

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

94th Legislative Day

February 26, 1998

Speaker Madigan: "The House shall come to order. The Members shall be in their chairs. Would the Members please take their seats. We shall be led in prayer today by Lee Crawford, the Assistant Pastor of the Victory Temple Church in Springfield. The guests in the gallery may wish to rise and join us in the invocation."

Assistant Pastor Crawford: "Let us pray. Gracious and almighty and eternal God, we thank You for Your many mercies, and Your love and Your kindness. I ask that You will save and preserve and bless the Members of this Body, that You will grant peace to the peaceless, love to the unloved, wisdom to the unwise, understanding to those who don't understand. For we know that every good and perfect gift come from up above and cometh down from You who is the creator of all life. So, fill our hearts with joy, gladness, and above all, life, and we will be forever thankful to You. We pray, Amen."

Speaker Madigan: "We shall be led in the Pledge of Allegiance by Representative Hartke."

Hartke - 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 Madigan: "Roll Call for Attendance. Representative Currie."

Currie: "Thank you, Speaker. Please let the record show that there are no excused absences among House Democrats."

Speaker Madigan: "Mr. Cross. Mr. Cross."

Cross: "I'm sorry, Mr. Speaker. If the record would reflect that Representative Black is excused today."

Speaker Madigan: "Where is he?"

Cross: "I really, I can't tell you, Mr. Speaker. There are some

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others I don't mind sharing that with, but I can't tell you."

Speaker Madigan: "Okay."

Cross: "I appreciate your concern. But, I just can't."

Speaker Madigan: "Right, right. It's not the same without him."

Cross: "Well, we know that. But, nevertheless, I just, I can't tell you."

Speaker Madigan: "Let the record reflect that excused absence. The Clerk shall take the record. On this question, there are 117 Members responding to the Attendance Roll Call. There is a quorum present. Mr. Clerk."

Clerk Rossi: "Committee Reports. Representative Lauren Beth Gash, Chairman from the Committee on Judiciary II Criminal Law, to which the following Bills were referred, action taken on February 26, 1998, reported the same back with the following recommendation: 'do pass Short Debate' House Bill 2297, House Bill 2570, House Bill 2703, and House Bill 2899; 'do pass as amended Short Debate' House Bill 2447."

Speaker Madigan: "Agreed Resolutions."

Clerk Rossi: "Agreed Resolutions. House Resolution 316 offered by Representative Zickus. House Resolution 318 offered by Representative McGuire. House Resolution 319 offered by Representative Younge. House Resolution 320 offered by Representative Younge. House Resolution 321 offered by Representative Zickus. House Resolution 323 offered by Representative McCarthy. House Resolution 324 offered by Speaker Madigan. House Resolution 326 offered by Representative Feigenholtz. House Resolution 327 offered by Representative Woolard. House Resolution 328 offered by Representative Winkel. House Resolution 330 offered by Representative Myers. House Resolution 331 offered by Representative Noland. House Resolution 332 offered by

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Representative Giglio."

Speaker Madigan: "The Clerk has read the Agreed Resolutions. The Chair recognizes Representative Currie on the Agreed Resolutions."

Currie: "Thank you, Speaker. I move adoption of the Agreed Resolutions."

Speaker Madigan: "The Lady moves adoption of the Agreed Resolutions. Those in favor say 'aye', those opposed say 'no'. The 'ayes' have it. The Agreed Resolutions are adopted. The Clerk is in receipt of a Motion by Representative McKeon to table House Bill 3201. Mr. McKeon is the principal Sponsor of the Bill. Is there leave? Leave is granted. The Bill is tabled. Mr. Cross."

Cross: "Thank you, Mr. Speaker. I... it was a little loud in here. Could you tell us what Bill was just tabled? Representative McKeon, I think."

Speaker Madigan: "Yes. House 3201. House 3201, 3201."

Cross: "H.B. 3201? Okay, thank you."

Speaker Madigan: "Mr. Wirsing. Mr. Wirsing. Did you wish to call House Bill 1072 on Second Reading? Leave on Second? Thank you. Is Mr. Noland in the chamber? Duane Noland, do you wish to call 2315? Mr. Clerk, House Bill 2315. Read the Bill."

Clerk Rossi: "House Bill 2315, a Bill for an Act amending the Uniform Disposition of Unclaimed Property Act. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments approved for consideration."

Speaker Madigan: "Third Reading. Mr. Clerk, House Bill 2326. Read the Bill."

Clerk Rossi: "House Bill 2326, a Bill for an Act amending the Children and Family Services Act. Second Reading of this

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House Bill. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments approved for consideration."

Speaker Madigan: "Leave the Bill on Second Reading. Representative Clayton. Do you wish to call House Bill 2367?"

