

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

124th Legislative Day

May 14, 1998

Speaker Madigan: "The House shall come to order. The Members shall be in their chairs. We shall be led in prayer today by the Reverend Charles McGee of the Central Christian Church in O'Fallon. Reverend McGee is the guest of Representative Ron Stephens. The guests in the gallery may wish to rise and join us in the invocation."

Reverend Charles McGee: "Let's pray. ...business of this state. We thank You for the grace that You show to them each day. Please help them. Help them to know exactly what needs to be done so that the lives of the people of the State of Illinois may be better lives. We pray that what they do here today will be noble work, and that it will cause the people of this state to be noble people. I ask Your blessing upon them for their service and their devotion. I thank You that You have given them to us. In Jesus' name, 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. Capparelli. Representative Capparelli."

Capparelli: "One absentee. Frank Mautino has gone back home to help his wife with the birth of their second child."

Speaker Madigan: "Mr. Turner."

Turner, J.: "Thank you, Mr. Speaker. All the Republicans are here today."

Speaker Madigan: "Mr. Clerk, take the record. There being 116 Members responding to the Attendance Roll Call, there is a quorum present. Mr. Clerk."

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Clerk Rossi: "Committee Reports. Representative Dan Burke, Chairperson from the Committee on Executive, to which the following items were referred, action taken on May 13, 1998, reported the same back with the following recommendation: 'be approved for consideration' Floor Amendment #2 to Senate Bill 1286; Floor Amendment #9 to Senate Bill 1701; Floor Amendments 15 and 16 to Senate Bill 1878. Representative Coy Pugh, Chairperson from the Committee on Human Services, to which the following item was referred, action taken on May 13, 1998, reported the same back with the following recommendation: 'be adopted' House Resolution 495. Representative Lauren Beth Gash, Chairperson from the Committee on Judiciary II - Criminal Law, to which the following measures were referred, action taken on May 13, 1998, reported the same back with the following recommendations: 'be approved for consideration' Floor Amendment 2 to Senate Bill 1424 and Floor Amendment 2 to Senate Bill 1506. Representative Skip Saviano, Chairperson from the Committee on Registration and Regulation, to which the following Amendments were referred, action taken on May 13, 1998, reported the same back with the following recommendation: 'be approved for consideration' Floor Amendment #1 to Senate Bill 1251; Floor Amendment #1 to Senate Bill 1271; Floor Amendment #1 to Senate Bill 1272 and Floor Amendment #2 to Senate Bill 1617."

Speaker Madigan: "On the Order of Senate Bills, Second Reading, there appears Senate Bill 445, Representative Silva. Do you wish to move the Bill? Representative Silva."

Silva: "I wanted to put the Amendment on. I'm waiting for the Rules Committee to get it out of Rules."

Speaker Madigan: "The Clerk reports that the Rules Committee has

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reported that Bill for that Amendment for consideration.

So, Mr. Clerk, what is the status of this Bill?"

Clerk Rossi: "Senate Bill 445 has been read a second time previously. Floor Amendment #1 has been adopted to the Bill. No Motions have been filed. Floor Amendment #2, offered by Representative Silva, has been approved for consideration."

Speaker Madigan: "Representative Silva. Representative Silva."

Silva: "Thank you. Amendment 2, basically, is an Amendment for foreign language court interpreters. It's an agreed Bill with the Supreme Court Justice, and I would ask for your favorable vote. The only change is that it provides an effective date of January 1st of 1999."

Speaker Madigan: "Mr. Black."

Black: "Thank you very much, Mr. Speaker. I have an inquiry of the Chair. I'm not sure of the process. This Bill is on Postponed Consideration, is it not? Or was? And then it gets kicked... I think there's a violation of the House Rules in how this Bill was handled on Postponed Consideration and now it appears before us to be amended. I believe it's Rule 55."

Speaker Madigan: "Mr. Black, the Clerk reports that the Bill was on the Order of Postponed Consideration, and then at the request of the Bill Sponsor, the Bill was placed on the Order of Second Reading."

Black: "If I understand 55(c), a Motion to Postpone Consideration, until it is decided, precludes all Amendments and debate on the main question. Now I would interpret that to say, that until that Bill is brought back from Postponed Consideration, and that the fate of that Bill is decided, any such attempt to amend the Bill would not be allowable under House Rules."

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Speaker Madigan: "Mr. Black."

Black: "Yes. Yes, Mr. Speaker."

Speaker Madigan: "Can I suggest that we wait for the
Parliamentarian to arrive?"

Black: "That would be fine. Thank you."

Speaker Madigan: "And we'll take this out of the record and we'll
wait a decision of the Parliamentarian, then we can return
to the Bill later. On the Order of Senate Bills, Second
Reading, there appears Senate Bill 499. Mr. Clerk, what is
the status of that Bill?"

Clerk Rossi: "Senate Bill 499 has been read a second time
previously. Floor Amendment #1 has been adopted to the
Bill. No Motions have been filed. No Floor Amendments
approved for consideration. The Note that was requested on
the Bill has been filed."

Speaker Madigan: "Third Reading. Is Mr. Hoeft in the chamber?
Do you wish to call this Bill? Mr. Clerk, on Senate Bill
499, read the Bill for a third time."

Clerk Rossi: "Senate Bill 499, a Bill for an Act amending the
Illinois Pension Code. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. Hoeft."

Hoeft: "Thank you, Mr. Speaker. This is a Bill that has passed
through the Pension Laws Commission and been attached to a
vehicle. I have some general knowledge of the area, but
specifics in terms of how this works within the court
system, I would turn to Representative Currie and also
Lindner. This is the QILDRO Bill which is a Pension Bill
that is designed to divide pensions when an individual is
finalizing the divorce decree. This is done within private
industry, but has not been allowed within the pension
system, the five pension systems, in Illinois. This Bill
allows a judge at the divorce decree to enter an order to

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the pension systems on how the pension will be sent out when the individual who is in the pension system gets to the age of maturity, the 60 years old or 55. It is very simple. It just simply says this is how it's divided. And this is something, as I said, is done in private industry and is done in most of the states. This is an equity issue and I would urge that you take a look at this in terms of the people that it's going to affect. I would accept any questions."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. There being no discussion the question is, 'Shall this Bill pass?' 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? Have all voted who wish? The Clerk shall take the record. On this question there are 116 people voting 'aye'; 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Senate Bill 1028, Mr. Tenhouse. Mr. Tenhouse. Do you wish to leave the Bill on Second Reading? Senate Bill 1041, Representative Cowlshaw. Is Representative Cowlshaw in the chamber? Senate Bill 1208, Representative Andrea Moore. The Lady wishes to leave the Bill on the Order of Second Reading. Senate Bill 1251, Mr. Saviano. Mr. Saviano. Senate Bill 1280, Representative Clayton. Do you wish to move the Bill? 1280. Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "Senate Bill 1280 has been read a second time previously. Amendments 1 and 2 were adopted in committee. No Motions have been filed. Floor Amendment #3, offered by Representative Doug Scott, has been approved for consideration."

Speaker Madigan: "Representative Scott."

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Scott: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Floor Amendment #3 is a clarification. We passed... We've got language in Amendments 1 and 2 which will give some Municipal Code hearing authority to municipalities. We tracked language from an earlier Bill that had some language referencing Department of Commerce and Community Affairs grants. I don't know if they ever had grants available. They don't anymore and so we just want to take this language out. It's purely a technical Amendment to reference the reality, so I'd appreciate favorable consideration."

Speaker Madigan: "The Gentleman moves for the passage of the Amendment. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Madigan: "Third Reading. Representative Clayton, do you wish to call the Bill on Third Reading? Mr. Clerk, read the Bill for a third time."

Clerk Rossi: "Senate Bill 1280, a Bill for an Act amending the Illinois Municipal Code. Third Reading of this Senate Bill."

Speaker Madigan: "Representative Clayton. Representative Clayton."

Clayton: "I'm sorry, could you... Just a moment, I..."

Speaker Madigan: "Sure."

Clayton: "...don't have the right information here in front of me."

Speaker Madigan: "Take your time."

Clayton: "Thank you for your help. This Bill amends the Municipal Code and provides that the record of proceedings of the corporate authority shall be made available for

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public inspection within seven days after being approved or accepted by the corporate authorities. It allows non-home rule municipalities to administratively adjudicate municipal ordinances, except for moving violations, under the Illinois Vehicle Code, and it provides that a non-home rule municipality may establish a code hearing department within an existing code enforcement agency or as a separate and independent agency in the municipal government. It provides that the code hearing unit may adjudicate any violation of a municipal ordinance except building code violations and moving violations under the Vehicle Code."

Speaker Madigan: "The Lady moves for the passage of the Bill. There being no discussion, the question is, 'Shall this Bill pass?' 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? The Clerk shall take the record. On this question there are 115 people voting 'aye', 1 person voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Senate Bill 1286, Representative Zickus. Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "Senate Bill 1286 has been read a second time previously. No Committee Amendments. Floor Amendment #2, offered by Representative Zickus, has been approved for consideration."

Speaker Madigan: "Representative Zickus."

Zickus: "Thank you, Mr. Speaker. Floor Amendment #2 becomes the Bill, and it reflects language agreed upon and supported by the Illinois Association of Realtors, the Cook County Board President and various lead poisoning prevention groups. It amends the TORRENS Act to authorize Cook County to use excess monies in the TORRENS Indemnity Fund to establish a

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Lead Poisoning Prevention Fund, or to otherwise benefit property owners in Cook County. At least 50 percent of the excess monies would go into the Lead Poisoning Prevention Fund to be used primarily for financially assisting Cook County residential property owners to pay for the cost associated with lead mitigation and abatement."

Speaker Madigan: "The Lady moves for the passage of the Bill. There being no discussion the question is, 'Shall this Bill pass?' The Chair recognizes Mr. Black."

Black: "Thank you very much, Mr. Speaker. Just going back into history, the only dumb question is one you don't ask. I need to ask a question. Will the Sponsor yield?"

Speaker Madigan: "The Sponsor yields."

Black: "Representative Zickus, what is the... what is a TORRENS Fund?"

Zickus: "The TORRENS System was unique in Cook County. The properties were registered in TORRENS. It's a system that the General Assembly did away with just a few years ago and now all of your titles are insured with title insurance instead. There's excess money in the TORRENS Fund."

Black: "How did the money get there? Who paid into the fund?"

Zickus: "The property owners. And, again, it was unique to Cook County. People who were..."

Black: "And the excess money goes where? Not back to the property owner, but can be used for..."

Zickus: "No it's an indemnity fund in the event... this was title insurance. You have a guarantee that the title is clear. But a lot of properties have been transferred out of the TORRENS System over the last few years and there's over \$32 million that is sitting there."

Black: "Thirty-two million?"

Zickus: "Over \$32 million."

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Black: "And this only impacts Cook County?"

Zickus: "Only Cook County because only... it only applied to properties in Cook County."

Black: "Okay. Well, thank you very much, Representative. I appreciate that. Thank you, Mr..."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'aye'; those opposed by... The Clerk advises that we're on the Amendments. Those in favor of the Amendments say 'aye'; those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Madigan: "Third Reading. Representative, do you wish to call the Bill on Third Reading? Mr. Clerk, read the Bill for a third time."

Clerk Rossi: "Senate Bill 1286, a Bill for an Act amending the Registered Titles Act. Third Reading of this Senate Bill."

Zickus: "I'm just going to ask for your support on this Bill. It is an agreed... the language is agreed between the realtors, the Cook County Board President and the various lead poisoning prevention groups. It's a win-win situation for the... especially for the children in Cook County and for the taxpayers because we don't have to look to our using extra tax money to take care of this serious problem, and would appreciate your support."

Speaker Madigan: "The question is, 'Shall this Bill pass?' 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? Have all voted who wish? The Clerk shall take the record. On this question there are 114 people voting 'aye', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared

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passed. Senate Bill 1293, Mr. Black. Do you wish to move your Bill? Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "Senate Bill 1293 has been read a second time previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Mr. Clerk, are we ready to move the Bill to Third Reading? Put the Bill on the Order of Third Reading. Mr. Black, do you wish to call the Bill?"

Black: "It's a fine Bill, Mr. Speaker."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. Those in favor signify by voting... Read the Bill."

Clerk Rossi: "Senate Bill 1293, a Bill for an Act amending the Illinois Vehicle Code. Third Reading of this Senate Bill."

Speaker Madigan: "The question is, 'Shall this Bill pass?' 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? Have all voted who wish? The Clerk shall take the record. On this question there are 116 people voting 'aye', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Senate Bill 1315, Representative Coulson. Representative Coulson. Leave the Bill on the Order of Second Reading. Senate Bill 1328, Mr. Dart. Do you wish to move the Bill? Mr. Clerk, what is the status of the Bill? The Clerk advises that we're still waiting for Notes to be filed, therefore, the Bill shall remain on the Order of Second Reading. Senate Bill 1339. Mr. Clerk, have the Notes been filed?"

Clerk Rossi: "The Notes have been filed."

Speaker Madigan: "Mr. Dart, do you wish to move the Bill? Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "Senate Bill 1339 has been read a second time

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previously. No Committee Amendments. No Floor Amendments.
No Motions filed."

Speaker Madigan: "Third Reading. Mr. Dart, do you wish to call the Bill? Mr. Clerk, relative to Senate Bill 1339, put that Bill on the Order of Second Reading. Senate Bill 1350, Mr. Black. Do you wish to move your Bill? Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "Senate Bill 1350 has been read a second time previously. Amendment #1 was adopted in committee. Amendment #2 was adopted on the floor. No Motions have been filed. No further Floor Amendments approved for consideration. A State Mandates Note and a Home Rule Note have been requested on the Bill, as amended, and those Notes have not been filed."

Speaker Madigan: "The Bill shall remain on the Order of Second Reading. Mr. Clerk, Senate Bill 1420. Have the Notes been filed?"

Clerk Rossi: "On Senate Bill 1420 we have a request for a Fiscal Note as amended by Amendment #2, that is still outstanding."

Speaker Madigan: "Leave the Bill on the Order of Second Reading. Senate Bill 1424, Mr. McCarthy. Do you wish to move your Bill? Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "Senate Bill 1424 has been read a second time previously. Amendment #1 was adopted in committee. No Motions have been filed. Floor Amendment #2, offered by Representative McCarthy, has been approved for consideration."

Speaker Madigan: "Mr. McCarthy."

McCarthy: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 1422, as amended by Floor Amendment #2 which becomes the Bill, is a initiative from the Chiefs of

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Police of the State of Illinois, as well as the Mothers Against Drunk Driving and other police associations, to toughen up the drunk driving regulations in our state for the second, third and fourth offenders. We made some serious changes in the Bill in order to get the support of the... both the Chicago Bar Association and the Illinois State Bar Association, and I think that this Bill will greatly increase the safety of the roads in the State of Illinois."

Speaker Madigan: "The Gentleman moves for the adoption of the Amendment. The Chair recognizes Mr. Black. Mr. Black."

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

Speaker Madigan: "Sponsor yields."

Black: "Representative, the Amendment becomes the Bill. Right?"

McCarthy: "Correct."

Black: "Is this Bill substantially the same Bill that Representative Tim Johnson passed out of the chamber earlier in response to a very tragic accident in Iroquois County?"

McCarthy: "It's very similar, but there are some changes that have been made in coordination with the different bar associations."

Black: "Could you illuminate the changes that have been made?"

McCarthy: "Well, one of the things that the... The most significant change, probably, is that instead of four strikes and you're out forever, it now says four strikes and all you'll ever get is a RDP, restricted driving permit. Some of the people in the Judiciary Committee brought up the fact that in the rural part of our state they don't have mass transportation or even taxies. And, so, in consideration of that, we decided that we would go

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to four strikes and all you'll ever do is have a restricted driving permit in the future. So people could still, you know, find employment. That is a... would be implemented by regulations from the Secretary of State and the Secretary of State has already agreed to these which included five years on the IBD device, ignition breathalyzer device, if the restricted driving permit was issued."

Black: "So there's going to be more discretion in your Bill to the courts, as I understand it, rather than an automatic seizure of the repeat offender's vehicle. Right?"

McCarthy: "The seizure provisions are basically the same as in Representative Johnson's Bill. The fourth time and the RDP is a change. The other changes that... for the second time that you refuse to take a breathalyzer or any kind of a test to show your level of intoxication, it will be... the statutory suspension will move up to three years from two years with one year hard time, and two years available for restricted driving permits."

Black: "But it doesn't... it doesn't dilute the ability to go after a repeat offender for aggravated vehicular homicide or anything of that. It's not..."

McCarthy: "It doesn't dilute it at all. And I think, you know, the police chiefs are very much in favor of the Bill and have... very much in favor of the seizure provisions of the Bill."

Black: "Okay. I was trying to see if Representative Johnson was on the floor. I know the Bill was emanated from an accident in adjoining districts..."

McCarthy: "... Correct..."

Black: "... that he and I and Representative Winkel share, and I assume, since I see his name now on the board, that he is

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in obviously, that would be a safe assumption that he is in favor of the Bill, as amended."

McCarthy: "I think he has... And House Bill 2306, if it comes back and it's untouched, I think Representative Johnson is planning on trying to move that too."

Black: "Okay."

McCarthy: "... We'd love to put two very good Bills on the Governor's desk and we'd both have the knowledge that if either one was signed, we'd be better off for the state."

Black: "Okay. Fine. Thank you very much, Representative. Thank you, Mr. Speaker."

McCarthy: "Thank you."

Speaker Madigan: "Mr. Cross."

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

Speaker Madigan: "The Sponsor yields."

Cross: "Representative, when you and I had a conversation a few minutes ago. You acknowledged there are some technical problems with this Bill?"

McCarthy: "I've been made aware of a few technical problems according to the Chicago Bar Association. Most of those problems were basically matters of conciseness, where they thought we had things in there that were redundant. It didn't change the meaning of the Bill, but they thought they could clean it up in order to make the statute more concise."

Cross: "You had indicated to me that you were going to... if they need to be cleaned up, you'll do it later. What's the mechanism you tend to use to clean up the problems?"

McCarthy: "I think future legislation."

Cross: "Pardon me?"

McCarthy: "Simply future legislation."

Cross: "Can you... what were the areas of concern for the Chicago

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Bar Association, technically speaking. I don't recall those."

McCarthy: "Originally, it was the four strikes you're out completely and the second thing was the length of the statutory suspension on the second and subsequent offenses."

Cross: "And on the four strikes you're out, it's not that you can't ever get a license, you can only... On the fourth, you're only eligible... Is it on the fourth conviction that you're eligible only for a restricted driving permit?"

McCarthy: "Would you please repeat the question? Staff tells me it's true, but I'd rather hear the whole story."

Cross: "The only time we have a... I want to... Let's focus on the Chicago Bar's problems and it deals... The first time is... the first area is if you get a fourth conviction you are, only eligible for a restricted driving permit, not a... it's not a judicial. It's a restricted?"

McCarthy: "Yes, an RDP."

Cross: "And my understanding is, a restricted is in the discretion of the Secretary of State as opposed to the judicial by a judge. Is that correct?"

McCarthy: "I believe that to be correct."

Cross: "What is the technical problem with your Bill from the Bar Association's standpoint? If you know."

McCarthy: "I really don't have those technical things in front of me. I saw a copy of... one of the lawyers was helping us with the Bill, yesterday. But I can assure you that all of those things were basically things that they thought were redundant and we could have made it a little shorter. But it wasn't anything that had anything to do with the meaning of the Bill and after committee last night, I checked with the Bar Association again and they agreed with that."

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Cross: "All right. What about... The other issue is... Do you have a statutory summary suspension paragraph where you're going to be suspended for a period of three years. Is that correct, Representative?"

McCarthy: "Correct on a second or subsequent violation where you refuse to take the breath analysis test."

Cross: "What's the law now on that. Is it just a year?"

McCarthy: "Two years."

Cross: "And you're raising it to three?"

McCarthy: "Correct."

Cross: "Are you eligible in that three year period to ask for a restricted driving permit?"

McCarthy: "After the first year you're eligible to apply for a restricted driving permit at the discretion of the rules set by the Secretary of State. During those second and third year it can only be issued by rule of the Secretary of State if a IBD device is included in the restricted driving permit."

Cross: "How about... Are you eligible at all under your Bill for a judicial driving permit in the second or third year? And I'm not trying... You know, there is a distinction between a JDP and a RDP."

McCarthy: "Your question is not after the fourth offense it's after the... it could be after the second offense. Correct?"

Cross: "I'm talking about, yeah, the second... of the second offense, not conviction, where by you're saying that you're going to have a statutory summary suspension for a period of up to three years in the event of a refusal. And the question is, after the first year you're eligible... you said you were eligible for a restricted driving permit pursuant to the Secretary of State rules. Are you eligible

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for a JDP after the first year, which would be done as you suspect... know, Representative, just through the judge as opposed to the Secretary of State."

McCarthy: "The JDP is still limited to first time offenders only, so the second time offender would be the RDP through the Secretary of State."

Cross: "That would be the only eligibility."

McCarthy: "I'm sorry?"

Cross: "So that would be the only... You would only be eligible for an RDP after the first year of the three year suspension?"

McCarthy: "Correct."

Cross: "Okay. So even if you are found not guilty of that second DUI charge, you still could end up with a three year suspension under the statutory summary suspension language."

McCarthy: "Correct."

Cross: "All right. Going over... And those are the only two areas of technical concerns the Bar Association has?"

McCarthy: "They were definitely their major concerns, yes."

Cross: "All right. Can you explain to us a little bit the issue of... the issue of the forfeiture. Can you explain that to the Body what your Bill does with respect to forfeitures of vehicles? When it takes place? How it takes place... et cetera?"

McCarthy: "The vehicle can be seized for any of these five different violations. You're... if you're arrested for a DUI while you're on suspended or revocation for a prior DUI, your vehicle can be seized. The third offense of a DUI that also takes place during the suspension or revocation, the fourth offense under suspension and revocation, is the third area where you can have your

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vehicle seized. You can... Your third DUI total, your vehicle can be seized even if you're not... at that time on suspension or revocation. And for your second DUI, your vehicle could be seized if your first DUI included reckless homicide."

Cross: "What is the process to seize the vehicle?"

McCarthy: "The vehicle is seized and delivered forthwith to the sheriff of the county of seizure."

Cross: "Is it taken at the time of the arrest and impounded and then is there a hearing or what happens?"

McCarthy: "The vehicle can be impounded. On our Bill, we've increased the time of impoundment. The first offense, it's 12 hours. Increased from six to 12. Second and subsequent, it goes to 24. That was another thing that the Bar Association, on the impoundment, that was the third thing that we changed for them. Originally, we had gone to 48 hours on the third and subsequent. We decided to move it back to second and subsequent, would be 24."

Cross: "So you get a DUI and you're eligible under the forfeiture section. Do the police take the vehicle immediately, assuming they impound? When is the time... what's the time frame in which to have a hearing to forfeit the vehicle? What's the burden of proof to take the vehicle, et cetera? How do we go about ensuring, you know, that there's a hearing? Or is there even a hearing requirement?"

McCarthy: "The... As far as a hearing procedure, that hasn't changed whatsoever in the forfeiture. We just added provisions for forfeiture that weren't in the Bill before, or weren't in the law before. But as far as the actual process of forfeiture and the hearings that are... that isn't change whatsoever."

Cross: "So the forfeiture language that we use in the area of

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drugs and firearms would apply to this?"

McCarthy: "It's under the same provision in the law. Cigarette tax and those type things, yes."

Cross: "What do you do with respect, there are exceptions or an exception under your Bill for a vehicle that a spouse relies on. Can you explain that to us?"

McCarthy: "The... For a seized vehicle, if the spouse can prove that it's the only source of transportation for the family or she can prove that the finan... I shouldn't say 'she'. The spouse can prove that the financial hardship to the family outweighs the benefit of taking the vehicle, then the vehicle can be returned to the spouse. At that time, the title... we mandate that the title of the vehicle be changed to the spouse only, and there's a spousal protection in this that this can only happen one time per vehicle in a family's existence and it will not be allowed to claim a spousal protection if the vehicle in question is already under a subsequent forfeiture that we gave it the spousal protection for, and only one vehicle per family."

Cross: "When would a spouse have the ability to offer this privilege or allege this privilege? Would it be... is there a certain amount of time in which she has to... Let's assume you make the impoundment, that that takes place. I don't think there's an exception for an impoundment on a spousal vehicle. So the police impound the vehicle, don't know that there's a spouse involved. Does she have to take the step to, and I am assuming 'she' in this scenario. Does she have to go to court? Can she go to court the next day, say this is our only source of... my only source of transportation, it's our only vehicle? I'm excluded under the code or the statute under your forfeiture language. I want my car back today. When can she make that

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application? Because I don't think, Representative, under the forfeiture language we have... I'm glad to see there's the exception there, don't get me wrong. But I don't think in the traditional forfeiture language we have an exception for spouses anywhere, you know, in the area of drugs and firearms. So when does she take... when does she make her application, is my question? Or when does she make her defense?"

McCarthy: "I'm sure judicially she could make the application as soon as the hearing is heard that the forfeiture has been made complete. And then at the..."

Speaker Madigan: "Mr. Cross."

McCarthy: "...the due process would be that she go there..."

Cross: "Let me... If I could finish up this area. And I'm not... Representative, I just... I think, as you know, this was a source of concern for many of us, the effect, the adverse effect that it's going to have on a spouse, man or woman. I guess I'm concerned that we have an outline, perhaps, that maybe is just... maybe just me, the avenue in which he or she needs to take to get that vehicle back. I know you've outlined some criteria, but I just... I'm a little concerned that we have maybe... I'm just not sure we've covered that adequately and you might just want to take a look at it. But thank you for your answers."

McCarthy: "Thank you."

Speaker Madigan: "Mr. Skinner."

Skinner: "Mr. Speaker, in honor of Representative Black's introduction of folks yesterday, I'd like to introduce former colleagues 'Romie' Palmer and Herb Huskey, who are standing over in the south suburban Cook County section of the floor under Lincoln's portrait."

Speaker Madigan: "Mr. Durkin."

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Durkin: "Will the Sponsor yield?"

Speaker Madigan: "Sponsor yields."

McCarthy: "Yes."

Durkin: "Representative, I see, within this Amendment, we're changing the period of impoundment from 6 to 12 hours. What's the... You're changing the period of impoundment of the automobile from 6 to 12 hours. What is the logic behind that?"

McCarthy: "The logic behind that is the Chiefs of Police and other police associations, in order to make sure that they have adequate time to check the records to make sure what offense this is."

Durkin: "Could you repeat that? I didn't hear that."

McCarthy: "It was basically to give the police authorities more time to check out to make sure what offense it is and what other applications of this law they can apply against the respondents. It gives them a little bit more time, you know."

Durkin: "Saying that the police officers need more than 6 hours to determine whether somebody is drunk?"

McCarthy: "Not to determine whether they're drunk, but also to check the records, make sure that if the violator has broken rules or laws like this in other states. Sometimes we don't get that information back as quickly."

Durkin: "Well, that all can be done within a matter 5 minutes through the Secretary of State's computers and also through the... by running any type of criminal background. Now... Is there any type of a mechanism there, if there's some type of necessity. Say, you impound the automobile. The husband, the father is in the station and the wife needs to... for some reason that's the only car in the family and there's a need to take the child to at least some type of

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health care or to school. Is there any type of provision which will allow the necessity to preempt that 12 hour period?"

McCarthy: "You know, if the spouse is a co-owner, she can come in and pick up the car as long as she can prove that she is a... in a situation where she can handle the car safely. The owner... if the owner is the... if the car is owned by someone other than the defendant, the owner can of course come and pick up his car. If the owner is the defendant, the owner can assign the... the car to another person, too."

Durkin: "But you can't do it within the 12 hour period, though. Correct?"

McCarthy: "They can do this prior to the end of the impoundment period."

Durkin: "I mean, that they can have that car released prior to the 12 hour impoundment period?"

McCarthy: "Correct."

Durkin: "The... If the person who is the perpetrator, the person who is being charged, he has the ability to release that automobile during that 12 hour period?"

McCarthy: "The person under arrest can't take the vehicle himself, but he can give the power to another person to take the vehicle."

Durkin: "Now..."

McCarthy: "During the 12 hours."

Durkin: "...do we want... Someone's whose been charged with being under the influence of alcohol, now, do they have the ability to consent or to make this type of arrangement. If we're making a statement that this person is not able to operate a motor vehicle, but on the same token we're allowing them to sign documents in which they are going to

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release automobiles to other individuals. Is that what we're doing?"

McCarthy: "We basically have written the Bill to say that the arresting law enforcement agency, prior to the end of the impoundment period, may release the vehicle if the people meet the provisions that I outlined previously."

Durkin: "All right, another question. On page 21 on the bottom you state that 'for any prosecution under this Section, a certified copy of the driving abstract shall be admitted as proof of any prior conviction.' That is already the state of the law. Why do we have add this?"

McCarthy: "That was a suggestion by the Bar Association to put it in under a... I'm looking for the page now, but to put it in under it's own subsection (f) and just say that it is all of the above sections. Cause that.... They said that the current law had some problems where it looked like the driving abstract was not admitted at different times."

Durkin: "Well, that's the current state of the law. I'm not quite sure why the Bar Association is doing that because a certified document, or a certified abstract is a recognized exception to the hearsay rule and it... I mean, I would... it's something that's been going on for years and I think that the Gentleman to your right can probably... will agree that that is already the state of the law and I don't see any need why we have to put this in the Bill. It's just... seems like it's just superfluous language."

McCarthy: "Well..."

Speaker Madigan: "Mr. Durkin."

McCarthy: "Let's take it out of Section (d) and put down in Section (f) by itself, so I don't think it was superfluous in the opinion of the other lawyers that were counseling us on this issue."

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Durkin: "I got one last question. On page 23, line 21, it says a person who violates this section during the revocation or suspension period will be guilty of a Class IV felony. Could you define to me what a violation is? Is a violation a conviction or is that the... an allegation of committing an offense?"

McCarthy: "If the person is arrested for a violation under this section while they're already under a revocation or suspension for a violation of these same sections, then it does apply to become a Class IV felony."

Durkin: "Okay. A Class IV felony, okay. So, in this situation, does a violation, does it have to be just the act of driving or does this person have to be arrested for driving under the influence of alcohol, cause right now it's a Class A misdemeanor to even drive an automobile when you have a suspended license or revoked license. Now, are we saying that if you even drive while you... If you have a summary suspension and you drive that automobile during that summary suspension period, are you guilty of this Class IV felony? Cause right now, just driving the automobile during a suspension or revocation is a Class A misdemeanor."

McCarthy: "Correct and it would... if... Both offenses have to be DUI or these other sections listed here related. If you're on a suspension for DUI and you're driving on a suspended or revoked license, it will still be a Class A misdemeanor. If you are under suspension or revocation for DUI and you're arrested on a violation of DUI again, then it will be... move up to the Class IV felony."

Durkin: "Good. Thank you very much."

Speaker Madigan: "Mr. Stephens. Stephens."

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

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Representative Biggins. Thank you."

Speaker Madigan: "Mr. Biggins. Biggins"

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

Speaker Madigan: "Sponsor yields."

Biggins: "I have a couple of questions, Representative, on the Amendment. In the part that deals with when the vehicles are impounded, where are they taken?"

McCarthy: "The vehicles that are impounded? That's taken at the discretion of the county sheriff."

Biggins: "Okay, so they would go... regardless if the offender lived in one county where the crime was... or the incident occurred, the arrest occurred, they would go to that particular area. Is that right?"

McCarthy: "The arresting law enforcement agency... I think every different law enforcement agency has their area of impoundment. You know, if it's in Orland Park, we have our areas, I'm sure you have yours in Elmhurst."

