim: "Representative Leitch. Representative David Leitch, he's in the rear of the chamber as well. Further questions, Representative Granberg."

Granberg: "Rep... Representative Brady."

Speaker Johnson, Tim: "Representative Brady is in his chair."

Granberg: "Mr. Speaker, I believe that's all the questions we have. If we'd have done this earlier, we wouldn't have this problem."

Speaker Johnson, Tim: "On this question there are 62 voting 'yes', 50 voting 'no', 3 voting 'present' and this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, read Senate Bill 810."

Clerk McLennand: "Senate Bill 810, a Bill for an Act concerning the practice of medicine. Third Reading of this Senate Bill."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Jersey, the Sponsor, Representative Ryder, proceed."

Ryder: "Thank you, Mr. Speaker. Senate Bill 810 permits medical practice organized under the Limited Liability Partnership Act and the Limited Liability Corporation Act. I'd appreciate your vote."

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

Lang: "Well, thank you. I rise to a point of order, Sir."

Speaker Johnson, Tim: "State your point."

Lang: "It's actually an inquiry of the Clerk. I'm looking at our files, Sir, and I'm reviewing the fiscal note, and it appears, at least from my file that this Bill went to Third Reading on a phony fiscal note. The note we have is unsigned. Can the Clerk enlighten me?"

Speaker Johnson, Tim: "Would you give Representative Lang your attention and the Clerk your attention in the response to the question. Mr. Clerk."

Clerk McLennand: "The copy of the note that I have is unsigned. I believe we have one on record that is signed that I'm trying to get a copy of. The department has filed a new fiscal note. I just was talking to Sara and Chip awhile ago and we're trying to get a copy of that note for our records."

Speaker Johnson, Tim: "If we could have just a moment, Representative Lang, we'll respond to your inquiry. If we could have your attention, in response to Representative Lang's point of order. Representative Lang, if you'd like a response. Just... The Clerk is obtaining a copy of the signed note. I would also remind Representative Lang that this is a Senate Bill. It was not amended in the House. There's no requirement that a fiscal note be filed and the issue is not raised on Second Reading."

Clerk McLennand: "Representative, we have a filed copy of a fiscal note that was signed, filed on the 17th, and signed the evening of the 18th by Chip Woodward, Secretary of State."

Speaker Johnson, Tim: "Out of courtesy, Representative Lang, if

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you'd like to examine the note, we'll be more than happy to afford you that opportunity. Representative Lang."

Lang: "Inquiry of the Clerk. What date did this Bill go to Third Reading?"

Clerk McLennand: "On the 17th."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Inquiry of the Clerk. Did this Bill go to Third Reading before or after the appropriate fiscal note was filed?"

Clerk McLennand: "Representative, neither our minutes nor the LIS system have a minute reference, time reference, when our Bills are moved."

Speaker Johnson, Tim: "What is your point, Representative Lang?"

Lang: "Well, my point is, Sir, that we have a responsibility to file all the statutes of the State of Illinois and the Constitution of our state. No Bill can move to Third Reading if there are note requests that are not fully complied with under the law. Accordingly, the Bill could not move to Third Reading if we did not have a proper and signed fiscal note first."

Speaker Johnson, Tim: "Your..."

Lang: "It is... Excuse me, Sir, I am not finished. It is the duty of the Clerk and the Speaker of the House to tell us when the fiscal note was filed. If the fiscal note was not absolutely, positively, legally filed before the Bill went to Third Reading, it is not properly on Third Reading and must be moved back to Second for a new fiscal note. That's the law, Sir."

Speaker Johnson, Tim: "Let me restate my point that I made earlier in response to your point of order. First of all, the Bill was not amended in the House. Senate Bills are not required to have fiscal notes attached. Secondly, the issue is not raised on Second Reading. So the Chair

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recognizes the Gentleman from Jersey, Representative Ryder, on the Bill. Representative Ryder, proceed. Representative Ryder, proceed."

Ryder: "Mr. Speaker, I previously explained the Bill. I'd be happy to answer any questions on the Bill. Thank you."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from St. Clair, Representative Hoffman, on the Bill. Representative Hoffman."

Hoffman: "Yes, will the Sponsor yield?"

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

Hoffman: "First, for a point of order, Mr. Speaker."

Speaker Johnson, Tim: "On the Bill."

Hoffman: "First, on a point of order, Mr. Speaker."

Speaker Johnson, Tim: "Your point."

Hoffman: "Well, Representative Daniels indicated however the longstanding courtesy of the House has been to honor fiscal note requests for Senate Bills, this practice permits House Members to be fully appraised to the fiscal impact of a Bill prior to Third Reading. That was Mr. Daniels statement earlier. What we are saying here is that after the scandal began, what we are saying here is that we have not been appraised of the fiscal impact of the Bill because, as the Clerk indicated, this was moved to Third Reading prior to the time that there was a proper fiscal note filed. They indicated themselves that it was not signed till the 18th, and this was moved on the 17th. I would hope that you would hold Speaker Daniels honest commitment to us as a House, because I think he did make it in honesty and he did not intend to move these Bills without us knowing the fiscal impact of a Bill."

Speaker Johnson, Tim: "Okay, Representative Hoffman, do you wish to address the Bill?"

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Hoffman: "Ruling."

Speaker Johnson, Tim: "We have already responded to your point of order. Do you wish to address the Bill?"

Hoffman: "I will...as soon as you respond to my point of order. I asked for a point of order..."

Speaker Johnson, Tim: "The point has been responded to previously. You raised the same point, and we've responded to it. Just... The question... Your... Your point is what, Representative Hoffman?"

Hoffman: "My point is are we going to live up to Speaker Daniels commitment or not? But I move to overrule the Chair, apparently we are not going to. I would hope that the real Speaker will come out here and say that we'd like us to live up to his commitment because I think it was a honest commitment, and if you're going to move forward, I would move to overrule the Chair and ask for a Roll Call and a verification."

Speaker Johnson, Tim: "What ruling are you moving to overrule?"

Hoffman: "I am demanding that the Bill go back to Second Ruling (sic - Reading) because of Speaker Daniels previous statement that we will not move the parts in the House to have fiscal notes filed on Senate Bills and we will let the individual Members be fully apprised of the fiscal impact of a Bill prior to Third Reading. Now we didn't have that when it was on Second Reading. It was moved to Third Reading improperly, and I asked that you rule that it... I asked for a point of order that you rule that it had been moved improperly. You apparently say no. If you persist in going against Speaker Daniels wishes, then I ask to overrule the Chair and ask for a Roll Call and a verification."

Speaker Johnson, Tim: "Is there anyone else... Anyone who stands

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to debate the issue? Mr. Hoffman, as a courtesy, even though this has happened repeatedly today, we will allow you to move to overrule the Chair, but I would...if I could have your attention. If I could have your attention, Representative Lang. This has come up repeatedly today, and this is the final time in which this will happen. So the question is, 'Shall the Chair be sustained?' Those in favor signify by voting 'aye'; those opposed by voting 'no'. 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 62 voting 'yes', 53 voting 'no', and the Chair is sustained. Anyone standing in opposition? Anyone standing in opposition to the Bill? Representative Ryder to close."

Ryder: "Thank you. I've explained the Bill. I would appreciate your favorable Roll Call."

Speaker Johnson, Tim: "The question is, 'Shall Senate Bill 810 pass?' Those in favor signify by voting 'aye'; those opposed by voting 'no'. This is final action. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? On this question, there are 102 voting...103 voting 'yes', none voting 'no', 11 voting 'present' and this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, read Senate Bill 838."

Clerk McLennand: "Senate Bill 838, a Bill for an Act amends the Unified Code of Corrections. Third Reading of this Senate Bill."

Speaker Johnson, Tim: "The Gentleman from Champaign, Representative Winkel. If we could give Representative Winkel your attention on the Bill. Representative Winkel, proceed."

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Winkel: "Thank you, Mr. Speaker. Senate Bill 838 actually contains several Bills that have been roled into it by Amendment. Senate Bill 838 provides that a defendant over 17 years of age who's sentenced to a term of imprisonment for rendering an individual under 12 years of age shall be sentenced to a term of natural life in prison. Also this Bill includes Senate Bill 762, which permits any county to conduct programs, spend county funds, make application for grants and coordinate activities for prevention, reduction or control of juvenile delinquency within the county. It also includes an Amendment that clarifies the mortgage foreclosure laws prohibition against generic cleaning. It also includes Senate Bill 118, which provides that the penalty imposed on a person driving under the influence of alcohol or drugs will be enhanced if the driver had a child under the age of 16 in the vehicle at the time of the offense. Senate Bill 524 prohibits issuing a restrictive driving permit during statutory summer suspension for repeat offenders. It also includes Senate Bill 691. That's right, Senate Bill 691, which provides that anyone given supervision or probation for or convicted of domestic battery shall make restitution to the shelter where the family or household members share or live because of the domestic battery. Senate Bill 747 creates the offense of sexual solicitation of a minor by computer, and last but not least, Senate Bill 1025 requires an appearance before a court before bail is statutorily set for a person who is charged with an offense while on release for a prior offense where each offense is a felony or a criminal offense in which the victim is a family or a household member. Mr. Speaker, I'd be glad to take questions."

Speaker Johnson, Tim: "On the Bill, the Chair recognizes the

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Minority Leader, the Gentleman from Cook, Representative Madigan, on the Bill."

Madigan: "Mr. Speaker, not on this Bill, but on the last Bill, you recognized no one other than Mr. Ryder to speak to the Bill, Sir, and there were numerous Democrats requesting to speak to the Bill, Sir, and we find it necessary to have an immediate Democratic Caucus on that question."

Speaker Johnson, Tim: "Well, if we could have your attention, how long do you need, thirty minutes? The House will reconvene and 10:45. Thank you. Usual room, Representative Madigan? Proceed. Be back at 10:45. Announcement for Members of the House. We have about twenty bills left, five concurrences. We will complete our work this evening before we adjourn. So... That's fine. We will complete..we will complete our agenda before we return and we will complete our Session agenda by Friday when we will adjourn. So, we will reconvene and I emphasize, we will reconvene at 10:45."

Doorman: "Attention Members of the House of Representatives, the House will reconvene in five minutes. All persons not entitled to the floor, please retire to the gallery. Thank you."

Clerk McLennand: "Messages from the Senate from Jim Harry, Secretary of 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 Bill, the following titled House Bill 1212 together with Senate Amendments #1, 2, 4, 5, 7, 8, 9, 11, 12, 13 in the adoption of which I'm instructed to ask concurrence of the House, passed the Senate as amended, May 21st. I'm directed to inform the House of Representatives that the Senate has concurred with the House of Representatives in

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the passage of House Bill 1270 together with Senate Amendment #1 in the adoption of which I am instructed to ask concurrence of the House, passed the Senate as amended, May 21st. Committee Report. Committee Report from Representative Churchill, Chairman of Committee on Rules. To which the following joint action motions were referred: action taken on May 21st, 1995. Reported the same back due approved for consideration. Concurrence, Senate Amendments #1 and 2 to House Bill #760. House Bill #1459 together with Senate Amendment #1. House Bill 1869 to Senate Amendment #1. Nonconcurrence, House Bill 1023 to Senate Amendment #1 and Senate Amendment #1 to House Bill 206."

Speaker Ryder: "The House will be in order. Representative Ryder in the Chair. Mr. Clerk, the status of Senate Bill 838."

Clerk McLennand: "Senate Bill 838 has been read a third time."

Speaker Ryder: "Representative Winkel has opened on the Bill. Is there any discussion? The Chair recognizes the Gentleman from Cook, Representative Lang."

Lang: "Thank you. I'm not using my own time now, it's just an inquiry of the Chair."

Speaker Ryder: "Please, proceed."

Lang: "Thank you. There was a lot of chaos here when Mr. Winkel presented his Bill and I'm just would ask the Chair if Mr. Winkel could open again and explain the Bill and then we'll try to have some orderly debate on it."

Speaker Ryder: "I'll try to be as orderly as I can, Sir. Thank you. Representative Winkel, would you take thirty seconds to discuss your Bill?"

Winkel: "Thank you, Mr. Speaker. Senate Bill 838 actually has about seven Senate Bills rolled into it through the amendment process and each of those Bills passed the Senate by unanimous votes. I'll be glad to take questions."