Clayton: "No, I don't. I have an Amendment I wish to file."

Speaker Madigan: "Thank you. Mr. Clerk."

Clerk Rossi: "The House Rules Committee will meet at 12:40 in the Speaker's Conference Room. The Rules Committee will meet at 12:40 in the Speaker's Conference Room."

Speaker Madigan: "The Clerk has announced the meeting of the Rules Committee immediately. Representative Currie. Rules Committee, please. Mr. Hannig, Rules Committee. Mr. Turner. Representative Turner. Representative Turner. Mr. Ryder. Is Mr. Ryder in the Chamber? Rules Committee, Mr. Ryder. Mr. Churchill. Is Mr. Churchill in the Chamber? Mr. Clerk, for a Committee Report."

Clerk Rossi: "Representative McGuire, Chairman from the Committee on Aging, to which the following Bill was referred, action taken on February 26, 1998, reported the same back with the following recommendation: 'do pass' House Bill 2581."

Speaker Madigan: "The Chair recognizes Mr. Cross."

Cross: "Inquiry of the Chair, Mr. Speaker. Could you provide us with... Apparently yesterday, one of the Representatives was able to get 33 Bills out of the Rules Committee. Could we have a copy of the letter you used to write that request to the Majority Leader, because we're not having as much luck as you are? Would it be possible to get a copy of that letter?"

Speaker Madigan: "For you, yes. But, on an individual basis. We'll take these requests on an individual basis."

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Cross: "And I don't... maybe we need more than just a letter. I don't know if there is a better way to handle it."

Speaker Madigan: "If you tell me where Mr. Black is, then I'll accept a second letter."

Cross: "Well, I'm going to have to give some thought to that."

Speaker Madigan: "The Chair recognizes the Clerk."

Clerk Rossi: "The House Judiciary I Committee will meet at 1:48 in Room 114 to consider Senate Bill 172. Repeating, the House Judiciary I Committee will meet at 1:48 in Room 114 to consider Senate Bill 172."

Speaker Madigan: "The Chair recognizes Mr. Dart for a Motion."

Dart: "Thank you, Mr. Speaker. I move that we suspend Rule 75 (c) so that Judiciary I can meet immediately to consider Senate Bill 172."

Speaker Madigan: "The Gentleman moves to suspend the posting requirements. The Chair recognizes Mr. Cross. Mr. Cross."

Cross: "I'm sorry, Mr. Speaker. We cannot hear anything on this side of the aisle."

Speaker Madigan: "Did you hear the Motion? If the Members could... The Clerk... Mr. Cross. Mr. Cross. Mr. Cross, the Clerk has announced... The Clerk has announced a meeting of a Conference Committee to consider a Conference Report relative to Senate Bill 172. And on that, having...that notice having been given, Mr. Dart has moved to suspend the Rule which requires that a conference report lie upon the desk for an hour. Mr. Cross."

Cross: "Mr. Speaker, my understanding of the Rules, and I understand there is a Motion to suspend, is that it's an hour posting notice. Could the... Is that required? Is that accurate of our reading of the Rules?"

Speaker Madigan: "Let the Parliamentarian explain this."

Kasper: "Representative Cross, House Rule 75 (c) requires a one

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hour posting requirement for Conference Committees to be considered by standing committees. Conference Committee Reports cannot be considered by standing committees unless there is a one hour posting notice, and the Motion is to suspend the one hour posting requirement."

Cross: "Are you... Is the Parliamentarian aware, or the Speaker, that from a public policy standpoint, this is a pretty significant change? And to waive or suspend the Rules with respect to posting on this issue is, I think, an error. The public, in essence, now will have no input on this Bill in Conference Committee or in committee. Is that the intention of the Sponsor and of the Chair? No public input."

Speaker Madigan: "The intent of the Chair is simply to take the Motion and call for its consideration."

Cross: "As long as we are understanding what's going on. Thank you."

Speaker Madigan: "Yea. Mr. Parke."

Parke: "Thank you, Mr. Speaker. I would like some clarification, also. What is the vote necessary to suspend the notice? Are you saying that all you have to do is say it's got to sit on the desk for one hour, and you, by virtue of being the Speaker, can say that it's okay? Or do we take a vote to suspend the rules? I thought we always took a vote to suspend posting notice."

Speaker Madigan: "Sixty votes. Sixty votes. You've all heard the Motion. Those in favor, say 'aye', those opposed, say 'no'. The 'ayes' have it. The Motion is adopted. Mr. Clerk."

Clerk Rossi: "The Judiciary I Committee will meet immediately in Room 114 to consider Senate Bill 172. Repeating, the Judiciary I Committee will meet immediately in Room 114 to

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consider Senate Bill 172."