Biggins: "Is there a cost when you retrieve the vehicles in the incident? Is there a cost to retrieve the vehicle or is that addressed in the Amendment?"

McCarthy: "That is... There is no special impoundment fee or... nothing's been changed in this legislation from..."

Biggins: "I'm sorry. I'm sorry, I couldn't hear you."

McCarthy: "Any impoundment fees that could be assessed by local law enforcement agencies, there's nothing in this Bill that would change that."

Biggins: "Well, is it common to charge a cost to retrieve the vehicle. I presume it would be."

McCarthy: "I'd think you'd have to check with each individual law enforcement agency on their rules for impoundment."

Biggins: "Typically, when someone's arrested for this particular offense, I presume it's up to them to get themselves to

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their destination wherever they may have been intending to go? If you're arrested and they impound your vehicle, then you have to get wherever you're going. Your license has been taken, right? So you can't go rent a car?"

McCarthy: "Well, if you're arrested, you're probably going to be, you know, held in the lock up. So the problem of getting to your car..."

Biggins: "All right. So the next day, let's say that you're released the next day. You would then be... would you be... You can't rent a car, your license is gone, right?"

McCarthy: "Depending on what offense it is."

Biggins: "Well..."

McCarthy: "The first offense, the license wouldn't be gone."

Biggins: "If it's a DUI, I think they take your license at the time of arrest... oh, no you don't... maybe you don't. I'm not familiar with the Criminal Code on that. Are you allowed to keep your license upon being arrested?"

McCarthy: "Truthfully, this Bill does not affect that and there's nothing in the Bill that would change anything of that. I know that the current law, there's is a difference on your first offense as to whether you refuse the breathalyzer, cause there is a 6 month statutory suspension which hasn't been changed by this law, you know, at all."

Biggins: "Well, I think my question involves, if a person is arrested for this offense, I think they're... I think they're allowed to keep their license with them because they haven't been convicted yet. Is that a correct thing? For criminal attorneys."

McCarthy: "Unless there's a summary suspension, they would be allowed to keep their license until convicted."

Biggins: "Well, then, is it possible that someone arrested for this offense could take their license, which they still

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have, and go rent a car before they're... under... they're done with their intoxication?"

McCarthy: "To go rent a car?"

Biggins: "Yes."

McCarthy: "The... I think they will be held by the law enforcement agency until their discretion that they would be able to operate a vehicle."

Biggins: "I'm sorry, I didn't catch the end of your answer. Can they go... Is it possible they could go rent from a rental agency and rent a car? They might still be intoxicated."

McCarthy: "Well, it would be highly unlikely that they would be released while they'd still be in that state of intoxication."

Biggins: "Is that something that we could consider adding to the Amendment if it's not in the Criminal Code already?"

McCarthy: "Well, most of the police agencies hold onto these people for as long as they can and they don't want to have them leave, get into an accident and sue the police department. So, while you're saying... I mean, I guess in a round about way what you're saying could actually happen, but I think the likelihood of it is, you know, very limited."

Biggins: "Okay. Now, if they... If they... Let's say it's your third or fourth offense. Is there a point that they impound your vehicles so that you cannot drive it for a period of time?"

McCarthy: "The impoundment period for your second and subsequent offenses is 24 hours. During that time, if you're liable for a seizure of your vehicle, then the law enforcement agency can move for that during that 24 hour period."

Biggins: "Now let's just suppose someone has more than one vehicle and they... the impoundment takes the vehicle in

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which the individual is driving when arrested. They could still go to their home and use another vehicle to drive in that same time period then."

McCarthy: "Unfortunately, we can only take away one vehicle at a time. I mean, I don't know if you're insisting that they have three vehicles in the family and they're caught driving one intoxicated, we'd take all three. This legislation we take the one that they're committing the offense in, but they could go and get a different vehicle out of the family. You're right."

Biggins: "Well, then... I mean, it's almost like saying..."

McCarthy: "The penalty and the punishment is that they're still without that one vehicle. I mean, a family could have three or four cars at their disposal we do have the luxury of that, but I don't think we could write a law that would, you know, take away three or four cars for one offense."

Biggins: "Well, then can we make this analogous to a crime committed with a weapon where the guns are seized because the assumption that the gun was part of the crime. Well, shouldn't we seize all the cars of the driver because did the driver do it or did the automobile do it."

Speaker Madigan: "Mr. Biggins."

Biggins: "Yes."

McCarthy: "I don't think we should."

Speaker Madigan: "Mr. Biggins, Could you conclude, Sir. Could you bring your remarks to a close."

Biggins: "I'm sorry. Two more questions. Did the Illinois State Bar Association, you worked with them on this Amendment?"

McCarthy: "Correct."

Biggins: "And they did remove some objections?"

McCarthy: "They removed all objections."

Biggins: "And they are in support of this right now?"

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McCarthy: "They are."

Biggins: "And there's an exception for the Secretary of State, in some instances, to grant exceptions for certain... For what reasons would that be? Even with the 4th conviction or 3rd or 4th convictions."

McCarthy: "The restricted driving permits that the Secretary of State can issue today, we do have some provisions in the Bill where they can... The only increase on when they can issue them, that they can issue them today, is during a 2nd or subsequent offense, the statutory summary suspension. The law today is that for the 2 year suspension, they can't issue a RDP. We have changed it to make it a 3 year suspension, but they can issue an RDP during the second and third year. The Secretary of State has said, by regulation, that if a RDP was issued in the second or third year, they would make sure that a IBD device was part of that restricted driving permit, so the person, you know, would have to have a breathalyzer device on the car if they were given a restricted driving permit during the second or third year. The people that have a very egregious offense for their second offense and refuse the breathalyzer, would probably see that their suspension is going to end up being 3 years then, so we think it's increasing the penalties and I think the Secretary of State can use it's discretion. I think the Secretary of State's Office has done a great job up till now as far as their issuing of RDP's and I think they'll continue to do so."

Biggins: "Okay, may I have one last question, Mr. Speaker? There have been several incidents about some of our senior citizens at an advanced age getting involved in accidents and there's some question about should there be a limit upon their... some sort of age limit or something on people

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being allowed to drive their cars. Does this Amendment address anything about that, if someone gets involved in an accident or..."

McCarthy: "That would probably be a need for future legislation and this Amendment addresses everyone who's legally able to drive a car as far as consuming beverages that makes them impeded. So, I mean, but it has nothing to do with the age limits of that. That would have to be future legislation."

Biggins: "Okay. Thank you."

Speaker Madigan: "Mr. John Turner. If you could be reasonable in your time, Mr. Turner."

Turner, J.: "Yes, Mr. Speaker. Thank you. Will the Sponsor yield?"

Speaker Madigan: "Sponsor yields."

Turner, J.: "Representative, your proposed language in the Amendment still uses the word 'may.' A law enforcement officer 'may' have the vehicle which the person is operating at the time of the arrest impounded. Does that mean it's going to be up to the discretion of the officer so that sometimes a stop will be made, a DUI will be given to the perpetrator and they'll have it if they... if they happen to think it's somebody maybe they know or like, they won't impound the car? Another situation, is they will impound the vehicle. Why are we using 'may' and how do you view that an officer is going to exercise this discretion?"

McCarthy: "I think that the officers and the law enforcement agencies of the state will continue to use the wise discretion that they use in the vast majority of the cases today. So, I think we can leave it up to the local law enforcement agency and I think that 'may' is appropriate."

Turner, J.: "Well, what if the officer does not impound the car? Decides not to elect to do so? What happens then?"

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McCarthy: "I think that the officers have showed a fine level of discretion and I have no problem with giving them the discretion. I mean, could there be abuse? Maybe there could be. But I think that I, you know, would put my faith in the law enforcement agencies of the state."

Turner, J.: "Okay, I understand that. You're saying that you do want them to have discretion."

McCarthy: "Correct."

Turner, J.: "My question, though, as a follow-up, is they exercise their discretion by not impounding the car, what happens to the vehicle?"

McCarthy: "The different law enforcement agencies have different regulations about this; however, it seems to be that the major part is the vehicle is brought into the station for the impoundment. At the time of release, it's usually a family member or someone assigned by the owner who is in, you know, control of his senses and can operate the vehicle, that the local law enforcement agency deems them that they are not a risk and they take the car at that time."

Turner, J.: "Well, are you using the term impound in the same way that you would use the word seize? Are you saying impounding is seizing?"

McCarthy: "Well, we're not changing the meaning of impound or seize as it is in the present law. The impound just has a more temporary nature to it."

Turner, J.: "All right. What does impound mean, then?"

McCarthy: "Impound means to take the vehicle away from the user and restrict him from using it for a certain length of time."

Turner, J.: "When a vehicle is impounded, under your definition then, does it not require a search of both the interior and

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the trunk in every single instance then?"

McCarthy: "Officers are allowed to do that under existing law and this Bill does not change that in any way."

Turner, J.: "So an officer, under existing law, impounds a car in every DUI, takes it into the police station and does a full search of the vehicle?"

McCarthy: "I've been assured that they in most cases do and... But I would think it would be up to the local law enforcement agency's discretion."

Turner, J.: "Well, how can they do this search unless there's probable cause that some kind of contraband is going to be found in the vehicle?"

McCarthy: "It's an exception to probable cause."

Turner, J.: "There's an exception for probable cause in a search situation?"

McCarthy: "The exception is given to police officers when dealing with impounded vehicles."

Turner, J.: "Well, a car's impounded then under your Bill on a DUI arrest. Does the discretion that you're talking about for the search, does that extend to the glove compartment, under the seats, into the trunk, into closed containers?"

McCarthy: "I... you know, respect your concerns, but our Bill does not change any of the current rules for inspections upon impoundment or inspections upon seizure."

Turner, J.: "I'm sorry, Representative, I did not hear that response."

McCarthy: "I'm sorry."

Turner, J.: "I did not hear that last response. I'm sorry, would you repeat it?"

McCarthy: "I said that our Bill in no way changes the rules that are currently in effect for searches of vehicles impounded or seized. It's allowed under current law and we don't

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change that."

Turner, J.: "So your Bill doesn't change the search and seizure law."

McCarthy: "It changes the seizure law and the search law... the impoundment law because it increases the time periods of those laws. And it also..."

Turner, J.: "...What I'm getting at, when these cars are impounded then, are we going to have, after they're impounded and seized, are we going to have a full search of the vehicle including the glove compartment and the trunk? That's all I want to know."

McCarthy: "We're not changing that and I... and if the local law enforcement agency does that now... that's... if that is in their local rules and regulations, then I would suppose that they would continue it. We don't change it in any way to stop them from doing it or to mandate that they do it."

Turner, J.: "All right, let's go on then and take a look on your Amendment at lines 14 and 15. You're going to insert on line 15, 'or paragraph c(3) of Section 206'. What is c(3) of Section 6-206?"

McCarthy: "Could you please repeat it?"

Turner, J.: "Yeah, it probably wasn't phrased very well. You are putting new language into the Bill. The new language is 'paragraph c(3) of Section 6-206'. What does that Section say? What is stated in it? Since that's going to become part of the Bill, I think we need to know that."

McCarthy: "Could you just give me a page number on that? We're getting a couple of c's here mixed up."

Turner, J.: "I'm just looking at the Amendment on line 15."

McCarthy: "Line 15 of what page, please?"

Turner, J.: "Well, I don't know. That's why... I didn't have anything to look it up. C(3) of Section 6-206 I assume

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refers to the Vehicle Code. I don't have it handy. I don't know if it's incorporated in your Bill or not, so I'm just wondering what that section says and why we're adding it."

McCarthy: "In this Amendment we don't change anything in 6-206. There may be a reference to it somewhere, but unfortunately... I mean, we're not trying to be nebulous here, but we have a hard time... The Illinois Vehicle Code is amended by changing Sections 4-203, 6-113, 6-118, 6-208, 6-303, and 11-501, as follows. So 6-206 did not come into question there."

Turner, J.: "Okay. Well, maybe I'm... Am I looking at the Amendment incorrectly? Am I... Maybe I'm looking at the wrong Amendment, but on page... on the first page on lines 14 and 15, it looks like to me you're... you're saying you're going to insert after 6-205 the following or paragraph c(3) of Section 6-206. And, so, what does that..."

McCarthy: "Representative, could you give me the LRB number to make sure we're working off the correct Amendment. I mean, we are... I'm not trying to be shifty here, but we cannot find what you're referring to."

Turner, J.: "Did you say, read the LRB number?"

McCarthy: "Please."

Turner, J.: "All right. Okay. LRB9008478RCksam03."

McCarthy: "That's Amendment #1."

Turner, J.: "Have I got the wrong Bill?"

McCarthy: "You have the wrong Amendment."

Turner, J.: "Wrong Amendment."

McCarthy: "I believe that's Amendment #... I'd have to look, but that is the wrong Bill."

Turner, J.: "All right. I apologize if I've got the wrong one."

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I'll wait till it goes onto Third Reading..."

McCarthy: "Okay."

Turner, J.: "...and get the correct one from staff and then follow up with some questions. Thank you."

McCarthy: "Thank you."

Turner, J.: "Thank you, Mr. Speaker."

Speaker Madigan: "The Gentleman moves for the adoption of the Amendment. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Mr. Clerk, are there any further Amendments?"

Clerk Bolin: "No further Amendments. All Notes that have been requested on the Bill have been filed."

Speaker Madigan: "Third Reading. Mr. McCarthy, do you wish to call the Bill on Third Reading? Mr. Clerk, read the Bill for a third time."

Clerk Bolin: "Senate Bill 1424, a Bill for an Act concerning driving violations. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. McCarthy. Mr. McCarthy moves for the passage of the Bill. Those in favor of the passage of the Bill signify by voting 'aye'. Mr. Cross."

Cross: "Will the Sponsor yield?"

McCarthy: "Yes."

Cross: "Representative, I'd like to go back to this issue of the forfeiture because I'm not so sure that we're not setting ourselves up to harm some spouses out there inadvertently. Somewhere the individual gets arrested for the DUI, the vehicle is impounded. When is the state required to file the forfeiture proceeding, if you know?"

McCarthy: "The law enforcement agency would file for the forfeiture as soon as they are, you know, made aware and are clear on the fact that it applies to the parts of this Bill that make it eligible for seizure."

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Cross: "So, I mean, do they have and I don't have the Section in front of me on the forfeiture, but do they have a time period in which they have to file it or up until? I mean, are we talking three weeks, a month, two months?"

McCarthy: "The time period basically says, and this has not changed from previous law. But it's within 15 days after such delivery the sheriff shall give notice of seizure to each person according to the following method of bonding such person whose right, title or interest is of record in the Office of Secretary of State."

Cross: "Representative, I can't hear you. Can you tell us where you are?"

McCarthy: "We're on page 27, line 27. 27. 27."

Cross: "So I give notice that I'm going to seize the vehicle or that I've seized it."

McCarthy: "Correct."

Cross: "What's the time period then... So we know for at least a fact that a spouse is going to be without a vehicle for 15 days. Is that correct?"

McCarthy: "Well, the regulation is that the sheriff would do it within 15 days. If he takes the full 15 days to do it, then what you say could be correct."

McCarthy: "All right..."

Cross: "It's a good 15 days. So he could do it the first day or he could do it the 15th day."

McCarthy: "So I give the 15 day notice. I didn't notify the state's attorney or the county of seizure. Do I have a requirement to notify the spouse?"

Cross: "No."

McCarthy: "So how is the spouse going to know that he or she has... is potentially going to lose their vehicle?"

Cross: "I think the spouse would be well aware of the absence of

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the vehicle. If the spouse didn't realize the vehicle was gone, well, you know."

McCarthy: "You know, we have a pretty strong system of requiring notice and due process in this country and in this state. Don't we... shouldn't we include the spouse as one who receives notice of the potential forfeiture?"

Cross: "The current law would include the spouse if the spouse is titled on the vehicle. If the spouse is not titled on the vehicle, then the current law doesn't change that and we're not going to change that."

Cross: "All right. So... That's in the current law, Representative?"

McCarthy: "Correct. That does not change current law."

Cross: "All right. If I'm reading this... I agree with you, so... you're right. Thank you. So I get my notice of 15 days, do I then have an obligation or a responsibility to have a hearing. The state's attorney has to file... file some documentation of a hearing?"

McCarthy: "The... So on those provisions we are not changing existing law. So..."

Cross: "I'm not... I understand and that's fine. I'm just wondering... my real.... The end question here is, how long are we going to... how long is the wife going to go without a vehicle or what can we do to ensure that the spouse, that's done nothing wrong, that we don't want to harm, can get his or her vehicle? And I just... Right now we know we've got a 15 day period where it appears under your Bill that there's a notice sent out, the vehicle's impounded and we don't even have a hearing yet, and we're going to now put in the spouse a situation of at least two weeks without her vehicle or his vehicle. And I'm just... It appears that it's going to be a longer period of time. And as I

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was trying to get to earlier, should we have some language in here that says the spouse that... on the first time and there's only one vehicle, has the right to go into court on day one after the DUI and request the exception or the exemption or the exclusion. And I... we don't have that in here."

McCarthy: "Well, there's nothing in this Bill that after the first DUI the Bill... the vehicle would be seized."

Cross: "All right."

McCarthy: "So, I mean, this is a second, only a second violation when the first violation had reckless homicide in it. So, I think that problem is much more serious than worrying about whether the spouse gets her car back in one day or 15 days."

Cross: "I'm not quarreling with the seizure part. You've done a great job cleaning that up, but we all seem in agreement that the spouse, who's done nothing wrong, who has a spouse that has a problem that we all agree needs to be punished."

McCarthy: "The other spouse has done something wrong and the persons that are injured by these people have done nothing wrong."

Cross: "No quarrel about it."

McCarthy: "And I think they're more grievously..."

Cross: "I'm in complete agreement with you."

McCarthy: "Okay."

Cross: "I'm in complete agreement with you. But what's the mechanism for her to get her vehicle back?"

McCarthy: "She has to show the provisions that we listed earlier, which is basically that it's the only source of transportation for the family, and, also, that the hardship cost to the family would be of a greater interest than..."

Cross: "I understand."

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McCarthy: "...the value of the state taking the vehicle."

Cross: "Timing wise, when does that take place, Representative?"

McCarthy: "I'm sure..."

Cross: "That's where we seem to have a problem."

McCarthy: "...as quickly as the judicial process can move along.
I mean, this... I don't think we put a guarantee in there
that it's going to happen by any date."

Cross: "All the other forfeiture provisions we don't, as I said
earlier, we don't have that exception nor should we. You
know, if someone, you know, gets their house forfeited
because of drugs, we take the house."

Speaker Madigan: "Mr. Cross, could you bring your remarks to a
close."

Cross: "I will, Mr. Speaker. So we've created a new creature
here of allowing this exception, which is good. As I said
earlier, I'm glad you did that. But we don't have a
mechanism... you don't yet have a mechanism to allow that
spouse to get her vehicle back in a timely manner. And
that's my concern, I guess, is the bottom line. And you
still haven't told me when..."

McCarthy: "Well, if your concern is genuine and if this becomes a
problem, then we can address it in future legislation. If
we need to put time frames into, we will. I mean, but,
even in all our discussion with the bar associations, that
time frame thing never came up. So, maybe this is
something like, you know, a lot of the legislation that
goes through here, we look at later. We say, okay, this
has caused a problem. Let's put time frames in. I don't
feel it's necessary at this time."

Cross: "Well, I think we do potentially have a problem, but thank
you, Representative."

Speaker Madigan: "Mr. Black."

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Black: "Well, thank you very much, Mr. Speaker. I'd like to paraphrase a great philosophical musical group of about 30 years ago in which they posed a question I'll change a little bit, 'The Iguana Sleeps At Night'. So if the Sponsor would yield."

Speaker Madigan: "The Sponsor yields."

Black: "The question to you, Representative, does the iguana sleep at night? Well, I see you're baffled by that, so let me get to the heart of the issue, if I might. How many restricted driving permits does this Bill allow a repeat offender to have?"

McCarthy: "The... under the suspen... They can only get a suspension once every ten years, or a suspended driver's license every ten years, which was an increase in the penalty. I think we'd have to know the age of the defendant... you know... Over the course of their lifetime?"

Black: "Yeah. I mean, the question that we're going to be asked back home is for the repeat offender. The person who, quite frankly, should be our target in all of this. The person who thumbs his nose at the law, drives after a suspension. Repeatedly drives after a suspension; hasn't had a driver's license in 15 years; blows a .25 and kills people. The only thing my constituents are going to ask me is how many RDP's will this kind of an individual be allowed to get before you take him off the road forever?"

McCarthy: "A person who would commit an egregious violation like that, I would think that the Secretary of State and I would have faith in the Secretary of State, would not even issue them the first RDP. They can... And actually, after the fourth offense, they can never give them a license the rest of their life. So this now... I mean, right not, we're

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limited to after ten years, the Secretary of State's hands are tied and no matter how egregious the offense is, after ten years that person can reapply for a driver's license."

Black: "All right."

McCarthy: "Our Bill changes that. This person can never reapply for a driver's license. He can only apply for a restricted driving permit through the Secretary of State and for these egregious offenders, I have every confidence the Secretary will never give them another driver's license."

Black: "But that discretion will be left to the Office of Secretary of State. Correct?"

McCarthy: "It will. But it's also got the restriction that at the time that the Secretary of State, for a fourth offender, would give them an RDP for some reason, there is a five year mandatory IBD device put on the vehicle that the person would have to be driving."

Black: "Thank you very much, Representative. I appreciate the answer to that question because it's very important, and if the iguana, in fact, sleeps at night, we must be ever vigilant to keep these kind of people off the road. And in the words of the Tokens, 'a whim away, a whim away, a whim away.'"

McCarthy: "I appreciate the comments."

Speaker Madigan: "Mr. Stephens, this Bill has been discussed for a very long length of time. If you could be reasonable in your time, Sir. Mr. Stephens."

Stephens: "So, do I get five minutes or not?"

Speaker Madigan: "Well, I would hope that you could work within reason, Mr. Stephens. We're trying to be reasonable here."

Stephens: "Well, I..."

Speaker Madigan: "But this has been debated now for well over 45 minutes."

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Stephens: "I appreciate your attempt at being reasonable."

Speaker Madigan: "Mr. Stephens."

Stephens: "And I know that on our side of the aisle we..."

Speaker Madigan: "Mr. Stephens."

Stephens: "Thank you very much, Mr. Speaker. Would the Gentleman yield?"

Speaker Madigan: "Sponsor yields."

McCarthy: "Yes."

Stephens: "Representative, would you explain for those of us in the back - I'm glad that it's quiet now. But those of us in the back, seriously, all morning there's been a lot of confusion on the floor and we're particularly affected by the staff and visitors that come through the back and we haven't heard a lot of the debate. Would you explain for us, once, the rationale for the provision that provides that a person may not make application for a license, but then may make... may be subject to the Secretary of State issuing the restricted permit. Could you explain to us the rationale there?"

McCarthy: "The rationale for that was basically that we believe that it is four strikes and you're out. That you'll never get a regular driver's license again after the fourth offense. The rationale for a restricted driving permit, leaving that up to the discretion of the Secretary of State, is that we were made aware that there's various areas of the state where transportation is not available to people and so we think for the egregious offenders, these people probably won't get their restricted driving permit but we didn't want to leave them out of the system completely. We also wanted to leave them some way and encourage them to come back in the system, cause we all know that some of these 4, 5, 6, 7th time offenders just

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drive without a license and without insurance. By letting them have a restricted driving permit, if they are in another offense, at least they can have car insurance; and if they hurt somebody else, that family could be taken care of. So there is advantages to try and keep these people in the system."

Stephens: "Is there anything in your Bill that indicates what the process of deciding whether a person will get a restricted permit from the Secretary of State's Office, how that will be determined?"

McCarthy: "It basically is handled the way it is in current law now for restricted driving permits. It's by rules and regulations promulgated by the Secretary of State and the Secretary of State has already agreed to some of the extra provisions that I mentioned earlier, like the IBD device being mandated on the summary suspension. That was increased to three years, and also on the... for five years, if a restricted driving permit is issued after a fourth offense."

Stephens: "Did I correctly hear you say that those... there will be rules promulgated for that?"

McCarthy: "Those are... out understanding, we've been guaranteed that by the Secretary of State and they stand in full agreement with the Bill."

Stephens: "Representative, do you know whether the current DUI's that are issued, whether there is a predominance of male or female..."

McCarthy: "I don't have statistics to tell me exactly. I, you know, have my own beliefs, but I'd rather not quote them."

Stephens: "Do you have the impression that there is a predominance of one sex or the other?"

McCarthy: "I wouldn't want to comment on that."

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Stephens: "I'm sorry."

McCarthy: "I would be speculating if I made a comment. So..."

Stephens: "All right, thank you. I have further concerns about the provisions for the spouse being able to retain the vehicle. The... for the language that deals with the second forfeiture for a violation, prohibits a person from utilizing the proceeding that allows the spouse to get their vehicle back. If the owner of the seized vehicle owns more than one vehicle, the procedure for the forfeiture may be used for only one vehicle. What's the rationale there?"

McCarthy: "We would want to seize the vehicle that was involved in the violation. I mean, I don't think we can pass legislation that we're going to start seizing vehicles that weren't even involved in the violation." &tfh;7

Stephens: "Your Bill doesn't specifically say that, does it? It says that they may seize one vehicle, not the specific vehicle that was involved with the DUI?"

McCarthy: "No. No. The spousal protection clause will only be allowed on one vehicle per family. Okay? So if you have a spousal protection clause, we've given you back the vehicle, you committed a violation with another vehicle in the family, you are not eligible for that spousal protection. I think it's more than fair."

Stephens: "Well, I'm not questioning the fairness or the intent of your legislation, Representative, I'm just trying to better understand it. You know, it's frequent in this Body that we come before the Body with the best of intentions, well thought out legislation, we think. But then when we pass it and after the promulgation of rules and the institution of the statute, we wind up finding that low and behold it didn't do exactly what we thought it did, and

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that's the reason that many of us on this side of the aisle are asking such specific questions."

McCarthy: "Okay. And I respect your concerns and I hope I answered them, that basically if your family has already been issued a exception to the seizure by spousal protection, you are not eligible for a second exception. I mean, I think that is very clear in the Bill."

Stephens: "Representative, you've been very direct in answering my questions. I appreciate the Speaker giving me the time to ask those questions and I appreciate your response. Thank you."

McCarthy: "Thank you."

Speaker Madigan: "Mr. Turner. If you could be reasonable, Sir."

Turner, J.: "Yes, Mr. Speaker."

Speaker Madigan: "Mr. Turner."

Turner, J.: "Thank you. Will the Sponsor yield?"

Speaker Madigan: "Sponsor yields."

Turner, J.: "Representative, I want to follow up on what Representative Cross was alluding to earlier and you're going to find this hard to believe, I've got the right Amendment this time. So we're going to be..."

McCarthy: "Maybe we should start with reading off the Amendment number again, Representative."

Turner, J.: "Yeah, I'm making progress here in this chamber. Page 28 where we talk about the spouse, in certain situations, being allowed to get the vehicle back. Now, first of all, what if there is a co-ownership of the vehicle but the co-owner is not married? They're not married. It's not a marital situation. What happens to that co-owner's rights?"

McCarthy: "If the co-owner is titled on the vehicle, then they can apply back for the vehicle under the other provisions

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of it. If the person is not listed on the title and is not a spouse, then they do not apply for the spousal protection."

Turner, J.: "Well, are you saying that there's a separate provision other than the one I just referred to for co-owners? The question was, is there a provision I'm overlooking for co-owners?"

McCarthy: "I think I answered in error. It only applies to the spouse."

Turner, J.: "It only applies to spouses. Okay. Why? Why would it not apply to someone who has equal rights to the vehicle? A co-owner that is. Why would it not apply to them as well?"

McCarthy: "We are making the spousal protection in order to protect the family && so..."

Turner, J.: "Well, as we know, family is a pretty big word in today's world. I mean, let's face it, folks do live together when they're not necessarily married and when they do so and they depend upon each other and they share the same vehicle, shouldn't those persons have the same rights as a spouse?"

McCarthy: "No. No. I..."

Turner, J.: "Well, why not?"

McCarthy: "I wanted to limit the section. We want to make the seizure provisions of the Bill to be as strict as possible and we agreed that we would allow spousal protection, but we didn't think it should go any farther."

Turner, J.: "Representative, in all due respect, it seems that this language is discriminatory. It requires... there are families where there may not be a marital situation and it requires one, and it seems to discriminate against individuals who do own cars who simply didn't go through

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the matrimonial ceremonies. Don't you see it as a discriminatory clause?"

McCarthy: "I see it as a spousal protection and I don't see it as being unduly harsh. They won't..."

Turner, J.: "Clearly, Representative, a spousal..."

McCarthy: "But I see no problem with it."

Turner, J.: "If they're members of the same family and they depend upon the vehicle, if they use it to go get their groceries, if they bought it together. Why in the world wouldn't you want to protect that other individual who's co-owner? Why do you want to..."

McCarthy: "We're trying..."

Turner, J.: "...confine it only to a spouse?"

McCarthy: "You know, I appreciate your concerns, but we're also trying to protect the innocent victims who are harmed by these people violating these sections of the Code."

Turner, J.: "Absolutely and I agree with that. But it just seems to me by specifically saying if the spouse - you don't take in the situation into account other situations where folks do live together as a family, and a spouse is not involved. I guess that's what you intend to do though?"

McCarthy: "I think I'm being as lenient as is necessary by allowing the spouse to have the spousal exemption. I don't want to open it up to the other people. I don't want these cars back on the street where these people have access to them to hurt other innocent individuals."

Turner, J.: "Okay, I just want to make it clear then, if two people are living together but haven't been married, but do own the car together, depend upon it to get their needs, you don't want to include those people unless they're married, that is your intent with this legislation then?"

McCarthy: "Correct."

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Turner, J.: "Alright, just a couple more questions in deference to... Mr. Speaker, has asked me to keep my remarks short. What was Representative Black referring to when he said, 'The iguana sleeps tonight'? Is there something in the Bill about the iguana sleeps tonight that I haven't seen in here?"

McCarthy: "That is a provision for a Danville Amendment that wasn't adopted."

Turner, J.: "So, when he said, 'The iguana sleeps tonight', that was an inside joke, it's nothing to do with this Bill though?"

McCarthy: "It's from our old military service days, Representative Black and I."

Turner, J.: "Alright. You know, it was a couple of weeks ago, perhaps last week, where we had a Bill that shot through this House with regard to using golf carts, and now, if a person crosses a... from Hole #6 to #7, crosses a public way in a golf cart, is subject to DUI or of course when they bring their golf cart back to the parking lot to take their clubs out and put them into their car, they'll be subject to DUI arrest, does the forfeiture provisions, the impounding procedure, the seizure, do all those things apply to a golf cart as well as soon as the Governor signs that Bill?"

McCarthy: "If that legislation is signed, they become duly licensed vehicles, and they would be applicable to all Sections of the Code. So, I think we're, you know, we're speaking on hypothesis here because we don't even know if that Bill is going to be signed or become part of the law."

Turner, J.: "Well, a person, after 18 holes of golf, pulls the golf cart into the parking lot, which is a public area of course, takes the clubs out of the golf cart, puts them in

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the truck of the car, can both the golf cart and the car be seized and impounded? If there's a DUI in this case."

McCarthy: "We are talking about the, you know, impounding and the seizing of vehicles as defined in the Vehicle Code, and I don't think we can make suggestions as to future changes in the Vehicle Code, to include other vehicles. But..."

Turner, J.: "Representative, I thank you for answering my questions. Mr. Speaker, you asked to keep my questions short, that's as good as I can do. Thank you."