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Speaker Ryder: "The Chair recognizes the Gentleman from Cook, Representative Schoenberg."

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

Speaker Ryder: "He indicates that he will, Representative."

Schoenberg: "Mr. Winkel, could you briefly reiterate which of the previously considered Senate Bills are now part of this Bill as Amendments?"

Speaker Ryder: "Representative Winkel."

Winkel: "Senate Bills 838, Senate Bill 762, Senate Bill 118, Senate Bill 524, Senate Bill 691, Senate Bill 747, Senate Bill 1025."

Speaker Ryder: "Representative Schoenberg."

Schoenberg: "Thank you, Mr. Winkel. Have all these Bills gone through...been approved previously by the Senate Judiciary Committee, chaired by Senator Hawkins?"

Speaker Ryder: "Representative Winkel."

Winkel: "Just two of the pieces of legislation."

Speaker Ryder: "Representative Schoenberg."

Schoenberg: "...and which two are those, Sir?"

Speaker Ryder: "Representative Winkel."

Winkel: "Representative, I misunderstood your previous question."

Speaker Ryder: "Representative Schoenberg, please restate your previous question."

Schoenberg: "Mr. Winkel, which of the two Senate Bills have been considered previously by the Senate Judiciary Committee, chaired by Senator Hawkinson?"

Speaker Ryder: "Representative Winkel."

Winkel: "Representative, I misspoke before, all of them have been considered by the Senate Judiciary Committee."

Speaker Ryder: "Representative Schoenberg."

Schoenberg: "Thank you, Mr. Winkel. Mr. Winkel, is it...are you

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familiar with Senator Hawkinson's long standing policy towards consideration of Senate Bills on more than one occasion during a legislative Session?"

Speaker Ryder: "Representative Winkel."

Winkel: "Representative, could you elaborate? I do not follow your question at all."

Speaker Ryder: "He indicates that he is not familiar with the practice, Representative Schoenberg. Representative Schoenberg."

Schoenberg: "Thank you for putting that in the vernacular, Mr. Speaker. Mr. Winkel, I wanted to call to your attention and the attention of the other Members of the Body that it's been my personal experience, and I'm sure the personal experience of many here who have been here and presented bills before the Senate Judiciary Committee that has a long standing practice. Senator Hawkinson, who has been Chairman of that Committee, only considers matters once. Namely, that any bill that has been previously considered, regardless of its success ratio in another chamber, once it has been heard by his Committee once, it is only his intention to hear it once and that one time only, during the course of a Session. So, that in fact should...it would be my anticipation, Sir, that should this Bill go back to the Senate that Mr. Hawkinson would not want to have this heard a second time since these matters have already been considered by his Committee. Could you lead... Could you tell the Body why you anticipate that Senator Hawkinson would deviate from this long standing practice of his and hear these Amendments?"

Speaker Ryder: "Representative Winkel."

Winkel: "Representative, I expect that the question that Senator Hawkinson would consider, should we pass this out of this

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chamber, will be whether he concurs in these Amendments."

Speaker Ryder: "Representative Schoenberg."

Schoenberg: "That's absolutely correct, Sir, and...but, for...in order for the Senate Judiciary Committee to consider these matters for concurrence, they nonetheless would be, since they...all the Amendments, which constitute the Bill, have been heard once already in the Senate Judiciary Committee. They would therefore be heard a second time in the Senate Judiciary Committee and consistent with Senator Hawkinson's policy, unless you have reason to believe there will be a deviation from that policy, it would be...I think the expectation of many that this would not be heard for concurrence since these bills have already been heard and determined once in that Committee before. Do you have any reason to suspect that he will change that policy for your Bill?"

Speaker Ryder: "Representative Winkel."

Winkel: "Well, Representative, I find this all enlightening and interesting, but I would hate to presume what Senator Hawkinson is going to do with this."

Speaker Ryder: "Representative Schoenberg."

Schoenberg: "I'm not necessarily saying that it is presumptuous, Sir. What I am saying is that many of us have learned from previous experience and I think in the interest...in the interest of moving legislation along, we've all...we've all encountered at one time or another, situations where our bills haven't quite seen the light of the day at the particular time that we wanted them to see it, and therefore, they were put together as part as omnibus packages, but Mr. Winkel, I hope certainly...I would like to support your Bill, but I would certainly want to perhaps advise you of some of the land mines that fall ahead for

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you. It would be...I would be surprised and perhaps pleasantly surprised, as you would be, if in fact, the Committee would change its mind all for the expressed purpose of passing Senate Bill 838."

Speaker Ryder: "The Chair recognizes the Lady from Cook, Representative Flowers."

Flowers: "Speaker, I would like to yield my time to Representative Dart or either Schoenberg, whichever one need it."

Speaker Ryder: "Representative, we require that you be more specific than that."

Flowers: "Well, let me think..."

Speaker Ryder: "Okay..."

Flowers: "Eeney, meanie, miney, mo."

Speaker Ryder: "The Chair recognizes... The Chair recognizes the Gentleman from Cook, Representative Schoenberg."

Schoenberg: "Thank you, Mr. Speaker. Mr. Winkel, I am not going to be presumptuous enough to go so far as to say that perhaps in light of the Senate Judiciaries Committee's previous practice, that this Bill would be so far as to be called dilatory. Certainly within your right as amendment...as a Member to do this, but I would just caution the Members of the Body and perhaps you, Sir, of any false expectation that you are going to be part of a bill signing ceremony to get this Bill on the Governor's desk because Senator Hawkinson has indeed in the past, made it pretty clear, that no matter how worthy, no matter how meritorious, no matter how significant, and no matter...and no matter how purposeful a particular bill is, he's heard...if it's been heard once in his Committee, it's been heard once and only once in his Committee. So, Mr. Winkel, just having made that statement, I'd like to yield the rest

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of my time to Mr. Dart."

Speaker Ryder: "I'm sorry, Sir. That's not possible. The Chair recognizes a Lady from Cook, Representative Davis. Representative Davis. Representative Davis."

Davis: "Thank you, Mr. Speaker, can I have all of my time, please? First of all, I was afraid to ask any questions because I see those two enforcers standing there and I didn't want to offend anybody. I'd like to know what happens if a twelve-year-old, according to your Bill, if a twelve-year-old commits what we consider first degree murder and he or she murders one person. What happens?"

Speaker Ryder: "Representative Winkel."

Winkel: "Representative, that will not be changed under this Bill."

Speaker Ryder: "Representative Davis."

Davis: "If they murder two people, what happens under this Bill?"

Speaker Ryder: "I'm sorry, Representative Davis, what that in the form of a question?"

Davis: "Yes."

Speaker Ryder: "I apologize. Representative Winkel."

Winkel: "Representative, there must be some misunderstanding here about the nature of this Bill. If you're talking about the underlying Bill, Senate Bill 838, we're talking about providing stricter penalties for those over seventeen years of age who murder those under twelve years of age. What you are suggesting in your hypothetical would not be effected by this Bill."

Speaker Ryder: "Representative Davis."

Davis: "What we're saying then is if a seventeen-year-old commits the act of murder and the victim is twelve or less, that the sentence is natural life?"

Speaker Ryder: "Representative Winkel."

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Winkel: "Representative Davis, I think we're still misapprehending the nature of this Bill. That...the answer to that is still...the answer is no and there is nothing changed there."

Speaker Ryder: "Representative Davis."

Davis: "What does your Bill do?"

Speaker Ryder: "Representative Davis, sometimes you speak before they turn on the microphone and I missed part of the question."

Davis: "Okay, I'm sorry."

Speaker Ryder: "So, if you will wait, we'd like to get all of your question on the record, if you will please. Representative Winkel."

Winkel: "Representative, under Senate Bill 838, the underlying Bill, which I think is what you're directing your question to, it provides that a defendant over seventeen years of age who is sentenced to a term of imprisonment for murdering an individual under twelve years of age, shall be sentenced to a term of natural life imprisonment. If the sentence of death is not imposed."

Speaker Ryder: "Representative Davis."

Davis: "Why did you select the age of twelve?"

Speaker Ryder: "Representative Winkel."

Winkel: "There in the law, there has to be some choice, some bright line and for this mandatory imposition of a life sentence, we picked the years...the age of twelve years. We think that anything under twelve or under is especially heinous."

Speaker Ryder: "Representative Davis."

Davis: "A minor is under the age of eighteen. Why wouldn't we go with the minor?"

Speaker Ryder: "Representative..."

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Davis: "Under eighteen."

Speaker Ryder: "I'm sorry to interrupt, I didn't mean to, Representative. Representative Winkel."

Winkel: "This is an especially harsh and difficult sentence, Representative, and we picked preteen as the break off point. Certainly, for somebody who is thirteen years of age and a victim, the penalty is still going to be harsh and we're talking about first degree murder and we're talking about twenty to sixty years."

Speaker Ryder: "Representative Davis."

Davis: "You have a section that deals with domestic battery and on the section that deals with domestic battery, you talk about restitution but it's inconsistent, because in one section of the Bill, it says 'shall', and in another section, it says 'may'."

Speaker Ryder: "Representative Winkel."

Winkel: "Mr. Speaker, if the Representative is willing, Representative Biggert actually is a Sponsor of Senate Bill 691, if she could address that question."

Speaker Ryder: "Representative Davis, with your consent, could Representative Biggert respond to your inquiry? Representative Biggert."

Biggert: "Thank you, Mr. Speaker. Representative Davis, could you tell me where this is in the statute and what page you are talking about?"

Speaker Ryder: "Representative Davis."

Davis: "It's on page two, on line thirty-two, it says 'shall'. 'They shall pay restitution.' On page eight, line twenty-four, it says 'may'."

Speaker Ryder: "Representative Biggert."

Biggert: "The Bill that I have only goes to four pages."

Speaker Ryder: "Representative Davis."

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Davis: "It's an Amendment that you are offering to this Bill here, Senate Bill 838. You have an Amendment and it's Amendment #8. So, we're talking about page two on Amendment #8 and then page eight on Amendment #8."

Speaker Ryder: "Representative Biggert, seventeen seconds."

Biggert: "On page eight, they refer to different sections in... See where it has different things to do where it says 'may' and the other is another section, then it is 'shall', and it's different sections of the law."

Speaker Ryder: "The Chair recognizes the Gentleman from Cook, Representative Stroger."

Stroger: "Yes, Mr. Speaker, I would like to yield my time to Representative Davis."

Speaker Ryder: "Representative Davis."

Davis: "Thank you, very much. The section you are talking about, Representative Biggert, is talking about restitution in reference to domestic violence and on page two, I believe, of Amendment #8, you say that the perpetrator... Is it 'shall' on page two? The perpetrator 'shall', and that is on line thirty-two and then if you turn to page eight, I believe it's line twenty-four, you said they 'may'. Now, for new legislators, it has to be consistent. Either it's 'may' or it is 'shall'."

Speaker Ryder: "Representative Biggert."

Biggert: "On page two, where it says 'shall'... 'it shall make restitution'. On page eight, that is the discretionary powers given to the court for other matters. This says, the court may in addition to other matters."

Speaker Ryder: "Representative Davis."

Davis: "Yeah. Both sections are in reference to restitution from that domestic violence taking place. In one place it says that, if a defendant is placed under supervision, we're

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talking about what the court should do and in the first section here on page two, you said the court shall do something, but on page eight, you say the court may. So, if you are that perpetrator, which section of the law would they be required to follow here?"

Speaker Ryder: "Representative Biggert."

Biggert: "On page eight, it says that the court may make a report, it may make them pay a fine, it may make them work or pursue a course of study, it may make them undergo medical, it may make them attend a facility, it may refrain from...make them refrain from possessing a firearm, and under number nine, it may make that restitution in an amount not to exceed the actual loss and damages to property or make restitution under section 55562 to a domestic violence shelter."

Speaker Ryder: "Representative Davis."