Speaker Madigan: "You've all heard the notice. The Members of the Judiciary I Committee should go to Room 114 immediately. And the House will stand in recess for one half hour, one half hour. The House shall come to order. Committee Report."

Clerk Rossi: "Representative Tom Dart, Chairman from the Committee on Judiciary I Civil Law, to which the following measure was referred, action taken on February 26, 1998, reported the same back with the following recommendation: 'be approved for consideration' Conference Committee Report #1 to Senate Bill 172."

Speaker Madigan: "Supplemental Calendar announcement."

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

Speaker Madigan: "On Page 3 of the Calendar, on the Order of House Bills - Second Reading, there appears House Bill 2580. Mr. Moffitt, do you wish to move that Bill? Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 2580, a Bill for an Act concerning property conveyance. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. On the Order of the Supplemental Calendar, there appears Senate Bill 172. Mr. Scully. Mr. Scully. Conference Committee Report on Senate Bill 172. Mr. Scully. Mr. Scully."

Scully: "Yes. Thank you, Mr. Speaker. Ladies and Gentlemen, I would like to present Conference Committee Report to Senate Bill 172. This Conference Committee Report removes the text previously contained in 172 and replaces it with an Amendment to the Illinois Marriage and Dissolution Act. Excuse me, the Illinois Marriage and Dissolution of

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Marriage Act. Under the present law, a stepparent has no right to file for custody of a child in the event that the biological parent that he or she is married to should die. I think a stepparent is a very interested person in the life of a child. The revision to law that we are proposing with this Bill would give a stepparent cut standing to petition for custody. I'd like to explain quickly the significance of the word 'standing'. Standing is the right to walk into a courtroom and be heard. Without standing, you don't have the right to be heard on a specific case. This Bill will give a stepparent standing to present arguments before the court regarding the custody of a child. If we were to walk out onto the sidewalk today and talk to people on the street and ask them whether a stepparent would have standing to make arguments before a court on the issue of custody, I'm confident that almost every person that we would see on the street, asking them what is the current state law, and what should be the public policy of this state? Would say that 'Of course a stepparent has the right to go to a court and present those arguments. Of course, a step parent would have the right to present a statement to the court.' But that's not the state of the law in Illinois today. Under Illinois law, as it stands today, that stepparent does not have standing, has no right to make any arguments before the court. Before the court that which will determine the best interest of the child. That stepparent would have no right to present arguments on the best interest of the child. This Bill will correct that. We ask for your favorable consideration of this Conference Committee."

Speaker Madigan: "Mr. Cross."

Cross: "Two points of order, Mr. Speaker. First of all, inquiry

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of the Clerk. How long have the Members had a copy of this Conference Committee Report?"

Clerk Rossi: "The Conference Committee Report has been on the Members' laptops for approximately three hours."

Cross: "Pursuant, Mr. Speaker, to Rule 75 (b), Conference Committee Reports cannot be considered until one full session day following distribution. If we could have, at least on that point of order, a response. It appears that we are about 21 hours shy."

Speaker Madigan: "Mr. Cross, my best response would be to advise you that there has been a Motion filed by Mr. Dart to suspend House Rule 75 (b) and place the Conference Committee Report #1 to Senate Bill 172 on the Calendar for immediate consideration. And so, Mr. Dart moves for the adoption of that Motion. Those in favor..."

Cross: "Mr. Speaker. Mr. Speaker, we'd like a Roll Call on that, as well as a Verification."

Speaker Madigan: "All right. You've all heard the Motion. The Motion is to suspend the Rules and to move to immediate consideration of this Conference Report. Those in favor of the Motion signify by voting 'aye'; those opposed by voting 'no'. This is a Motion for immediate consideration. This is a Motion for immediate consideration. It requires 60 votes. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 61 'ayes' and 55 'nays'. There is a request for a Verification. The Clerk shall read the names of those voting 'yes'."

Clerk Rossi: "Poll of those voting in the affirmative. Representatives: Acevedo. Boland. Bradley. Brosnahan. Brunsvold. Bugielski. Burke. Capparelli. Crotty.

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Barbara Currie. Julie Curry. Dart. Monique Davis. Steve Davis. Erwin. Fantin. Feigenholtz. Flowers. Fritchey. Gash. Giglio. Giles. Granberg. Hannig. Hartke. Hoffman. Holbrook. Howard. Lou Jones. Shirley Jones. Kenner. Klingler. Lang. Lopez. Joe Lyons. Mautino. McCarthy. McGuire. McKeon. Eugene Moore. Morrow. Harold Murphy. Novak. O'Brien. Phelps. Pugh. Reitz. Rodriguez. Ronen. Schakowsky. Schoenberg. Scott. Scully. Silva. Slone. Smith. Stroger. Art Turner. Woolard. Younge, and Mr. Speaker."