Speaker Madigan: "Thank you, Sir. Mr. Tim Johnson.

Johnson, Tim: "Thank you, Mr. Speaker and Members of the House. I am a cosponsor of this Bill and I intend to support it and I certainly congratulate Representative McCarthy on crafting some Amendments to what was initially my Bill as it came over from the Senate, at least my Bill that went over to the Senate. I must admit that there is one provision that, were I in charge of the legislation, I would have not want to see added, simply want to point that out for the record, because while voting for it, I have somewhat mixed emotions. I believe, and I think the majority of the people in this chamber and certainly in the State of Illinois believe, that there ought to be a certain number of traffic violations for drunk driving, after which you can never drive again. Under any circumstances. Restricted driver permit, work permit, nothing. There ought to be a certain number of offenses, and I'm not sure I have the magic number, although my Bill in the Senate contains a provision for 3 or 4 after which your license is dead forever. I understand why you put this in, it's at the behest of the Bar Association and others who felt that there should be a grace period, but I think 3 or 4 offenses, when you're dealing with a lethal weapon that can

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kill and has killed and maimed millions of people over this country, there ought to be a time at which you can never get your license back. So, I'm going to vote for the Bill, I think you've done a good job. Senator Mahar did a good job, and this House has certainly considered it in a deliberative manner. But I sure would like to see us, and I assume it would have to go back to the Senate anyway for a concurrence, I would like to see us modify that provision to eliminate the ability of multiple repeat offenders, to ever get their license back. And with that said, I urge a 'yes' vote."

Speaker Madigan: "Representative Mulligan."

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

Speaker Madigan: "The Sponsor yields."

Mulligan: "Representative McCarthy, I too think this is a good idea, so, I certainly commend you for your Bill. What I'm really curious about is, I hear Representative Black and them, Representative Turner talk to you about an iguana. Is the iguana sleeping tonight in your Bill? And, I mean, I don't understand the iguana sleeps tonight, the iguana sleeps tonight being mentioned. All this time on the House Floor, unless it's in your Bill."

McCarthy: "Well..."

Mulligan: "Could you explain the iguana sleeps tonight to me at all?"

McCarthy: "We've been asked to just go along with Representative Black on certain things and so, I chose to do that with the iguana comments."

Mulligan: "Oh, okay, well, I commend you. I think it's a very good Bill."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'aye'; those opposed by voting

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'no'. 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 117 people voting 'yes', 0 voting 'no', this Bill having received a Constitutional Majority, is hereby declared passed. Is Mr. Tom Johnson in the chamber? The Chair recognizes Mr. Durkin."

Durkin: "Thank you, Mr. Speaker. A point of personal privilege."

Speaker Madigan: "Mr. Durkin."

Durkin: "It's with great honor that I introduce 6 young students from Divine Infinite Jesus Grammar School in Westchester, Illinois, my alma mater who have traveled down here today to receive the award as being the state finalist in the Chicago Metropolitan Fair. And behind me, I would like to introduce Seandra Brown, Christina Barelli, John Saraceno, Courtney Barry, Joe Bruchek, and Christina Tassej. Let's give them a warm welcome from the House of Representatives."

Speaker Madigan: "Mr. Rutherford."

Rutherford: "Thank you, Mr. Speaker. I rise for a couple of points. One of them is to introduce Mr. Pete Holliday, who is the Governor for the Key Club for the State of Illinois, which is a high school branch of Kiwanis' in a sense, so, welcome Peter to the floor. Also, I'm proud to introduce a former colleague of ours, State Representative Tim Bell, from the quad-cities area, and Representative Bell is on the floor with us. And with that being said, Mr. Speaker, and it's not because former Representative Bell is on the floor with us, but I've got some real sensitivity to senior citizens. And the program that has been introduced under House Bill 3184, would raise the level... Mr. Speaker, I'm sorry, no, that part's in, that part's..."

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Speaker Madigan: "Mr. Rutherford."

Rutherford: "Thank you, Mr. Speaker. As I said before, House Bill 3184 deals with raising the threshold in which the circuit breaker program would be eligible for our seniors in this state. That threshold today is \$14,000. House Bill 3184, sponsored by Representative Jones, Lawfer and Myers, would raise that threshold to \$25,000. In light of the amount of resources that our in our state treasury today, in light of the need of our senior citizens in this state, I would ask that we bring this Bill from Rules Committee, immediately to the floor for a vote. And for that reason, Mr. Speaker, I have filed a Motion under Rule 18(g), to discharge Rules Committee to bring House Bill 3184 to the floor."

Speaker Madigan: "The Gentleman has moved to discharge the Rules Committee. Mr. Hartke objects to that Motion. Mr. Hartke's point is well taken and the Motion is out of order. Mr. Rutherford."

Rutherford: "Speaker, I didn't hear a point as to why he was rejecting it."

Speaker Madigan: "It's in violation of the rules."

Rutherford: "Which, wait..."

Speaker Madigan: "Mr. Rutherford..."

Rutherford: "What's the violation of the rules?"

Speaker Madigan: "Mr. Rutherford, do you wish to appeal the ruling of the Chair?"

Rutherford: "Why, I just want to hear the reason that the objector has..."

Speaker Madigan: "Mr. Rutherford, we..."

Rutherford: "...to do that."

Speaker Madigan: "...been through this many, many times."

Rutherford: "I've never been through this before."

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Speaker Madigan: "You were..."

Rutherford: "This is my first Motion to discharge rules."

Speaker Madigan: "Your redresser is to appeal the ruling of the
Chair. Mr. Rutherford."

Rutherford: "With that then, Mr. Speaker, I would move that the
Chair be overruled."

Speaker Madigan: "On that question, Mr. Cross."

Cross: "Well, Mr. Speaker, I do believe that this is debatable,
and I trust that you will allow us ample time to debate
this."

Speaker Madigan: "We will operate under the rules, Mr. Cross."

Cross: "And what... what do you intend to do with respect to the
rules, Mr. Speaker? Concerning the debate of..."

Speaker Madigan: "We'll get..."

Cross: "...the debate."

Speaker Madigan: "You'll get five minutes, Mr. Cross."

Cross: "Well, Mr. Speaker. I guess it's not a shock to anyone in
this chamber, at least to those of us on this side of the
aisle that, our attempts, either in the areas of getting
the COLA Bill called, the 2.2 Bill called, property tax
relief for middle class people in this state called, have
all been rejected. And Representative Rutherford's Motion
to discharge from Rules, House Bill 3184, I guess is no
shock either. It's really a sad day in Illinois when we
turn our backs on the citizens of Illinois, especially,
especially, the senior citizens of this state. The circuit
breaker program for those of you that don't know, is a
program that provides a grant to senior citizens who make
an income of less than \$14,000. Not only does it give them
a property tax grant, it also gives them a break in the
area pharmaceutical relief. Currently, the circuit breaker
program provides for relief in several areas. This bill

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not only would raise the threshold from 14 to 25,000, it would also add to the pharmaceutical program, Parkinson's disease, Alzheimer's disease, and cancer drugs. All three of those diseases are prevalent in our society and our state, unfortunately, and we know that because we all confront it in our districts on a day to day basis. Unfortunately, with own family members at times. We rely on seniors in our communities on a day to day basis. They are a tremendous asset, a tremendous resource to our communities. And by not increasing this threshold to \$25,000, we are saying to our senior citizens, 'Leave our communities, leave our state, we don't care about you.' They are providing excellent services in the area of volunteering in either our hospitals, in our churches, in our libraries, hospice programs, park programs, the list goes on and on. It is vital that we keep senior citizens in our communities. We all hear on a day to day basis, that property taxes are driving senior citizens from their homes. This is one way, this is one way, in which we can keep senior citizens in our communities, we can keep senior citizens in our homes. Of course, another way would be for us to address the property tax relief Bill that we requested to get discharged from committee, several days ago, that did not happen. Mr. Speaker, it's unfortunate that we don't even get to vote on any of these Bills. They've been stuck in Rules. This Bill has been in Rules since February 17th. We've sent the letters that you've requested, we've sent the letters to the Majority Leader, we've sent letters to your office, and unfortunately, they've been ignored. So, Mr. Speaker, I rise in support of Representative Rutherford's Motion. I hope everyone will... I hope everyone, not just Republicans on this side

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of the aisle, but Democrats as well, will not ignore senior citizens anymore, and will support us in our Motion to override the Chair. Thank you, Mr. Speaker."

Speaker Madigan: "There will be one more person speaking on behalf of the Motion, then Mr. Rutherford will be recognized to close. And there are two people seeking recognition, Representative Mulligan and Mr. Winters. Mr. Winters, who will be the last person before we go to Mr. Rutherford to close."

Winters: "Thank you, Mr. Speaker. The Rule, shall the Chair be sustained, I would have preferred to have heard the logic behind Representative Hartke's objection to discharging the Rules Committee. I think to put words in his mouth, I think he's perfectly capable of speaking for himself, and I would have appreciated hearing him. This... Members of the House, is a very serious issue that the Rules Committee is not allowing us to vote on issues that this Body should have the right to vote on. I had a group of seniors down yesterday,. they were on the House Floor and watching the debate, and it was hard to explain to them why so few people listen to our debate. Most of us know how we're going to vote on most issues that come before us, and I assume that most people know how they will vote to override the Chair. Yes, Mr. Speaker, I think I was given one minute when we started, it's down to thirty seconds. Thank you. When we discuss these, we need to think very carefully about our role as spokesmen for the people of our district and for the people of the State of Illinois. Since 1985, we have not increased the threshold for the circuit breaker program and we've seen the borrowing... excuse me, the purchasing power of our seniors on fixed incomes has been diminished by inflation over that time.

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Just to bring it back to where they were 12 years ago, we need to move the threshold for qualification from \$14,000, and the suggestion is to move it to 25,000. Now, on 25,000, seniors living in their home in my district, we face the third highest property taxes in the entire country. The highest in Illinois. Seniors are being forced out by those property taxes. One of the ways that we can help them is if they have health problems. The prescriptions that they pay for may not be covered fully by Medicaid, Medicare, their own health insurance is not covering it. We need to give them the circuit breaker that allows the state to pick up much of the cost of those pharmaceuticals. We also need to expand this entire program. There's areas that we don't cover. Alzheimer's, Parkinson's disease, cancer treatment drugs, and these are very, very, expensive drugs. When we tell people that have these life threatening diseases that are going to shorten their lives that, 'Well gee, we're sorry, we don't have enough money, you don't qualify because you have over \$14,000 of income.' We're really slapping the seniors and saying, 'You know, you put your entire life into our country, you've worked a full productive life, and now in your waning years when your physical strength is drained, when you may need help to cook for yourself, you may need help in your house to keep it straightened out, you need help to go to the grocery store, we're telling them, this state, even though it has a billion dollars of extra dollars, we've got cash in the bank, but we cannot spare a few million dollars to help you out.' Other proposals have been made that would raise it from 14 to 16,000, and that is just ridiculous that we even consider that. We need a major increase in that level that they can earn their money

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if they have some investments, they should be able to earn this money before they get kicked out of the circuit breaker. The proposal that we have to raise it to \$25,000 household income, will cost the state about \$50 million. That is 1/20 of the dollars that we have sitting in the kitty at the end of this year. We have tried to bring property tax relief that would help the seniors. We tried to double the income tax exclusion that you pay for property tax. We've asked for COLAs, that if they end up in a nursing home, if they end up in one of our other community service providers, that the people that are working there will not be the ones that the only job they could get is minimum wage. We're trying to raise the level for these workers that are trying to support a family, and yet you will not let it out of the Rules. So, I appeal to both sides of this House. Consider in your heart when you cast a vote on whether or not to sustain the Chair, whether we should overrule the Chair, are you willing to vote against the seniors? And that's what this will be, it will be a vote against the seniors in your district. I urge you to think very hard before you cast a vote to sustain. We need a roll call on this. I ask that we overrule the Chair. Vote 'no' on the question, 'Shall the Chair be sustained?' Thank you."

Speaker Madigan: "The Chair recognizes Mr. Boland in response."

Boland: "Thank you, Mr. Speaker. I'm really happy and thrilled to hear so many people on that side of the aisle, suddenly come to the desire to improve the circuit breaker program. As you and I and all the Members here well know, we passed my Bill, House Bill 314, that raised the circuit breaker from 14,000 to 30,000, added a cost of living escalator to it, and expanded the age level of those eligible from 65 to

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62. So, this Motion is obviously clearly political and of no merit at all. The Bill is over there in the Senate. I would recommend to all of those to do as I have done, and urge the Majority in the state Senate over there to pass House Bill 314, and send it to the Governor. Thank you."

Speaker Madigan: "Mr. Rutherford to close."

Rutherford: "Thank you, Mr. Speaker. I would request we have a roll call vote please, and recognizing Representative Mulligan's not going to have the opportunity to speak, and has... feels strongly on this, I'm going to yield my time to Representative Mulligan."

Speaker Madigan: "Representative Mulligan."

Mulligan: "Thank you, Mr. Speaker. I realize that a vote to sustain the Chair, a 'yes' vote would be a vote against seniors, and that's why I think this is a really bad ruling. Because what it does is, it puts your Members in a box. It puts them in a point of voting with their party, which is always a rule when you try to overrule the Chair, but yet, you're making them vote against seniors. I think this is an excellent Bill. When you take an excellent request to let this Bill out of the Rules Committee, because I think when you make a request that changes the fact that \$14,000 was established as a threshold in 1985, I don't think there is a Member in this Body that can tell you that \$14,000 in 1985 is not worth much less than it is now, and that your cost of living has not gone up many times over the last 13, 14 years. And we're not going to allow this threshold to be raised. This would allow us to serve 154,000 more seniors. The problem is, if they don't get their prescriptions and they don't get their drugs, they end up in the hospital soon, and what happens is, we have seniors in long-term care where the state pays much

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more for them. This is a very physically responsible move to allow them to have this additional help. It would help a great number of people from everyone's district. No Representative benefits more or less and I think that to keep this out there and to ask your Members to have to rule against seniors to sustain a ruling from the Chair, is really not a good way to run the House. I would suggest that we take this vote, but that you reconsider and allow this Bill to be released from Rules because it's a very important issue. Those of us that have been in the Human Service Appropriation Committee, have repeatedly gone to bat to put out COLAs, to help seniors, everything that has been stopped in that committee from coming forth in additional Bills. It is very disappointing as move into a season where we have a billion dollars of new revenue that we cannot find it in our hearts to raise this threshold to help seniors. I find this is a very unappetizing vote for Members on your side of the aisle to have to take to sustain a ruling that is definitely against seniors. I would ask that they do that and that they then prevail upon you to change this."

Speaker Madigan: "The question is, 'Shall the Chair be sustained?' Those who wish to support the Chair vote 'yes'; those who are against the Chair vote 'no'. 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 59 'ayes', 58 'noes', the Motion fails. Mr. Black."

Black: "Thank you very much, Mr. Speaker. An inquiry of the Chair. I assume the Chair is basing its rationale on limiting the debate on the Motion to overrule the Chair, on House Rule 52(2), and that would be the standard debate

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measure. Is that what the Chair rests..."

Speaker Madigan: "Yes."

Black: "...its decision on?"

Speaker Madigan: "That's correct."

Black: "It appears that the way you have written the rules, there's no way that we can extend a Short Debate. Surely that wasn't your intent when you wrote the rules? Knowing that you have always been in favor of full and open debate, I've tried to find a way that we can extend debate on the question, and it appears that only the Rules Committee or the Speaker, could do so."

Speaker Madigan: "The intent in drafting the rules, was to have a set of rules that would provide that where in the opinion of the Chair, people were not being reasonable, those rules could be invoked. We had a Bill this morning that was debated for forty-five minutes, were the same five people participated in debate on both Second Reading and Third Reading. There were no negative votes on the Bill."

Black: "Well, that's because full debate..."

Speaker Madigan: "In my effort..."

Black: "...opened up the Bill..."

Speaker Madigan: "In my..."

Black: "...and we knew what it did."

Speaker Madigan: "In my effort to be reasonable in terms of time for debate, I did not invoke the rule on that particular Bill. I think that stands as a very clear example of how I would like to conduct the proceedings of the House."

Black: "Would there be an opportunity at some point to extend debate on a Motion to overrule the Chair?"

Speaker Madigan: "Mr. Black, my desire would be to work with you, where on a particular item, you feel that a matter deserves more than the standard debate..."

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Black: "Alright, alright."

Speaker Madigan: "...that you would advise me and in my effort to be reasonable, I would say, 'I think you're right Mr Black, we ought to have more than the standard debate on this question.'"

Black: "That's a very fair and equitable answer, Mr. Speaker. I thank you, and let me remind you, Sir, the iguana sleeps at night, but I do not."

Speaker Madigan: "Mr. Persico."

Persico: "Thank you, Mr. Speaker. I rise on a point of personal privilege. I would like to introduce Mrs. Wick's eighth grade class of St. Petronille's, from Glen Ellyn, Illinois, and give them a hardy welcome from the General Assembly."

Speaker Madigan: "Mr. Tenhouse."

Tenhouse: "Thank you, Mr. Speaker. We would request an immediate Republic conference in Room 118."

Speaker Madigan: "How much time, Mr. Tenhouse?"

Tenhouse: "Approximately one hour."

Speaker Madigan: "Okay. Mr. Mitchell."

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

Speaker Madigan: "Mr. Mitchell."

Mitchell: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I would like to introduce you to a wonderful group of, I think a few sixth, a few seventh and a lot of eighth graders from East Coloma Elementary School in Rock Falls, Illinois, that are down here with the Shape Up Illinois Program with their teacher Joannie Moran, who happens to be a finalist for Teacher of the Year and a milk award winner, so welcome to Springfield folks. Thank you."

Speaker Madigan: "Mr. Tenhouse, Room 114 is... excuse me, 118 is being used, and so you should use 114. The Democrats will

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go to lunch. One hour, Room 114."

Tenhouse: "Thank you."

Speaker Madigan: "The House shall come to order and the Members shall be in their chairs. Is Mr. Tom Johnson in the chamber? Do you wish to move Senate Bill 1475? Andrea Moore. Do you wish to move Senate Bill 1505? Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "Senate Bill 1505, has been read a second time previously. No Committee Amendments. No Floor Amendments have been approved for consideration."

Speaker Madigan: "Representative Moore."

Moore, A.: "Thank you, Mr. Speaker. You'll have to bear with me please. I have a very serious case of laryngitis. I know everyone on my side is very disturbed. Senate Bill 1505 amends the Criminal Code of Procedure and provides in certain prosecutions for physical or sexual acts, perpetrated upon or against a child under 13, statements made by the child are admissible only if the statements were made by the child before the child attained 13 years of age. And this is in response to Supreme Court decision, People versus the Holloway, where there was confusion expressed over the admissibility of hearsay evidence by a minor. There is a Floor Amendment that is technical in nature, and extends the amount of time that an individual may still report by three months, if their birthday is within three months, excuse me..."

Speaker Madigan: "Representative, I believe there is an Amendment."

Moore, A.: "Yes, that's what I'm trying to find."

Speaker Madigan: "You're speaking to the Amendment?"

Moore, A.: "Yes, but it's so technical, I thought it was advisable to explain the actual Bill first so..."

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Speaker Madigan: "Okay."

Moore, A.: "...it'll make some sense."

Speaker Madigan: "Proceed."

Moore, A.: "The Amendment actually extends by three months, the amount of time that the information can be reported according to the child's birthday, so it extends the amount of time age wise. I'd be happy to answer any questions."

Speaker Madigan: "Okay. The Lady moves for the adoption of the Amendment. There being no discussion... Mr. Skinner."

Skinner: "Yeah, can we take this off Short Debate?"

Speaker Madigan: "Mr. Biggins. Alright, the Lady moves for the adoption of the Amendment. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it, the Amendment is adopted. Are there any further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Madigan: "Third Reading. Did you wish to call the Bill on Third Reading?"

Moore, A.: "Yes, Mr. Speaker."

Speaker Madigan: "Mr. Clerk, read the Bill for a third time."

Clerk Rossi: "Senate Bill 1505. A Bill for an Act concerning evidence. Third Reading of this Senate Bill."

Speaker Madigan: "Representative Moore."

Moore, A.: "As I explained before, this is to address an issue that came from the Supreme Court, confusion over the admissibility of hearsay evidence by a minor."

Speaker Madigan: "Representative, Andrea, could we take this out of the record of a couple of minutes? I'll come right back to it."

Moore, A.: "Yes. Yes."

Speaker Madigan: "Okay, thank you. Is Mr. Ryder in the chamber? Mr. Biggins."

Biggins: "Yeas, thank you, Mr. Speaker. I rise on a point of

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parliamentary inquiry."

Speaker Madigan: "State your point."

Biggins: "On the Calendar today, on the Order of Resolutions, I am the Chief Sponsor of House Resolution 422, and it's my request of the Chair to assist me to send this Bill back to the Rules Committee, this Resolution back to the Rules Committee."

Speaker Madigan: "Four twenty-two. House Resolution 422, on page 15. The Gentleman requests leave that this matter be assigned to the Rules Committee."

Biggins: "Right."

Speaker Madigan: "Is there leave? Leave is granted. House Resolution 422 shall be assigned to the Rules Committee. Representative Andrea Moore, on Senate Bill 1505."

Moore, A.: "Thank you, Mr. Speaker. This Bill came out of the Senate with unanimous support and as I tried to say earlier, it is to address confusion that was expressed by the Supreme Court regarding the admissibility of hearsay evidence by a minor once that minor has turned 13 years of age. I would be happy to answer any questions."

Speaker Madigan: "The Lady moves for the passage of the Bill. There being no discussion, the question is, 'Shall this Bill pass?' All those in favor signify by voting 'aye'; those opposed by voting 'no'. This is a Third Reading Roll Call. Third Reading Roll Call. 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 117 people voting 'aye', 0 voting 'no', this Bill having received a Constitutional Majority, is hereby declared passed. Senate Bill 1567. Representative Wood, do you wish to move your Bill? Mr. Clerk, what is the status of the Bill?"

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Clerk Rossi: "Senate Bill 1567, has been read a second time previously. Amendment #1 was adopted in committee. No Motions have been filed. Floor Amendment #2, offered by Representative Wood, has been approved for consideration."

Speaker Madigan: "Representative Wood. On the Amendment."

Wood: "Excuse me, Mr. Speaker, are we on Floor Amendment #3?"

Speaker Madigan: "Two."

Wood: "Floor... Amendment #2 which was passed out of the Public Utilities Committee unanimously, is basically technical in nature. It deals with issues of verification. Clarifies some other technical language and adds some descriptive language. Appreciate your support."

Speaker Madigan: "The Lady moves for the adoption of the Amendment. There being no discussion, the question is, 'Shall the Amendment be adopted?' Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it, the Amendment is adopted. Is there any further Amendments?"

Clerk Rossi: "Floor Amendment #3, offered by Representative Wood."

Speaker Madigan: "Representative Wood, on Amendment #3."

Wood: "Floor Amendment #3 is just a technical cleanup. It's referring a Section to a paragraph that was inadvertently left out and it clarifies notice. I'd appreciate your support."

Speaker Madigan: "The Lady moves for the adoption of Amendment #3. There being no discussion, the question is, 'Shall the Amendment be adopted?' Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it, the Amendment is adopted. Are there any further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Madigan: "Third Reading. Do you wish to call the Bill on Third Reading? Mr. Clerk, read the Bill for a third time."

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Clerk Rossi: "Senate Bill 1567. A Bill for an Act concerning subscription to telecommunication services. Third Reading of this Senate Bill."

Speaker Madigan: "Representative Wood."

Wood: "Thank you very much. Senate Bill 1567, is aimed at two types of consumer abuses involving the telecommunication's industry, commonly referred to as 'telephone slamming' and 'telephone cramming'. Last year, slamming complaints, headed up the Federal Communications Commission, and also in the Attorney General's Office, either the #1 or #2 leading consumer complaint. This Bill requires verification and notification. It also prohibits the use of sweepstakes boxes to mislead consumers. It provides additional enforcement authority for the ICC and I would appreciate your support. It has no known opposition. It's supported by CUB and the telecommunications industry. Thank you."

Speaker Madigan: "The Lady moves for the passage of the Bill. Is there any discussion? There being no discussion, the question is, 'Shall this Bill pass?' All those in favor signify by voting 'aye'; those opposed by voting 'no'. This is a Third Reading Roll Call. 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 117 people voting 'aye', 0 voting 'no', this Bill having received a Constitutional Majority, is hereby declared passed. On the Order of Senate Bills - Third Reading, there appears Senate Bill 1291. Representative Andrea Moore. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1291. A Bill for an Act amending the Illinois Income Tax Act. Third Reading of this Senate

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Bill."

Speaker Madigan: "Representative Andrea Moore."

Moore, A.: "Thank you, Mr. Speaker. Senate Bill 1291, expands the Environmental Remediation Credit to the income tax. The Environmental Remediation Income Tax Credit was created in 1997 and it provides that the income tax credit shall equal 25% of remediation cost in excess of \$100,000 per site except that \$100,000 threshold shall not apply to sites in the enterprise zone. A total credit also shall not exceed \$40,000 per year, the maximum of 150 per site over the lifetime of the site. This Bill will expand the environmental remediation credit to allow businesses to claim amounts spent that were also claimed as deductions to their federal income tax toward the state environmental remediation tax credit. The proponents are the Department of Revenue, CIBS of Chicago, Realtors Association, West Central Municipal Conference, West Central Solid Waste Agency of Chicago, Developmental Council, EPA, Illinois Chamber of Commerce and the Chemical Industry Council. This Bill was written in a way to ensure businesses cannot take the environmental remediation credit and deduct the expenses. The expenditures they're taking for the credit from the taxpayers base. I'd be happy to answer any questions."

Speaker Madigan: "The Lady moves for the passage of the Bill. The Chair recognizes Representative Howard."

Howard: "Thank you, Mr. Speaker. I rise in strong support of this legislation. It'll provide an additional incentive for owners of currently unproductive industrial properties suspected of contamination. It'll allow them to seek available state funds when federal funds have been insufficient to reimburse the cleanup costs. This

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legislation would be of great value to my south's east side Chicago district and to other similarly situated communities in the state. And that it could result in returning numbers of properties to the tax rolls, and it'll have a significant impact on the improved economic viability of such communities and the potential increase in employment opportunities for many. I urge my colleagues to vote 'yes' for this legislation."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor... Mr. Novak."

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

Speaker Madigan: "Sponsor yields."

Novak: "Yes, Representative Moore, I noticed, you have a frog in your throat or today or... Were you cheering for the Bulls so much last night you can't have a little... have a hard time talking today?"

Moore, A.: "It was the iguana that was sleeping that caused the frog in my throat."

Novak: "Okay. I see, I mean, you have a nice red outfit on today in the Bulls, you know..."

Moore, A.: "I thought I might need all the help I could..."

Novak: "I figured you might have been doing a lot of rooting last night. But any... the question I had is, does this enhancement of the current Brownfields Law, does it cover more geographical areas of the state?"

Moore, A.: "Yes, it does. Actually this is a trailer Bill to the Brownfields Tax Credit that was sponsored last year."

Novak: "Right, right."

Moore, A.: "And it's to encourage cleanup and redevelopment of contaminated sites that are throughout the state."

Novak: "Right, but the question I had was, does it expand geographical areas where these Brownfields are designated

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in this trailer legislation?"

Moore, A.: "I believe that it will allow it to go into a enterprise zone."

Novak: "Into a enterprise zone?"

Moore, A.: "I think that's correct."

Novak: "Okay. Thank you. Thank you."

Speaker Madigan: "Representative Mulligan."

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

Speaker Madigan: "The Sponsor yields."

Mulligan: "Representative Moore, I really think this is a good Bill. It's too bad that your voice is so bad. I noticed you said that instead of a frog in your throat, you have a iguana in your throat. I would suggest that perhaps you go home and the iguana sleeps tonight, because if the iguana sleeps tonight, you're bound to be better tomorrow. So, I would strongly support your Bill."

Moore, A.: "Thank you."

Speaker Madigan: "The question is, 'Shall this Bill pass?' 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? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 116 people voting 'aye', 0 voting 'no', this Bill having received a Constitutional Majority, is hereby declared passed. Mr. McAuliffe. Mr. McAuliffe, do you wish to call Senate Bill 1289? Take the Bill out of the record. Is Mr. Hannig in the chamber? Mr. Hannig. Is Mr. Tenhouse in the chamber? Mr. Tenhouse. Mr. Black. Do you wish to move Senate Bill 1350? There are requests for notes, and I'm advised that the person making the request is prepared to withdraw the request for the notes. 1350."

Black: "I think there's an Amendment that we still have to kick

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to Rules as I recall. I think Amendment 3 was filed and it's not correct. Amendment 4 was filed to correct 3, and then I think Amendment 5 has also been added to the Bill. And I'm sure that will get a hearing in Rules."

Speaker Madigan: "Okay, thank you. Mr. Holbrook."

Holbrook: "Thank you, Mr. Speaker. On Senate Bill 1701, I have House Amendment 3 that was approved for the floor. I would like to withdraw that Amendment at this time."

Speaker Madigan: "Mr. Clerk, put Senate Bill 1701 in the record. And the Gentleman's request... Mr. Holbrook could you state that again?"

Holbrook: "I would like to withdraw House Amendment #3, my Amendment at this time."

Speaker Madigan: "What is the status of Amendment #3?"

Clerk Rossi: "Floor Amendment #3, offered by Representative Holbrook, has been approved for consideration."

Speaker Madigan: "Alright, the Gentleman requests leave to withdraw the Amendment. Mr. Clerk, has this Amendment been adopted?"

Clerk Rossi: "The Amendment has not been adopted."

Speaker Madigan: "Alright, so the Gentleman requests leave to withdraw the Amendment. Leave is granted. The Amendment is withdrawn. Are there any further Amendments? Senate Bill 1701. Are there any further Amendments?"

Clerk Rossi: "Floor Amendment #4, offered by Representative Noland."

Speaker Madigan: "Mr. Noland on Amendment #4 to Senate Bill 1701. Mr. Noland."

Noland: "Thank you, Mr. Speaker. Amendment #4 adds seven more land conveyances to the Bill in DuPage County, Lake, Whiteside, McLean, a second one in... a third one in McLean, and one in Jefferson. This was all brought to us

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by the Department of Transportation at the request of various interested parties."

Speaker Madigan: "The Gentleman moves for the adoption of the Amendment. The Chair recognizes Mr. Rutherford."

Rutherford: "Thank you, Mr. Speaker. Just to the Sponsor of this. There are no opponents to this quick take effort that we know about, and the parcels are specifically identified by legal description?"

Noland: "That is correct."

Rutherford: "Thank you."

Noland: "There are no known opponents and they are specific parcels with the appropriate appraisals and values. Mr. Speaker, I'd please like to adopt this Amendment and hold it on Second Reading."

Speaker Madigan: "The Gentleman moves for the adoption of the Amendment. Those in favor of the Amendment say 'aye'; those opposed say 'no'. The 'ayes' have, the Amendment is adopted. The Bill shall be left on the Order of Second Reading. Mr. Noland, the Clerk advises me that there are several Amendments that have been approved for consideration to Senate Bill 1701. So, Mr. Clerk, on the Order of Senate Bill 1701, what would be the next Amendment?"

Clerk Rossi: "Floor Amendment #5, offered by Representative Tim Johnson."

Speaker Madigan: "Tim Johnson. Mr. Tim Johnson. Mr. Cross."

Cross: "Thank you, Mr. Speaker. This is an Amendment that has been brought forward, excuse me, at the request of the Libman Equipment Partnership. It's identical I think, if I understand correctly, to House Bill 2390, and I would answer any questions, try to."