Davis: "On... Excuse me. Well, the contradiction in the written statement here is that, on page eight, it's permissive, but on page two, it's mandatory. On page two, according to the way it's written, it's mandatory and on page eight, it's permissive. I'm sure that you don't want to pass a law that is as flawed as that, that will create a great deal of question in the court and for one person who is in court in reference to this, he would be told he shall do thus and so, and for another person, they'll be told he may or the judge may. I think, part of writing legislation of this nature, it should be consistent and throughout that particular section, consistency is desired. Now, what I would urge the Sponsor of this legislation to do is it withdraw, either the entire Bill until it is corrected, or perhaps to ask to go back to second and withdraw Amendment eight because it obviously, is flawed. I don't know what

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happened to my bodyguards but, they know we are telling you correctly and I'm sure they've gone already to try and get this corrected and if we do it in a very timely fashion, this is one section we perhaps will not have to discuss again. Certainly, if any one of us in this room went to court, we wouldn't want to have two terribly contradictory sections in which a judge may, in the other case, he shall, and I think it was just a technical error but that means so very much, the difference between shall and may. I'd also like to say that the lives of people who are over twelve, are just as valuable as those who are under twelve. If you have a child who has been murdered, I don't think you care any less about that fact if you child is seventeen or sixteen or fifteen. Twelve is certainly not a magic number nor an arbitrary number. I think as legislators, we should show that we respect life, period. We respect life of all people, including children, but we don't make such a variance for children who are twelve and ignore those who has been killed. That's the killing part. Who is being killed. Most of the people who are being killed are not twelve and under. They are fourteen, they are fifteen, they are sixteen. It is very peculiar, Sir, that you would go below that age to talk about the sentence..."

Speaker Ryder: "The Chair recognizes the Gentleman from Cook, Representative Pugh."

Pugh: "Thank you, Mr. Speaker. I would like to yield my time to Representative Blagojevich."

Speaker Ryder: "The Chair recognizes Representative Blagojevich."

Blagojevich: "Thank you, Representative Pugh. Will the Sponsor yield for a few questions?"

Speaker Ryder: "Collectively, they indicate that they will."

Blagojevich: "Thank you. Representative Winkel, in your Bill,

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there is a provision regarding judicial driving...or restricted driving permits. Can you explain that portion of your Bill?"

Speaker Ryder: "Representative Winkel."

Winkel: "Representative, I didn't hear the last part. What are you directing your question to? Which part?"

Speaker Ryder: "I apologize, Representative Winkel. Did you conclude? Oh, then, Representative Blagojevich."

Blagojevich: "Thank you, Mr. Speaker. Representative Winkel, the part about restricting driving permits, the ineligibility of someone convicted of a second or subsequent DUI, can you tell us about that portion of the restricted driving permit?"

Speaker Ryder: "Representative Winkel. Representative Blagojevich. Representative."

Blagojevich: "Yeah, thank you. Representative Winkel, please give me an answer. I am running out of time."

Speaker Ryder: "So is he."

Winkel: "Representative, Senate Bill 524, what it does is it does prohibit the issuing of a restricted driving permit during the statutory summary suspension for repeat offenders. You have to be convicted twice."

Speaker Ryder: "Representative Blagojevich."

Blagojevich: "Representative Winkel, how does that...what is the difference between a judicial driving permit and a restricted driving permit? Let me give you a brief hypothetical. If, for example, someone is driving a motor vehicle and is found guilty the first time of a DUI and is sentenced to supervision one year and then two years later, gets a second DUI and doesn't take the Breathalyzer test, can you tell me A, how long his long his license would be suspended and B, would he be entitled to either a judicial

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driving permit or a restricted driving permit or both and C, can you tell me what your thoughts are about that?"

Speaker Ryder: "Representative Winkel."

Winkel: "Representative, the first part A, is two years. Representative, I am informed and believe that you can't get a restricted driver's permit and a judicial permit at the same time."

Speaker Ryder: "Representative Blagojevich."

Blagojevich: "Okay, now, so on the second offender, you can't get a judicial driving permit. Is that what you are saying?"

Speaker Ryder: "Representative..."

Blagojevich: "Under present law?"

Speaker Ryder: "I apologize for interrupting your question, Sir. Representative Winkel to answer his question."

Winkel: "Yes."

Speaker Ryder: "Representative Blagojevich."

Blagojevich: "Under current law, you can however, on a second offense, still apply to the Secretary of State's Office and obtain a restricted driving permit. Is that correct?"

Speaker Ryder: "Representative Winkel."

Winkel: "Representative, first you have to have a formal administrative hearing and then the answer is yes."

Speaker Ryder: "Representative Blagojevich."

Blagojevich: "Under your Bill, if someone were under supervision for a DUI in 1980 and then in 1996, let's say someone was celebrating the end of this Session and was driving home, okay, and maybe should have slept the night and unfortunately was picked up for a second DUI fifteen years later, under your Bill, will that person then not be eligible for a restricted driving permit?"

Speaker Ryder: "Representative Winkel."

Winkel: "Representative, I believe that under current law that

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that would...that would not apply hear. That would be considered a first offense. The Bill here, Senate Bill 524, which has been amended to the underlying Bill, would not effect that."

Speaker Ryder: "Representative Blagojevich, you have forty-two seconds, Sir."

Blagojevich: "So, what's the time frame on the second offense, a subsequent offense?"

Speaker Ryder: "Representative Winkel."

Winkel: "That remains unchanged under this legislation. It's the same definition that already exists under current law."

Speaker Ryder: "Representative Blagojevich."

Blagojevich: "Yeah, and so what is that time frame? What is current law?"

Speaker Ryder: "Representative Winkel."

Winkel: "Representative, I believe it's ten years."

Speaker Ryder: "Representative Blagojevich."

Blagojevich: "Thank you, Representative Winkel."

Speaker Ryder: "The Chair recognizes the Gentleman from Cook, Representative Dart."

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

Speaker Ryder: "He indicates he will yield for your question, Representative."

Dart: "I believe this might be directed to Representative Biggert because it is in regards to the Amendment that is messed up."

Speaker Ryder: "With your lead...leave, we will recognize the appropriate party, Sir."

Dart: "Representative, I...the contentions that were made earlier that this is appropriate is absolutely wrong. I mean, this is very straight forward and to the point. The Amendment 8 is...squarely says, in all other court cases except the one

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that you list, this 'shall' be done, 'shall'. That is unequivocal, 'shall be done'. Then you go to the other portion of the sentencing code, dealing with incidents and conditions of supervision. That is where they list these incidents and conditions as supervision. During that, they list that are 'shall's', but they also list a section of 'mays'. Squarely, right in the middle of the section which says the court 'may' in addition lists...do certain things, they put in your provision here dealing with the restitution. There is no way to look at that otherwise. I would...I challenge you to show me how you can possibly make the two of these work together. In one case, you're telling the court they 'shall' do this and in another case, you're telling the court they 'may' do this. Is the court supposed to roll the dice? Are they supposed to do rocks, papers and scissors? How are they supposed to figure out which one of these they are supposed to do?"

Speaker Ryder: "Representative Biggert."

Biggert: "The only way that I can read it, if you have number nine on page nine, where it says make restitution in an amount not to exceed actual loss and damages to property and pecuniary loss, or make restitution. There is no 'may' make restitution there. The 'may' refers to, after the nine, 'may' make restitution. This says 'or make restitution under Section 556 to a domestic violence shelter', which then refers it back to 556. So, I don't see any inconsistency or not that is a... It refers back to the...the 'shall' under 556."

Speaker Ryder: "Representative Dart."

Dart: "Representative, that is absolutely, positively wrong. There is no other way to construe this. See the very beginning of this Section, says clearly, 'the court may in

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addition to other reasonable conditions relating to the nature of the offense do the following: lists one through nine and when it comes to nine, where you placed this, that refers to the beginning here where everything is made. Every single one of these are 'may' do this, this, this and this. If you had set this apart and set up a new Section D, where it says the court 'shall' do this, then you are fine, Representative. Every single one of these things is 'may'. There is no other way to look at that. How else can that be explained, Representative? In this Section, this is clearly... When I was a state's attorney, we always used this Section. This was the area that we would argue to a judge, 'judge, this is the Section where you have discretion,' this is where we say 'may,' judge. You have discretion in all of these different areas here, judge. There is another Section, Judge, where you will have no discretion. We say 'shall'. You have mentioned in one area, 'shall' in the Section that we always saw as discretionary, we know is discretionary, you put this. How do you see the conflict being resolved by a judge when he is told, one Section, you 'may' do this, the other one, he 'shall' do this?"

Speaker Ryder: "Were you finished, Representative Dart?"

Dart: "Yes, Sir."

Speaker Ryder: "Representative Biggert."

Biggert: "It's long been recognized. Number one, that you can have a catalog of different things that they may do and then refer back to one, which is a 'shall', and I think the way that this is written, it does... I can't explain it any other way."

Speaker Ryder: "Representative Dart."

Dart: "I can explain it real clearly another way. It was a

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mistake. It's goofed up. It's a mistake. Representative, I wish there was another way to read this thing. The rest of the Bill is fine. It's got some other things that I'm not real excited about either, but by enlarge this is a tough on crime. We're all going to vote for it like always, but this one is goofed up. There is no two ways to read this, Representative. This is a Section where you want it to do something very good for domestic violence. You had it in a Section where it says you 'shall' do something and now you have made the mistake and put it into a section where it says 'may'. Now, I'm not sure what Representative has this other Amendment and I don't know which one of the bullpens coming out for this one, but there is another section in here dealing with bailable offenses. I know I'm running out of time, so I'll throw the question out and whoever wants to jump up and answer this, please do, but in that section, you have made it so that in certain offenses, you do not have to come back to the court for a bail hearing. What happens if an individual is on bail, which they often are in Cook County because we don't have any room in our jails, they are out on bail for home invasion or an armed robbery or something along those lines, and while they are out on it, they commit an assault. Are they going to be allowed to keep wandering under this Bill or are they going to be required to come back into court because I see where Class B misdemeanors are removed from this assault to a Class B misdemeanor. So, under the reading of this, if you commit a home invasion and you're out on bail and you commit assault while you are out on bail, you don't have to come in front of that judge and explain it. Can you explain that to me?"

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Speaker Ryder: "Representative Winkel."

Winkel: "Mr. Speaker, I'd like to yield to Representative Cross.

This is his portion of the Bill, Senate Bill 1025."

Speaker Ryder: "Representative Cross, the Gentleman is out of time. Please bring your response to a close."

Cross: "Well, Mr. Speaker, do you want me to attempt to respond to that briefly?"

Speaker Ryder: "Very briefly, Sir."

Cross: "Representative, the only people that would need to respond would be someone that commits a traffic offense or commits a Class B or Class C misdemeanor. Everyone else, under paragraph C, would have to reappear before the court for a bond hearing."

Speaker Ryder: "Mr. Dart, you are out of time. The Chair recognizes the Gentleman from Adams, Representative Tenhouse."

Tenhouse: "Mr. Speaker, I move the previous question."

Speaker Ryder: "The Gentleman has moved the previous question. All in favor of putting the previous question say 'aye'; those opposed 'nay'. The 'ayes' have it. The previous question is put. The Chair recognizes the Gentleman from Champaign, Representative Winkel to close."

Winkel: "Mr. Speaker, this is a good, tough on crime Bill and it incorporates a broad number of different areas of the law. I urge a 'yes' vote."

Speaker Ryder: "Before we vote, Mr. Clerk, announcement."

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

Speaker Ryder: "You have heard the Gentleman's Motion. The Gentleman's Motion is, 'Shall Senate Bill 838 pass?' All those in favor vote 'aye'; all those opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? What? Have all voted

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who wish? Mr. Clerk, take the record. On this issue, there are 108 voting 'yes', 0 voting 'no', 6 voting 'present', and Senate Bill 838, having received the Required Constitutional Majority, is hereby declared passed. On the Order of Concurrence, Mr. Clerk. Supplemental Calendar #2, House Bill 206. For what purpose does the Gentleman from St. Clair, Mr. Hoffman, rise?"

Hoffman: "Yes, we...our staff just cannot locate Supplemental 1. When was that passed out, and do you have an extra copy or has it been distributed to our side?"

Speaker Ryder: "Mr. Hoffman, there was no Supplemental 1. It was not distributed. Supplemental 2 is the Supplemental Calendar at issue at this point, Sir. You would not have liked number one if you had saw it. So, you are better off. The Chair recognizes Representative Speaker Daniels for a Motion to nonconcur. Speaker Daniels now moves that the House nonconcur with Senate Amendment #1 to House Bill 206. All those in favor say 'aye'; all those opposed 'nay', and the Motion carries and the House nonconcur with Senate Amendment 1 to House Bill 206. Representative Granberg for what purpose do you rise? Oh, Representative Currie."