Speaker Madigan: "Mr. Cross."

Cross: "Thank you, Mr. Speaker. Representative Stroger?"

Speaker Madigan: "Mr. Stroger is in the Chamber."

Cross: "Representative Pugh?"

Speaker Madigan: "Mr. Pugh. Remove Mr. Pugh."

Cross: "Representative Burke?"

Speaker Madigan: "Mr. Burke is in his chair."

Cross: "I'm sorry. Representative Lopez?"

Speaker Madigan: "Was that a question?"

Cross: "Representative Lopez?"

Speaker Madigan: "Mr. Lopez. Edgar Lopez. Edgar Lopez. Remove Mr. Lopez."

Cross: "Representative Monique Davis?"

Speaker Madigan: "Representative Monique Davis. Remove Representative Davis. Mr. Cross, Representative Davis is entering the Chamber at the rear. So restore Representative Monique Davis."

Cross: "Representative Acevedo?"

Speaker Madigan: "Mr. Acevedo is in his chair."

Cross: "Representative Brunsvold?"

Speaker Madigan: "Mr. Brunsvold. Mr. Brunsvold. Remove Mr. Brunsvold."

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Cross: "Representative Art Turner?"

Speaker Madigan: "Arthur Turner. Remove Mr. Turner."

Cross: "Representative Phelps?"

Speaker Madigan: "David Phelps. He's in the Chamber. Mr. Cross, Mr. Edgar Lopez has returned to the Chamber. So restore Edgar Lopez."

Cross: "All right. Thank you, Mr. Speaker, I have no other inquiries."

Speaker Madigan: "Anything further, Mr. Cross? Representative Klingler, are you seeking recognition? Okay. Thank you. There being 58 'ayes' and 55 'noes', the Motion fails. Mr. Clerk, do you have anything further? Read the Adjournment Resolution."

Clerk Rossi: "Senate Joint Resolution #54, offered by Representative Currie. Be it resolved by the Senate of the 90th General Assembly of the State of Illinois, the House of Representatives concurring herein, that when the two Houses adjourn on Thursday, February 26, 1998, the Senate stands adjourned until Tuesday, March 3rd, 1998, at 12 o'clock noon. And when it adjourns on that day, it stands adjourned until Wednesday, March 4th, 1998. And when it adjourns on that day, it stands adjourned until Thursday, March 5th, 1998. And when it adjourns on that day, it stands adjourned until Tuesday, March 10th, 1998. And when it adjourns on that day, it stands adjourned until Wednesday, March 11th, 1998. And when it adjourns on that day, it stands adjourned until Thursday, March 12th, 1998. And when it adjourns on that day, it stands adjourned until Tuesday, March 24th, 1998. And the House of Representatives stands adjourned until Monday, March 2nd, 1998, at 12 o'clock noon in Perfunctory Session. And when it adjourns on that day, it stands adjourned until Monday,

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March 9th, 1998, at 12 o'clock noon in Perfunctory Session. And when it adjourns on that day, it stands adjourned until Wednesday, March 18th, at one o'clock p.m. And when it adjourns on that day, it stands adjourned until Thursday, March 19th, 1998. And when it adjourns on that day, it stands adjourned until Friday, March 20th, 1998. And when it adjourns on that day, it stands adjourned until Monday, March 23, 1998. And when it adjourns on that day, it stands adjourned until Tuesday, March 24th, 1998."

Speaker Madigan: "You've all heard the Resolution. Representative Currie moves for the adoption of the Adjournment Resolution. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Adjournment Resolution is adopted. Is there anything further to come before the Body? There being nothing further, Representative Currie moves that the House does stand adjourned until March 18 at 1:00 p.m. in the afternoon, providing Perfunctory time for the Clerk. Those in favor say 'aye', those opposed say 'no'. The 'ayes' have it. The House does stand adjourned until March 18 at 1:00 p.m."

Clerk Rossi: "House Perfunctory Session will come to order. Introduction and First Reading of House Bills. House Bill 3870, offered by Representative Hartke, a Bill for an Act concerning public transportation. House Bill 3871, offered by Representative Hartke, a Bill for an Act to amend the Illinois Highway Code. House Bill 3872, offered by Representative Scott, a Bill for an Act concerning distribution of tobacco litigation settlements. First Reading of these House Bills. Committee Reports. Representative Steve Davis, Chairman from the Committee on Veterans Affairs, to which the following Bills were referred, action taken on February 26, 1998, reported the

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same back with the following recommendation: 'do pass'
House Bill 2425 and House Bill 2710. There being no further
business, the House Perfunctory Session stands adjourned."