Speaker Madigan: "The Gentleman moves for the adoption of the

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Amendment. Are there any questions? There being no questions, those in favor or the Amendment say 'aye'; those opposed say 'no'. The 'ayes' have it, the Amendment is adopted. Are there any further Amendments?"

Clerk Rossi: "Floor Amendment #6, offered by Representative Tenhouse."

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

Cross: "Thank you, Mr. Speaker. It provides that upon payment of \$20,750 to the Quincy Veterans' Home Fund, the Director of Department of Veterans' Affairs, is authorized to convey to the... to Refreshment Services by quick claim deed, certain property in the City of Quincy. This was done at the request of the Department of Veterans' Affairs and Refreshment Services."

Speaker Madigan: "The Gentleman moves for the adoption of the Amendment. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it, the Amendment is adopted. Are there any further Amendments?"

Clerk Rossi: "Floor Amendment #7, offered by Representative Beaubien."

Beaubien: "Amendment #7, allows a quick take procedure for the Village of Round Lake Park. It deals solely with the issues of public utilities. They wish to be able to proceed with the development next summer."

Speaker Madigan: "On that question, Representative Moore. Andrea Moore."

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

Beaubien: "Yes."

Speaker Madigan: "The Sponsor yields."

Moore, A.: "Could you please describe the area that you're talking about Representative?"

Beaubien: "Yes. This is a 575 acre TIF district. It's in the

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Round Lake Park Area, Round Lake Park. It's their TIF. It's going to be a industrial and partially commercial development. In this particular area of the county, as you well know, is somewhat... could use the economic impact for their employment and tax base."

Moore, A.: "Is this the TIF district that is being used... is this the same project where they're using a TIF district to pay for sewer improvements?"

Beaubien: "That's correct."

Moore, A.: "Representative, I reluctantly stand in opposition to your Amendment because I have never thought that is was appropriate to use those sewer... the developers and local taxpayers should be contributing. The sewer TIF was never designed to be use specifically for sewer improvements to the degree that this community is proposing, and I would stand in opposition."

Beaubien: "Thank you."

Speaker Madigan: "The Gentleman moves for the adoption of the Amendment. Representative Andrea Moore rises in opposition and seeks recognition. Representative Moore."

Moore, A.: "Mr. Speaker, can I have a roll call vote, please?"

Speaker Madigan: "The Lady requests a roll call. Those in favor of the Amendment vote 'aye'; those opposed to the Amendment vote 'no'. This is Amendments. Those in favor vote 'aye'; those opposed vote 'no'. 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 75 'ayes', 28 'noes', the Amendment is adopted. Are there any further Amendments?"

Clerk Rossi: "Floor Amendment #8, offered by Representative Schakowsky."

Speaker Madigan: "Representative Schakowsky. Mr. Lang, could you

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offer the Amendment?"

Lang: "On behalf of Representative Schakowsky, I would move adoption of Floor Amendment #8. This involves quick take for the redevelopment of downtown Evanston."

Speaker Madigan: "The Gentleman moves for the adoption of the Amendment. The Chair recognizes Mr. Rutherford."

Rutherford: "Thank you, Mr. Speaker. Just to verify that these parcels of property are identified by legal description and there is no opposition to this?"

Speaker Madigan: "Mr. Lang."

Lang: "I'm advised by Mr. Schoenberg, who represents part of Evanston, that that is correct."

Rutherford: "Thank you very much."

Speaker Madigan: "The question is, 'Shall the Amendment be adopted?' Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Rossi: "Floor Amendment #9, offered by Representative John Jones."

Speaker Madigan: "Mr. John Jones."

Jones, John: "Thank you, Mr. Speaker. Amendment #9 to House (Senate) Bill 1701, is a agreement with the Department of Natural Resources. There is no opposition. It merely gives the Hamilton County Water District in Hamilton County, the right to lay water lines on DNR property in Hamilton County for a fee of \$10, and the description is in the Amendment."

Speaker Madigan: "The Gentleman moves for the adoption of the Amendment. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it, the Amendment is adopted. Are there any further Amendments?"

Clerk Rossi: "No further Amendments have been approved for

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consideration."

Speaker Madigan: "Mr. Noland, you wish to leave the Bill on Second Reading? So, Mr. Clerk, leave the Bill on the Order of Second Reading. Mr. Holbrook. On the Order of Senate Bills, Second Reading, there appears Senate Bill 1878. Do you wish to move that Bill? The Gentleman wishes to leave the Bill on the Order of Second Reading. Senate Bill 445. Representative Silva. Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "Senate Bill 445, is on the Order of Senate Bills, Second Reading. It has been read a second time previously. Floor Amendment #1 has been adopted to the Bill. No Motions have been filed. Floor Amendment #2, offered by Representative Silva, has been approved for consideration."

Speaker Madigan: "Representative Silva."

Silva: "Thank you, Speaker. The Amendment which is primarily an Amendment, it's an agreed Amendment from the Administrative Office of the Illinois Courts. The court has approved a plan to establish a statewide system from training and testing of certified court interpreters, and I would like to ask for your favorable vote."

Speaker Madigan: "Earlier in the day, there was a parliamentary question on this particular Bill, and the Parliamentarian has prepared to answer the question."

Kasper, Mike: "Representative Black, on behalf of Speaker Madigan, I believe that your inquiry regarding House Rule 55(c), is inapplicable to this Bill at this time. This Bill is not on the Order Postponed Consideration, it's on the Order of Second Reading. I believe that your point would be well taken if the Bill were on the Order of Postponed Consideration, at which point a Bill may not be amended. But there is nothing in the rules that precludes

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a Sponsor from moving the Bill to Postponed Consideration to the Order of Second Reading at which point an Amendment is appropriate."

Black: "I'm always in awe, Mr. Parliamentarian. You are an absolute wizard. And while the iguana sleeps at night, I don't think you do either, quite frankly. But that was a... my congratulations to you. And I also appreciate the fact that you said, on behalf of the Speaker, which is required in the rules. Mr. Speaker, just a further inquiry of the Chair. Now, the Parliamentarian might help me out. The Bill was on Postponed Consideration, moved back to Second, and an Amendment then, put on the Bill. Now, does that move the Bill? Let's assume the Amendment doesn't pass. Does the Bill then go back to Postponed Consideration? In other words, this Bill has been called once, and if the Amendment doesn't pass, doesn't it go back to Postponed Consideration since it would not have been an amended Bill and was on Postponed Consideration?"

Kasper, Mike: "Yes, I believe that that's correct Representative Black."

Black: "Okay. Now, that's... that is a very good answer, but you did forget to say, on behalf of the Speaker."

Kasper, Mike: "I apologize Representative."

Black: "Alright, thank you. Mr. Speaker, would the Sponsor of the Amendment yield?"

Speaker Madigan: "Sponsor yields."

Black: "Yes. Representative, does the Amendment become the Bill?"

Silva: "Yes, it's an agreed Bill."

Black: "So, in effect, the Bill that was on Postponed Consideration would cease to exist if we adopt the Amendment, right? It would be a new Bill."

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Silva: "Yes."

Black: "Same number, new Bill."

Silva: "Yes."

Black: "Okay. It's... Has the Administrator of the Courts been in touch with you? Is this now in agreement with what they wanted to do?"

Silva: "Yes it is. I left a copy of the letter from..."

Black: "Yes, and I appreciate that. You showed me that earlier, so they have signed off on this Amendment."

Silva: "Yes, Sir."

Black: "The Amendment becomes the Bill, and it's my understanding that as amended, there is no opposition to the Bill?"

Silva: "Correct."

Black: "Alright, thank you very much Representative, you've done an outstanding job on this Bill with a great deal of help from one of the smoothest Parliamentarian's I worked with in a long, long time."

Speaker Madigan: "Mr. Skinner. Mr. Skinner."

Skinner: "Mr. Speaker, yes, Mr. Speaker, I'm still perplexed. When this Amendment gets adopted, and it goes to Third Reading, does it go back on Postponed Consideration? Or have we discovered a way to get..."

Speaker Madigan: "Mr. Parliamentarian, there's another question. Mr. Skinner, could you restate your question?"

Skinner: "Yes. Let's assume this Amendment is adopted, and the Bill moves to Third Reading, does it then go back to Postponed Consideration?"

Kasper, Mike: "If the Bill is amended, Representative Skinner, the Bill will move to the Order of Third Reading. If the Bill fails to receive the requisite number of votes, then the Sponsor has the option under the rules to place it on the Order of Postponed Consideration."

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Skinner: "Then we have found a way to have three votes on one Bill, potentially?"

Kasper, Mike: "No, Representative, I don't believe that's the case. Because if the Bill is amended, it will not be the same Bill."

Skinner: "I think that is a disingenuous answer."

Speaker Madigan: "Mr. Rutherford."

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

Speaker Madigan: "Sponsor yields."

Rutherford: "What does Representative Lang have to do with interpreter?"

Silva: "Nothing that I'm aware of."

Rutherford: "Very good call. Thank you."

Speaker Madigan: "The Lady moves for the adoption of the Amendment. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it, the Amendment is adopted. Are there any further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Madigan: "Third Reading. Representative, do you wish to call the Bill on Third Reading? Mr. Clerk, read the Bill for a third time."

Clerk Bolin: "The Bill's been read a third time previously."

Speaker Madigan: "Representative Silva."

Silva: "I would like to ask for your favorable vote."

Speaker Madigan: "For what purpose does Mr. Beaubien seek recognition?"

Beaubien: "Yes, thank you, Mr. Speaker. I would like to welcome here today, the middle school from Ingleside, Illinois, Taveirne is the name of the school, and we're also privileged to have the Mayor of Fox Lake with us, Jim Pappas and his daughter Nicole. I would like the House to welcome them with a round of applause. Thank you very

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much."

Speaker Madigan: "Representative Mulligan."

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

Speaker Madigan: "The Sponsor yields."

Mulligan: "Representative, would this apply to courts across the state, or just in Cook County?"

Silva: "Yes, it would. It's across the state. The Administrative Court has approved a plan to establish a statewide system for the training and certification."

Mulligan: "Currently now, I know in Cook County, if I'm not incorrect, if I remember correctly, that sometimes they call staff people in to interpret depending on who's available when a defendant or someone appears before the court and that it doesn't necessarily mean that the person they call down to interpret will know that dialect or the language or exactly as the person speaks it?"

Silva: "You're correct."

Mulligan: "So, this you feel would change that?"

Silva: "Yes, in fact, people would have more justice in their proceedings because oftentimes they will take whoever. They may take a person who does not understand the legal system, and they ask them to interpret and those may create inaccuracies and consequently hurt people."

Mulligan: "Has the court given you any indication of what they think a program like this will cost?"

Silva: "No, they have not, but there is an establishment of a fee for the court interpreter certification."

Mulligan: "So, that... do you assume that the fees ultimately would pay for the cost of the testing?"

Silva: "Correct. For the certification process. And the intent is also to work with community colleges to actually develop programs that would train people for court certification."

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Mulligan: "So, then would a interpreter be on call or would a defendant or an attorney have to request ahead of time that an interpreter would be available for their client?"

Silva: "It's my understanding that they would be. They would have a pool of court interpreters that they could tap into."

Mulligan: "I think that... I had talked to some people about this Bill last year, and I thought it was a very good idea when I found out that the people that were doing the interpreting were not necessarily thoroughly qualified to be doing that, and that it was kind of a hit or miss and who was there depending on who walked in, so, I think this is a very good idea, and I'd be happy to support you on this."

Silva: "Thank you."

Speaker Madigan: "The Lady moves for the passage of the Bill. 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? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 116 people voting 'aye', 0 voting 'no', this Bill having received a Constitutional Majority, is hereby declared passed. On the Order of Senate Bills, Third Reading, there appears Senate Bill 1491. Mr. Saviano. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1491. A Bill for an Act amending the Medical Practice Act of 1987. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. Saviano."

Saviano: "Thank you, Mr. Speaker, Members of the House. Senate Bill 1491 provides a mechanism for the Department of Profession Regulation, to set up a background check

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procedure for out of state doctors doing... practicing in the State of Illinois. Simply this is all that entails. Suggested by the Senate President, and I would ask for a favorable vote."

Speaker Madigan: "The Gentleman has moved for the passage of the Bill. The Chair recognizes Mr. Skinner."

Skinner: "Is there a reciprocal requirement for example, in Florida? Physicians are not allowed to come from out of state. So, are we going to allow Florida physicians to come to Illinois, but when Illinois physicians can't go to Florida and practice?"

Saviano: "There's no reciprocity from other states, but we check this out in a national database, and they have provided information through that database, tracking some of these doctors, but there's no reciprocity as far as one state to another. No."

Skinner: "Why?"

Saviano: "Each state has their own procedure, and now this is why we're doing this. We're adopting our own procedure. We never had a background check requirement before."

Skinner: "Do we have a shortage of doctors in Illinois?"

Saviano: "Repeat it."

Skinner: "Do we have a shortage of doctors in Illinois? Why are we trying to get doctors from out of state?"

Saviano: "No, no, we don't have a shortage, but as you know, doctors sometimes move whether they get an opportunity to practice medicine at a more prestigious hospital in another state or whatever the case is, there is some shift of doctors from state to state, whatever the reason. Most of it obviously is legitimate reasons. This is to protect the public from unscrupulous doctors who maybe have done something in another state which they were disciplined for

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or... and then reapplied under an alias here in this state. So, we want to make sure that we avail the department with every option and every tool to catch those sort of unscrupulous doctors."

Skinner: "Thank you, Sir."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. On that question, the Chair recognizes Representative Lindner."

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

Speaker Madigan: "The Sponsor yields."

Lindner: "Yes, I just have one question. I don't know the procedure for licensure of doctors, so are there doctors sometimes that come into the state just to perform a special operation that don't have to have a license, and would this criminal background check apply to them too or would they have to have license if they did any operation in this state?"

Saviano: "Alright, this only applies to permanent licensure, not for temporary." Lindner: "Okay, so, there are..."

Saviano: "So, if a doctor was called in from Houston from a cancer hospital coming to perform a surgery up here, he wouldn't go through this because that would be so encumbersome if there's a time limit. But for permanent licensure, this would kick in."

Lindner: "Okay. Thank you."

Speaker Madigan: "Representative Wojcik."

Wojcik: "Would the Sponsor yield for a question?"

Speaker Madigan: "The Sponsor yields."

Wojcik: "Representative, how would this affect a Medical Relations Board when a doctor comes and applies to a hospital, how would they know that this would have to be accepted?"

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Saviano: "If I got... I had a hard time hearing the question, but if a doctor was going to serve on a hospital board or something here from out of state... I don't necessarily believe that would constitute practicing medicine here if they're serving as a executive board member. It would not be classified as practicing medicine, so they would be exempt from this."

Wojcik: "There'd be no problem with that?"

Saviano: "Right."

Wojcik: "Thank you."

Speaker Madigan: "Mr. Saviano to close."

Saviano: "I know of no opposition to this Bill, and I would appreciate a favorable vote. Thank you."

Speaker Madigan: "The question is, 'Shall this Bill pass?' 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? Have all voted who wish? The Clerk shall take the record. On this question, there are 116 people voting 'aye', 0 voting 'no', this Bill having received a Constitutional Majority, is hereby declared passed. On the Order of Senate Bills, Third Reading, there appears Senate Bill 1203. Mr. Saviano."

Saviano: "Thank you, Mr. Speaker. I would ask for purposes of an Amendment, to move this back to Second Reading."

Speaker Madigan: "Put this Bill on the Order of Second Reading. Mr. Clerk, are there any Amendments?"

Clerk Rossi: "No further Amendments have been approved for consideration."

Speaker Madigan: "Mr. Clerk, is there an Amendment assigned to the Rules Committee?"

Clerk Rossi: "Floor Amendment #2, has been assigned to the Rules Committee."

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Speaker Madigan: "On the Order of Senate Bills, Second Reading, there appears Senate Bill 1251. Mr. Saviano, do you wish to move that Bill? Mr. Clerk, what is the status of Senate Bill 1251?"

Clerk Rossi: "Senate Bill 1251 has been read a second time previously. No Committee Amendments. Floor Amendment #1, offered by Representative Saviano, has been approved for consideration."

Speaker Madigan: "Are there requests for notes?"

Clerk Rossi: "The state mandates note that was requested on the Bill, has been withdrawn."

Speaker Madigan: "Is the Bill prepared to move to Third Reading?"

Clerk Rossi: "After we adopt the Amendment."

Speaker Madigan: "Alright, Mr. Saviano on the Amendment."

Saviano: "Thank you, Mr. Speaker, Members of the House. Floor Amendment #1 to Senate Bill 1251, was recommended for consideration yesterday. What Floor Amendment 1 entails, is the cleanup language recommended by the Commissioner of Banks and Real Estate to the Pawnbrokers Licensure Act which we passed last year. There's also in the Bill, some language that was negotiated between the cosmetologists and Senator Luechtefeld regarding continuing ed for some of the downstate cosmetologists were having trouble complying with the continuing ed requirements. There's also four individual windows provided for some of our Members here on different licensuers which include the Private Security Act, the Environmental Health Practitioner Act, and also the nail technicians, we've been trying to address for the last two years. We had to create these windows because of the fact that when we created these licensuers Acts, we inadvertently eliminated some of these people out of the Act. So, this would allow them a temporary time to get

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back into the licensure, and I would ask for your favorable consideration and adopt Floor Amendment #1 to Senate Bill 1251."

Speaker Madigan: "The Gentleman moves for the adoption of the Amendment. Is there any discussion? Mr. Bost."

Bost: "Thank you, Mr. Speaker. I will be voting 'present' on this Bill for a conflict of interest."

Speaker Madigan: "Okay. Representative Wojcik."

Wojcik: "Would the Sponsor yield?"

Speaker Madigan: "Sponsor yields."

Wojcik: "Representative, I have another question. Regarding the Real Estate Licensure Act, is that referencing the new Act where it takes the grandfather out for your Broker's License to go to school? Does that have any reference?"

Saviano: "There's nothing regarding the Real Estate Licensure Act in this Bill. It's the pawnbrokers which is regulated by the Commissioner of Banks and Real Estate, but there's no language..."

Wojcik: "No reference to the new Real Estate Act that's '.....'"

Saviano: "Not at all."

Wojcik: "Okay, thank you."

Speaker Madigan: "Any further discussion? Those in favor of the Amendment say 'aye'; those opposed say 'no'. The 'ayes' have it, the Amendment is adopted. Are there any further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Madigan: "Third Reading. Mr. Saviano, do you wish to call the Bill? Mr. Saviano."

Saviano: "On this Bill, I believe we have another Amendment that was a technical Amendment which was filed and should be coming out of Rules."

Speaker Madigan: "So, we'll place this Bill on the Order of

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Second Reading. Senate Bill 1272. Mr. Saviano. What is the status of the Bill?"

Clerk Rossi: "Senate Bill 1272, has been read a second time previously. No Committee Amendments. Floor Amendment #1, offered by Representative Saviano, has been approved for consideration."

Speaker Madigan: "Mr. Saviano."

Saviano: "Thank you, Mr. Speaker. Floor Amendment #1 to Senate Bill 1272, is the language which licenses the Prosthetics and Orthotics profession. This language was contained in House Bill 2687 which we weren't able to get to during consideration of House Bills. As I said on that, in committee, this Licensure Act we're merely like to send this Bill over to the Senate to continue the negotiations. We've pledged not to move that Bill until everybody was in agreement over in the Senate. We know right now the department's against it and we've agreed to continue the negotiations on this issue. Based on that, I would ask that Floor Amendment #1 to Senate Bill 1272 be adopted."

Speaker Madigan: "The Gentleman moves for the adoption of the Amendment. Is there any discussion? Being no discussion, those in favor of the Amendment say 'aye'; those opposed say 'no'. The 'ayes' have, the Amendment is adopted. Are there any further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Madigan: "Third Reading. Mr. Saviano, do you wish to call the Bill?"

Saviano: "Yes."

Speaker Madigan: "Mr. Clerk, read the Bill for a third time."

Clerk Rossi: "Senate Bill 1272. A Bill for an Act amending the Barber, Cosmetology, Esthetics and Nail Technology Act of 1985. Third Reading of this Senate Bill."

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Speaker Madigan: "Mr. Saviano."

Saviano: "Thank you, Mr. Speaker. The purpose of this Bill, is to get it over to the Senate. We have various licen... professions connected with the medical field here in Illinois, that have been seeking licensure, which include the profusionist, the surgical assistants. We'd like to get this language over to the Senate to further our negotiations to create an Allied Health Bill. That is the only purpose for us passing it over there to continue the process, and I would ask for a favorable vote. Thank you."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. Those in favor signify by voting... Mr. Leitch."

Leitch: "Would the Gentleman yield?"

Speaker Madigan: "The Sponsor yields."

Leitch: "Would you tell me, does this have anything to do with the private security industry and licensure in that regard? Or does this permit truck drivers to make investigations?"

Saviano: "No, I think there might be an Amendment in Rules regarding that, but not on the Bill. Not on the Bill."

Leitch: "Thank you."

Speaker Madigan: "The question is, 'Shall this Bill pass?' 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? Have all voted who wish? The Clerk shall take the record. On this question, there are 112 people voting 'aye', 1 person voting 'no', this Bill having received a Constitutional Majority, is hereby declared passed. For what purpose does Representative Rodriguez seek recognition? Senate Bill 1657. Mr. Saviano, do you wish to move the Bill? Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "Senate Bill 1657, has been read a second time

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previously. No Committee Amendments. No Floor Amendments have been approved for consideration. No Motions have been filled. The fiscal note that was requested on the Bill, has been withdrawn."

Speaker Madigan: "Third Reading. Mr. Clerk, read the Bill for a third time."

Clerk Rossi: "Senate Bill 1657. A Bill for an Act amending the Acupuncture Practice Act. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. Saviano."

Saviano: "Thank you, Mr. Speaker, Members of the House. Senate Bill 1657 is a cleanup Bill for the Acupuncture Licensing Act which we passed last year. This was suggested by their profession. There are no known opponents, and I would ask for your favorable vote. Thank you."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. 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? Have all voted who wish? The Clerk shall take the record. On this question, there are 113 people voting 'aye', 1 person voting 'no', this Bill having received a Constitutional Majority, is hereby declared passed. Senate Bill 1853. Mr. Morrow. 1853. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1853, a Bill for an Act to amend the Public Utilities Act. Third Reading of this Senate Bill."

Speaker Madigan: "Is Mr. Morrow in the chamber? Mr. Morrow. Mr. Morrow. Take this Bill out of the record. On the Order of Senate Bills, Second Reading, there appears Senate Bill 1328. Mr. Dart. Mr. Clerk, what is the status of this Bill?"

Clerk Bolin: "Senate Bill 1328, the Bill has been read a second

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time previously. Amendment #1 was referred to Committee. Amendment #2 was withdrawn. Floor Amendment #3 was adopted. A fiscal note and other notes that have been requested, have been filed."

Speaker Madigan: "Third Reading. Mr. Clerk, read the Bill for a third time."

Clerk Bolin: "Senate Bill 1328, a Bill for an Act to amend the Illinois Marriage and Dissolution of Marriage Act. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. Turner in the Chair."

Speaker Turner, A.: "The Gentleman from Cook, Mr. Dart."

Dart: "Thank you, Mr. Speaker, Members of the General Assembly. Senate Bill 1328 is a measure which has two provisions in it. One of them deals with the granting stepparents the ability to have access to the courts. It gives them standing to gain visitation or to gain custody rights if they comply with numerous provisions. And there's also the Bills that originally came over from the Senate which contains provisions dealing with prohibition on visitation rights for individuals who had committed sexual offenses as well, and I'd move for the passage of this Bill."

Speaker Turner, A.: "The Gentleman from Cook, Representative Lang."

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen. I rise in very strong support of this Senate Bill. I'm particularly drawing my remarks to the portion of the Bill dealing with standing of stepparents in custody cases. This has been a difficult issue in committee. In my view, it didn't need to be. The facts are, that in this country today, there are thousands of stepparents who care for children. And in given circumstances where the custodial parent dies and the other parent, the biological parent who's noncustodial, has

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not been a very good parent, in fact, in many cases, has never visited the children. The law currently, nevertheless today, gives all of the rights to that biological parent, as well it should by presumption. This proposal simply gives a loving step-parent under certain very narrowly defined circumstances, the option of coming into court and saying to a judge, 'I think I should be awarded custody of these children. I think the surviving biological parent is not a fit parent, and this is why I think I would be a better parent than this is why, and I think that the best interest of the children are that I continue to have custody of the children.' Under today's law, a step-parent cannot say anything regarding these custody issues in a courtroom. And I think we all know stepparents who might be in this very situation, where they have perhaps have been the only parent in some case where there's a death by the custodial parent, the only person who has provided love, the only person who has provided nurturing. This Bill simply, although, simply may not be the right word because it does make a serious change in the law, but nevertheless, it doesn't confer any additional rights on the step-parent. It simply gives that step-parent standing to come into a court and say to a judge, 'I am the best and the most fit person you can find even over and above the biological parent to nurture these children and raise these children.' This proposal only gives that step-parent the right to go into court to say that. Doesn't give them any rights over the biological parent, in fact, this proposal says that there's a presumption in favor of the biological parent. It gives the step-parent the ability to overcome that by appropriate evidence. And I think if we're serious about our children,

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and when I say our children, I mean all the children of the State of Illinois, if we're serious about their futures and about their growth, and maturation, and ability to have the kind of lives we want them to have, they must have the kind of love at home that we would all want them to have, and that means that anyone in that child's life who can have that kind of impact, should at least be given the opportunity to say to a judge, 'Give me the opportunity to raise these children judge. Give me the opportunity to continue to love them the way I do today. Don't take that away from the children, don't take that away from me.' Do what's right for the children and if you believe that our responsibility is to do what's right for the children, you certainly will vote for Senate Bill 1328."

Speaker Turner, A.: "The Gentleman from Madison, Representative Stephens. The Gentleman from Champaign, Representative Johnson."

Stephens: "I just wanted to yield my time, Mr. Speaker, I wanted to yield my five minutes to Representative Tim Johnson."

Speaker Turner, A: "That's fine. Representative Johnson."

Johnson, Tim: "Thank you, Mr. Speaker, Members of the House. I don't mean to belabor the House with a lot of rhetoric, but this is more than rhetoric. That gives me ten minutes and I may ask for more. This is the first time or maybe the second time this Session of the General Assembly, that I've risen on any issue. I don't do that lightly, and I don't take the position that I do on this Bill of Representative Dart's lightly, because I certainly respect the Sponsor and I respect those who support this Bill, and I know it arises from a fairly tragic situation. Mr. Speaker, if we could get the attention of the Members, this is a very, very, very, significant Bill, a major change in public policy in

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the State of Illinois, and if we just simply allow people to continue to talk, they're not going to know what they're voting on. First of all, I'm sure I'm joined by the appropriate number of people to take this off Short Debate, and I would also ask the Chair to recognize my request for a verification should this obtain the appropriate number of votes. Am I recognized?"

Speaker Turner, A.: "You are so recognized."

Johnson, Tim: "Thank you, Mr. Speaker, Members of the House. I'll try to be as brief as I can without diminishing the significance of this Bill. Representative Dart has done a good job presenting a Bill, that's there's basically no defense for. This Bill is one of the most significant, public policy changes, that we've made in this state in my years down here. It's a quantum leap. It's not just simply allowing standing, and that's a good legal term, and Representative Dart is correct and I'm familiar with what the term means, but I want to give you some examples of how this Bill is going to impact on your constituents. So, if you're agreeing on this Bill, don't come to me and don't come to some of your other colleagues who voted 'no', when natural parents all over the State of Illinois are saying, 'Geeminee Christmas, a step-parent can go in and cut off my natural rights as a biological parent? I can pay my child support, exercise my visitation, completely comport myself as a fit parent, totally fit, and yet this Bill allows somebody that is unrelated to the child to have the ability to cut off my right to custody of my own children. That is absolutely incredible.' This Bill does not vest a similar right in grandparents, in brothers or sisters, in children if that's appropriate. It doesn't vest the right in great-grandparents or aunts or uncles who are all

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biologically related to the child, but it vests the right in somebody who has no relationship to the child other than having lived with the child for five years or more. Now, you all know that there are various individuals in the state and groups in the state where it's very common, and it is in my district as well, cuts across all lines, for there to be extended families. For grandparents to participate in raising a child, for aunts and uncles, for brothers and sisters, and many homes in particular in some of the middle to lower income areas. It's not meant to be critical, but it's a fact of life. But it does nothing for those people at all. Nothing whatsoever. This addresses itself to what's generally upper middle class white people, who want to have the ability to exercise custody over and above, not only a natural mother or father, but also over other relatives. Doesn't give standing to anybody else, just to stepparents. It doesn't require any finding at all that the natural parent be declared unfit. You all know that this Bill wouldn't have any application in most cases. In most cases if you've got some schlocky father or mother who doesn't pay support, who doesn't care about the child, who doesn't exercise visitation or joint custody - this Bill could even apply to joint custody. Maybe, maybe not. But, nonetheless, to those people, they could have their rights cut off. They can be declared unfit. An adoption proceeding can occur or a matter of petition for custody can occur if unfitness has been found. But this Bill doesn't require the natural parent to be unfit. A typical situation would be this: You have an individual, a husband and wife and let's say two fairly small children living together and exercising their normal family matters; and let's just assume that one or the other of the parents is

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involved with someone else, leaves their spouse and also happens to be a good parent and obtains custody of the children. The other parent obtains visitation rights, has to pay support and so forth. The children are fairly young at the time and so they go along. This woman gets remarried to the person she was involved with let's say, and then you have the new family where then, for 5 or 6 or 10 years you have a stepparent, I'm sure who's very fit, living in the home and all along the mother is saying or the father is saying, this person is - now you know you're biological father and your father's a good guy, but he doesn't live here with us all the time. This gentleman, the stepparent, lives with us. He comes to and from and so forth and so you get use to it. You get use to the fact that that's the person who's with you most of the time, and you're also brainwashed to believe that they somehow have rights similar to what you're own father and mother has. The fact of the matter of that is, that isn't true. In this society, the United States, in Illinois, in a unitary family situation, we give rights, special rights to people who are the biological and natural parents of a child. And that's as it should be. All of us or nearly all of us in here have children and I presume all of us feel that we're good parents. Now there's somebody, somewhere on this planet, who if you transplanted them into a situation would be as good or better a parents for even our own children than we are. They might have more resources. They might be able to play baseball better. They might have various characteristics that would make them an equally good or better parent, but they don't have a right to custody, shouldn't have a right to custody because we're the natural parent. We're the biological parent who brought this child

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into the world, who's paid support, who's had visitation, who's being a good parent dealing with the child. And for us to then say that because somebody remarries and then passes away, dies, then this... the individual with whom they've lived has a right to have standing, to petition, to cut off your rights, is absolutely incredible. Now, I empathize, I really do, for the situation that this Bill apparently arose out of. I'm sure the situation is one that's very compelling, but all of you in here that are lawyers learned in law school, and those of you who haven't, have probably learned by osmosis here on the House floor that hard cases make bad law. And you don't take one situation that's unfortunate and totally revamp in a unique way, or virtually unique way, Illinois law of almost 200 years, throw it on it's ear, throw out all concepts of the unitary family, throw out all concepts that we have for natural parents and throw it on it's ear because we have this one tragic situation. I urge the Members of this chamber to look to see what we're doing here. Sure we're just giving standing, but the fact of the matter is, when a person has standing to go into court, the factual determination of any given trial court judge is going to be binding on the Appellate and Supreme Court level and you all know that if somebody comes in and they're 12 years old and somebody, the stepparents, lived with them since they were 6 years old, the natural father lives, you know, a hundred miles away or even 10 miles away and is with them on weekends and takes them for part of the summer, pays support, is a good parent. But the fact of the matter is, in a good many cases the trial court is going to grant the continuation of that other situation and, so, then you have a situation where a natural parent that has to pay support,

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educational expenses, maybe can obtain visitation to their own child from the stepparent, who's in some cases has interfered with the functioning of their normal home at a previous time; and all that notwithstanding, this Bill allows that individual to have his rights cut off or her rights cut off, because believe me, this is not a gender-based matter. It can happen either way. Our law firm, as a number of others in here, do a lot of domestic work and, frankly, this would be great for lawyers. Those of us who do domestic work in this General Assembly, if we were voting on our self-interests, ought to be climbing all over ourselves to vote for this Bill because the practical effect of it is going to be to tremendously increase the amount of litigation both later on and - because if you know, as a natural father or a natural mother, that you're going to have... maybe have to deal with a stepparent to deal with the issue of custody, you're never going to amicably agree to any kind of custody matter to begin with because you're afraid of having your rights cut off later on. And, so, rather than have them settled or have them dealt with amicably the way it's done in most cases today, you're going to have a horrible, horrible custody case at the initial level that's always bad for children because people aren't going to agree to something that's later on going to come back to bite them. I don't like to use personal references on the House floor, but a number of us in here, including myself at one time or another, have been stepparents and all of us or a number of us have been natural parents, and we have to take the good with the bad. But the fact of the matter is, unless we want to take American society and turn it on it's head, which is what we're doing in public policy here, and unless you're

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prepared as a 'green' vote to deal with tens of thousands - and I mean you can say this Bill's limited. Maybe it is, maybe it isn't. Maybe it's special legislation that'll be thrown out because it's limited. But the fact of the matter is, you're going to have to deal with a lot of people who say, we didn't know you did this. So when you're casting this vote today, Representative Lang made a cogent argument for the Bill. I totally disagree with him, but he knows what he's doing. He's voting for the Bill because he thinks it's good public policy. But before you cast a 'green' vote on this Bill, you ought to know that you're doing irreparable, immeasurable, philosophical and practical damage to the family in Illinois and you're going to throw the whole system on it's head because of one tragic situation. I urge a resounding 'no' vote."