Currie: "I had my light on, Speaker, and I would have thought that the Motion that the Representative made was a debatable Motion. Are we permitted to debate the Motion or did you announce...?"

Speaker Ryder: "The Motions to nonconcur have traditionally been by voice vote and have not received debate. Representative Currie, for what purpose do you rise?"

Currie: "First of all, we've frequently had Roll Call Votes on nonconcurrence motions. Secondly, my light was on and if you don't notice lights, maybe you either need a new pair

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of glasses or you need to pay closer attention to what is on the board."

Speaker Ryder: "Representative, I voted on the losing side on the Optometric Drug Bill. I have to do the best that I can with the glasses that I have. Further, Representative Currie?"

Currie: "Yeah, just on a point of personal privilege, if I might..."

Speaker Ryder: "You are recognized for that point."

Currie: "The previous Bill was a long and complex one. You have managed to roll...I don't know, eight, twelve, fifteen different bills all into a single one: a practice that Members of your party frequently criticized the former majority party for having done in the past and I would just make the point that there were serious questions about some of the new criminal activities that were part of that Bill that were not discussed in Floor Debate. I appreciate that people want to move along, get things done, but I think there were important questions that your early decision to call the previous question have left unanswered, out of the record. I think that's a disservice to the People of this State and I would hope that when there are complicated bills that contain many, many, many different provisions, you would offer all of us adequate opportunity to discuss them."

Speaker Ryder: "Thank you. On the Order of Concurrence, on page twelve of the Calendar, Order of Concurrence, appears House Bill 185. Mr. Clerk, House Bill 185."

Clerk McLennand: "House Bill 185, Motion to concur with Senate Amendment #1 has been filed by Representative Black and has been approved for consideration."

Speaker Ryder: "The Chair recognizes the Gentleman from

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Vermillion, Representative Black."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. The Senate Amendment #1, which I am asking us to concur in, was added to this Bill largely at the request of colleagues from the other side of the aisle. What the Senate Amendment does is to add more due process protections. Now, the legislation without that got 78 votes in the House. With this Amendment that I ask for because I was asked to put it in the Bill by some people on the other side of the aisle. It passed from the Senate unanimously. Let me tell you what the Senate Amendment does. The Senate Amendment defines delinquency, which says that bills will not be delinquent until at least thirty days overdue and it also has a specific requirement that prior to issuing a notice to discontinue water service, the sewer user will be given notice and an opportunity to be heard. So, what we're doing is setting a standard of delinquency which is even tougher than most creditors, which is usually fifteen days, we're now giving thirty days and we're adding some specific due process language that was requested when this Bill was heard in the House, and I said I would add it in the Senate and we have done so. The underlying Bill, as you'll recall, will allow a sewage district, and those are governmental units, to request that water service be discontinued on a contractual basis if it is with a private company in case the sewer user refuses or does not wish to pay their sewer bills. I appreciate your support on this Bill in the past. I would ask you to concur in Senate Amendment #1 to House Bill 185."

Speaker Ryder: "You heard the Gentleman's Motion. Is there any discussion? The Chair recognizes the Lady from Cook, Representative Davis."

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Davis: "Representative Black, I know that State Representative Wyvetter Younge, our Assistant Minority Leader, had some questions in reference to this Bill. Do you know if this Senate Amendment takes care of those concerns that she had?"

Speaker Ryder: "Representative Black."

Black: "No, Representative, it does not. In all due respect to Representative Younge, and I think she and I have talked about it, there is nothing, nothing I can do to this Bill that would eliminate or alleviate Representative Younge's opposition to the Bill."

Speaker Ryder: "Representative Davis."

Davis: "Excuse me. What kind of notice provisions are there to the user or the customer?"

Speaker Ryder: "Representative Black."

Black: "Before sending a discontinuation notice, they must send the user a notice and give them an opportunity to be heard. This is called procedural due process. It's a good Amendment. We added that to address some concerns your side of the aisle had when the Bill was in the House. It was a good suggestion. That's why we ask it to be added in the Senate."

Speaker Ryder: "Representative Davis."

Davis: "Does this notice have to be in writing and does the customer have to get this notice in some kind of timely fashion?"

Speaker Ryder: "Representative Black."

Black: "Representative, I can't anymore than you can, address every contingency, but yes, it has to be in writing and the matter of timeliness, unfortunately, often ends up in court."

Speaker Ryder: "Representative Davis."

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Davis: "What kind of procedures or under what procedures, will this have a hearing?"

Speaker Ryder: "Representative..."

Davis: "Could you describe the kind of procedure."

Black: "No, Representative, that is not in the Bill. I think that is pretty much set by administrative rule and the courts that already addressed the matter."

Speaker Ryder: "Representative Davis."

Davis: "So, if a person, for some reason cannot pay their sewer bill, then they can have the water to their home shut off and their is no necessarily ten day notice or thirty day notice?"

Speaker Ryder: "Representative Black."

Black: "Now that is not true. Let's not exaggerate. This isn't that bad of a Bill. If the... We define delinquency as more than thirty days past due, they have to be given written notice, alright? The other part of your question, yes, they could then have their water service disconnected, okay? Now, this isn't anything revolutionary, many cities do it already by entering into contracts. Current law says I can disconnect your sewer today for failure to pay your sewage service fee bill. This is a question of fairness here. Most people pay it, some people don't. I can go to your property today with a backhoe and I can, upon notice, pick up your sewer and cap it, perfectly legal. That's about three thousand dollars. Now, would you rather we do that or would you rather we work through water companies because it doesn't... If your sewer is capped, it doesn't do any good to have water in your house because the water doesn't have anyplace to go."

Speaker Ryder: "Representative Davis."

Davis: "They... Can they set up a payment plan? Is there..."

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Are there any provisions in the Bill where they can go and perhaps set up a payment plan that would allow them to keep water running in their homes, especially when we consider there may be senior citizens in those homes. There may be babies in those homes. There may be ill or handicapped people in those homes. So, is there any provision that says the person can go and have a payment plan established before you cut off their water service?"

Speaker Ryder: "Representative Black."

Black: "Representative, I think everybody would realize that that is a part...that's probably standard practice with any utility, public or private. Obviously, the law is not always specific on a payment plan. I don't know of any utility that wouldn't be willing to do that and work with the customer. It's certainly better business to work out a payment plan rather than a discontinuance. This isn't an anti-consumer Bill at all. It's an anti-deadbeat Bill."

Speaker Ryder: "Representative Davis, fifty-six seconds."

Davis: "Well, some people may call them deadbeats, others might call them unfortunately unemployed. Does this take care of every section in the State of Illinois or is it reserved for particular areas?"

Speaker Ryder: "Representative Black."

Black: "Any sanitary district in the State of Illinois would be able to avail themselves of the provisions of this Bill."

Speaker Ryder: "Representative Davis."

Davis: "May... Let me close by saying the sanitary district does not provide water and also saying that I think this is a matter that should be left up to local...local governments. I don't think the State should attempt to decide whose water is cut off for non-payment of their sewage bill. It appears that here we go again. The State of Illinois being

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big brother sitting on somebody's water fountain. We're going to decide whether you get water or not. We claim we don't want to be big brother but that's exactly what this Bill is..."

Speaker Ryder: "The Chair recognizes the Gentleman from Cook, Representative Pugh."

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

Speaker Ryder: "He indicates he'll yield for your question, Sir."

Pugh: "Representative Black, when we discussed this Bill in committee, Representative Younge mentioned the possible constitutional question that might come into play in regards to this legislation, whereas the State would be responsible...would be taking on the responsibility of a collection agency. Can you enlighten us on that?"

Speaker Ryder: "Representative Black."

Black: "Representative, first of all, let me go back and correct some misconceptions. I hope these misconceptions are done by accident and not be design because I don't think anybody needs to get up and obfuscate a bill. If you do it unintentionally, that is fine, but if somebody wants to obfuscate a bill intentionally, I have some real problems with that. This does not give the State any right to regulate anybody's sewage bill, it simply says that a sanitary district, which is a unit of government, can enter into a contract, a contract with a water company if it is a private or a publicly related company to collect the sewage fee. The legislation is permissive as it deals with private water companies. It would only apply if one, the sanitary district, which is a governmental body and the private water company execute a contract to do this. Two, that contract must be approved by the Illinois Commerce

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Commission. Three, if the water provider contracts with users complied with the ICC regulations. Therefore, by definition, there will be no impairment of contract law since the contracts we're talking about have to be consistent with existing contract law."

Speaker Ryder: "Representative Pugh."

Pugh: "Can... Can you... I'm going to refer to page four of the Amendment, line one 0 seven where it states that the municipality shall reimburse the water service provider for any loss water...service revenues and the cost of discontinuing water service. Does that mean that the municipality is going to be responsible for reimbursement to the water companies in the event that services are disconnected?"

Speaker Ryder: "Representative Black."

Black: "Let's use the word 'municipality' as it pertains to this Bill. 'Municipality' in this section would mean if the sewage district was operated as part of municipal government doesn't apply to a city, it applies to a unit of government. In your area, I think it's called the Metropolitan Water Reclamation District. In my district, it's called the Danville Sanitary District and if that district enters into a publicly...with a contract with a publicly regulated water company, in my case, a privately owned company called Interstate Water Company, the water company may want the sanitary district which is a unit of government to reimburse them for the cost of going out and shutting off the water."

Speaker Ryder: "Representative Pugh."

Pugh: "According to this legislation, Representative, this is not permissible. This says 'shall', not 'may'."

Speaker Ryder: "Representative Black."

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Black: "Representative, this legislation, when it enters into contracts, it is totally permissive and the contracts, as I just read to you, must clearly meet three outlined obligations. You can't force a contract on to somebody."

Speaker Ryder: "Representative Pugh."

Pugh: "What kind of limitations are in place...regarding the reimbursement to the municipality?"

Speaker Ryder: "Representative Black."

Black: "The amount of reimbursement to the sanitary district on behalf of the sanitary district, not a municipality, would be a matter of contractual agreement between the sanitary district and the water company."

Speaker Ryder: "Representative Pugh, you have fifty seconds, Sir."

Pugh: "The Bill doesn't refer to reasonable cause. The Bill does not state that there is going to be a cap. The Bill does not state that there's...that we're going to adhere to any reasonable cause, but are you saying that...that some attempt has been made to address the concerns that were raised in committee by Representative Younge?"

Speaker Ryder: "Representative Black."

Black: "Representative, I could have had this Bill on the Governor's desk two weeks ago in a good faith effort. Because your side asked me to define 'delinquency' and put in due process, I, in good faith, asked the Senate to put that Amendment on when this Bill was being debated in the House. Now, I don't...I suppose I could have abrogated my agreement. I don't like to do business that way."

Speaker Ryder: "Mr. Black, bring your remarks to a close."

Black: "When this Bill was in the House and passed out of here with 78 votes, as a concession to people on your side of the aisle, I don't remember who they were. I think some of

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your floor leaders. I asked that this be amended in the Senate to one, reflect due process. Two, to define what a delinquent bill is and I did that, Sir. I kept my word. Otherwise, I could have had this Bill on the Governor's desk two weeks ago."

Speaker Ryder: "The Chair recognizes the Lady from Cook, Representative Flowers."

Flowers: "Mr. Speaker, I'll yield my time to Coy Pugh."

Speaker Ryder: "Representative Pugh, please proceed."

Pugh: "Are there any kind of requirements that the service at the public utility owns offers?"

Speaker Ryder: "Representative Black."

Black: "Representative, number one, I don't understand your question. Number two, if you can explain the question to me, I'll try to answer it as best I can but I don't think the question relates to the Bill but I'll sure give it a try if you can point me in the right direction."

Speaker Ryder: "Representative Pugh."

Pugh: "Okay. It says that the sanitary district make contract with any privately owned public utility for the discontinuance and the resumption of water services."

Speaker Ryder: "Were you finished, Representative Pugh? Representative Black..."

Pugh: "What kind..."

Speaker Ryder: "I'm sorry, Representative."

Pugh: "What kind of requirements would the privately owned public utility have to have?"

Speaker Ryder: "Representative Black."