Speaker Turner, A.: "The Gentleman from Will, Representative Meyer, for what reason do you rise? Representative Meyer."

Meyer: "Thank you, Mr. Speaker. I'd like to allocate my time, my five minutes, to Representative Johnson."

Speaker Turner, A.: "I think he's ran out of steam."

Johnson, Tim: "...difficult. Thank you, Representative Meyer. I appreciate your courtesy. It would be difficult..."

Speaker Turner, A.: "Oh, no, I was wrong."

Johnson, Tim: "...to run out of steam on such a significant issue. However, I realize the lateness of the hour. It's not late in the hour, but late in the session. I realize that people don't want to listen to me go on a diatribe about an issue like this, but with appreciation to Representative Meyer, let me just reiterate how extremely important this is to me and every one of my constituents and ought to be to you and every member of your constituents. Thanks a lot."

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Speaker Turner, A.: "The Gentleman from Cook, Representative Durkin."

Durkin: "Will the Sponsor yield?"

Speaker Turner, A.: "He indicates he will."

Durkin: "Representative, what are the positions of the Illinois State Bar and the Chicago Bar Association on this Bill?"

Dart: "Both Bar Associations have splits in their different section councils right now and they... given the fact that they have a split and that they do not... they did not come out with an opinion, they're neutral on the Bill. They have people on both sides that feel strongly one way or the other."

Durkin: "You know, this Bill... we've batted it around a lot this session and we're making a very, very, very significant change within the Illinois Code with respect to... in this area of law. And I think, my feeling is, why the Bar Associations have not made... have had a consensus opinion on it is cause I think this Bill needs more study. And I think that when we're dealing with this type of issue, Representative, I think probably right now is not the prudent time to run this Bill. I think that if we... it would probably be in the best interests of all the Bar Associations and also the state if we conduct some type of hearings over the summer to find out what exactly the impact is. And I think that's why we are... both the Bar Associations are at impasse cause I believe that there is emotional arguments on both sides. I would strongly recommend that we pull this Bill out and perhaps we save this thing till next fall in which we could have more time to study it. We can get more input from the different Bar Associations. At least we could reach some type of consensus cause as you can tell, there is so much... the

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tension on this Bill, it's troubling and it's very emotional. And, well, I know that you've spent a lot of time in this Bill. I have concerns about this Bill and I don't know if I'll be able to have them answered within this short of time, so if you do not pull the Bill out the record and hold this Bill till next fall, I will respectfully request a 'no' vote."

Speaker Turner, A.: "The Gentleman... I should say the Lady from Kane, Representative Lindner."

Lindner: "Yes. Thank you, Mr. Speaker. Will the Sponsor yield? Mr. Speaker, will the Sponsor yield?"

Speaker Turner, A.: "He indicates he will."

Lindner: "Thank you. Representative Durkin actually just asked my question about the Bar Association, and, how many times... have you tried working with the Bar Association? Because last night at the reception I sat with some people on the Family Law Council and these are people who deal in the family law area all the time and they had great concerns about this Bill. I certainly think we need some kind of overhaul of the law since we have so many different family relationships in Illinois. But I'm asking the same thing as Representative Durkin did, just to take this out of the record, maybe to hold some hearings and get a little more light on this. If we are going to do it, you have the child's age, 12 years old. I certainly think if we're going to make this change, it would be even more important for younger children to, you know, have... if a stepparent was the proper parent. And, also, I wanted to ask. I'm looking at Section 602. In the best interest... I'm sorry. The best interests of the child in the Illinois Marriage and Dissolution statutes. I've got an old one, so it's not the same section anymore. But there is so many things that

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I don't know how you're coordinating with this Bill because many of the things that concern best interests, concern the wishes of the child's parent or parents and the interrelationship with the child's parents. So there is some things that just don't seem to gel to me and I... I'm hesitant to vote for such a change in the law when the Bar Associations are split on it and I would ask what Representative Durkin... I would reiterate what he asked."

Speaker Turner, A.: "The Gentleman from Kendall, Representative Cross."

Cross: "Thank you, Mr. Speaker. To the Bill. I don't think I can speak as eloquently or as concisely as Representative Johnson did on the gravity of this situation or the leap that this Bill does or takes in public policy. But even if you agree with the leap in public policy, which I don't at this point, there are numerous issues resulting in that leap that have not been addressed in this Bill. That's why we need to have input from the Bar Associations. We voted on a Bill this morning dealing with QUADRO orders and QUILDRO orders that the Bar Associations spent 11 years debating and working on. We passed a Bill a couple of months ago dealing with removal from the State of Illinois for children in custody cases that the Bar Associations took two years to work on. This is a Bill that the Bar Associations have not had time to provide any input on, and as a result of that we have some serious flaws in this Bill assuming, assuming, and that's a big assumption that you even agree with the leap in public policy to give a stepparent standing to have custody. And let me go over a few of those. This Bill does not address the issue, in the event a stepparent gets visita... or gets custody, as to who's going to pay the educational expenses of the minor

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child. It's silent as to that. This Bill is silent as to who's going to be paying child support if a stepparent ends up with custody. This Bill is silent as to the issue of what happens if a stepparent gets custody, can that stepparent leave the State of Illinois. Can you imagine if a stepparent gets custody and leaves the State of Illinois, as this Bill is silent about it, what does that do to the natural parent? What does that do to the grandparents? What does that do to the aunts and uncles? This Bill, unfortunately, is silent about that. This Bill is silent about visitation, it's silent about educational expenses, it's silent about health care. The list goes on and on. As Tim Johnson said, or as Representative Johnson said, we're all sympathetic to the immediate situation that needs to be addressed, but this Bill is too much, too soon. It's not ready. We need to spend some deliberation... we need to deliberate on this, slow this down, come back in the fall at the earliest, maybe even next spring. Let the Bar Associations take this Bill apart. Let the people that deal with this on a day to day basis, a day to day basis, provide input, give some constructive criticism, constructive suggestions to it. This is, as Tim said, as big a leap public policy wise that we've had in the state since I've been here. And I would encourage people, if you don't want to vote 'no', at the very least vote 'present' on this Bill. It is a Bill that's not ready. Thank you, Mr. Speaker."

Speaker Turner, A.: "The Lady from Cook, Representative Wojcik."

Wojcik: "Thank you, Mr. Speaker. Would the Sponsor yield?"

Speaker Turner, A.: "He indicates he will."

Wojcik: "Representative, I'm a little bothered by this legislation. I think I'm bothered because I'm a

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grandmother. According to what I'm reading here, it says that if a stepparent has custody of the child, that stepparent can refrain my seeing him or being a part of his life or her life."

Dart: "Can you repeat that? I'm sorry, we couldn't hear it."

Wojcik: "All right. According to what I'm reading, it says that the stepparent will have custody of the child. I'm the biological grandparent and the stepparent can then make the choice that I cannot have visitation rights or I will not be able to see my biological grandchild?"

Dart: "No, not under this Bill."

Wojcik: "All right. What happens if this stepparent takes the child out of the state? Where are my rights to sometime see the child or have advantage... just watch him grow up, if you will?"

Dart: "They would have to go through the procedures we have right now under existing law for removal of a child from the state. I mean, it isn't something where we've all of a sudden given license to stepparents to grab, snatch children and take off with them. I mean, as I say, a careful reading of the Bill and a dispassionate reading of the Bill will show that there's been plenty of safeguards put in here to prevent just what you're talking about."

Wojcik: "I have been trying to read the analysis, but it's rather lengthy because they're questioning the wording and the Amendments and what have you. I also notice here that the Concerned Christian Americans and the Illinois Pro-Family Network are against this, or have they removed..."

Dart: "I'm unaware of their opposition, only from the fact that they... I don't think they've ever showed up for a committee hearing."

Wojcik: "So they've not spoken with you?"

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Dart: "No, they have not."

Wojcik: "Has anybody told you of their opposition or have they expressed concern regarding this Bill?"

Dart: "There's numerous people that have expressed concern at different levels about it, but it's been more, at times, a question of philosophy, I guess, as opposed to the practical effects of this Bill. And most of the different opponents have yet to come up with any very constructive language as alternatives. We've been very open. That's why it has gone through different Amendments. We've been open to sitting down with everybody who's had any suggestions on anything. I know Reverend Bob had some concerns and we, I believe, addressed those as near as we could and we have had conversations with him. But as far as, as I say, witness slips of people who came in front of the committee, and I'm Chairman of the committee, who testified against it, I can't recall... I can't recall them. I can't recall anybody."

Wojcik: "But I think I would like to see this, the biological situation, clarified a lot more. I'm really bothered by it. But thank you very much."

Speaker Turner, A.: "The Gentleman from Winnebago, Representative Scott."

Scott: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I rise in support of this piece of legislation. And, you know, I think we only have to go back a few years and we go back to a time right before I got here where the people that were here looked at a very bad situation that came about as a result of the Baby Richard case. And they took a look at the law that was in existence at the time and said, you know, the people who really have been taking care of this child, the people who are really acting in the

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best interests of this child and had been every since that child had been born, they were essentially cut out of the process by the way the law was at the time. We saw the Supreme Court case. I dare to say there's nobody in this room that was happy with that particular decision that came from the Supreme Court. It was right on the law at the time, so what did you do? You went back and you changed the law. That's the way it should be. And what we're doing here is really far less of a leap in terms of the broad scope of public policy than that was. Think of the number of situations that you have in terms of foster parents in the state and the rights that we convey with the best interests hearing on behalf of the child in the Baby Richard case and compare that to the situation that you have here. First of all, think of it in terms of the situation it has to be. It has to be a child who has lived with his stepparent and his stepparent had to have been married to the custodial parent for five years or more, and the child has to be 12 years of age or more and the custodial parent has to die. Now, first of all, we can all look at that and see that that's something that's going to necessarily, drastically, limit the number of cases to which this is going to apply. So we're not talking about something that, you know, I suppose all the lawyers are going to get rich on it, but really doubt it because this is not something that we're going to see come up every day. Then you have to have the condition met that the child has to want to live, want to remain with the stepparent, which is also going to exclude a few more cases and you have to have a determination by the court that living with the stepparent is in the best interests of that child. We went way out and said, that's what a child deserves, when we

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passed the Baby Richard legislation. We said, what the child deserves is, take away all these arbitrary barriers that we say; you don't have standing, you can't come into court and argue this. Let's look at what really truly is in the best interests of the child and we put that faith in the court in that case and that's all we're doing in this case. But we added something even further in this particular instance because also in this case there's a presumption that the noncustodial, biological parent, it is in the best interests of the child to remain with that particular person. So the stepparent who's been taking care of the child, was living with the custodial parent for five years or more, that person has to overcome a presumption that the biological parent, who hasn't been living with the child, the noncustodial parent, they have to overcome a presumption that that person is the best person for the child to live with. So there's a high burden that has to be overcome here on behalf of the stepparent. And all we're saying is, for those stepparents who were in this very narrowly drawn situation, and I agree with Representative Lindner, that if we think this is good public policy, maybe it should be broader. I personally think that it should be, but that's not what's in front of us right now. This is the case that we have in front of us right now. But all we're saying is that that particular child, we're looking at the child, what is in the best interests for that particular person. Yeah, we could say that perhaps we're looking at their issues, maybe a little bit more than we do the noncustodial parent. That's okay with me. It was okay with all of us when we passed the legislation in the Baby Richard case. The stakes are the same. We're trying to figure out what is the best

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relationship for the child in this particular case. And we're not talking about somebody who's... yeah, it's somebody who's not related to them, but we're talking about somebody who's loved and care and nurtured that child for five years or more and was married to the custodial, biological parent. Think of those particular situations and maybe a lot of us know people who are in that particular situation. And for us to be able to say, that person doesn't even have the the ability to go into court, assuming all those factors are met and even argue to the court that they're the best person to continue to raise that child, seems to me not only to be totally unfair, totally not recognized that the reality of situations that exist throughout Illinois and all over the country today, but also at the very base level, is not in the best interests of the child. That's what we ought to be about, giving the person the chance to come in and show why that particular child would be better off to remain in that situation, especially when it's in a situation that's as narrowly drawn as this and the child is actually asking to remain in that situation, which is also one of the conditions and the person has to overcome the presumption. As opposed to being this great scare tactic and this huge leap we're talking about, it's not, and it's totally consistent with what we've done before to recognize the nature of changing relationships throughout Illinois and the rest of the country. There weren't any slips at committee. Nobody testified against this, in spite of the fact that we had this Bill in front of us about eight times. I would ask everyone to vote 'yes'."

Speaker Turner, A.: "The Lady from DuPage, Representative Biggert."

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Biggert: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I won't take very much time because I think Representative Scott really addressed most of the issues that I intended to talk about. But I would like to say that I do support this Bill and the reason is because while it might be a change in public policy, it is not a monumental change in public policy. That monumental change in public policy was made a few years ago when we determined that we would consider the best interests of the child paramount in many of the situations that we are doing such as adoption with DCFS. And this again is where we are considering the best interests of the child for stepparents and it does provide that in a custody situation where a stepparent would have standing, that it is presumed to be in the best interests of the minor child that the natural parent have custody unless the presumption is rebutted by the stepparent. So it does not take away the rights of the parent. It merely gives the stepparent standing to come into court. And you can have a situation where a child has not seen a parent for ten years and now comes back after the natural parent, the custodial parent has died, come back and to take away a child from a stepparent who has raised them. So think very carefully about this and I would urge an 'aye' vote."

Speaker Turner, A.: "The Lady from Cook, Representative Mulligan."

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

Speaker Turner, A.: "He indicates he will."

Mulligan: "Representative, just a couple of questions, but a point of clarification. Is Amendment #3, did that gut the Bill and that's the only thing that's in the Bill? You're... Amendment #3, did that gut the Bill and is that

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the only thing in the Bill?"

Dart: "No. The original Bill is on there as well."

Mulligan: "Is Representative Feigenholtz's Bill on..."

Dart: "No, it's not."

Mulligan: "Okay, so it's just strictly dealing with this one situation?"

Dart: "Yeah. The Bill as it originally came over from the Senate plus this language here, which is Amendment #3. But Amendment #1, which is the language you were referring to, Representative Feigenholtz, was never adopted."

Mulligan: "Okay. I notice it says it amends Marriage and Dissolution Act. What happens in the situation where one biological parent dies, they've not been divorced, and the biological mother remarries and then also dies? A particular instance that I can think of, there was a great deal of money that was left in the first death. They're not divorced but you've now removed grandparents and relatives out of the loop. Would this apply to that type of situation also if there had never been divorce and custody?"

Dart: "At that point they could adopt because there are no parents?"

Mulligan: "What if they never did that? What if the new father, the new stepparent never adopted those children and then the mother dies? So now..."

Dart: "Then they still could. They could still adopt at that point after the deaths."

Mulligan: "But would grandparents then have a standing in that? Would they all be on equal footing?"

Dart: "Yes, they would."

Mulligan: "Okay, thank you."

Speaker Turner, A.: "The Gentleman from DuPage, Representative

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Roskam."

Roskam: "Thank you, Mr. Speaker. Will the Sponsor yield? Representative, you had a discussion with Representative Wojcik that I couldn't hear. I wasn't a beneficiary of that. Can you run through the logic for me and the other Members of the Assembly why you are moving stepparents ahead of natural grandparents in this natural food chain?"

Dart: "Well, for starters, we're not putting them ahead of them at all. They're on equal stand... footing. What we're doing here, is we're giving..."

Roskam: "Well, let me stop you there. I just want to make sure that my question and your question and your answer are coming from the same premise. Right now grandparents don't have this standing. Isn't that right?"

Dart: "No, they do under 601(a)...601(b)2."

Roskam: "So grandparents today have standing. Is that what you're saying?"

Dart: "Yeah. It's also in case law as well."

Roskam: "I'm looking at..."

Dart: "(b)2 is a child custody proceeding as commenced in the court and it lists the different ones that can do it..."

Roskam: "Representative, isn't that... isn't that only standing for visitation? And what you're talking about now in your Bill is standing for custody and we'd agree that those are two very different things, right?"

Dart: "They're different things and we're talking about both of them, though, in the same hearing there."

Roskam: "So just so we're clear and I'm not clear at all right now on what you're saying. Do grandparents today have standing for... What is... what do grandparents have standing for today, visitation for custody?"

Dart: "For both."

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Roskam: "For both. And where is that in the statute that you were pointing to earlier?"

Dart: "The visitation is, I just pointed out to you, it's 601(b)2."

Roskam: "Okay, I agree in terms of visitation. Where is the standing today insofar as custody goes?"

Dart: "I misspoke there. That's for the custody and 601(b)2, that refers to child custody proceedings. That's where they would be allowed to have standing for that. A child custody proceeding is commenced in the court and then it lists... and it lists by a person other than a parent..."

Roskam: "Right."

Dart: "...that would be a grandparent. And through case law, the courts have interpreted it that way."

Roskam: "So the... Walk through with me the underlying thinking in terms of making those two equal in the eyes of the law and I'm assuming... I'm following your representation that there's case law that says that this is grandparents and these grandparents have standing for custody based on 601(b)2. Is that right?"

Dart: "Correct. Under (b)2, that's where they would have the standing. We're not... As I say, I mean, by looking at the language of this Amendment, it's readily apparent that we have not put them on equal footing because of the very reason that a stepparent has to jump through one heck of a lot more hoops than a grandparent has to. A grandparent does not have to do that, does not have anything like that to do. So to say they've been raised to the same level, I think, is a real misnomer here. What we've done is we've put them in the same position to get standing in a court, but once they get the standing, the stepparent has one heck of a lot of hoops to jump through that that grandparent

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does not have to do."

Roskam: "Okay. Thank you for yielding to my questions. To the Bill. It seems to me that rather than being a situation where we're going to avoid Baby Richard situations, what we're doing is laying the seeds for Baby Richard situations. As any number of Representatives pointed out earlier, there are tremendous ambiguities in Representative Dart's initiative, although it's well intentioned. There are ambiguities in terms of child support and so forth and I think that we will come to a day when this General Assembly, if this passes, is held responsible for creating great ambiguities in the law. And with all due respect to my friend from Winnebago County, to say that this is sort of less bad than the Baby Richard legislation or Baby Richard situation, that, to me, is not persuasive at all. I suppose, in addition to all those things in Representative Johnson's remarks, it seems, from my way of thinking, that this creates a huge advantage for the stepparent who has tremendous financial resources at their disposal, and it puts tremendous burdens on a trial judge because the person with the big money, the stepparent that's the sugar daddy, is able to come in and say, your Honor, I'm able to send Johnny and Susie to private school. I'm able to send him to summer camp. I'm able to give him piano lessons and violin lessons and ballet lessons and this lesson and that lesson and French lessons. But the poor dad or the poor mom that's sitting there and is a working parent and is working hard every day to try and make ends meet and is working hard to meet their financial obligations, you know what, they're not able to offer those same things. They're not able to pay the big bucks for private tuition. They're not able to send their kids to

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summer camp, but they love their kids and they desperately want their children and they're good parents. This Bill, although well intentioned, puts that family, puts that parent at a tremendous disadvantage and I don't think that that's what this Illinois General Assembly wants to do because this Assembly says, we believe in parents. We believe in encouraging parents to stay engaged in their children's lives. So with all due respect to a well intentioned Sponsor, this is not a Bill that's right at this time. This is not a Bill that's been well thought out. This is not a Bill that's had extensive comment from the lawyers and people that are actively involved on this, and it is a Bill that will lay the seeds to a future Baby Richard situation and it is a Bill, mark my words, that will put tremendous disadvantage to the person of moderate income, of moderate means and yet again, will stack the law in favor of the person with the big resources. Please vote 'no'."

Speaker Turner, A.: "The Gentleman from Macon, Representative Noland. For what reason do you rise?"

Noland: "Thank you, Speaker. I'd just like to welcome in the Speaker's gallery from Altamont High School. There's honor students with Principal, Mr. Logue. Please welcome the Altamont High School."

Speaker Turner, A.: "Welcome. Welcome. The Gentleman from Jackson, Representative Bost."

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

Speaker Turner, A.: "He indicates he will."

Bost: "Tom, earlier someone ask; the underlying Bill, it dealt with people that were charged with illegal sexual acts. Is that part of the Bill still in there? Okay."

Dart: "Yes, it is."

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Bost: "And we've watched many Bills come off this floor. When we deal with that part and then switch over and we start dealing with custody of stepparents and we put these two Bills together, does that kind of violate the single subject rule?"

Dart: "No. You know, honestly, Mike, we looked at it pretty carefully when we decided to do this to make sure we avoided that particular problem altogether, and because we're dealing with the visitation section and the custody section, we felt pretty confident that there should be no problem whatsoever. It's very close."

Bost: "Okay. I just... To the Bill, Mr. Speaker. I, myself, am in total agreement with the first part of the Bill, but when we start amending and taking and placing authority in the hands of stepparents to take children away from the natural parents, I have some real problems with that. I think we've tied two things together here that have put a lot of people in this House in a bind because I do not in any way, shape or form, agree that a person that has committed a sexual assault or an illegal sexual act should have responsibility of a child. I agree with that part of the Bill. But now what we've done is we've tied this, we've tied it with that ability to take away from the natural parent and give to a stepparent the power to lose our children. I think it's a very scary precedence. I don't think it's the right thing that should have been done with this Bill. I want to be very clear that I do not agree... or I do agree that the main part of the Bill is good. This second part has made it to where it's going to force a lot of us to probably take a 'present' vote and I just want to make it very clear that these are tied together this way. Thank you."

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Speaker Turner, A.: "The Gentleman from Boone, Representative Wait. Representative Wait."

Wait: "Mr. Speaker, will the Gentleman yield?"

Speaker Turner, A.: "He indicates he will."

Wait: "Yes, Representative Dart, on this Bill you are not in any way affecting or changing the parental rights with regards to similar what you would do in adoption, right? You are not terminating the rights of the noncustodial parent, right?"

Dart: "Correct, Representative. That's exactly what we were trying to avoid and that's why we went about it this way. We decided that as opposed to forcing a confrontational issue and having to find somebody unfit and having to go through termination proceedings, this would be a much more effective and the better way to do it."

Wait: "Because... I'm glad you pointed that out because I think that's what a lot of people are misunderstanding here. They are think... we're doing like an adoption case where you're totally putting the noncustodial so that he can never have anything to do with this child. We are not doing that. All we are affecting is the visitation and custodial rights. Is that correct?"

Dart: "Correct."

Wait: "Mr. Speaker, to the Bill itself. Let me say as one who's probably as close to this Bill as anybody has been and I'm on the committee. In fact, unfortunately, my wife passed away just last year and I could be in the same situation as this. I do have a stepson who I love and care for very much, and let me tell you, as one who is a stepparent, a stepparent can be much more of a real parent than the so called biological parent is. The many times, like we say, that a biological parent - it's the love and care and

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affection and attention that you give to this child, not just the fact that you're able to produce an offspring. And all we are saying with this Bill is, let the stepparent get through the courthouse door, let him to present his side of the case and decide what is fair and what is the best interests of the child. That's all we're saying here. Let him get through the courthouse door and let a judge look objectively at what is the best interests of the child. Thank you very much."

Speaker Turner, A.: "The Lady from Sangamon, Representative Klingler."

Klingler: "Thank you, Mr. Speaker. I rise in strong support of this Bill. If this Bill represents a substantial change in Illinois policy, I would say, it's about time. It's about time that we allow the interests of the child to be considered as very important to any kind of change of custody situation. A child that has lived with a natural parent and a stepparent for a number of years, then has their own parent, the natural parent die, may have such very strong family bonds with the stepparent. I think it would be wrong to immediately yank that child without any kind of a hearing, without that child having any voice, without any determination of what the best interests of that child is before the court looks at those interests. I think it's time we considered childrens needs. Those are paramount above everything. Thank you."

Speaker Turner, A.: "The Gentleman from Vermilion, Representative Black."

Black: "Thank you very much, Mr. Speaker. The iguana sleeps at night. I do not and I have an inquiry of the Chair. What Amendments are on this Bill?"

Speaker Turner, A.: "Mr. Clerk."

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Clerk Rossi: "Floor Amendment #3."

Black: "What happened to Floor Amendment #1?"

Clerk Rossi: "Remains in committee."

Black: "So Floor Amendment #1 is not on the Bill. Floor Amendment #2 was not adopted..."

Clerk Rossi: "Withdrawn."

Black: "...withdrawn. Floor Amendment #3 is on the Bill. Mr. Speaker, parliamentary inquiry. Pursuant to House Rule 54 and House Rule 64, I would request that there be a division of the question on the Bill. I would like Floor Amendment #3 to be considered separately from the underlying Bill. Is the question not divisible?"

Speaker Turner, A.: "The question is not divisible."

Black: "Could you explain why it isn't divisible? The Rules don't say anything about Amendment status, Second Reading. It says, any Motion that can be divisible, I can file that Motion to do so."

Speaker Turner, A.: "But the Amendment has been adopted, Representative."

Black: "It doesn't make any difference. Look at the Rules. You wrote them."

Speaker Turner, A.: "Representative, there was an opportunity to vote on the Amendment when it was at the Amendment stage."

Black: "Did we have a roll call vote..."

Speaker Turner, A.: "And we're now... we're now on Third..."

Black: "Did we have a roll call vote on the Amendment or did you do it on a voice vote? Is there a record vote on Floor Amendment #3?"

Speaker Turner, A.: "Representative, when this Bill was on Second Reading, that was the opportunity to question Amendment and Amendment status. This Bill..."

Black: "All right."

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Speaker Turner, A.: "...is now on Third Reading."

Black: "Well, Mr. Speaker, in all due respect to you, the reason this Amendment is on the Bill is the absolute chaos and confusion that has been the rule in this House all week long. There are people who didn't hear Floor Amendment #3. We should have had a roll call vote. Peoples rights are being violated. I doubt that this is going to stand a constitutional test. You know, if we'd keep people off the floor and we'd get a little order in this chamber, maybe we'd all be better informed as to what we're voting on. Now here he's got an Amendment to a Bill that completely changes how we look at the underlying Bill. You won't let me divide the question. You didn't have a roll call vote on the Amendment. There probably aren't two people in here who even knew what they voted on. Now that's why we're in this pickle. I would ask the Gentleman to take the Bill out of the record, remove Floor Amendment #3. Stand it alone if it's so important. Let's vote on the underlying Bill."

Speaker Turner, A.: "The Gentleman from Cook, Representative Dart."

Dart: "To the... A point of personal privilege. To the Gentleman who just spoke. This Bill, the Amendment itself was debated for a rather long time, so the thought that there were only two people that knew what was going on is inaccurate because we had well over two people speak on this Bill. So we had... and every person who spoke had the ability to ask for a roll call vote on that and no one sought it out. There was nothing sneaky about any of this stuff. This Bill has had so many hearings in committee. It was being placed on the same Bill and we also had the ability, at any moment here, for someone to ask for a roll

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call. I would have been happy to have a roll call. No one asked for a roll call. I can't help if no one asked for it. And the Amendment was properly placed on the Bill and that's what we have now and that's what we should be voting on."

Speaker Turner, A.: "The Gentleman from Champaign, Representative Johnson."

Johnson, Tim: "Mr. Speaker, on a point of personal privilege. Representative Dart, you and I are friends so I'm going to... I'm going to withhold any personal comments on that. You all know, you all know that we adopted this by a voice vote because we do that as a matter of courtesy to Sponsors. I wish... Mr. Speaker, I agree with Representative Black. I'm not even going to speak on this if we can't get any attention on an issue like this. If we can't, I'll just shut up. If that's what you want me to do."

Speaker Turner, A.: "It's quieter now..."

Johnson, Tim: "I try to keep my comments limited. But this is why people all around the state look at the Illinois General Assembly and say, what the hell is going on. They wonder why we pass these... Now the Supreme Court has finally realized, with the single subject rule, that these Omnibus Bills, where we pass everything from a road in Marion to a death penalty modification that applies to the whole state. At least those are limited. But this kind of a situation, this dilemma, is why the people of this state are skeptical about their government. When we combine a Bill that is a major public policy shift that I've described and that many, many people on both sides of the aisle are absolutely revulsed by, with another Bill, an underlying Bill that's really totally unrelated, other than

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the fact that it puts people who are 'targets', in a situation where there are in a dilemma and don't know how to vote, is unfair to everybody in this process. To everybody. And I would not, and I don't think any Member of this General Assembly would refuse the courtesy of allowing the Members of this chamber to vote on those issues as a divisible matter. It's just not fair to the people that Representative Black represents and it's frankly not fair to the people that Representative Dart represents, to ask somebody, and I'm still going to vote 'no', but some people are in a situation where they're sure, they're in favor of cutting off visitation rights for people. I am too, who have been convicted of sexual offenses, although I think you can do that anyway. But, regardless, that's good public policy and it's terrible public policy to cut off people's natural parental rights and to put people in this situation and to say we did our little maneuver, you didn't ask for a roll call, that's too bad, is just not fair. It's not courteous and it's not something that the people of this state would expect of us. And I'm asking, like Representative Black does, that Representative Dart give a courtesy to his colleagues on his side as well as people on this side, the same courtesy that we gave to him and everybody else when we adopted Amendment by oral... by an oral vote, to give us a chance to vote on these issues separately. Otherwise you're going to put everybody in a dilemma, so then our political people can all send out their mail that says Representative Black or Representative Smith or whatever it is, voted to allow sexual perverts to have visitation, when in fact, what they were doing, was to vote against people who've committed, in some cases, offenses against the family from having

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visita... or custody standing..."