Black: "Representative, I clearly outline that before, but I'll be more than happy to do it again. The legislation is permissive as it relates to private water companies entering into the contract with units of government."

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Sanitary districts are units of government. A contract would only apply if one, the sanitary district and the private water company execute a contract. Two, the contract were approved by the Illinois Commerce Commission. There's your watchdog on rates and everything else. Three, if the water provider contracts with users complied with the ICC regulations. That's the only way it can be initiated."

Speaker Ryder: "Representative Pugh."

Pugh: "Representative Black, is there indemnification provision and how does that work?"

Speaker Ryder: "Representative Black."

Black: "Representative, I wish I had...I wish I sometimes had a license to practice law so I could get into really neat things like indemnification, but I don't have a practice, I don't have a license to practice law. If you want to get into indemnification of contracts, I guess we'd have to ask some of the attorneys here to get into case law. That is not addressed in this Bill, doesn't need to be addressed in this Bill, it is addressed in case law."

Speaker Ryder: "Representative Pugh."

Pugh: "Sir, according to line 109, page four of the legislation, it says and I quote, 'and shall indemnify the water service provided for any judgment and related attorneys fees resulting from an action based on any provision of this paragraph,' and I, too, am not a lawyer but to me, that reads that the municipality would be responsible for reimbursing for the requisite attorney fees."

Speaker Ryder: "Representative Black."

Black: "You've already asked that and I've already told you the answer. First of all, don't use municipality. You're trying to obfuscate here, you're trying to insinuate the

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city is somehow responsible for this. Now, that is not the case. The sanitary district would be responsible for any and all fees that the water company wanted to go back to the sanitary district and say, 'Hey, we entered into an agreement, we cut off the water and perhaps, we shouldn't have done that and now it's going to cost us a couple of hundred of dollars in small claims court. You pay us for the two hundred dollars.' The sanitary district, I'm sure, would have that in it's contract or the water...utility would never enter into the contract in the first place."

Speaker Ryder: "Representative Pugh."

Pugh: "Sir, once again, I refer to page four of the Amendment and it states that a municipality makes contract. It does not say that the sewer district. Is there another portion in the Bill that refers to a sewer district? Page four refers to a municipality, Sir."

Speaker Ryder: "Representative Black."

Black: "Well, Representative, I...you know, I guess we could get into a semantics problem for the next hour if you want to. I would submit to you you are very intelligent man. You know what the Bill does, I know what the Bill does. It passed out of here unananim...almost unanimously. There are no known opponents to the Bill. This isn't a bad Bill."

Speaker Ryder: "Representative Pugh."

Pugh: "Well, I beg to differ with you, Sir, with all due respect. Representative Younger who happens to be our Assistant Majority Leader on this side of the aisle is..."

Speaker Ryder: "Mr. Pugh, please bring your remarks to a close."

Pugh: "Thank you, Sir. You know, based on the level of integrity that you bring to the House, Sir, and based on the honesty and the dog of tenacity in which you deliver your legislation, I would like very much to be in support of

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this legislation, but when our leadership has a problem and the problem stems with...affects the Constitution and we are....we are, as legislators, in the business of using the Constitution and falling up under those guidelines in order to develop legislation. When we are talking about developing a Bill that might take us back to court, why don't we develop... Why don't we develop the kind of legislation that will not have...give us the opportunity to lend us back in a federal court room where we might even have to pay additional dollars on..."

Speaker Ryder: "The Chair recognizes the Gentleman from Will, Representative Meyer."

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

Speaker Ryder: "You heard the Gentleman's Motion to move the previous question. All those in favor of putting the previous question, say 'aye'; those opposed 'nay'. The 'ayes' have it and the previous question is put. The Gentleman now moves, 'Shall the House concur with Senate Amendment #1 to House Bill 185?' All those in favor signify by voting 'aye'; those opposed signify by voting 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 74 voting 'yes', 41 voting 'no', 0 voting 'present'. The House does concur with Senate Amendment #1 to House Bill 185 and this Bill having received the Required Constitutional Majority is hereby declared passed. Mr. Clerk, continuing on the Order of Concurrence. On page thirteen, House Bill 589."

Clerk Rossi: "House Bill 589, a Motion to concur with Senate Amendment #1 has been filed and approved for consideration."

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Speaker Ryder: "On the Motion to concur, Represent...the Chair recognizes the Gentleman from Cook, Representative Durkin."

Durkin: "Thank you, Mr. Speaker. This Bill comes back in concurrence for some clean up language to the entrapment statute which was passed out from this Floor on March 22nd on a vote 105 to 8. What we're doing in this concurrence is eliminating language which states that... If we look at House Bill 989, language on sentence...on lines nine and ten, eliminating the words that 'he or she would not otherwise commit'. I welcome any questions."

Speaker Ryder: "You've heard the Gentleman's Motion. The Chair recognizes the Gentleman from Cook, Representative Dart."

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

Speaker Ryder: "He indicates that he will."

Dart: "Representative, why was that...on whose behalf was this language removed?"

Speaker Ryder: "Representative Dart, would you care to rephrase that question?"

Dart: "I couldn't do it if I wanted to. Who wanted this?"

Speaker Ryder: "Representative Durkin."

Durkin: "Who or whom? That would be Senator Hawkinson."

Speaker Ryder: "Representative Dart."

Dart: "Do you know why he was doing it?"

Speaker Ryder: "Representative Durkin."

Durkin: "It was his feeling that this language was superfluous and would still raise a bit of superfluous...I don't know...superfluous and it would raise still a doubt as to the plain meaning of the statute as we amended it."

Speaker Ryder: "Representative Dart, would you like to try another question?"

Dart: "The two of us can have a real interesting debate here. I was just reading it though, and it seemed as if the

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language that was originally supplied in the Bill made it clear that what we were doing is going after people who were not otherwise going to commit an offense. What was his rationale for removing this, because it seemed as if it was quite clear before."

Speaker Ryder: "Representative Durkin."

Durkin: "The original Bill, if you read the first two lines, we're talking about a person who is not guilty of an offense that he or she would not otherwise commit if his or her conduct is incited or induced by a public officer. As we previously discussed, the whole notion of entrapment is whether or not an individual is predisposed to commit a crime and whether or not the language was still remaining specifically that he or she would...he or she would not otherwise commit still would not...would get away from that whole notion which we are trying to correct in the first place and it would still raise a concern and doubt in some minds as to the clarity of the original Amendment."

Speaker Ryder: "Representative Dart."

Dart: "Doesn't it in a sense sort of weaken the original legislation by removing that portion of it, though?"

Speaker Ryder: "Representative Durkin."

Durkin: "No, I would not agree with that. I think what we're...by eliminating that language, we're specifically stating that we're going straight to the predisposition and be eliminating that language, we're stating that a person is not guilty of an offense if his conduct is incited or induced by a public officer or employee or agent of either. That is the language which I agree with the Senate, I think it would be ideal for the Illinois Pattern of Jury Instructions when you bring it back to a jury."

Speaker Ryder: "Representative Dart."

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Dart: "I seem to recall though, last time we debated this Bill in it's original form, we were defending that language saying that we wanted this for the Pattern Jury Instructions. Wasn't that correct?"

Speaker Ryder: "Representative Dart, I apologize for interrupting your question. Representative Durkin."

Durkin: "I don't recall that."

Speaker Ryder: "Representative Dart."

Dart: "Well, I don't have the transcript here, but I remember that we went on in length talking about why this was being done and there was reference to some cases, but also to the Pattern Jury Instructions. The way I was looking at this though, Representative, was that by removing that language, the original language you had in there, I agreed with and voted with you on and I'll probably vote on this one as well, but the...the original language required that a defendant had to affirmatively show that he or she would not otherwise committed an act. Now we are removing that so that it is an ownness that a defendant does not have to show. For purposes of legislative intent, are you still intending that a defendant would have to affirmatively show this or by removing that we're saying that that is not an element the defendant has to show?"

Speaker Ryder: "Were you concluded, Representative Durkin? Indeed he is. Representative Dart, you have forty seconds. Representative Dart."

Dart: "Representative, as you know, entrapment is an affirmative defense. So, we're still placing the burden on the State in which the State would have to establish by way of proving, within their case in...beyond a reasonable doubt, that the defendant was not entrapped. What we're doing right now is that this language is clarifying any

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misgivings or any type of...any types of questions which would be posed from a trier of fact with the language which is remaining on the Bill which went back to the Senate. The whole notion of entrapment is predisposition..."

Speaker Ryder: "The Chair recognizes the Gentleman from Cook, Representative Pugh."

Pugh: "Thank you, Mr. Speaker, ladies and Gentlemen of the House. Will the Sponsor yield for a question?"

Speaker Ryder: "The Sponsor indicates he'll yield for your questions."

Pugh: "Representative Durkin, can you give me...tell me what this def...what the definition of being predisposed in this legislation is?"

Speaker Ryder: "Representative Durkin."

Durkin: "Predisposition speaks for itself."

Speaker Ryder: "Representative Durkin, did you answer the question, Sir? Then it's back to you, Representative Pugh."

Pugh: "What kind of evidence can an...can an individual meet a girl in a bar, buy her a drink, and be charged with pandering? Would that be pre... Would that constitute predisposition?"

Speaker Ryder: "Representative Pugh, have you concluded your question, Sir? Yes, Sir. Okay. Representative Durkin for the answer."

Durkin: "Well, Representative, with any other defense or any other element of any criminal case, you have to look at the actions before, during and after a crime is taken and each case would...is going to rest on the individual merits and individual facts of each case, but with the question you have posed, it doesn't really give a lot to work with. So, if you perhaps want to give us a little more information or

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perhaps pose a more defined hypothetical, I could answer that question."

Speaker Ryder: "Unfortunately, we're out of time. The Chair recognizes the Lady from Cook, Representative Davis."

Pugh: "That was not five minutes. That was not five minutes."

Speaker Ryder: "Representative Pugh, I'll be happy to give you additional time, Sir."

Pugh: "There is no way that that was five minutes. I asked one..."

Speaker Ryder: "Fine. Representative Pugh, please proceed."

Pugh: "Thank you. Now, you stated that the evidence would have to reflect that there was some kind of predisposition. What kind of evidence would...his parents, being a criminal...would that be a predisposition? With him being a gang member, would that be a predisposition? What kind of evidence would be used to identify to determine... Would skin color be a predisposition? What kind of evidence is used to determine a predisposition?"

Speaker Ryder: "Were you concluded, Representative, with your question, Sir?"

Pugh: "Yes, Sir."

Speaker Ryder: "Okay. Thank you. Representative Durkin."

Durkin: "No."

Speaker Ryder: "Representative Pugh."

Pugh: "My question, Sir, was, 'What kind of evidence?' It was not...it did not call for a yes or no answer. What kind of evidence would be used to determine a predisposition?"

Speaker Ryder: "Representative Durkin."

Durkin: "All right, I'll give you a very basic example. The drug dealers on the corner selling crack-cocaine. An undercover police officer walks up to him and states, 'I'd like a dime bag'. The drug dealer reaches into his pocket, produces

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ten dollars worth of cocaine, hands it over to the officer, the officer gives him money. In this type of situation, you look at the facts of the conversation by the officer stating 'dime bag', you'd know that the individual who is selling the narcotics has knowledge of the street term and the slang regarding the narcotics trafficking, especially 'dime bag', that is one element you look at to rebuke the predisposition. You also look at the...how soon was he able to acquire the controlled substance. In this case, he had it immediately in his possession and subsequently, you look at what the defendant did with the predisposition with the pre-recorded money. In this situation, he would have placed it on his person or he would have handed it off to another stand-by person who is acting as a lookout. Each case is going to vary. You have to assess each case by the...each case is different and it something which you can make the presentation and try to rebuke or enforce the entrapment, but it's going to be relied on by whatever the...the facts of each case are going to be different. The jury is going to have to make an assessment on a case by case basis or judge."

Speaker Ryder: "Representative Pugh."

Pugh: "Representative, can you refer to the genesis of this legislation and explain to me the necessity for it? It seems that this is, you know, some very vague legislation and also, in dealing with your scenario, let's say that the police officer is the drug dealer, that the police officer is in a lot of the sting cases that goes on, is the one that is selling the narcotics and actually solicit an individual to sell drugs to him. Would that qualify under this legislation? So you have a two part question there, Sir: the genesis, first of all."