Speaker Turner, A.: "Your point is well taken."

Johnson, Tim: "...or right to custody in those situations. It's just not fair."

Speaker Turner, A.: "Your point is well taken, Representative Johnson. The Gentleman from Vermilion, Representative Black."

Black: "Thank you, Mr. Speaker. If his point is well taken, what's the answer?"

Speaker Turner, A.: "It's well taken."

Black: "Well taken, but ignored."

Speaker Turner, A.: "What was the question?"

Black: "I asked you first."

Speaker Turner, A.: "You said the point of personal privilege and we gave him his privilege. He made a request to the Sponsor and the Sponsor has..."

Black: "Well, I have always been led to believe and I had the great privilege of serving as a County Board Chairman for a period of time and sat in the Chair and made those rulings, and I can assure you, and no disrespect to you, Mr. Speaker, if I told a member of my county board that his point was well taken, that means that the chair acquiesced... to divide the question."

Speaker Turner, A.: "Representative, this Bill is on Third Reading, which means that it is in form to be voted on in it's final stage, currently."

Black: "Let me ask another inquiry of the Chair. Does it... I realize that if the Bill is under Divorce and Dissolution Act or Dissolution of Marriage Act, one deals with custody and the other deals with visitation rights. Is there any indication of a violation of the single subject rule in the opinion of the Parliamentarian? Of course for a definitive

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answer, we'd have to get a Cook County judge to rule. I understand that."

Speaker Turner, A.: "We've got some future judges on staff."

Black: "Oh, absolutely."

Speaker Turner, A.: "Representative, the Parliamentarian informs me that both the Bill and the Amendment amends the Marriage and Dissolution Act. So there is no..."

Black: "Let me ask two further points of the Chair, if I might, Mr. Speaker. I realize it's a stretch and I'm somewhat familiar with the Rules, but I need to ask it because if I don't ask it, then somebody will say, well, you should have asked it, later. I don't suppose, having voted in the affirmative on a voice vote, there's any reason to think you would grant me the right to make a Motion to reconsider. Would there be any such reason?"

Speaker Turner, A.: "It would have to be in writing? Representative, under House Rule 65(a), it states that a Member who voted on a prevailing side of a record vote has the right to move for a vote to reconsider, and because there was no record vote on this, you're out of order."

Black: "Mr. Speaker, in all due respect to the Sponsor and those moaning and groaning on the other side, I want the official record to reflect that I intend to read in the record that I think this is special interest legislation dropped in for the benefit of one person in the State of Illinois, and at the appropriate time I will ask the court to investigate that and I hope it is stricken. And from now on, if this is the way you're going to be, then, by God, we'll have a roll call on every Amendment. We try to do it so we can do the business in some kind of reasonable fashion, and then when it suits your side of the aisle, to hell with it. Well, I can play that game, too."

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Speaker Turner, A.: "The Gentleman from Cook, Representative Dart, to close."

Dart: "Thank you, Mr. Speaker, Members of the House. This has been debated at length. There's been a lot of other issues brought up that are very unfortunate, cause the ultimate question you have to ask yourself on this Bill is what is wrong with is doing the best for the child? What is wrong with looking out for the best interests of the child? I suggest we read the Bill as opposed to talk and go on and on with antidotal stories here. The reality is, this Bill clearly, in the Bill, talks about what is best for the child. As the person who is the author of the Baby Richard Bill, I could tell you that if we had had the foresight back then to put more language on the books dealing with the best interests of the child, we would not have probably had that problem. We wouldn't have gotten that far in the courts. But we didn't have it. This is not special legislation whatsoever. It deals with an entire class of people, which one of the previous speakers spoke rather eloquently about, are some people who are very loving and the people who are the ones in the best position to care for this child. This Bill, pure and simple, allows standing, allows access to the court. And for a previous speaker who said, well, we're putting them on equal level or something, I would contend we're doing the opposite. We're making it more difficult for them cause we're saying, to get standing... you don't get standing just by your status as a stepparent, you get standing by being a stepparent, then jumping through four or five different hoops. Once you go through that, then you can get standing. You have... the child has to be at least 12 years of age. The child has to have resided with the

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parent or stepparent for at least five years beforehand. So for the person who mentioned earlier about how we're snatching children from natural parents, that's not this Bill. This Bill says the child has not been living with that natural parent. It then goes on to say that the custodial parent has died or is disabled, so they have to jump through that. Then you have the situation where the stepparent provided for the care and control and welfare to the child prior to the initiation. So once again the child is with the stepparent already. They're there already. We're not snatching anybody here. The stepchild is there already. And what else do we require? We require that the child wants to be there. We also require that it is a court determination and that it's in the best interests of the child. Go through all those hoops. Does that mean the stepparent gets the ability? No. That means the stepparent gets in the door to make their case. What in the world is wrong with allowing the best interests of the child to prevail here? What is wrong with that? We have gotten this all confused with issues about whether or not this has had enough study. Come on now. We know how we operate around this place. This Bill has had more hearings than most Bills normally have. It's had four or five of them where we've had people that come in front of us and have had all day to give us their opposition to it. They haven't been there. They have not been there because they know this is a good Bill. It is... it was a good Bill from the beginning. We worked with different people that had a couple of concerns who never came forward in committee, but we worked with them nonetheless to make this a very good Bill. As I say, this is something that has received bipartisan support. This is not a partisan issue. It was

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never meant to be one from the beginning. This is something where we have gone out of our way to look out for the natural parent by putting in a presumption that is not in the law now. There is, in this Bill, a presumption that it is in the best interests of the child to stay with the natural parent. They're putting that presumption in. So if you want to talk about how we're snatching children and giving to the stepparents, you are so far off base. So far off base. We are providing all sorts of hoops they have to jump through just to get in the door. That's just not true to say that we are snatching children and that we are going to be taking them away. We're talking about natural parents who have had nothing to do with the child. We are allowing access. We are ultimately here trying to accomplish what is best for the child, and all the bar studies and all the delay in the world will not satisfy that. We should act on this now and I would appreciate a favorable vote."

Speaker Turner, A.: "The question is, 'Shall Senate Bill 1328 pass?' All those in favor should vote 'aye'; all those opposed vote 'no'. Voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this Bill there's 71 'ayes', 24 'nos' and 15 'presents'. The Gentleman from Champaign, Representative Johnson, requests a ver..."

Johnson, Tim: "It is... only requires 60 votes, right?"

Speaker Turner, A.: "Right."

Johnson, Tim: "I'm not going to take another... I don't know, you want to verify? ...request. Unlike some Members of this chamber, I have courtesy for my colleagues."

Speaker Turner, A.: "The Gentleman withdraws his request. This Bill, having received 71 'ayes', 24 'nos', 15 'presents',

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is hereby declared passed. On the Order of Third Reading we have Senate Bill 1695, Representative Tenhouse."

Tenhouse: "Thank you, Mr. Speaker. Senate Bill 1695 is the Bill that's brought at the request of Secretary of State George Ryan and deals with the interlock device, making it a permanent option for motorists who have two or more DUI's. It amends the Illinois Vehicle Code to make the Illinois Breath, Alcohol..."

Speaker Turner, A.: "Representative, we need to have the Clerk read the Bill."

Tenhouse: "Sure, go ahead."

Clerk Rossi: "Senate Bill 1695, a Bill for an Act amending the Illinois Vehicle Code. Third Reading of this Senate Bill."

Speaker Turner, A.: "Representative Tenhouse, continue."

Tenhouse: "Thank you, Mr. Speaker. Again, Senate Bill 1695 amends the Illinois Vehicle Code to make the Illinois Breath, Alcohol, Ignition Interlock Device or IBD Program a permanent option for motorists convicted of two or more DUI's. The program has been operating successfully for more than three years as a pilot program and has been successful in deterring repeat drunk driving arrests. To date, over 1,500 drivers have participated in the program and this pilot group experienced a 76 percent reduction in repeat DUI arrests while the interlock devices were installed. The study of the pilot group shows a 56 percent reduction in repeat arrests overall including the period after the ignition interlock devices were removed. When it's considered that this group of drivers represents chronic DUI offenders, these results are very impressive. As a result, this legislation is proposed to make the program permanent and offer several enhancements that would make it even more effective. I stand ready to answer any

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questions."

Speaker Turner, A.: "Are there any questions? The Lady from Cook, Representative Lyons."

Lyons: "Thank you, Mr. Speaker. On the last Bill I wish to have my vote recorded as a 'yes' on the last Bill."

Speaker Turner, A.: "The record will so reflect. Seeing no questions, the question is, 'Shall Senate Bill 1695 pass?' All those in favor should 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? The Clerk shall take the record. On this question there are 114 'ayes', 0 'nos', 0 'presents'; and this Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Second Reading. The Gentleman from Cook, Representative Giles, for what reason do you rise?"

Giles: "Thank you, Mr. Speaker. Could you let the record reflect that I would have voted 'aye'."

Speaker Turner, A.: "On which Bill, Representative? 1695?"

Giles: "Yes, Mr. Speaker."

Speaker Turner, A.: "The record will so reflect. The Lady from Cook, Representative Schakowsky, for what reason do you rise?"

Schakowsky: "Yes, thank you, Mr. Speaker. I would have voted 'aye' on Senate Bill 1695."

Speaker Turner, A.: "The record will so reflect. The Gentleman from Cook, Representative Morrow, for what reason do you rise? On the Order of Third Reading we have... The Gentleman from Vermilion, Representative Black, for what reason do you rise?"

Black: "Well, thank you very much, Mr. Speaker. I wanted to recognize 3,482 people who have traveled here in the last

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week from my district, but they all went home. So, if I might, I have filed the appropriate Motion in writing pursuant to Rule 18(g). I move to discharge Rules Committee from further consideration on House Amendment #5 to Senate Bill 1350 and advance this measure for immediate consideration by the House. I'm joined by all of my colleagues in requesting a roll call on the question. This is a wonderful Amendment that adds Road Fund money. Road Fund money. It stops the diversion of Road Fund money. You guys, you northerners are going to get the Kennedy rebuilt. I've still got ten foot slabs of concrete in my district. Worse than that, I've still got some that are dirt. You know, we'd like a little asphalt and concrete downstate, too. So I want all my downstate colleagues on the Democrat side of the aisle. Let's stop diverting \$400 million worth of road money where it's frittered away in the 'Rose Garden' and I want roads. My people are tired, Mr. Speaker. We want out of the mud. Get us out of the mud. Get us out of the dirt. We want roads. Let's call it. Have a roll call. Join me. Stop the diversion of Road Fund money. By God, we're entitled to good roads."

Speaker Turner, A.: "The Gentleman from Cook..."

Black: "You've already taken all of our state troopers, for God's sake. What you don't have on the expressway, you got in Cicero. At least give us a road. I want asphalt. I want concrete. I want a roll call vote."

Speaker Turner, A.: "I Gentleman from Cook, Representative Lang, for what reason do you rise?"

Lang: "Mr. Speaker, did I hear that Mr. Black was moving to discharge the Rules Committee?"

Speaker Turner, A.: "That's a fact, Representative."

Lang: "Mr. Speaker, I object."

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Speaker Turner, A.: "Your point is well taken, Representative.

The Gentleman from Effingham... The Lady from Cook,
Representative Currie. The Lady from Cook..."

Currie: "Thank you, Speaker."

Speaker Turner, A.: "...Chairman of the Rules Committee."

Currie: "I object. Thank you."

Speaker Turner, A.: "How about a road instead? The Gentleman from
Effingham, Representative Hartke."

Hartke: "Representative...Representative Black, there once was a
fly that was very hungry..."

Speaker Turner, A.: "The Gentleman from McLean, Representative
Brady, for what reason do you rise?"

Brady: "Would Representative Black yield? No, Representative, in
all seriousness I stand in strong support of Representative
Black's Motion. We have discussed this issue. We have
called..."

Speaker Turner, A.: "A ruling has been made, Representative."

Brady: "I move to overrule the Chair, then, with all due respect,
Representative."

Speaker Turner, A.: "You say overrule the Chair with all due
respect in the same breath?"

Brady: "Absolutely."

Speaker Turner, A.: "Just doesn't add up."

Brady: "I could do it again, too."

Speaker Turner, A.: "Not quite clear, but the question is, 'Shall
the Chair be sustained?' All those in favor shall vote...
All those supporting the Chair shall vote 'yes'; all those
opposed... Shall... The question is... The Motion is... the
Motion is, 'Shall the Chair be sustained?'
Representative... The Gentleman from Adams, Representative
Tenhouse, the first to debate this Motion."

Tenhouse: "Thank you, Mr. Speaker. After hearing Representative

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Black, I have to feel that it's going to be kind of hard to follow that because as we all know his comments in this regard. But I guess the thing of it is, when those of us in downstate Illinois - I live on a gravel road. When you start talking about trying to get from point A to point B, it has become more and more difficult to get the job done. All we're trying to do is discharge the Bill from Rules that would allow us to use \$200 million. Two hundred million dollars a year that's now being diverted from the Road Fund that can be used for our construction downstate, and that can make a heck of a lot of difference. Now I know, even though I have a great deal of respect for Representative Black, I hope not all of that money is going to go over into his district. I'm willing to share it and that's what we're saying, too, is that money is the taxpayers money. When you go and you fill your car with gas, you're not expecting to see that this money is going to be used for other purposes. Now that we're sitting in a situation where the state, we're having unprecedented growth, that would give us an opportunity to be able to return \$200 million. That can really make a difference all over this great state and certainly, especially, for those of us in western Illinois. When I drive around and look at the differences that have happened as far as my area of the world since I came to the Illinois House in 1989, the economic development that's taken place in the Quincy area is unprecedented. And really, the reason for that is because we are no longer for... When I came to the House was when we were just finishing up the completion of the Central Illinois Expressway. That highway has been a highway... has brought tremendous growth to our region and I think, certainly, continuing to see that happen is vital.

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If we continue to see this dollars used for other purposes, that \$200 million a year that individual taxpayers are paying when they fill up their car with gas, can be used to help us build highways in downstate Illinois and all over this great state. But I tell you what, one of the real problems we have in our area of the world is our roads don't go north or south, they just go east. And for... But we'd love to get to Chicago. We'd love to be able to go up and spend our money up in Representative Turner's district cause us 'Art's' could get together. But unfortunately it's tough because we have making our progress from one way to the other. So this is a huge, huge issue for those of us in downstate as I know it is for a lot of the folks in the northern Illinois area as well. But let's just see if we can join Representative Black in being able to move us folks from upstate to downstate. And, really, I don't think the highways are really going to be asphalt or concrete, but they're really going to be green because it's going to help us from an economic development standpoint all over this great state. I want to get a chance to go over and see how this takes place, but no doubt about it, \$200 million a year can make a huge difference. It would help us in downstate. It'll help us all over this great state and I urge for the Members to understand, as they get ready to put their votes up here, that they should vote 'no' on this Motion."

Speaker Turner, A.: "Representative, it sounds as if you had two Motions. You want money to go to Vermilion County and you also want money to go to Adams County and you may be out of order on that one. The Gentleman from Cook, Representative Schoenberg."

Schoenberg: "Thank you, Mr. Speaker. I'd like to address the

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points just made by the previous speaker as well as the iguana sleeping tonight. If you are looking for a solution to this problem and I have the greatest respect for Mr. Black and Mr. Tenhouse, may I suggest to you that you make this thoroughfare a tollway. If you need money to construct a road, there are \$300 million surplus balance in the Illinois Toll Highway Authority accounts. That money is only being used to perpetuate even more growth, even more expansion, even more sprawl. If you wanted... if you need the money, you can make it a tollway. And tollways don't have to be limited, Mr. Tenhouse, to suburban areas, and it's bad enough that those of us who live in the suburbs are already paying twice for the state's transportation system. We're paying at the gas pump and then we're paying for tolls. Mr. Tenhouse, welcome to the suburbs. You can make this a tollway. You can make it a public tollway or under the federal 'iced tea' legislation, you could even make it a private tollway as states such as Virginia and California have done. So I appreciate the quandary that my downstate colleagues from across the aisle find themselves in, but if you need a solution to this very pressing problem, Gentleman, all roads lead through the tollway."

Speaker Turner, A.: "The Gentleman from McLean, Representative Brady, do you want to withdraw that Motion?"

Brady: "Absolutely not, Mr. Speaker. I want to speak to the Motion."

Speaker Turner, A.: "Okay."

Brady: "Speak to this very important issue of this diversion of Road Fund monies. Representative Black's Motion to discharge this Amendment from the Rules Committee not only speaks to the importance of economic development, which

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Representative Tenhouse speaks to, it also speaks to bringing integrity back from this Body to the citizens of Illinois. We have diverted money from the Road Fund over the vast years in such a way that we have lied to the citizens of Illinois. We have taken money that has been dedicated toward our roads and used it for other purposes. With the surpluses we have in this year's budget it's time to change that, to bring integrity back and to place that money into road construction rather than diverting it. But more importantly than that integrity and more importantly than the economic development, this Motion is important for the safety of the citizens of Illinois. We need roads. We need good roads, and without spending this money on the roads in the State of Illinois, we are putting the safety of Illinois citizens at risk. When you vote against, when you vote to sustain the Chair, I would argue that you are voting to put the safety of Illinois citizens at risk."

Speaker Turner, A.: "The Gentleman from Vermilion, Representative Black."

Black: "Mr. Speaker, I have an inquiry of the Chair."

Speaker Turner, A.: "State your inquiry."

Black: "Are you invoking the Rule 52 on standard debate?"

Speaker Turner, A.: "Yes, I am, Representative."

Black: "Well, first of all, let me make one point. You didn't follow the rule on standard debate, you let the Gentleman from the north, who seems to love toll roads, that's a response. We still have a Member that's eligible to speak under Short Debate. He was a responder, not on our side. All right? You can have two on our side and three on your side in standard debate. But beyond that, Mr. Speaker, I want the Parliamentarian, I want the Parliamentarian to tell us how in the world you can use standard debate, under

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House Rule 52, to shut off our right to debate a Motion. The Rule clearly says a Bill or an Amendment out of committee. This is a Motion that originated from the floor, and as I understand the rules, it has unlimited debate. And if he can be creative enough to say, oh, no, this went to committee, well, explain that to me. Short Debate should not apply to a Motion that was made on the floor of the House."

Parliamentarian: "Representative Black, on behalf of Speaker Madigan, in response to your inquiry, House Rule 54(a)(2) provides each Motion, unless otherwise provided in these rules, is assigned standard debate status subject to Rule 52."

Black: "That's a very creative ruling. Once again, I commend you on that. Then, you know, I could move to overrule the Parliamentarian on that. I'll delay action on that. Mr. Speaker, you have thus far not followed the rules of standard debate. We still have several people seeking recognition and we are entitled to have one person, in addition to what you've already given us under your rules, speak to the issue. And I would just say this to my downstate colleagues, you go ahead and sustain the Chair. You do whatever you're told to do, but as I get around the state in the next few months, and I get on these tar and chip roads and dirt and gravel and concrete slabs that haven't been touched since 1924, you explain to the people that are bellyaching to you about how you stood tall on a procedural Motion, so that we couldn't get any Road Fund money. And don't tell me you're waiting for the Feds. By the time the Feds take action on a Road Fund money, we'll probably won't have cars. Now we're entitled to one more person to debate the issue to overrule the Chair and I

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would ask you to call on at least one of our Members who has their light on."

Speaker Turner, A.: "Representative, that request is in order. The only people requesting to speak on this Motion are the Members on your side at this point, and I intend to represent the Gentleman from Madison, Representative Stephens."

Stephens: "Well, thank you, Mr. Speaker. If the Motion that the Chair shall be sustained, the ruling by the Chair indicates that you do not want to discharge from the Rules Committee a Bill that is very important, not only downstate, but throughout the State of Illinois. This year, of all years, we should recognize that we have an excess of funds. Income, revenues are up in the state to an all time high. It is not a time for us to not think wisely about our investments. If there's ever a time to straighten out past mistakes, it is now during good times, and I will agree with Members of the other side of the aisle, that over the past years when times weren't so good, we had to make some very tough decisions and we did divert some funds. None of us liked it, but it wound up equaling over \$200 million now in road diversion because of past budget problems. We don't have those budget problems today and we should take a chance right now, the opportunity right now, to correct the mistakes that we made in the past. Whether they were necessary or not is irrelevant and this is not a partisan issue. I'm talking about money, \$200 million that will help spend... raise \$2 billion that can be used on Route 159 in Madison and St. Clair County. Something that is an entirely Democrat district. But partisanship aside, I stand in support of the four lane widening of Route 159. We can do it if we stop the diversion of road funds that

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currently take place and cost the taxpayers \$200 million. We can build projects in Republican districts and Democrat districts. It's not a matter of partisanship. Those of you on the other side of the aisle, especially downstaters, especially those districts that have been crying for more dollars for road repair, for more... for widening of roads and for more intersections on our interstates. It's time now. Simply stand up and say that the Chair's ruling should not be sustained. Give us 71 votes. You will have done the right thing. If you put your vote up there today, we will praise you in the press tomorrow and you will have deserved it. It is time that we send a message to the second floor. We want \$2 billion in road funds spend this year to correct the mistakes of the past, to deal with downstate transportation issues, to deal with the gridlock in the collar counties, and to deal with the problems of transportation in the City of Chicago. Every one of you benefit from this program. Mr. Chairman... Mr. Speaker, your ruling on this Motion to discharge this Rules Committee is inappropriate. You should not be sustained and I call for Members of both sides of the aisle to join me in not sustaining the ruling of the Chair."

Speaker Turner, A.: "The Gentleman from Cook, Representative Burke. For what reason do you rise?"

Burke: "Thank you Speaker. For a point of personal privilege. I would like to introduce two Illinois fire fighters to the Body. We have joining us today, Mr. Gary Kone, fire fighter Gary Kone from the Chicago Fire Department was the 1998 Medal of Honor recipient, and I'd like the Body to receive him. Gary. And also, fire fighter Gary 'Relano' from the Chicago Fire Department who is this year's Medal of Valor recipient. Would the Body receive him. Thank

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you, Mr. Speaker."

Speaker Turner, A.: "The Motion is, 'Shall the Chair be sustained?' All those in favor vote 'yes'; 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? The Clerk shall take the record. Fifty nine voting 'yes', 58 voting 'no', and the Motion fails. On the Order of Third Reading, we have Senate Bill 1853. Read the Bill Mr. Clerk."

Clerk Rossi: "Senate Bill 1853, a Bill for an Act amending the Public Utilities Act. Third Reading of this Senate Bill."

Speaker Turner, A.: "The Gentleman from Cook, Representative Morrow."

Morrow: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 1853 amends the Public Utilities Act to create a new title disclosure of customer information to law enforcement agencies which prohibits a public utility from disclosing customer information to a law enforcement agency unless the agency requests the information in writing stating that the information is necessary for law enforcement purpose, and I'll be glad to respond to any questions."

Speaker Turner, A.: "The Gentleman from Cook, Representative Durkin."

Durkin: "Will the Sponsor yield?"

Speaker Turner, A.: "He indicates he will."

Durkin: "Representative, what's... why are you doing this?"

Morrow: "Well, there have been cases in the City of Chicago where law enforcement right now, will call, they say, Peoples Gas, they want to know an address of a person that they are trying to find to arrest. They say over the phone that I'm Sargent Pugh of the CPD, and we want to find some

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information on Joe Black. We want to know what address he lives at, what's his phone number, and they do this over the phone. A lot of times there's no way to verify that the person that is actually calling is the person that they're claiming that they are. I can tell from working for a public utility for 18 years, when I worked at night sometimes answering phone calls on an emergency basis, that the law enforcement agency would call at 11, 12:00, at midnight asking for someone's address or to verify someone's address and you had to take it on face that the person who was calling was indeed from a law enforcement agency."

Durkin: "Well, will a subpoena suffice as a written statement from a law enforcement agency?"

Morrow: "I guess that would."

Durkin: "Well, here's a situation which happens often with police departments. You have some type of a anonymous tip that there is drugs being sold out of a house and there's a name of an individual who's given that information, in order for the police officers to verify, at least try to put, you know, put some reliability and credibility out of that statement, they often within a very short time notice, they have to call up one of the utilities to see whether or not the actual residence is owned by this person. And if it is a name which is not anywhere near or close to what's on the billing record, that's something I which I think the police officers need to take into consideration before they start breaking the doors down. So, I think, you know, I know you're concerned that is a question of protecting the privacy of some of these individuals, but however, sometimes you can't get a subpoena or warrant signed at 2 o'clock in the morning or 3 o'clock in the morning when a

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lot times there's situations where there is some type of criminal activity which is going on and when there is a very compelling need for that type of information."

Morrow: "That is correct, but I would also say to you Representative, that there are cases where people misrepresent who they are for the purpose of getting credit information on customers. Like I said, I worked for a public utility for 18 years, and if I have your name and if I have your social security number, I can get just about any information I want on you without really, honestly, saying who I am."

Durkin: "Well, your concern right now is whether or not the law enforcement officers are getting credit information. Is there a way to tailor this Bill which just prohibits that type of information without the... at least some type of cause through a warrant which is signed by a judge or which is sworn out by a grand jury?"

Morrow: "Well, no, not really Representative, because public utilities also like the gas company and the light company or the phone company, their employees exchange this information between each other on a daily basis, but this Bill is only intended for law enforcement agencies that might call and someone represents themselves as a representative of a law enforcement agency, and they may or may not be."

Durkin: "Can a police officer, a Chicago police officer fax over requests to Peoples Gas, requesting the name of the resident at a certain location? Would that suffice?"

Morrow: "That would be in writing."

Durkin: "Okay. Well, are you saying that people do have a reasonable expectation of privacy with respect to this information?"

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Morrow: "I'm sorry, I'm sorry, I couldn't hear you."

Durkin: "Are you saying that everybody has a reasonable expectation of privacy with respect to this information? Do they an exp... is there an expectation of privacy which they enjoy? Presently."

Morrow: "I would say that that might be 50/50."

Durkin: "Well, let me get this. If people pay their utility bills through public assistance, do you think that perhaps maybe they have waived some certain extent of privacy when it is being public assistance... when they're being assisted to pay the utility bills?"

Morrow: "No, I don't see where their privacy would be waived. No."

Durkin: "I'm not quite sure if, you know, if the question... I think that... I know your intentions are right, but I think it's rather broad and I think that it may be troublesome in times when there is a compelling law enforcement need to find out whether or not a certain individual is residing at a certain address and whether it has to be something that has to be sent over a fax or in writing. I'm not quite sure if we're all clear about that. But I'm not..."

Morrow: "Well, my only response to that Representative Durkin, would be is that this Bill was not opposed by anyone by any law enforcement agency when this Bill was in the Senate, when this Bill came over to the House and was presented to the House Committee of the Energy and Environment. No one found any opposition slips at that time. So, this Bill has been around all Session. Law enforcement agencies are aware of this language. They haven't opposed it."

Durkin: "I understand that, but, well, I think you would agree that because a Bill passes out of the Senate, doesn't necessarily mean it's the greatest piece of public policy."

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Morrow: "Well, I would like to see you tell that to your Senator."

Durkin: "Oh, I have. I do it on a daily basis. In any event..."

Morrow: "Well, you better be careful."

Durkin: "Alright, thank you very much."

Speaker Turner, A.: "The Gentleman from McHenry, Representative Skinner."

Morrow: "No, you're out of order."

Skinner: "Oh, wrong Bill. Is it true Representative, that the real reason you're introducing this Bill, is because the law enforcement officials come and ask what homes with basements, have really high electric Bills to try and find out where marijuana is being grown?"

Morrow: "No, I don't think that's the case Representative."

Skinner: "Well, let me ask a more serious question. Would a fax do? A fax request for information?"

Morrow: "Representative Durkin asked that question and I said would believe that that's in writing so I think that would suffice."

Skinner: "I mean, you'd want to have Chicago Police Department on the top of the fax someplace?"

Morrow: "Yes, I'm sure you'd want something to identify that they were from a law enforcement agency."

Skinner: "Thank you."

Speaker Turner, A.: "The Gentleman from Vermilion, Representative Black."

Black: "Thank you very much, Mr. Speaker. The Gentleman used my cousin's name in debate, Joe Black, so can I be recognized?"

Speaker Turner, A.: "You've been recognized."

Black: "Thank you. Will the Gentleman yield?"

Speaker Turner, A.: "He indicates he will."

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Black: "Representative, if I understand your Bill, and I've got to tell you, I'm a little bit surprised at this. Are you telling me that a phone call to a utility company can result in my account records being sent to the local Gendarme, the police, the sheriff, just a simple phone call?"

Morrow: "I wouldn't necessarily say that a phone call by a law enforcement agency would send your records of how you pay your bills or of that such. Basically, law enforcement calls, in the time that I worked for Peoples Gas and that's the utility that I worked for, they would call to make sure... they said that they had... they want to verify that someone lived on the second floor and not the third floor. But the problem that exists Representative Blank, Black, is that, is that at the time that you're trying to give that person that information, there's that grey cloud area that you really wonder that the person who's on the other end of the phone, is the person that they're claiming to be."

Black: "Alright. In other words, it could be a bill collector..."

Morrow: "It could be a credit agency, it could be..."

Black: "Sure."

Morrow: "...a bill collector, it could be another public utility. You have to understand, public utilities do most of their customer service work over the phone, 90% of it. And in many cases they can just identify and say, 'I'm so and so and I want to find out about my bill at this address.' And you're taking over the phone that this is customer is who that they claim they are. Well, for law enforcement purposes, I think we need to make sure that the law enforcement agency who is on the other end of the line, is the law enforcement agency that we're giving that

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information to."

Black: "I can't imagine that there would be any opposition to this Bill. Did anybody sign a slip in opposition?"

Morrow: "I'm not aware that anyone signed a bill (sic-slip) to oppose this slip (sic-Bill) in the House."

Black: "Thank you Representative. I appreciate your response, and Mr. Speaker, to the Bill. I think it would shock most of us to know that practice might allow information on where you live or how your gas meter or electric meter is set up and at what address and at what location, with the simple placing of a phone call. And I don't think it's a burden on any law enforcement agency to make that request in writing on some kind of an official letterhead, giving a name, a badge number or at least a telephone number where they can call and verify the request. I mean, that's just common sense. I can't believe that we would have allowed this in the past. It's tough enough to protect our privacy without letting people get into some of our private and confidential records as to the location of our home or our apartment over the telephone. So, I join with Representative Morrow in saying, this Bill probably should have been law years ago and I commend him for closing what I think is an obvious loophole in existing practice of law."

Speaker Turner, A.: "The Gentleman from Cook, Representative Morrow to close."

Morrow: "Yes. Thank you, Mr. Speaker. I would just like a favorable roll call on Senate Bill 1853. Thank you."

Speaker Turner, A.: "The question is, 'Shall Senate Bill 1853 pass?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted wish? Have all voted who wish?"

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The Clerk shall take the record. On this question, there are 116 'yes', 0 'noes', 0 'presents', and this Bill having received the Constitutional Majority... Representative Shirley Jones, for what reason do you rise? The Lady from Cook."

Jones, Shirley: "I meant to vote 'aye' on House Bill (Senate Bill) '....'"

Speaker Turner, A.: "The Lady wishes to be recorded as voting 'aye'. The record will reflect it. This Bill having received a Constitutional Majority, is hereby declared passed. On the Order of Third Reading, Mr. Clerk, read Senate Bill 1728. Representative Brady. Mr. Clerk."

Clerk Bolin: "Senate Bill 1728, a Bill for an Act to amend the Illinois Insurance Code. Third Reading of this Senate Bill."

Brady: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 1728, amends the Illinois Insurance Code by removing the limit of the amount of insurance a Lloyds and syndicate may underwrite with respect to any single risk. That measure passed out of the Senate with 52 favorable votes. Amendment 1 placed on the House, is Department of Insurance cleanup language for insurance company investment guidelines and employee leasing company provisions. That Amendment passed favorably with no... with all votes voting affirmative in the House Insurance Committee. I'd be happy to respond to any questions. Ask for your favorable support."

Speaker Turner, A.: "Seeing no questions, the question is, 'Shall Senate Bill 1728 pass?' All those in favor should 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? The Clerk shall take the record."

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On this question, there are 116 voting 'aye', 0 'noes', 0 'presents', this Bill having received the Constitutional Majority, is hereby declared passed. The Gentleman from McLean, Representative Brady, for what reason do you rise?"

Brady: "Inquiry of the Chair."

Speaker Turner, A.: "State your inquiry."

Brady: "Has Representative Mautino had a new baby yet?"

Speaker Turner, A.: "Has Representative Mautino had a new baby yet? It's still not soup."

Brady: "Thank you."

Speaker Turner, A.: "Representative... the Gentleman from DeKalb, no, the Gentleman from Knox, no, the Gentleman from DeKalb, Representative Wirsing."

Wirsing: "Thank you. Thank you, Mr. Speaker. I didn't know if anybody took note of the little note in front of my desk, but last evening at approximately 11:05, our daughter had her third child and so that added to the Nancy and David Wirsing grandchild list. We're up to seven now."

Speaker Turner, A.: "Hey, congratulate Representative Wirsing on the new grandchild. Representative."

Wirsing: "The only problem is, this new grandchild is in Art Tenhouse's district, so, that's the downside."

Speaker Turner, A.: "Maybe we'll build a tollway so that that grandchild can come visit you. On the Order of Second Reading, we have Senate Bill 1350. Read the Bill Mr. Clerk."

Clerk Bolin: "Senate Bill 1350."

Speaker Turner, A.: "The Gentleman from Vermilion."

Clerk Bolin: "The Bill's been read a second time previously. All the notes that have been requested on the Bill have been filed."

Black: "Inquiry of the Chair, Mr. Speaker."

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Speaker, Turner, A.: "State your inquiry."

Black: "Yes. Floor Amendment #3 was drafted in error. Floor Amendment #4 corrects that. Has Floor Amendment #4 been approved by the Rules Committee for consideration?"

Speaker, Turner, A.: "Representative, it's my... Mr. Clerk."

Clerk Bolin: "Floor Amendment #4 remains in the Rules Committee."

Black: "Oh, that's a little difficult to run this Bill without Floor Amendment #4."

Speaker Turner, A.: "Do you want to take the Bill out of the record?"

Black: "Well, unless you'd like to grant me immediate consideration of Floor Amendment #4."

Speaker Turner, A.: "The Bill will be taken out of the record."

Black: "Alright."

Speaker Turner, A.: "The Gentleman from Saline, Representative Phelps."

Phelps: "Thank you, Mr. Speaker. I was just going to ask Representative Black if that was his cousin Joe Black's Amendment or the real Black Amendment?"

Black: "It's the real thing Representative."

Speaker Turner, A.: "On the Order of Second Reading, we have Senate Bill 1835. Read the Bill Mr. Clerk."

Clerk Bolin: "Senate Bill 1835, the Bill's been read a second time previously. Amendment #1 was adopted in committee. Floor Amendment #2, offered by Representative Wood, has been approved for consideration."

Speaker Turner, A.: "Representative Wood. Take it out of the record. On the... on the Order of Second Reading, we have Senate Bill 1867. Read the Bill Mr. Clerk."

Clerk Bolin: "Senate Bill 1867, the Bill's been read a second time previously. No Committee Amendments. Floor Amendment #1, offered by Representative Brown, has been approved for

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consideration."

Brown: "Speaker."

Speaker Turner, A.: "The Gent..."

Brown: "Amendment #1 to 1867 is a change in language that was suggested by Representative Currie in the Revenue Committee, and it makes the thrust of 1867 more clear, and I would ask for its approval."

Speaker Turner, A.: "The question is, 'Shall Amendment #1 be adopted to Senate Bill 1867?' All those in favor should say 'aye'; all those opposed say 'no'. In the opinion of the Chair the 'ayes' have it and the Amendment's adopted. Any further Amendments?"

Clerk Bolin: "No further Amendments. All notes that have requested on the Bill have been filed."

Speaker Turner, A.: "Third Reading. On the Order of Second Reading, we have Senate Bill 1840. Read the Bill Mr. Clerk."

Clerk Bolin: "Senate Bill 1840, the Bill's been read a second time previously. No Committee Amendments. No Floor Amendments. No Motions filed. All notes that have been requested on the Bill have been filed."

Speaker Turner, A.: "Take it out of the record Mr. Clerk. Senate Bill 1846. Read the Bill Mr. Clerk. It's on the Order of Second Reading."

Clerk Bolin: "Senate Bill 1846, the Bill's been read a second time previously. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed. All notes that have requested on the Bill have been filed."

Speaker Turner, A.: "Third Reading. On the Order of Second Reading, we have Senate Bill 1892. Read the Bill Mr. Clerk."

Clerk Bolin: "Senate Bill 1892, the Bill's been read a second

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time previously. No Committee Amendments. No Floor Amendments. No Motions filed. All notes that have been requested on the Bill have been filed."

Speaker Turner, A.: "Third Reading. The Gentleman from Whiteside, Representative Mitchell."

Mitchell: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 1892..."

Speaker Turner, A.: "Representative, we're just moving it to Third, it was on Second Reading."

Mitchell: "Oh, let go... let's roll it."

Speaker Turner, A.: "Representative... the Gentleman asks leave for immediate consideration to have this Bill heard on Third Reading. Leave is granted. The Gentleman from... Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1892, a Bill for an Act to amend the Higher Education Student Assistance Act. Third Reading of this Senate Bill."

Speaker Turner, A.: "The Gentleman from Whiteside, Representative Mitchell."

Mitchell: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 1892, passed out of the Senate without... without an unfavorable vote. In May of 1997, private schools who had been participating in the Illinois Merit Recognition Scholarship Program for years, were notified that their students were no longer in the queue. This change resulted from a change in the school's list that were used by ISAC and the Bill... this Bill will restore the opportunity for those students from nonrecognized schools to once again participate in the Illinois Merit Recognition Scholarship program based upon their ACT scores. I ask for an 'aye' vote on this legislation. Be happy to answer any question."

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Speaker Turner, A.: "Seeing no questions, the question is 'Shall Senate Bill 1892 pass?' All those in favor should 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? The Clerk shall take the record. On this question, there are 114 voting 'aye', 0 'noes', 2 'present', this Bill having received the Constitutional Majority, is hereby declared passed. On the Order of Third Reading, we have Senate Bill 1846. Read the Bill Mr. Clerk."

Clerk Bolin: "Senate Bill 1846, a Bill for an Act to amend the Gang Crime Witness Protection Act. Third Reading of this Senate Bill."

Speaker Turner, A.: "The Lady from Cook, Representative Lyons."

Lyons: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House (sic-Senate) Bill 1846 extends the life of the Gang Crime Witness Protection Act, which we enacted in 1996. It extends it one more year. It's a pilot program. It extends it one more year and the Bill also includes an Amendment by Representative Johnson, which would make it a misdemeanor for there to be contact with gang members, and he will be willing to explain or answer any questions to that Amendment. Thank you."

Speaker Turner, A.: "Is there any questions? The Gentleman from Cook, Representative McCarthy."

McCarthy: "Thank you, Mr. Speaker. I just had a point of information. Are we on an Amendment or Third Reading? It doesn't have anything on the board."

Speaker Turner, A.: "We're on Third Reading."

McCarthy: "Oh, this is Third Reading. Okay. Thank you."

Speaker Turner, A.: "Seeing no further questions, the question is, 'Shall Senate Bill 1846 pass?' All those in favor

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should 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? Have all voted who wish? The Clerk shall take the record. On this question, there are 115 voting 'aye', 0 'noes', 1 'present', this Bill having received the Constitutional Majority, is hereby declared passed. On the Order of Third Reading, we have Senate Bill 1260. The Gentleman from Cook, Representative Durkin. For what reason do you rise?"

Durkin: "Mr. Speaker, I have an inquiry of the Chair."

Speaker Turner, A.: "State your inquiry."

Durkin: "Will we recess before the Seinfeld Show goes on tonight?"

Speaker Turner, A.: "Which program is that?"

Durkin: "The Jerry Seinfeld Show."

Speaker Turner, A.: "I'm not familiar with that one. The Bulls won yesterday."

Durkin: "That's the show about nothing, which some people have characterized this General Assembly, but perhaps you can get back if you can make a request to the Speaker whether or not we'll be able to recess in time, if not, I'll have to program my VCR to make the appropriate taping."

Speaker Turner, A.: "What time does that program come on Representative?"

Durkin: "I believe it starts at 8:00, but at 7:00 there's a best of Seinfeld, which I know a lot of the Members over here would appreciate at least viewing part of that."

Speaker Turner, A.: "And at 6, is there a best of the best of the best?"

Durkin: "Yes."

Speaker Turner, A.: "And I'm certain at 5:00 there's a pre-best, right?"

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Durkin: "I believe so, and I think Representative Cross in particular, there is an episode regarding master of his domain which he has a particular interest in. I don't know what that means, but..."

Speaker Turner, A.: "Representative, wi..."

Durkin: "For the benefit of Representative Cross, I would like to extend some type of courtesy for his whatever shortcomings he has."

Speaker Turner, A.: "We'll get back on that inquiry, Representative. Read the Bill Mr. Clerk."

Clerk Bolin: "Senate Bill 1260, a Bill for an Act to amend the Criminal Code of 1961. Third Reading of this Senate Bill."

Speaker Turner, A.: "The Gentleman from Jackson, Representative Bost."

Bost: "Thank you, Mr. Speaker, Members of the House. The... Senate Bill 1260, as amended, re-enacts the Truth in Sentencing language that was ruled to violate the single subject matter, and the language enacts and adds the following offenses to the Truth in Sentencing Law: Attempt to commit first degree murder; solicitation of murder; solicitation of murder for hire; intentional homicide of an unborn child; predatory, criminal, sexual assault of a child; aggravated criminal sexual assault; aggravated kidnapping; aggravated battery with a firearm; heinous battery; aggravated battery of a senior citizen; aggravated battery of a child; armed robbery; home invasion; aggravated battery... aggravated discharge of a firearm at a person, and this includes all fire fighters, EMTs, paramedics, all ambulance drivers; aggravated vehicular hijacking; drug induced homicide; a second or subsequent, easy for you to say; a ritualized abuse of a child; a second or subsequent of hate crimes; a forcible

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felony if related to gang activities; vehicular hijacking; exploration...aggravated robbery or robbery if the defendant has previous Class II or greater felonies within the last ten years; aggravated arson; unlawful use of weapon if the defendant was carrying a loaded machine gun; unlawful discharge of metal piercing bullets; and female genital mutilation. I'd be glad to answer any question."

Speaker Turner, A.: "The Gentleman from Champaign, Representative Johnson, for what reason do you rise?"

Johnson, Tim: "I was going to ask a question."

Speaker Turner, A.: "The Gentleman states that he will yield."

Johnson, Tim: "Representative Bost, checking the sponsorship here, you haven't included any provision in here with respect to cutting off natural parents' rights along with the other things, have you?"

Bost: "No, no, there was none of that included in there. I thought that would have violated the two subjects. Single subject."

Johnson, Tim: "The single 'subjector'. Well, I really appreciate it and it's a good chance to vote on something as a single issue, and I'm sure people on both sides of the aisle appreciate your courteous Representative Bost."

Bost: "Thank you Representative."

Speaker Turner, A.: "Seeing no further questions, the question is, 'Shall Senate Bill 1260 pass?' All those in favor should 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? The Clerk shall take the record. On this question, there are 114 voting 'aye', 0 'noes', 3 voting 'present', this Bill having received the Constitutional Majority, is hereby declared passed. The Gentleman from Kendall, Representative Cross. For what

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reason do you rise?"

Cross: "Thank you, Mr. Speaker. I filed a written Motion that I believe is on... I know is on record now, and I move pursuant to Rule 18(g), and I understand the Rules Committee is about to meet, so I move that Rules Committee be discharged from further consideration of Conference Committee Report 1 to Senate Bill 3, and that measure be advanced to the House for immediate consideration. Mr. Speaker, for those of you that are not familiar with Senate Bill 3, deals with 2.2. We spend a lot of time in this House and on our campaign trails, bragging about education. We talk about kids, we talk about kids, we talk about teachers, we talk about quality education, day in and day out. I can remember last year when we were debating the education Bill. We all bragged about how wonderful education was and how we all wanted quality education in this state, but it seems like we say one thing but we do another, Mr. Speaker, and we are neglecting, we are severely neglecting the teachers of this state. Illinois ranks in the bottom, in the bottom of the whole country in pension plans for teachers. Not in the middle, not near the top, but at the bottom. This plan, the 2.2 plan under Senate Bill 3, merely brings them up to the middle. We aren't still getting to the top. If we want to have true quality education, true quality schools, then this is a Bill that needs to have immediate consideration. It's been stuck in Rules, we've written all the letters, everyone talks a big game, but when it comes time to vote for teachers of this state, the quality teachers of this state, we always turn our backs on them. Mr. Speaker, if you and the Members of your caucus care about teachers of this state, and the real Speaker cares about teachers of this

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state, you will move Senate Bill 3 from Rules and let us vote on it this afternoon. And I would ask for an immediate vote on my Motion. And I would like a roll call vote and I'm joined by all the Members of my side who care about teachers. We know that this side of the chamber cares about teachers, want quality teachers, want to pay for their retirement. We'd like a roll call vote right now."

Speaker Turner, A.: "Representative Durkin, I suggest you program your VCR and on this Motion, Representative Currie..."

Currie: "Thank you Speaker..."

Speaker Turner, A.: "...the Lady from Cook."

Currie: "...I object to the Motion, and I object to the grandstanding that goes into the making of the Motion. We have a lot of items on our calendar. We have people, we have people who are asking, 'Can I watch television tonight, Speaker, or do I have to stay here working on the House Floor?' Well, I would suggest that when you make dilatory Motion after dilatory Motion, when you keep us from moving through the calendar, the chances are good Speaker, that you'll be here through prime time tonight. I am convinced that we will deal with the issue of teacher retirement. It is not timely to do so now. I object to the Motion for immediate release of that Bill from the Rules Committee. That's a Conference Committee Report. We have until the end of Spring Session to vote on Conference Committee Reports, but we have only until tomorrow to consider Senate Bills in this chamber on Third Reading. I would advise us to stop the dilatory Motions, get on with the work of the House, and maybe Representative Tenhouse can watch Seinfeld tonight. With... sorry, with Representative Durkin."

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Speaker Turner, A.: "The Lady objects to your Motion Representative. Representative Kendall... I mean, Representative Cross. The Gentleman from Kendall."

Cross: "Mr. Speaker. Even Kramer would understand the significance of the 2.2 Bill. If you want us to spend the night here and deal with 2.2, deal with the COLA Bill, deal with middle class tax relief, we will gladly stay. We will stay all night. We'll stay tomorrow. We have been hearing this about 2.2, COLA, middle class tax relief for the whole Session. The whole Session. We are here ready to vote, we'll miss Kramer, we'll miss George, we'll miss Elaine. Let's vote for the teachers. We'll even miss E.R, but let's care and quit talking and actually vote on some Bills. I move to override the Chair, if you're actually going to entertain her opposition, and I believe that's debatable."

Speaker Turner, A.: "There's no Representative Kramer here."

Cross: "If he was here, he would be voting for 2.2, let me tell ya. And so would Elaine."

Speaker Turner, A.: "The Gentleman from Kendall, are you through?"

Cross: "So would Newman."

Speaker Turner, A.: "Newman?"

Cross: "So would Celeste and Delores. Thank you, Mr. Speaker."

Speaker Turner, A.: "Who are all these people? The Gentleman from Will, Representative Meyer. For what reason do you rise?"

Meyer: "Yes Sir, Mr. Speaker. I rise because, you know, I have received so many calls, so many pieces of correspondence. I receive petitions with hundreds of names. I've calculated them, and there are over between 400 and 500 names now that have sent a request to my office to do

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whatever I can to instill upon the rest of this Body, the necessity for handling this problem. Two point two is timely. I don't know how long we need to string it out, it seems like when the teachers are down here, I heard all sorts of people in this Body saying, 'Yeah, I'm for you, I'm for you. All we got to do is hold on, we'll get it this year.' All we got to do is call it. I don't think it'd take us ten minutes in debate. If we called this, we could settle it and go on with the business, then you wouldn't have to on your side of the aisle, worry about dilatory Motions when we're making them in good faith, good earnest faith, wanting to do something for the teachers of this state. The teachers of this state do not receive Social Security, all they have is their pension. Why can't we give them a decent one? I grew up a child of a teacher. That teacher gets a couple hundred bucks a month from the system. How can they afford to live on that? They can't. Well, I think it's time we stepped up to the plate now and we address that situation, and we pass this Bill. We need 2.2 now. This plan only provides a reasonable rate of increase. It doesn't break the state. Last year we heard we needed a billion six and billion two in additional taxes in order to give education its proper funding. We didn't. He have a billion dollars in our coffers today that is excess surplus. We can't get anyone here to want to call a Bill that would reduce some of that surplus and give some of it back to the people of the state through a priority tax reduction. We can't get anybody to want to talk about 2.2 that will address the problems that we have where we are under paying our teachers in retirement. Well, I think these are legitimate things to bring before the Body today. We aren't asking for a handout, we're only asking for

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what's fair to the teachers. The teachers that I know in my district, and I got to believe that all of you have them in your districts. They aren't at the top rung of the economic scale, no one's getting rich off of being a teacher. We're demanding more and more of our teachers, we're demanding everything from them today. Go into that classroom and be a parent. Many of them are parents, but we're asking them to do even more and more for their money everyday. Be a parent to our kids cause we're out making two salaries, and I think it's time now that we address this situation and give them what they deserve too. I don't know what to say to the teachers of my district anymore and those that contact me from yours, and I've been trying to be nice to them, in terms of telling them, 'Hey, hang on, we will work with you. We will give you what you deserve.' When right now, Ladies and Gentlemen, on that side of the aisle, you're not willing to work with us. You're not willing to step up. And many of you are my friends and outside of this Body, you say, 'Oh yeah, we're going to do it, we're all for it.' When we talk privately, we hear you're all for it, but there isn't any public record that says it. In fact, all you've done is impede the process, you've taken a process that could take us probably ten minutes to resolve and you've lengthen it out over so many days. That's wrong. That's not good public policy for this state. That's not the way we should address things, that's not the reason they send us down here. I'm getting aggravated with it all. I'm frustrated, I've got friends that are sitting there wondering if they're going to have enough to retire on. I know, nobody seems to care. You talk on the telephone, you talk amongst yourselves. Why can't we get your attention? I don't

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know. You know what, you're not even giving attention to your own constituents. Well Ladies and Gentlemen, I think we should do something for the kids and for those that help us to educate our kids. Help us to educate our kids, because all they can do is what they can do when they're in school for eight hours, and they get little pay for that, they get no financial reward that really amounts to a hill of beans, and we demand so much more from them. I think when you have teachers that are willing to contribute more to their retirement system, and they all have said they are, then the state should step up to it and we should use some of the surplus we have, in order to make sure that they have a good retirement for themselves. I can tell it's not going very far cause people seem to be just chattin instead of paying attention, but for the public record, you now where I stand on it, and I wish you'd stand with me."

Speaker Hartke: "Representative Hartke in the Chair. The Clerk for an announcement."

Clerk Bolin: "Attention Members. The Rules Committee will meet immediately in the Speaker's Conference Room. The Rules Committee will meet immediately in the Speaker's Conference Room."

Speaker Hartke: "To the Motion, the Chair recognizes Representative Mitchell."

Mitchell: "Thank you, Mr. Speaker. You know, it'd be pretty simple to take... That was about the shortest debate I've ever had there Chuck."

Speaker Hartke: "Go for it."

Mitchell: "Thank you. Be pretty simple to end this whole debate because I know that I have colleagues on both sides of the aisle and I spend a lot of time talking to both sides of

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the aisle. This Bill has been debated more already, without a floor debate than anything I've seen down here. This Bill would fly out of here so fast, it'd make our heads swim. Simply because we know that to be fair to the teachers of this state, that they should have the 2.2. Last year, we told state employees, 'Yep, you deserve to be brought up with the rest of the nation, including university employees.' Now, we've got public school teachers in the same boat, right down to the 49th percentile, and this simply just brings them up to the middle of the pack. These are the same teachers we have pounded on, me included, for the last 6 years saying, 'You've got to be more accountable. You've got to be more accountable. You've got to test the kids. You've got to teach the standards. You've gotta take care of those children that we feel are the most important things in the State of Illinois.' And yet, when it comes to a pension increase, something that will ensure that they can at least survive once their teaching days are over, we say, 'Well, we're all for you, but gee, we just can't get the Bill called.' It would take very little to get the Bill called, get it done. It's time. We are now experiencing the best economy that the State of Illinois has know in the past 25 years, and if you don't think teachers haven't had some responsibility in that, and that's not accountability, then I don't know what is. It's time that we did what's right, it's time we got the Bill called, and I think we should act on Representative Cross' Motion. I don't think it's dilatory at all. Although there was fun and formality, everybody's deadly serious about this matter. It's time to get it called and get on with the business of the State of Illinois. Mr. Speaker, call the Bill."

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Speaker Hartke: "Representative Cross to close on the Motion."

Cross: "I don't think we need to say much more. You either care about teachers or you don't. I appreciate a 'yes... 'no'' vote on your Motion. Thank you."

Speaker Hartke: "The question is, 'Shall the Chair be sustained?' All those in favor vote 'aye'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 59 Members voting 'yes', 57 Members voting 'no', and this Motion having failed to receive the required majority, is hereby declared passed (sic-failed). On page 4 of the Calendar, there appears Senate Bill 1289. Representative McAuliffe. For what reason does Representative Tenhouse rise?"

Tenhouse: "Thank you, Mr. Speaker. You know, I have the utmost respect for the Majority Leader, but when she addressed us here a while ago, I think she made somewhat of a mistake, because I think she felt that when she referred to my name, and that's the reason I bring this up, I think she got Representative Durkin and I confused. And as you can see, we both got the memo today, there was blue shirt day, and of course Jerry Clark as well, but I think perhaps she misunderstood and I can understand two fine looking folks like this, how we look so much alike, but certainly I'm somewhat surprised, because I've never heard of Seinfeld and we don't get that channel, I live so back in the sticks. But... and all I can say is, Representative Durkin informed me, that the only response I could have for the Majority Leader would be 'yaddy, yaddy, yadda."

Speaker Hartke: "For what reason does Representative Stephens rise?"

Stephens: "Inquiry of the Chair. First of all, personal

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observation. I think Representative Tenhouse said, 'Two fine looking Gentlemen like them', he doesn't have my view, and I think he maybe... and I have an inquiry of the Chair."

Speaker Hartke: "State your inquiry."

Stephens: "Who were those people that Representative Cross was talking about?"

Speaker Hartke: "I have no idea, but why don't you go ask him."

Stephens: "Well, could you check with your parliamentarian?"

Speaker Hartke: "Representative McAuliffe, would you like to call your Bill? Take it out of the record. Senate Bill 1840. Representative Lawfer. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1840, the Bill's been read a second time previously. No Committee Amendments. No Floor Amendments. No Motions filed. All notes that have requested on the Bill have been filed."

Speaker Hartke: "Third Reading. Mr. Clerk, has that Bill been read a second time? Third time?"

Clerk Bolin: "Senate Bill 1840, a Bill for an Act to amend the Alternate Fuels Act. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Lawfer."

Lawfer: "Thank you, Mr. Chairman (sic-Speaker), Ladies and Gentlemen of the General Assembly. Senate Bill 1840, passed out of the Senate with a 58-0 vote. Passed out of the House Energy and Environment Committee, 19-0. And what it is, is a technical Bill that updates a law that we passed about four years ago in regard to the Alternative Fuels Act. It changes the definition of the covered area, and changes some dates so that they more rely and follow the federal mandates on the Clean Air Act. Mainly the dates have been changed in this Bill, and what it does is provides a mechanism for the Secretary of State to

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administer this program. I'd be glad to answer any questions, Mr. Chairman (sic-Speaker) on this Bill."

Speaker Hartke: "Discussion on the Bill? The Chair recognizes the Gentleman from McHenry, Mr. Skinner."

Skinner: "I have one question for the Sponsor if he would answer it?"

Speaker Hartke: "Indicates he'll yield."

Skinner: "Is it true that one pays this tax in non-attainment area counties only?"

Lawfer: "This will... there is a fee increase that was put in the original Bill. It'd never been implemented. That fee refers and pertains to vehicles that are registered in the non-attainment area, and that pertains to fleets of over 10 vehicles, gross vehicle weight of under 26,000 lbs."

Skinner: "Is there anything to prevent a company like Commonwealth Edison, that is now worried about the bottom line, because they can't pass every dime of expense onto the weight holders from registering all of their vehicles that would be eligible... that would be required to pay this \$20 a vehicle tax, to a non-attainment area county... excuse me, to a attainment area county? Could they register them all from Galena?"

Lawfer: "Well, I'm not sure... this particular Bill does not change any part of the original Bill, and I'm not sure what the original Bill stated in that, but all I know is, that any vehicle that is registered in the non-attainment area. So, if those vehicles are not registered there, they would not... I assume would not be subject to collection of that fee by the Secretary of State's office."

Skinner: "Well, Members of the General Assembly, besides the same objections I made when this Bill was originally passed, that it's just stupid. It is a Bill to force those of us

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who have... those businesses that have more than 10 vehicles, to pay \$20 a year to subsidize businesses to convert a specialized fleet to some other form of fuel, other than gasoline. The primary proponents are the gas companies of the state, and they've somehow suckered the farmers in this by saying, we can also change vehicles to run on alcohol. Now, if anybody in this General Assembly is running a vehicle on alcohol but me, please raise your hand. Now, there's one, there's two. I bet you didn't own it though. Bet you didn't own it, I owned it. When it is time, when the market will allow for other fuels to be used, the market will pay for it. This is a subsidy program which is going to drive motor vehicles registrations out of the attainment area out...out of the non-attainment area counties. Those are the counties of Cook, DuPage, Kane, Lake, McHenry, Will, Two townships in Grundy, one township in Kendall, Jersey, Madison, Monroe and St. Clair. Now, for all of those counties except Cook, this is going to cost your county government, motor fuel tax money. Now, what's my chain of logic here? My chain of logic, is that the motor fuel taxes that are distributed to county governments throughout the state except for Cook, are distributed based on the percentage of vehicle registrants from each county. Now, if large fleet owners such as Commonwealth Edison, have a very strong financial reason not to register their vehicles from one of our counties, they will do it. They will take it and register it in Boone County. I'm confident United Parcel will register them from Rockford, Winnebago County, and that means that Winnebago County and Boone County in my example, will get more motor fuel taxes and we will get less motor fuel taxes. Now, that is not a very good reason to vote

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for this Bill. In fact, I think it's a very strong reason to vote against this Bill besides its inherent inability to work in the marketplace. A subsidy is needed. We have to have a \$20 per vehicle tax. Now, fortunately when the Bill was first passed, it was worded such that nobody could figure out how to collect the tax. That means if we don't pass this Bill, they'll continue not collecting the tax. This is a time to be giving tax relief to taxpayers in the State of Illinois, not raising taxes, and this is in effect, a tax raise, because a tax you can't collect is not a real tax. So, I would urge you to vote against this for the underlying reason that it just doesn't make sense. If natural gas were an energy that would work in motor vehicles, than Standard Oil would have put natural gas pumps at every Amoco station in the state. They have natural gas running into every gas station in the state, but they haven't put it in a pump. When Standard Oil thinks it's enough, that this is good enough to put a compressor in every gas station, to put a pump, then fine, let them do it on their own money. Not on taxpayers' dollars. Ah, another argument. No, well yes, yes, let's verify this, there are enough people that have left to see Seinfeld. Could we verify this, Mr. Speaker, if it happens to get 60 votes?"

Speaker Hartke: "Your request is recognized."

Skinner: "Thank you."

Speaker Hartke: "Further discussion? The Chair recognizes Representative Bugielski."

Bugielski: "Thank you, Mr. Speaker, Members of the House. I rise in opposition to this Bill, simply because here we go again, taxing the people for something that may not work. Many of you are pro-business. You always get up and say

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we're here to protect the businesses, we're always gauging on the businesses. Well, we're gauging on these businesses again. Especially at a time now with an anticipated state surplus approaching a billion dollars, we're going to be saddling these businesses with another tax raise of \$23 million. There's no reason to be going after this. We're going to have 300,000 trucks that are going to be affected by this. Just let me list you the opposition to this Bill. These are the people that are opposed to this Bill. The International Brotherhood of Teamsters, the International Brotherhood of Electrical Workers, the Illinois Retail Merchants Association, the Illinois Chamber of Commerce, the Illinois Manufacturers Association, the Illinois Construction Industry Association, the Illinois Transportation Association, the Illinois Soft Drink Association, Pepsi Cola Bottling, Illinois Automobile Dealers Association, Roadway Package Express, Midwest Truckers Association, Federal Express, United Parcel Service, Sears and Walgreens. And this is only part of the list. Any company or any business that has 10 vehicles or more, would be assessed this tax of \$20 per vehicle that they have. And it's all going to be passed onto the consumer. UPS, Pepsi Cola, all your bottling outfits. Fed-Ex. Who's going to pay this \$20 tax on their fleet of trucks that they have? We are. The consumers being hit again. You're taxing these businesses and they're going to pass it right along to us."

Speaker Hartke: "Further discussion? The Chair recognizes..."

Bugielski: "Well, did... I don't know, did Representative Skinner ask for a verification? Because otherwise I was..."

Speaker Hartke: "Yes he did."

Bugielski: "...was going to ask for a verification if it got the

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required votes."

Speaker Hartke: "Representative Skinner asked for verification. The Chair recognizes the Gentleman from Lincoln, Representative Noland."

Noland: "Thank you, Speaker. Thank you, Speaker. I rise in support of this Bill. Nobody here voted for the Cleaner Act. That came out of Washington, it's a Federal Act. Nobody likes rules and regulations, but it's a mandate. We got to do something to comply and we've got non-attainment areas that need to do something to come into compliance. Unfortunately the suburban areas because of congestion and smog and airports, we've got to do something. The bright side of this is, at least we have a homegrown product that can help in that. We're not going to have to ship in some kind of alternative fuel that we can't drive a county from. Ethanol will help benefit our economy. It's a good product, it's proven. I regret that there's some kind of a tax involved. It's not a new fee on this issue. The Bill does not contain any new taxes. But if we don't do something Ladies and Gentlemen, we'll be held hostage. The federal government will hold out road motor fuel tax dollars. We've got to make some... we've got to make some action, we've got to take some action here that's positive. A support for this Bill will make sure we comply with the Clean Air Act. It'll be positive for the agricultural community and the ethanol industry. Please vote 'yes'."

Speaker Hartke: "Mr. Clerk, Committee Report."

Clerk Bolin: "Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following measures were referred, action taken on May 14, 1998, reported the same back with the following recommendations: direct floor consideration for House Amendment #4 to Senate

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Bill 1028; House Amendment #2 to Senate Bill 1203; House Amendment #5 to Senate Bill 1339; House Amendment #2 to Senate Bill 1251; House Amendment #4 to Senate Bill 1350; House Amendment #2 to Senate Bill 1610; and House Amendment #1 to House Resolution 390."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from McHenry, Representative Brown."