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Speaker Ryder: "Representative Durkin on genesis."

Durkin: "I believe that is in the New Testament, but in any event, the genesis of the case came...it was language which was provided from the Illinois State's Attorney's Association, but I can also speak from personal knowledge as to the...Illinois Pattern Jury Instruction regarding entrapment. As it stood before we amended the Bill, it was very confusing and I seen a number of occasions in which a jury would send out a note asking whether or not they could consider the individual's predisposition to commit a crime. That is happening on a day in day out basis in Chicago and in every other county in the State of Illinois. What we have done is... We believe that the language, which we have provided specifically as it stands right now, that a person is not guilty of an offense if his or her conduct is incited or induced by a public officer, employee or agent or either, for the purpose of attaining evidence for the prosecution of that person, however, this section is inevitable if the person was predisposed to commit the offense. If you compare this language with the present...the language which we...prior to the...when the Bill was brought up in March, you will see that this is much clearer and this is to aid the jury or the trier in fact to make the determination of whether the entrapment offense is available."

Speaker Ryder: "Representative Pugh."

Pugh: "Thank you..."

Speaker Ryder: "You have thirty-two seconds, Sir."

Pugh: "Representative Durkin. If... Let's say that the scenario...the first scenario that you mentioned happened in a home of someone, a kid, who is selling narcotics, would...and the agent came and bought narcotics from the

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child, would the mother of the child be a conspirator?
Would she be predisposed? Would she fall under this?"

Speaker Ryder: "Representative Durkin, please bring your response
to a close, briefly."

Durkin: "That would depend on... I mean, you have given a very,
very vague example, but that would be...whatever the
evidence which was posed, it depends on how the jury would
assess that evidence. It depends on where she was
positioned inside the home. What was her...if she
communicated any type...any type of communication to a
person on the street or whether or not she insisted in the
sales of narcotics. I mean, each case varies."

Speaker Ryder: "The Chair recognizes the Lady from Cook,
Representative Davis."

Davis: "Will the Sponsor yield, Mr. Speaker?"

Speaker Ryder: "He indicates he will yield for your questions,
ma'am."

Davis: "Thank you. It appears, Representative, that your
legislations intent is to remove the ability of one to use
entrapment as a defense. Is that what your intent is?"

Speaker Ryder: "Representative Durkin."

Durkin: "No."

Speaker Ryder: "Representative Davis."

Davis: "So, what kind of evidence would be needed by a
defendant... I'm sorry, by the prosecutor, to prove
predisposition? I mean, are you born predisposed to crime?
Is it your color? Is it your economic status? What makes
you predisposed to this crime?"

Speaker Ryder: "Representative Durkin."

Durkin: "As I previously stated, in each case, you look at the
actions before, during and after any type of criminal act
has occurred and from those actions, you make an assessment

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and you look at the weight of the evidence and you determine, based on what the evidence is, and you apply it to the entrapment offense to determine whether or not there was a predisposition. There are some... I can show you the criminal code as we speak. I don't think I can get into each; it's approximately three hundred pages long. I don't think we can get into each crime and actually take a factual scenario on each, but what you have to do is look at each case and assess the facts before, during and after, and those are the types of... That is the only way I would be able...I could answer that question without any...without a more specific hypothetical."

Speaker Ryder: "Representative Davis."

Davis: "So, Representative, is it the prosecutor or the judge who would determine, by looking at me, whether I'm predisposed to commit certain crimes? What helps this person, the prosecuting attorney or the judge, to determine that I was predisposed to commit this crime anyway; therefore, it is not entrapment? I can't use the defense of entrapment."

Speaker Ryder: "Representative Durkin."

Durkin: "Well, if you had a bad defense attorney, I think that would assist the prosecution greatly, but entrapment is a...what is defined as an affirmative defense and once the defense raises entrapment, that along with every element of the case, has to be proven beyond a reasonable doubt, not only every element has to be proven beyond a reasonable doubt, but also forces the states to prove beyond a reasonable doubt that the defendant was not entrapped or was not entrapped."

Speaker Ryder: "Representative Davis."

Davis: "Your examples, Representative, have been very vague, but in order to establish intent for the purposes of this law,

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could you give us some clearly defined examples of when one would be predisposed to commit whatever crime that you choose to give an example of."

Speaker Ryder: "Were you concluded with your question, Representative?"

Davis: "Well, yeah, if he'll answer it."

Speaker Ryder: "Okay. Representative Durkin, Sir."

Durkin: "Very simple. A guy sitting on the street corner and he's selling dime bags of cocaine. A police officer has him under surveillance for a number of minutes. He watches fine hand-to-hand transactions in which time the defendant is exchanging for United States currency, a smog clear, plastic bag with a white chunk like substance. He sees that on five different occasions and each time a transaction has been consummated, the officer's arrest the buyer. That is what would show a predisposition to commit the crime."

Speaker Ryder: "Representative Davis."

Davis: "No, I'm sorry. No, that's an actual crime. What you just described was an actual crime. Somebody's on the street corner selling dime bags or whatever. They actually were committing a crime and they have been observed committing that crime. Now, what I'm talking about is taking away the defense of entrapment by using the term of one who is predisposed. Let me give you an example. I'm a former smoker. I used to smoke cigarettes..."

Speaker Ryder: "Representative, you have twenty-eight seconds."

Davis: "And now that we have laws against smoking, and let's say I'm in a public place where there is no smoking, even on the metro train and somebody offers me a cigarette, am I predisposed to taking that cigarette because I'm a former smoker?"

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Speaker Ryder: "Representative Durkin."

Durkin: "It depends on what kind of cigarettes you are smoking, but..."

Speaker Ryder: "The Chair recognizes the Gentleman from Coles, Representative Weaver."

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

Speaker Ryder: "You heard the Gentleman's Motion. He moves the previous question. All those in favor of putting the previous question say 'aye'; those opposed 'nay', the 'ayes' have it. The previous question is put. The question is, 'Shall the House concur in Senate Amendment #1 to House Bill 589?' All those in favor signify by voting 'aye'; those opposed signify by voting 'nay'. The voting is open and 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 100 voting 'yes', 6 voting 'no', 8 voting 'present'. The House does concur with Senate Amendment 1 to House Bill 589 and this Bill having received the Required Constitutional Majority is hereby declared passed. Mr. Clerk, continuing on the Order of Concurrence, House Bill 597."

Clerk Rossi: "House Bill 597, a Motion to concur with Senate Amendment #1 has been filed and approved for consideration."

Speaker Ryder: "The Chair recognizes Representative Spangler."

Spangler: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. What this Amendment that was put on in the Senate does is it is a direct result of what Representative Lang and others on the other side suggested when the Bill was over here in this House, and that is, we were somewhat concerned with the obligation of the State with regards to

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having indebtedness for unpaid general obligation bonds, having to do with the Joliet Arsenal Development Properties. As a result of that, I talked to the Senate Sponsor and quickly, this Amendment makes technical changes by changing definitions of bonds to revenue bonds, and these changes are to clarify the intent of this legislation by narrowing the scope of what type of bonds are to be used. The language in this Amendment is intended to weigh the State's responsibility for payment of indebtedness for general funds and it would be constituted as a moral obligation, no as a general obligation by the State."

Speaker Ryder: "You've heard the Gentleman's Motion. The Chair recognizes the Gentleman from Kankakee, Representative Novak."

Novak: "Thank you, Mr. Speaker, will the Gentleman yield."

Speaker Ryder: "The Gentleman indicates he'll yield for your question."

Novak: "Representative Spangler, I noticed that the word 'bonds' was changed to 'revenue bonds,' is that correct?"

Speaker Ryder: "Representative Spangler."

Novak: "Made it more specific."

Speaker Ryder: "I apologize for interrupting your question, Representative Novak. Representative Spangler to respond."

Spangler: "Yes, from 'general obligation bonds' to 'revenue bonds'."

Speaker Ryder: "Representative Novak."

Novak: "So, what you are trying to say is that these revenue bonds will...will they be issued by the authority? Will the revenue bonds be sold by the authority that you are seeking to create?"

Speaker Ryder: "Were you concluded, Representative Novak? Yes, he is. Representative Spangler to respond."

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Spangler: "Yes."

Speaker Ryder: "Representative Novak, further questions?"

Novak: "Yes, then how would you pay back... How do you pay back the bond holders, the people that purchase bonds? Where do you derive your revenues from?"

Speaker Ryder: "From where do you derive your revenues, Representative Spangler?"

Spangler: "From the businesses that would come into this complex."

Speaker Ryder: "Further questions, Representative Novak?"

Novak: "Excuse me, Mr. Speaker, I'm sorry. I couldn't hear from Representative Spangler. You corrected my english, and I only got a C in English 102, so please bear with me."

Speaker Ryder: "Representative Novak, I corrected your grammar."

Novak: "Oh, pardon me again."

Speaker Ryder: "We're still...we're concerned about your english."

Novak: "I guess I just ain't making it tonight."

Speaker Ryder: "I understood that. Please proceed, Sir."

Novak: "Representative Spangler, how are they going to pay...how's the money going to be paid back? Through loans, proceeds or what?"

Speaker Ryder: "Representative Spangler."

Spangler: "Both."

Speaker Ryder: "Representative Novak."

Novak: "Will this agency be able to receive grants from the State, the federal government or private loans or what, from banks? Can you be more specific please?"

Speaker Ryder: "Representative Spangler."

Spangler: "If they qualify."

Speaker Ryder: "Representative Novak."

Novak: "Yes, and I notice the Senate Amendment takes away..."

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Excuse me, Mr. Speaker. I notice the Senate Amendment also deletes the aspect about the full faith in credit of the State of Illinois government with respect to the backing of the bonds. Since that has been deleted from this Bill, pursuant to this Amendment, what happens if the authority fails to repay the bonds? What happens to the bonds? Do they have to be issued again? Resold?"

Speaker Ryder: "Representative Spangler."

Spangler: "They are the responsibility of the authority and not of the State."

Speaker Ryder: "Representative Novak."

Novak: "Well, I understand that the responsibility of the authority, Representative, but what happens if they default on the bonds? What happens?" Where are they going to get the money if they can't pay off the bonds, plus the interest?"

Speaker Ryder: "Did you conclude your question, Representative Novak? Okay. Representative Spangler."

Spangler: "They are the responsibility of the authority."

Speaker Ryder: "Representative Novak."

Novak: "So, does this authority then go bankrupt or incur further indebtedness?"

Speaker Ryder: "Representative Spangler."

Spangler: "Yes, they could."

Speaker Ryder: "Representative Novak."

Novak: "Thank you, Mr. Speaker."

Speaker Ryder: "You are welcome, Sir."

Novak: "Well, would the authority then, under the provisions of this Bill with this Amendment, be allowed to borrow money from the State of Illinois?"

Speaker Ryder: "Representative Spangler."

Spangler: "Yes, if they had collateral."

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Speaker Ryder: "Representative Novak."

Novak: "Representative, I didn't hear that. If they had collateral?"

Speaker Ryder: "Representative Spangler, would you confirm your answer that if they had collateral?"

Spangler: "Yes, if they have collateral."

Speaker Ryder: "Representative Novak, you have...Sir."

Novak: "Well, can you describe a scenario of what type of collateral this may be? Would that be land maybe, that the authority owns, as collateral? Could a situation develop where the State of Illinois might loan some money to the authority because they failed to pay off the interest on the bonds or repay the bonds and they might hold a few parcels of property as collateral, is that a possibility under this provision of the act or the Bill?"

Speaker Ryder: "Representative Spangler."

Spangler: "That would be as good as an assumption as any."

Speaker Ryder: "Representative Novak, you have seventeen seconds."

Novak: "Yes, I...thank you, Mr. Speaker..."

Speaker Ryder: "You are welcome."

Novak: "It is kind of hard to understand and I know we had concerns about the full faith and credit, and I know that is an important project and I do support..."

Speaker Ryder: "Representative Novak, please complete your sentence."

Novak: "Mr. Speaker, thank you very much. Just a little bit more time. Thank you for your indulgence."

Speaker Ryder: "You're welcome, Sir."

Novak: "I know that concerns are genuine here, but what I'm trying to indicate is that, you know, there may be a serious possibility where this new authority, newly created

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authority would go belly up so to speak, and not be able to pay off the bonds or the interest, and for... How would that leave the bond holders?"

Speaker Ryder: "Representative Novak, you ran out of time, Sir. The Chair recognizes the Gentleman from Bureau, Representative Mautino."

Mautino: "Thank you, Mr. Speaker. I'd like to yield my time to the Gentleman from Kankakee."

Speaker Ryder: "A worthy accomplishment. Representative Novak."

Novak: "Thank you, Mr. Speaker. As well, thank you, Representative Mautino. What would happen to the bond holders in a situation like this? Where would they be left?"

Speaker Ryder: "Representative Spangler."

Novak: "Holding the bag, I would presume, but where would they be left?"

Speaker Ryder: "Representative Novak, I apologize that I interrupted your question, Sir. It was unintentional. Representative Spangler to respond."

Spangler: "I agree with your assumption."

Speaker Ryder: "Representative Novak."

Novak: "Representative Spangler, I love your terse comments. They are so succinct. It must have been that prime rib last night and all that strawberry shortcake."

Speaker Ryder: "To the Bill, Representative Novak."

Novak: "But, how long would the bonds be in a typical bond issuance?"

Speaker Ryder: "Represent..."

Novak: "What would the..."

Speaker Ryder: "Representative Spangler."

Spangler: "Fifteen, twenty, thirty years."

Speaker Ryder: "Representative Novak."

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Novak: "Would they be fifteen, twenty and thirty years or... I see you shaking your head. Are you hungry again or... Okay."

Speaker Ryder: "Representative Novak, the Chair would admonish you that if you continue to mention food, you may cause more problems than we have."

Novak: "Mr. Speaker, it's Monday morning, twelve thirty and I think breakfast time about as..."

Speaker Ryder: "You are the one who is talking, Sir. We'd like to conclude our business."

Novak: "Yes, I understand."

Speaker Ryder: "Please, proceed."

Novak: "Thank you once again for your kind indulgence."

Speaker Ryder: "Your welcome, Sir. Please, proceed."

Novak: "The bond... The issuance. The amortization period for the bonds, fifteen or twenty or thirty years, and if the authority would...something would happen to the authority where they wouldn't have the ability to pay the bonds off in the interest, what would happen to the bond holders? Would they be subject to any violation of federal or state laws? Would they be culpable in any manner?"

Speaker Ryder: "Representative Spangler."

Spangler: "They would lose."

Speaker Ryder: "His answers are so short, Representative Novak. Your turn to ask a question."

Novak: "I think he's really hungry and I think that is why he doesn't want to talk to much..."

Speaker Ryder: "Please..."

Novak: "But, Representative Spangler, I notice in the Bill, the life of the authority is fifteen years and so, if a bond issuance is thirty years, how could we reconcile a fifteen year life of an authority that will have the authority to

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issue bonds in a thirty year bond amortization period? How do we reconcile those, to me, glaring inconsistencies?"

Speaker Ryder: "Representative Spangler."

Spangler: "The same way we do with any other authority or board that we set up that has a sunset time, would have to come before the General Assembly again to extend its life. With regards to the moral obligation bonds, those would be expected to be repaid, whether the authority was in existence or not."

Speaker Ryder: "Representative Novak."

Novak: "I just had another thought. Who would the bonds be payable to when the authority expires?"

Speaker Ryder: "Representative Spangler."

Spangler: "It would be back to the authority."

Speaker Ryder: "Representative Novak."

Novak: "Mr. Speaker... Representative Spangler, I did not hear that last comment, Sir."

Speaker Ryder: "Representative Spangler, please repeat your last comment."

Spangler: "It would be back to that authority."

Speaker Ryder: "Representative Novak for further questions."

Novak: "If the authority doesn't exist after fifteen years, I mean, I just don't see...I don't see the logic in this. A fifteen year authority in a thirty year bond issue..."

Speaker Ryder: "Representative Spangler on logic."

Spangler: "They would be the named on the onset and would also be the ones that would have to follow it through, whether or not the authority technically existed or not."

Speaker Ryder: "Representative Novak."

Novak: "Well, could the federal government sort of invalidate the entire plan if this situation occurred..."

Speaker Ryder: "Represent..."

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Novak: "I mean, we're going to be dealing here with federal funds, I'm sure, since this is a major project in southwestern Will County."

Speaker Ryder: "Representative Spangler."

Spangler: "If in fact, Legislation doesn't take pl... take place, excuse me, in Washington, as it is expected to, then we would not even need this piece of legislation here."

Speaker Ryder: "Representative Novak. You have thirty-five seconds, Sir."

Novak: " Yes, Mister Speaker, thank you very much."

Speaker Ryder: "You're welcome."

Novak: "To the Bill, I mean, to the Amendment, in the concurrence, I certainly stand in the strong support, I think it's a very worthwhile a... endeavor for the for the people of Will County and a... of... of course, for the people of the entire State of Illinois, I would again want to point out to former Congressman George Sangmeister; all the grand fine work, that he and his committee done to effect to effect this Legislation and to try bring to floriation, and I would urge my colleagues to adopt or concurrence in Amendment #1 to House Bill 597."

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

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

Speaker Ryder: "You've heard the Gentleman's motion, show a previous question be put, all those in favor say 'aye' all those oppose say 'no', the 'ayes' have it. Previous question is put, the question is; shall House; shall the House concur with Senate Amendment #1 to House Bill 597, all those in favor, signify by voting 'aye', all those oppose signify by voting 'nay', the voting is open and this

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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 106 voting 'yes', 4 voting 'no', and 4 voting 'present'. The House does concur with Senate Amendment 1 to House Bill 597, of this Bill having received the required Constitutional Majority, is hereby declared passed. Continue on the order of concurrences, Mr. Clerk, please read House Bill 988."

Clerk Rossi: "House Bill 988, a motion to concur with Senate Amendment #1 has been filed and approved for consideration."

Speaker Ryder: "Chair recognizes a... the Gentleman from Macon, Representative Noland."

Noland: " Mr. Speaker, a... Senate Amendment #1, deletes the provision that requires residents of farm lands to have successfully completed a hunter's safety course before getting a... a hunting license. I'd a move for concurrence."

Speaker Ryder: "You've heard the Gentleman's motion, the Chair recognizes the Gentleman from St. Clair, Representative Hoffman."

Hoffman: "Yes, will the Sponsor yield?"

Speaker Ryder: " He indicates that he will."

Hoffman: " The a... the Senate Amendment specifically a now requires that a mandatory hunter's safety course, to obtain a hunting license; it would require that you would have to go through a mandatory hunting safety course, but it would also have a Grandfather Clause. Could you please explain the Grandfather Clause?"

Speaker Ryder: " Representative Noland."

Noland: " Mr. Hoffman, it has nothing to do with the Amendment.

A... the Grandfather Clause would grandfather anyone in

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that ta... that was born before January 1, 1980."

Speaker Ryder: "To the Motion, Representative Hoffman. You have further questions?"

Hoffman: "Yes."

Speaker Ryder: " Please proceed."

Hoffman: "Well, could you then explain the Grandfather Clause, to be, I understand is it, does it say that you have to have taken any kind of specific courses or gone through any type of a course, or you just have to have a, do you have to have a hunting license currently to be grandfathered in or is everybody grandfathered if they're born before that time."

Speaker Ryder: " Representative Noland."

Noland: " Anyone born before January 1, 1980, would be grandfathered in."

Speaker Ryder: " Representative Hoffman."

Hoffman: "... Would that be regardless if they have, h... have had a... a hunting license in the past."

Speaker Ryder: " Were you finished, Representative Hoffman, with your question?"

Hoffman: "I... I just... asked."

Speaker Ryder: "Okay, Representative Noland, for a response."

Noland: "That is correct."

Speaker Ryder: "Representative Hoffman, further questions?"

Hoffman: "So, my grandfather, even though, he does not currently have a hunting license or had a hunting license, he my grandfather would still be grandfathered in under this a... Bill."

Speaker Ryder: "Representative Noland."

Noland: "Your grandfather would be grandfathered in, that's correct."

Speaker Ryder: "Representative Hoffman, with a straight face."

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Hoffman: "And my grandmother would also be grandfathered in, is that correct?"

Speaker Ryder: " Representative Noland."

Noland: "And your grandmother would also be grandfathered in."

Speaker Ryder: "Representative Hoffman, further questions?"

Hoffman: "Yes, seriously..., so what this would do, is it would require a certain mandatory hunter's safety course. Who would, who would be that hunter's safety course; who would be performing it?"

Speaker Ryder: "Representative Noland."

Noland: "Mr. Hoffman, again; the Amendment, the Amendment, essentially, reinstates a... th... the current law, and what we're saying is that if you live on, if you live on farm lands, if you are a bona fide tenant or owner, you would not have take the hunter's safety course. We are reinstating the current law, Mr. Hoffman."

Speaker Ryder: "Representative Hoffman."

Hoffman: "Well, I'm not trying to be difficult, I... I'm very serious about this. The, the current law now says, as I understand it, it says that if you reside on farm land or that it's your own land that you're going to hunt on, you wouldn't need to take this safety course, in order to have this hunting license. So that will still remain, however, if somebody were come to to, th.. my grandfather still lives on a farm, if somebody were to come to my grandfather's farm, other than him, and hunt on it and they are under sixteen; they're only fifteen, today, they would have to have, go through the safety course prior to getting a hunting license. It that correct?"

Speaker Ryder: "Representative Noland."

Noland: "That is correct. Only bona fide owners, tenants, or residents. Mr. Speaker is it bona fide or bona fide?"

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Speaker Ryder: "Representative, in your case, I would think that you'd ought to stick with genuine. Representative Noland, for what purpose do you rise?"

Noland: "I want to discuss the genuine owners, residents, or owners of farm land, they would, they would not need to take the hunter's safety course."

Speaker Ryder: "Representative Hoffman, you have forty seconds."

Hoffman: "So..., you're, you're in favor of this Amendment because what it is essentially doing, it is it is a... allowing and insuring, that the people who own farm land and want to hunt on their own land, can do what they want, can protect their own land, can can do, get a hunting license without having to go through this course, in other words, it's simply allowing them to, to do what they do under current law, and you are in favor of it and I think I am to. I would just ask for an 'aye' vote, I understand that many people, a... being the gun a..."

Speaker Ryder: "Chair recognizes the Gentleman from Rock Island, Representative Brunsvold."

Brunsvold: "Thank you... Thank you, Mr. Speaker, is it genuine or genuine?"

Speaker Ryder: "What part of I-80, do you reside North or South of Sir?"

Brunsvold: "Southside."

Speaker Ryder: "You're on your own."

Brunsvold: "Would the Gentleman yield."

Speaker Ryder: "He would be happy to yield to your questions."

Brunsvold: "A... Representative, I'm cosponsor of this Bill, just so I get it straight, why are we, why are we a... exempting the a... land owners, is it, wouldn't it be a good idea if they did this too?"

Speaker Ryder: "Representative Noland."

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Noland: "I thought it was a good idea to keep them in, but the Senate sought differently, so I'm concurring with their Amendment."

Speaker Ryder: "Representative Brunsvold."

Brunsvold: "So... but if they want off of their property, they would have to have a, have to have a training a... safety course."

Speaker Ryder: "Representative Noland."

Noland: "Mr. Brunsvold, that's correct."

Speaker Ryder:: "Representative Brunsvold."

Brunsvold: "Well, you know, I, I agree with you, Representative, I think it should have stayed the other way, but I'm ready to support the Bill, thank you."

Speaker Ryder: "Seeing no further discussion, the Gentleman moves, that the House concur on Senate Amendment #1 to House Bill 988. All those in favor, signify by voting 'aye'; all those opposed, signify by voting 'nay', the voting is open and 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 highly contested Bill, there are 114 voting 'aye', none voting 'nay', and none voting 'present', the House does concur with Senate Amendment #1 to House Bill 988, and this Bill, having received the required Constitutional Majority, is hereby declared passed. Continuing on the orders of concurrence, Mr. Clerk, House Bill 991."

Clerk Rossi: "House Bill 991, motion has been filed to concur with Senate Amendment #1 and the motion has been approved for consideration."

Speaker Ryder: "Chair recognizes the Gentleman from Coles, Representative Weaver."

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

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Gentlemen of the House, this is a Bill that we had thought a... in all seriousness, that we had amended about seven times, I think, to take care of all the problems, when it a... even though we had gotten agreement from all the parties involved and interested in the Bill, when it got to the Senate, ...the American Psychological Association thought ta... that even though, that they had withdrawn the opposition to the Bill, while it was in the House, that they thought that they'd like a... one small additional change, which a... changes a... qualified school specialists clause, to a qualified professional clause. That is the only change that this a... this Senate Amendment makes and I move that we concur on the Amendment."

Speaker Ryder: "You've heards the Gentleman's motion, is there any discussion? The Chair recognizes the Gentleman from a... St. Clair, Representative Hoffman."

Hoffman: "Yes, will Sponsor yield?"

Speaker Ryder: "He indicates that he will."

Hoffman: "The Amendment, I believe, in the Senate was handled by Re... Senator Watson, and does this then remove all known opposition to the Bill, from any type of professional association that you know of?"

Speaker Ryder: "Representative Weaver."

Weaver: "Absolutely."

Speaker Ryder: "Representative Hoffman."

Hoffman: "And it only makes, it only makes one simple change, I believe, and it changes the one word that you talked about. A... and makes it professionals instead of a... qualified. Excuse me, it says qualified school professionals; so what this is essentially, if my understanding is correct, would do, is it would insure that only professionals could do

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this type of work. Why really do we need this in light of the fact, that it seemed as though, that was your intent, if I remember the debate correctly on the House floor earlier."

Speaker Ryder: "Representative Weaver."

Weaver: "Well, psychiatrists had a... not really a... objected to the Bill before, but when it got to the Senate, they thought that by referring to qualified school specialist, that it might have disqualified them. It might have a... opted them out, and so they, they asked that we put in qualified professionals, which would include all of the other groups, we talked about and it eased their mind in terms of the psychiatrists being able to act as a, as a consultant in a school problem."

Speaker Ryder: "Representative Hoffman, further questions?"

Hoffman: "Yes, so this essentially what it does, it insures the actual intent of the Bill, to insure that the psychiatrists can do this type of work in the school, they don't have to have a special degree in school psychiatry or anything like that. Is that right?"

Speaker Ryder: "Representative Hoffman, had you concluded that question?"

Hoffman: "Yes."

Speaker Ryder: "Sir? Then I go to Representative Weaver for the response."

Weaver: "Your assumption is absolutely correct."

Speaker Ryder: "Representative Hoffman. You have concluded?"

Hoffman: "Yes, to the Bill, I would just say, that a... I urged an "aye" vote, I think that it is a good Bill. I think it clarifies something, removes all the opposition, that I know of to the Bill. There may be other opposition, what opposition that I know of, so I'd urge an "aye" vote."

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Speaker Ryder: "Thank you, Representative Hoffman. The Chair recognizes the Lady from Cook, Representative Davis."

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

Speaker Ryder: "He indicates he will yield to your questions, Ma'am."

Davis: "Thank you very much. Um... Representative, my understanding of this Bill, is that your school psychologists, don't want counselors to do the certain tests? Is that correct, or... have you changed that or...?"

Speaker Ryder: "Representative Davis were you finished, then I'll go to Representative Weaver, Thank you Ma'am. Representative Weaver for the answer."

Weaver: "No, that's not, that's not correct, the the intent of the Bill initially was to set in the in the school code, the job of school psychologists. It did not disallow, school counselors or clinical psychologists or psychiatrists from performing those services in the school. All they wanted to do, was to establish in the school code what the job and the tasks were of school psychologists."

Speaker Ryder: "Representative Davis."

Davis: "That the time was incorrect."

Speaker Ryder: "... I'll be happy to give you extra time, Ma'am."

Davis: "Thank you very much."

Speaker Ryder: "Yes Ma'am."

Davis: "Um... yeah, I want may full five minutes cause this thing was..."

Speaker Ryder: "I'll be happy to give you your full five minutes."

Davis: "Thank you very much. Um... Representative, my understanding is that, we recently passed legislation that allows non-certified personnel to do almost everything certified personnel would do; how does that Bill relate to

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this Bill?"

Speaker Ryder: "Representative Weaver."

Weaver: "Well, I... I don't know that that really has any effect on this Bill, this still requires qualified professionals; in other words, people trained in the either the counseling or the psychological services to perform these tasks, so I... I don't know that that has anything really to do with it."

Speaker Ryder: "Representative Davis."

Davis: "Representative, this Bill just says they have to be qualified professionals, but it doesn't say what they are qualified to do. It just says qualified professionals, can you clear that up for me, please."

Speaker Ryder: "Representative Weaver."

Weaver: "Well, this... this falls under the Section of the code that deals with school psychologists, so it is in the psychological profession."

Speaker Ryder: "Representative Davis."

Davis: "A... Representative Weaver, in um... say a lot of ... public schools, they only use the psychologist, when there is special testing to go on. Now, are you saying a counselor can now do that special testing, that a cou... that psychologist...would do..."

Speaker Ryder: "I'm sorry, Ma'am, I didn't mean to cut off your question."

Davis: "That's okay, that's okay."

Speaker Ryder: "Representative Weaver."

Weaver: "If they are qualified specialists."

Speaker Ryder: "Representative Davis, I'm adding that extra minute that I owed you, and I..."

Davis: "Thank you."

Speaker Ryder: "apologize Ma'am."

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Davis: "Um... If they are certified personnel with a Type Seventy-three, then they can do, all of the tests that a psychologist now does, is that correct...with this Bill?"

Speaker Ryder: "Representative Weaver."

Weaver: "Well, again, it requires that they be a qualified professional. They can not do all the things that a psychologist can do; they can only do those things that are specified for counselors or school psychologists under their particular professional qualifications."

Speaker Ryder: "Representative Davis, twenty-three seconds, Ma'am."

Davis: "Thank you very much. I believe that um... what your saying is, that those who have Type Seventy-three Certificates, can do a little more of the work that is now being done by psychologists. Is that correct?"

Speaker Ryder: "Re... Representative Weaver."

Weaver: "Well, our intent was not to exclude anybody. Um... As long..."

Speaker Ryder: "Representative Weaver, we're out of time, please bring your response to a close, please."

Weaver: "A... Again, the key word here is qualified professional. If they are qualified, whether either by certificate or by degree or by background, a... they are, they they can do the work then."

Speaker Ryder: "Representative Davis, please bring your remarks to a close."

Davis: "I concur with this Bill also and I think you did a fine job in getting it straightened out. Thank you very much."

Speaker Ryder: "Thank you. No further seeking recognition, the Gentleman moves to concur on the question is, 'Shall the House concur with Senate Amendment #1 to House Bill 991?' All those in favor signify by voting 'aye', all those

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oppose signify by voting 'nay', the voting is open and this 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 'yes', none voting 'no', and none voting 'present'. The House does concur with Senate Amendment 1 to House Bill 991, and this Bill having received the required Constitutional Majority, is hereby declared passed. Mr. Clerk, a... continuing on the order of concurrences, House Bill 1045."

Clerk Rossi: "House Bill 1045, a motion to concur with Senate Amendment #1 has been filed and approved for consideration."

Speaker Ryder: "Representative Brady."

Brady: "Famous Speaker, House Bill 1045, this is two efforts; one is to allow realtors to include dual agency language in an agency agreement and secondly it allows for real estate um... leasing, residential leasing licensure."

Speaker Ryder: "You've heard the Gentleman's motion is there any discussion? The Chair recognizes the Gentleman from St. Clair, Representative Hoffman. On the motion, Sir."

Hoffman: "Yes, will the Sponsor yield?"

Speaker Ryder: "He indicates that he will yield to your question, Sir."

Hoffman: "A... Representative, what is the genesis of the Amendment, this isn't just really a technical change, it's my understanding that it is a substantial change in the real estate law."

Speaker Ryder: "Representative Brady."

Brady: "Representative, the Amendment allows for limited form of licensure for residential leasing agents, throughout the state, we have a... people who engage in the practice of leasing residential properties, who are technically need to

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be licensed by the law, but are not. What we're trying to form here is a limited type of real estate license, which will give them the information they need to be able to perform lic... leasing um... within accordance of the law, but not require of them full licensure."

Speaker Ryder: "Representative Hoffman."

Hoffman: "A... yes, um... it's my understanding that this Bill; I was a cosponsor of House Bill 1856, and Representative Saviano was the Sponsor in the House here, and that didn't get called for a vote. Is that why we put it on as a Senate Amendment?"

Speaker Ryder: "Representative Brady."

Brady: "That's my understanding."

Speaker Ryder: "Representative Hoffman."

Hoffman: "And also, I believe, that last year I Sponsored House Bill 3271, that was similar to this, is that, is this the same as that also?"

Speaker Ryder: "Representative Brady."

Brady: "Yes, and there's room for you to be a cosponsor on this Representative."

Speaker Ryder: "Representative Hoffman."

Hoffman: "Yeah, I'd certainly liked to be added. I think that everybody on this side of the aisle, kind of should know, a... what this is so that they can make up their own mind, but I think it's a good Bill; what essentially...what it says, is that if you're in the business of leasing property as opposed to selling it, then you can get and take and be licensed for a limited type of a license, that would allow you to do leasing, the leasing a... work. In other words, it's kind of a subcategory of the real estate license as we now know it. This would contain the provisions that required to be maintained in order to do, to get that type

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of sublicense, I think it's a good Bill, it insures that many people were not able or for many reasons, could not receive a real estate license and wanted to do this type leasing work, and they believe that they were qualified to do this type of leasing work, they could do it. So, I str... stand in strong support of this Bill, I know that a... Representative Saviano and myself worked extremely hard a... to get this a... this Bill on the right type of form, that we think it ?... is passable, and on this side of the aisle anyway, I would urge an 'aye' vote."

Speaker Ryder: "Seeing no further discussion, Mr. Brady is now signing this slip, so that Mr. Hoffman can be a cosponsor. The question is, 'Shall the House concur on Senate Amendment #1 to House Bill 1045?' All those in favor, signify by voting 'aye'; those opposed signify by voting 'no', the voting is open and 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 issue, on this question, there are 113 voting 'yes', none voting 'nay', and none voting 'present'. The House does concur with Senate Amendment #1 to House Bill 1045 and this Bill having received the required Constitutional Majority, is hereby declared. Mr. Clerk, is Mr. Hoffman a cosponsor of this?"

Clerk Rossi: "Mr. Hoffman is a cosponsor on this Bill."

Speaker Ryder: "Passed. Mr. Clerk, what is the status of House Bill, Senate Bill? What? It's on the order. Mr. Clerk, please read the motion on House Bill 345. I apologize, Mr. Clerk, I meant to say Senate Bill 345."

Clerk McLennand: "Motion to reconsider on Senate Bill 345, has been rep... filed by Representative Tom Cross."

Speaker Ryder: "Mr. Cross."

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Cross: "Thank you, Mr. Speaker, I haven't voted on the prevalence side on Senate Bill 345, I ask, a... I move to reconsider the vote."

Speaker Ryder: "All those in favor of the motion, say 'aye', those oppose say 'nay', the 'ayes' have it and the motion shall be reconsidered. Mr. Clerk, Senate Bill 345."

Clerk McLennand: "Senate Bill 345 has been read a third time, previously."

Speaker Ryder: "Mr. Lang, we're prepared to adjourn. Do you have an inquiry, Sir?"

Lang: "Yes, I don't want to delay the adjournment, however..."

Speaker Ryder: "That's a novel idea, Sir."

Lang: "You...you can not, you can not reconsider a vote, that passed by Roll Call by voice votes, Sir, you need a Roll Call Vote on the motion to reconsider."

Speaker Ryder: "I'm sorry, Sir, it's on it... has been reconsidered. Representative Hartke?"

Hartke: "How can we consider this piece of legislation, when the sponsor of the legislation is not here."

Speaker Ryder: "We're not considering it. We're ready to adjourn. Representative Churchill now moves that the House stand adjourned until Monday, May 22, 1995, at the hour of nine a.m. All those in favor signify by saying 'aye'; opposed 'nay', and in the opinion of the Chair the 'ayes' have it and the House now stands adjourned until Monday, May 22, 1995, at the hour of nine a.m."

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