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

Speaker Hartke: "Indicates he will."

Brown: "Ron, I noticed that there's a redefinition of covered areas. You're using the word covered areas rather than non-attainment areas, and the covered areas are defined as the collar counties, part of Grundy and Kendall. Was McHenry County part of the non-attainment area in the original Bill?"

Lawfer: "Representative, there's been no change in that particular area in regards to McHenry County."

Brown: "I'm sorry Representative, I can't hear you."

Lawfer: "This Bill made no change in regards to McHenry County, and the..."

Brown: "And McHenry County was added in the original Bill by what vehicle?"

Lawfer: "McHenry was in the original Bill."

Brown: "And how did McHenry get in the original Bill?"

Lawfer: "Well, that goes back to the federal mandate for the non-attainment areas."

Brown: "Well, we were... my county board along with the Chambers of Commerce and the Economic Development Commission of McHenry County, were successful in having McHenry County removed from the non-attainment areas as designated by the Federal Clean Air Act, and I would suggest to you that McHenry County should be removed from this Act as it

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appears that you're unduly punishing my county, forcing them to pay a tax that is not levied on your county or Senator Noland's county, that are producing the corn. I would highly suggest that if you're going to follow the Federal Clean Air Act, that you follow the Federal Clean Air Act."

Lawfer: "Representative, there's been nothing changed in this Act in regards to McHenry County."

Brown: "You're defining McHenry County as a non-attainment area, which is not true."

Lawfer: "That was in the original Act."

Brown: "Oh, I'm telling you that it's not true."

Lawfer: "Okay."

Brown: "Thank you."

Speaker Hartke: "Further discussion? The Chair recognizes the Lady from Cook, Representative Mulligan."

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

Speaker Hartke: "Indicates he will."

Mulligan: "Representative Lawfer, are there any new taxes in this Bill?"

Lawfer: "There are no new taxes in this Bill, only a mechanism for the collection of those fees that were established by the original Bill that passed about four years ago."

Mulligan: "What will happen if a fleet decides to convert to something other than gasoline, such as natural gas?"

Lawfer: "Under this program, there would rebates available for either the conversion or rebates on the purchase of that fuel, that alternative fuel."

Mulligan: "Do you believe this would be an incentive for those fleets to start converting?"

Lawfer: "Those fleets that will be replacing their vehicles after the first of September of this year, 30% of those new

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vehicles will have to be alternative fuel vehicles under federal mandates. This will provide for an incentive for those people and an incentive to convert those vehicles or convert existing vehicles or buy new vehicles, and there will be money available under this program for those... to help those fleets."

Mulligan: "Do you know what the City of Chicago is doing with Midway Airport right now?"

Lawfer: "I'm sorry, I do not."

Mulligan: "They're letting contracts for fleets, on buses and such vehicles for natural gas so there will be less pollution. Those of us that live next to O'Hare would certainly like that to happen. It was suppose to happen in 2000, now it's suppose to perhaps go to bid sooner. It would make buses and perhaps limousines and taxicabs, subject to bids to go out to use natural gas rather than regular gas. Since those of us that live next to an airport which gives a great deal of economy to this state, gives a late, great deal of traffic. Helps business a great deal, suffer greatly from pollution and environmental impact. We certainly think that an issue such as this that would encourage buses and other fleet cars, to go into a natural gas or something that would cause less pollution, to be of great value to those of us that surround the airport. That's why I'm going to support your Bill. I think this is a very good environmental idea for those of us that carry the burden of an area that has a great deal of pollution, but gives a great deal of benefit to the rest of the state. So, I would encourage an 'aye' vote on your Bill. I think it's a very good idea to help solve pollution area, particularly in areas of high traffic and surrounding such things a airport. If it's good enough for

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Midway it at least should be good enough for O'Hare, and I'm hoping that this Bill will encourage fleets to go out and bid on those contracts and convert."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Vermillion, Representative Black."

Black: "Thank you very much, Mr. Speaker, and Ladies and Gentlemen of the House. To the Bill. If you'll just simply look at the Bill and pay a little bit of attention to it, it isn't anything that Representative Lawfer is trying to do. This is a federal mandate. I don't like it, many of you don't like it. We made an effort to repeal the federal mandate, it failed. The only relief that we could obtain was a delay in the implementation to the model year 1999. Now, it's alright to get up and pontificate that you're not going to do it, but the federal government says you will do it in the non-attainment areas. Let me give you an example. If you don't pass this, how it will impact small business much worse than the large companies read off just a little while ago. Let's say you have a pizza delivery company, and you've got 30 vehicles registered in Cook County, over the next four years of the Alternate Fuels Act, this pizza company's going to have to pay \$2400 in fees. That's 30 vehicles times the \$20 fees. Next year, Joe's... this pizza delivery is going to have to replace 15 of its 30 vehicles during the next four model years. The federal law requires that 8 of those vehicles must be alternative fuel vehicles. So the little business man or woman has to go out and buy a alternative fuel vehicle. Here she doesn't have any choice. He then applies, he or she then applies for a rebate. In this case, this little pizza delivery company would get a rebate of approximately \$32,000 to help him convert his fleet, or

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her fleet, in exchange for the \$2,400 and the fees that are paid. Why is UPS opposed to the Bill? Well, let me tell you why UPS is opposed to the Bill, and it's an outstanding company, one of the best in the world. Delivers most of our packages. UPS had the financial resources to replace practically all of its fleet last year. They went to diesels. Well, I'm sorry UPS, but Uncle Sam says, that isn't going to work. But they won't have to start replacing their fleet for another four or five years, so they don't want to pay the \$20 fee on vehicles when they know that they don't have to replace their fleet for the next four or five years. They're going to have to do it in four or five years. There's no way to get around it, they just don't want to do it now. Uncle Sam says, 'I don't care what you want.' I'm with most of you, I don't like this kind of federal heavy handedness. But, this is part of the Federal Clean Air Act that we cannot avoid. I'm sorry, I don't live in the clean air... the non-attainment area. I wish to heck you'd send us some of your growth, some of your problems. We'd like to deal with that. Unfortunately we deal with a loss of population. Quite simply, 20% of all the funds that these fees raised, will go to research for ethanol production which is an alternate fuel. The remaining 80% will go to rebates to vehicle operators. The bottom line is this, the federal government mandates that we do this in the non-attainment areas. I'm a new grandfather as is Representative Wirsing. I have a son who is 28 years old, I have a daughter who is 29 years old. Ladies and Gentlemen of the House, how many more Desert Storms do you want? How many more excursions to the oil producing companies do you want? How many more Arab oil embargoes do you want? For 15, no longer than that,

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for 25 years, this country has said after the Arab oil embargo of the early '70's, 'Oh, we'd better develop alternative fuels, OPEC could hold us hostage.' In 1990, we went to war, and reduce to its simplest level. We went to war to protect our oil supply from the Middle East. I don't want my grandson to have to do that. The time is now. Alternate fuels must be developed. Renewal energy can be grown right here on Illinois farms. I'm dismayed at my suburban colleagues who try to make this out to be an upstate/downstate issue. Nothing could be further from the truth. If I was in a non-attainment, I'd still be in favor of the Bill. And, I hope some day downstate is in a non-attainment area. God knows we'd like the growth, we'd like the factories, we'd like the jobs, we'd like the airports, we don't have them. In fact, most of them have gone. But the fact remains that those of you who live in the metropolitan areas are mandated to do it by federal law. We tried to repeal it, we failed. Now, the bottom line is, you can either develop alternative fuels or you can keep sending your children and grandchildren to fight someplace to maintain imported oil. I don't think that's a very good trade off. We can keep the investment in Illinois. This is going to help the small business owner convert that fleet, and I'm in a small family business. We wouldn't like this anymore than you would in the non-attainment areas, but we're looking at alternative fuel vehicles. Ford Motor Company already announced that they will make an automobile in the next production year that could run on 80% ethanol. The situation is clear. Alternative fuels are going to happen. God forbid they don't happen fast enough. I'm sick and tired of oil embargoes. I'm sick and tired of no gas today. Many of

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you are too young to remember that. You couldn't get gas. Even numbered license plates could get gas on Monday. Odd numbered license plates could get gas on Tuesday if they had any to sell. Are you going to stay hostage to the oil producing companies, or are you going to once stand up and support an Illinois industry, Illinois business and comply with the federal law no matter how much we dislike it? Uncle Sam says you will do it. You're going to do it regardless. If you set this Bill up, at least they can get rebates to convert their fleet. And I'll make you a bet they won't be like it but they'll be happier getting the rebate up to \$4000 a vehicle then if you say no to this Bill, they still have to get the vehicle and they won't get one penny in return or rebate. This is a good Bill, it's not a regional Bill, it's not a tax Bill, by God, for once in your life, stand up for what we've been chawin about in this country for 25 years. Alternative, renewable, fuel, now. If the Arabs want to boycott us in the future, tell them that's fine. We'll get our own alternative fuel. It's a good Bill, don't make it out to be a regional difference. Don't officiate the issue by telling me it's a tax. It's the law of the land. Tried to repeal it, it didn't work."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Winnebago, Representative Winters."

Winters: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of Senate Bill 1840. If we do not do this, we are saying that we are willing to continuing importing all the oil that we're ever going to need. We have alternative fuels that are coming down the pike, but unless we buy the vehicles, unless we support that market, we're not going to get the development dollars

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that are needed. Representative Black mentioned that the federal government is requiring this. These companies are going to be buying the alternative fuel vehicles whether or not they like it. It's a requirement, and unless you're willing to buck up against the federal government, you're going to comply. Now, what does passage of this Bill mean? It means that very company will share in the burden instead of those that just happen to have old vehicles that have to be replaced. So that United Parcel Service, even if it's buying thousands of diesel vehicles, will be required through paying their fees, to support the small companies that are their competitors. And by the way, there have been arguments made that a diesel vehicle has no alternative fuel. That they cannot convert them. That is absolutely ridiculous. The Peoria... the Greater Peoria Bus Service, the Mass Transit District, has used a bio-diesel product and instead of smelling the fumes and seeing the particulate matter coming out of the buses in Peoria for years, they successfully use bio-diesel. It's an alternative fuel that would be support of this, it takes a very small increment to actually implement those changes needed in the diesel vehicles. Natural gas is the other alternative for Chicago. If you guys want to breathe the clean air that we in downstate enjoy, one of the things you need to do is to change your fuels. Change your vehicles in what they burn. And the best way to do it is to share the burden. It is not a new tax, we're simply complying with the federal government. Illinois is in a strong position. We raise the second largest corn crop in the nation. We raise the largest soybean crop in the nation. We also have alternative crops that may eventually replace ethanol... excuse me, corn based ethanol. We have some of

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the native prairie plants that actually can produce three times as much ethanol per acre as our corn crop. They will stop erosion because we don't need to till the soil every year. But unless you're willing to put your money where your mouth is, you can't claim to be an environmentalist and then vote to exempt the companies that would need to share the burden across the economy. The fees that are raised through this Bill, will be used to subsidize the initial conversion of the fleets. These are the most expensive conversions of the first couple three years, when the most expensive conversion as companies learn the technology, learn what works and what doesn't work as their mechanics get use to making the conversions. The cost drops very rapidly. But unless you get over that initial surge, unless you get over that initial hump, people will not do it. They've got to be encouraged, and the best way to do it instead of using a stick, will use a carrot. The best way to use a carrot, is that all of us pitch in a little bit. Put that carrot, that incentive out there to make the conversion easier to handle financially for the small companies as well as for the large companies. Virtually every form of transportation has a alternative fuel that can be used. We simply need to... we simply need to pass Senate Bill 1840, it will take effect and help those first companies to make that initial conversion and in four or five years, we'll all look back and say, 'What was the resistance? Why was everybody afraid of using alternative fuels in our vehicles? We're actually saving money, and believe me, we can smell the difference.' How many times do you have the opportunity to vote on a Bill, that when you go home from Springfield, you don't have to hold your breath when you enter the non-attainment area

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because it smells. Every time I go to Chicago, I know when I'm entering the non-attainment area, simply from the smell that comes into the car. If we pass this Bill, in five years you will probably notice the difference and you'll be happy to go home. Even happier to go home from Springfield to your homes than you are today. I urge your support. Thank you."

Speaker Hartke: "Representative Johnson. For what reason do you seek recognition?"

Johnson, Tim: "I just want to speak on the Bill."

Speaker Hartke: "Okay. Hang up. Representative Wirsing, the Chair recognizes you for debate."

Wirsing: "Thank you, Mr. Speaker, Members of the House. I just simply wanted to stand in support of this legislation which many of the speakers have already indicated, is a continuation of what we've been doing. Also understanding to meet those once again, repeat the fact that the federal regulations coming down that we need to meet those federal regulations as well. And I know that it's already been stated that the Alternative Fuel Act, and I think that's... to me, that's one of the key issues. For several years we started hearing about, especially after embargo of oil from foreign countries, the need for alternative fuel. And I think we need to recognize that we have... that here sits Illinois producing corn, producing ethanol, and that is an alternative fuel. A renewable, alternative fuel. I think that's a key issue here that we must remember. Is it ideal, is it perfect? Certainly not, but at least we have something that is usable and the technology and experimentation that's going to continue, will even move us more into that realm of less dependency upon foreign oil for energy resources. So, with that in mind, I strongly

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encourage a 'yes' vote for Senate Bill 1840."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Champaign, Representative Johnson."

Johnson, Tim: "Thank you, Mr. Speaker and Members of the House. To the Bill. Not only will this Bill mean a substantial number of jobs for Illinois, not only will it have the affect on clean air in a positive way, that it will have, but, and this isn't a provincial issue, this is a monumentally important Bill to Illinois agriculture. Fifty million dollars or there about in new farm income, will be derived if we pass this Bill. We spend, Lord knows how much money, with missions all over the world, to promote Illinois agriculture. We develop new products for use on the road and otherwise and experimental, millions of dollars in research to be able to develop new markets for our farm products. What makes more sense than to pass a Bill that will be so important to the interest of the agricultural community. And I would suggest to you, that agriculture is the basis for this state. Not only originally, but even now. Institutions of higher education, agriculture itself, but also, and I would ask my colleagues, both sides of the aisle, who live in the Cook County or the Metro-East area, to look and see what agriculture means to your areas. I guess we wouldn't even have the Chicago Bulls as a name if it hadn't been for the stockyards. Not to mention the transportation network that serves our agriculture community and where the hub of the transportation of agricultural products for the whole country. Airports, we're talking about a third airport now that wouldn't even be necessary, by I mean, what airport originally, if any, if we didn't have the necessity of transporting not only individuals but products by way of

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air transportation and are connected with agriculture. Kraft foods, McDonalds, Dean foods and others, all of which populate western suburban Chicago and the city itself, it depends substantially, if not entirely, on a stronger agriculture community for their continued existence. And quite frankly, from our standpoint, downstate and other places, agriculture is the very essence of our life and our life blood, and there's nothing wrong with that. So, I would suggest to you, that is isn't a provincial issue. It affects you in the areas that oppose this Bill every much as it affects us downstate. But even if you don't buy that argument, if you neglect the fact that all of our institutions of higher education, virtually all of them, were founded as land grant institutions, not to mention all the research dollars and everything else that's involved, I would suggest to you that if you're concerned about passing a revenue enhancement measure that might benefit one area of the state more than the other, and I don't think that it will, but if you accept that argument, I would suggest to you that Cook County Hospital, the White Sox's Park, McCormick Place, Sears and a variety of other things, are areas that are a mix of downstate Legislators have joined in supporting you in your area because we believe this is one state. I would simply ask you to look beyond what appears to be the simple parameters of this issue to realize, this is an extremely important Bill for clean air, for jobs, for industry, for agriculture, and for the whole State of Illinois and to join with Representative Lawfer and his sponsors on his side of the aisle in supporting what's a constructive, positive Bill for the State of Illinois."

Speaker Hartke: "The Gentleman from Dupage, Representative

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Biggins."

Biggins: "Well, thank you, Mr. Speaker, and to the Bill. The previous speaker, my seatmate, said that this Bill would not benefit one area more than the other and I think that's probably true. However, it's certainly going to tax one area more than the other. I think that those of us that live in the Northeastern part of this state, whether you live in the City of Chicago, the Suburbs of Cook or the collar counties who are most serviced by those that will be most taxed, are once again going to be taxed to a subsidized another area of the state. Now, I'm all in favor about the *law* and the use of it, and I want to continue to support that in the future but I don't think that when we go into the small business truck drivers that we're going after it the right way. Twenty dollars per truck per year for almost 300 thousand trucks to raise 24 million dollars in new taxes. Now, those truck drivers, if you look at the people or the organizations that are opposed to it, they have some of the smallest delivery truck drivers that provide services all over our state. Laundry, baking goods, food, furniture and appliances, not to the multi-conglomerate shopping centers,, but to the little stores in the smallest towns and all the suburbs in the smallest parts of City of Chicago. So, I would urge a 'no' vote on this Bill, and I think to raise 24 million dollars and tax all these people to pass it on, mostly to the consumers in the Chicago Metropolitan area, let's face it, they're the ones that this tax is going to be passed... this tax is going to be passed along to. Why don't we do with a 24... with 24 million dollars to raise in four years, why don't we take part of our billion dollar surplus, allow 6 million dollars to go into this use for

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this further, actually, for non-attainment area, I think it's ultimate goal is non-attainable any way. Most of the money that's raised will not go... a good portion of the money raised, will not go toward the purpose of the legislation. So, I would urge all those who live, particularly, in the... I urge all over the state because it's unfair to tax area by region and I would urge a 'no' vote, particularly, for those who reside in the Chicago Metropolitan area."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Cook, Representative Fritchey."

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

Speaker Hartke: "Indicates he will."

Fritchey: "Just a real quick question of the Sponsor. If this is such a good idea and it's not a prevential issue, it's not a regionalist issue, why would this be not be collected from everybody statewide rather just saddling just the city and the collar counties with this?"

Lawfer: "Representative, this is for the non-attainment areas that have been mandated and have been designated by the Federal Clean Air Act."

Fritchey: "But, surely, we can go above and beyond that and if this is of such importance and such vital interest to the farmers and that everybody is going to benefit from this, why not let everybody share the burden of this, as well? There's nothing in the Federal Legislation that's coming down, as far as I understand it, that would prevent us from seeking to impose this fee statewide."

Lawfer: "Representative, I'm not sure I heard all of your question but after September 1 of this year, fleets of over 10 will have to have 30 percent of their new vehicles that they purchase on alternative fuels. This would provide a

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rebate either for the fuel or for the conversion of those vehicles. That is only in the non-attainment areas. In the non-attainment areas, I think a lot of people are already using ethanol or using alternative fuels. The mandate, the federal mandate, is for the areas in the non-attainment areas at this time."

Fritchey: "You know, I believe this is a good Bill and I've been informed that the CTA has now come out as a proponent of this Bill, as well. As a matter of fact, I've had two of these clean fuel distributors and a natural gas providers have recently opened up in my district in the middle of the city. But I guess I'm still lost at why we're just proportionately going to have to settle... take the burden for this issue. Was there any... did anybody look into just having the state pick up the cost? We're looking at a huge surplus this year. The cost of doing this is about six million dollars a year over four years. Why would the state have not done this? If it's of such vital concern, and we hit the state up for a lot more money than that on a lot of issues, why not to the state and say, 'State, fund this study'? It would be quicker, we'd have more certainty of the fees that would be collected and we'd be able to go forward without any question."

Lawfer: "Representative, I think you've got an excellent idea. This Bill runs for four years. After four years, I think that proposal that you put forward should need to be finalized and put into place. It's an idea that maybe at that time, time will have come."

Fritchey: "But, I'm aware that in Pennsylvania and Texas already, those two states have funded this program to fund research and infrastructure. If Illinois is going to be committed to doing this and to converting our fleets and our vehicles

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to natural gas and to alternative fuels, why are there no provisions put in here for the state to fund the research and the infrastructure necessary to do this?"

Lawfer: "Representative, I think that with the incentive and the need for the non-attainment areas, that there will be an infrastructure built and it'll be built by private enterprise so that there's no need for Federal Government to get in... or the State Government to get involved in subsidizing, refueling stations, whether it be for compressed natural gas or E-85."

Fritchey: "Well, the State's Government's already intervening by virtue of this legislation here. I guess... Well, let me ask more directly. Was it ever looked into, the possibility of the state funding this? Was a request ever made of the state to fund research in this area?"

Lawfer: "There is ongoing research already and... in that regard."

Fritchey: "Any publicly funded?"

Lawfer: "There are some public incentives for... in regards to alternative fuels, whether it be compressed natural gas, ethanol, or even cleaning up our coal industry."

Fritchey: "But, the research that's envisioned by this legislation, was DNR or anybody asked to fund this out of their budget allocation or for us to appropriate money to fund this research without passing it through to small businesses?"

Lawfer: "I think we need all the possible research that can be done, especially, in the more efficient use of ethanol and this is a proposal that had been enacted four years ago by the Alternative Fuel Act. What we are doing here is really a technical update and changing the dates on this so that ... the administration of the Act."

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Fritchey: "Thank you for your responses."

Speaker Hartke: "The Chair recognizes the Lady from Peoria, Representative Slone, for what purpose do you rise?"

Slone: "Thank you, Mr. Speaker. I rise on a Point of Personal Privilege. I'd like to introduce my nephew, Joe Tarcoff from Chicago, and his classmate, Ben Brot, is that right? They have just been here for the History Fair at the convention center, my brother-in-law Michael Tarcoff, and I'd like you all to make them welcome, please."

Speaker Hartke: "Welcome to the General Assembly. The Chair recognizes the Gentleman from Kankakee, Representative Novak."

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

Speaker Hartke: "Indicates he will."

Novak: "Representative Lawfer, I know you've worked hard on this issue but there's a couple of things that... questions that I'd like to ask first before I speak to the Bill. Could you delineate once again for everyone, the non-attainment areas in the State of Illinois? Delineate."

Lawfer: "These non-attainment areas as in the original Bill were Cook, Dupage, Kane, Lake, McHenry and Will."

Novak: "Okay, can I... How many townships in Will? In other words, my question is, is the entire County of Will in a non-attainment area?"

Lawfer: "According to the original Bill, yes, it is."

Fritchey: "It is?"

Lawfer: "Right. This is Public Act 89..."

Fritchey: "Okay."

Lawfer: "...89th General Assembly, yes."

Fritchey: "Is it not a fact that Kendall County, parts of Kendall County..."

Lawfer: "Right."

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Fritchey: "...where my good friend from Yorkville comes from.

Isn't part of that part of the non-attainment area?"

Lawfer: "Okay, you asked the counties, now, in..."

Fritchey: "Well, it goes by zip codes. Correct?"

Lawfer: "Okay, in Kendall County... I would like to add Grundy County and then in Kendall County is designated by zip code and that is 60416..."

Fritchey: "That's okay. You don't have to go into that detail."

Lawfer: "Okay. Okay. But, they're designated by zip codes in that county, yes."

Fritchey: "Okay. One... and I know there's some areas in the Southwester Metro part of the state is, in addition, is non-attainment area, correct?"

Lawfer: "Not according to the Public Act that we passed four years ago."

Fritchey: "Isn't Madison County and St. Clair County, aren't they non-attainment areas?"

Lawfer: "Not according... see, we did not change anything on the attainment areas in this Bill. So, there would... other than adding zip codes in Kendall County."

Fritchey: "Well, what about the Quad Cities, Rock Island County, is that a non-attainment area?" that a non-attainment area?

Lawfer: "I'm not sure on that, Representative."

Fritchey: "Well, I'm a little confused here. I mean, I'm going to support the Bill and I'll explain my reasons why. But, about 6 years ago, the Federal Government put a gun to our head in this Legislative Body by threatening to withhold 700 million dollars in Road Fund... Road Fund money because we would have to come around and... come and expand the non-attainment areas and they go by zip code, 'cause I had the Bill in the House and Senator Myers had the Bill in the Senate. We had no alternative, but we had to go ahead and

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add these additional areas 'cause they were defined as non-attainment areas and if we didn't, we would lose 700 million dollars to the Road Fund. My question is, and I'm a little confused here because the Metro areas in the Southwestern part of Illinois are in non-attainment areas. They are designated. Would the fee apply to trucking firms in Madison and St. Clair Counties?"

Lawfer: "Representative, you raise an excellent point here, and it's a point that has evidently changed since the original Bill in regards to the non-attainment areas. And that is not included in this Bill. It may be something that we need to look at in the future."

Fritchey: "Well, okay. I think that's important to look at because the USEPA tells the state EPA where the non-attainment areas are going to be. We have to follow all the rules and regulations. So, if you're going to apply a fee to the Cook County and the Collar Counties, which are non-attainment area... which is a non-attainment area and then, excludes Madison and St. Clair, and maybe the Quad Cities, if they're in a non-attainment area, that may raise some questions. However, I think the essence of this Bill is this, Ladies and Gentlemen. Why do we have non-attainment areas in Illinois? Because we have a lot of people concentrated in the Northeastern part of this state. Because we have a lot of factories concentrated in the Northeastern part of this state. Because we have a lot of cars and highways and activity. And as much as my good friend from Danville said that he'd like to have Vermillion County as a non-attainment area, I hope to God Kankakee County is never a non-attainment area. I think we should keep our air as clean as we can. But the true objective of the Bill is to this, is that to eliminate the

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non-attainment area. That is the true ideal objective, and to do that is to help these fleets convert to cleaner burning fuels so that it can lessen pollution in those non-attainment areas. So, ideally, as we go into the twenty first century is to use programs like this and any other creative programs to work towards cleaner air and, hopefully, to get the USEPA to say, 'Look, Kane County is no longer a non-attainment area and we're going to keep it that way.' So, I stand in strong support of this Bill and urge my colleagues, whether they live in Chicago, Dupage County, or Cairo, Illinois, to support this Bill."

Speaker Hartke: "Further discussion? Final discussion? The Chair recognizes the Lady from Cook, Monique Davis."

Davis, M.: "Thank you, Mr. Chairman... Mr. Speaker. I'd like to ask the Sponsor if there's a certain business or branch of government, and they have ten vehicles, does that mean that they will pay this tax?"

Lawfer: "Representative, this pertains only to commercial fleet vehicles."

Davis, M.: "So, that would be for example, a Sears store, a Walgreens store?"

Lawfer: "Right, Representative. This does not pertain to..."

Davis, M.: "How about school bus transportation?"

Lawfer: "My understanding of it, it did not pertain to government owned vehicles."

Davis, M.: "Well, the... most school buses in many of our areas are privately owned vehicles."

Lawfer: "We don't change anything in this Bill from the original Bill."

Davis, M.: "Well, to the Bill, Mr. Speaker."

Speaker Hartke: "To the Bill."

Davis, M.: "I'm very concerned about a tax increase that will

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affect the transportation of children to and from schools, to and from nursery schools. Some people may feel like it's only a small amount, but it has a very detrimental affect on some very small business operations. Many people view this as socking it to big business. Well, in the State of Illinois, the larger number of businesses. Some of them own more than ten little... what do you call those little buses... or buses that transfer children and I really don't think we want to put these people out of business. I think one of the reasons that most of us in the State of Illinois support many issues, is to bring business to our state and to keep business here. This is just one of those pieces of legislation that on the surface appears to hit only big businesses but actually, it'll do more damage to that small business owner. May I add in conclusion, Mr. Speaker, that the Illinois Road Builders are opposed to this legislation, and I urge a 'no' vote."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, Representative Lawfer to close."

Lawfer: "Thank you, Mr. Speaker. In response to the Representative, the original... Let me read from the original Bill. This has not been changed by this Senate Bill 1840, but the original Bill says, 'owners of State Government and Local Government vehicles, rental vehicles, antique vehicles, electric vehicles, and motorcycles are exempt from paying the fees on these vehicles'. So, I think there's been very good discussion in regards to this Bill. I think that it's had a very thorough hearing. It's been pointed out that the Federal Mandates are here for the non-attainment areas whether we like them or not. And Representative Black has responded... or pointed out that at one time we were held hostage, the United States was

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held hostage by a bunch of camel jockeys in the Middle East, and we don't want that to happen again. I think this Bill would be a step in the right direction. I urge a 'yes' vote."

Speaker Hartke: "The Chair recognizes the Gentleman from McHenry, Representative Skinner, for what... Never mind. The question is, 'Shall Senate Bill 1840 pass?' All those in favor, signify by voting 'aye'; those opposed by voting 'no'. Mr. Clerk, open the record. 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 75 Members voting 'yes', 40 Members voting 'no', and 1 Member voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Skinner, would you insist upon your verification?"

Skinner: "I'd just like... I'd like to thank the taxers for winning again."

Speaker Hartke: "Thank you. The Chair recognizes the Representative Phelps, the Gentleman from Saline."

Phelps: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I move that the posting requirements are waived so that Senate Bill 560 can be heard in Elementary/Secondary Education Committee. We have talked with Representative Cowlshaw and Representative Black, I don't think there's a problem, and at the same time, I need to make an announcement that the Elementary/Secondary Education Committee will not meet after adjournment. We will meet 9:00 in the morning, instead. House Education Committee will not meet after adjournment, 9:00 A.M.. in the morning to consider 560 and proposed Amendments. Thank you, I move requirement... posting requirements to be waived."

Speaker Hartke: "Excuse me, Mr. Phelps, will you restate your

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Motion?"

Phelps: "I move that the posting requirements be waived so that Senate Bill 560 can be heard in Elementary/Secondary Education Committee, 9:00 A.M.. in the morning, Friday, May 15?"

Speaker Hartke: "Is there any discussion on the Motion? The Chair recognizes the Gentleman from Kendall, Representative Cross."

Cross: "Mr. Speaker, could we have a little explanation for the bases for this Motion? I understand there's a 6 day posting requirement, and if we could have a little explanation."

Speaker Hartke: "Representative Phelps."

Phelps: "We had spoken with Representative Black and Cowlshaw about accommodating Representative Ryder's Amendment. Trying to find a vehicle for that and a couple other Members, as well as myself. So, 560 would be referred by waiving the posting requirements so we can accommodate those Members for their Amendments."

Cross: "Mr. Speaker, I apologize. We hate to have one person object and have something not get called, so we'll withdraw our opposition. We just don't think that's appropriate, the way to run the House so, we withdraw our opposition."

Speaker Hartke: "Thank you. All those in favor of the... Mr. Clerk, would you post the Motion? All those in favor of the Motion, the waiving requirement..."

Cowlshaw: "Hey, wait a minute. I've had my light on all the..."

Speaker Hartke: "Representative Cowlshaw, I still don't see your light. It's not on the board."

Cowlshaw: "Well, it's on here."

Speaker Hartke: "Representative Cowlshaw."

Cowlshaw: "Thank you very much. I'm sorry if there was any

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confusion. Representative Currie came and asked me about this and she talked to Representative Black as well, which I believe Representative Phelps mentioned when he first... when he first made this Motion, which of course is a wonderful indication of how well we all listen. Thank you, Mr. Speaker."

Speaker Hartke: "Is there leave? Leave is granted. Page 4 of the Calendar on Third Reading, appears Senate Bill 1335. Representative Durkin. Mr. Clerk, read the Bill."

Durkin: "Thank you, Mr..."

Clerk Bolin: "Senate Bill 1335, a Bill for an Act in relation to criminal law. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Durkin."

Durkin: "Thank you, Mr. Speaker. Senate Bill 1335 is combined efforts of both Paul *Vells*, the Chicago Board of Education and the Cook County States Attorney's Office through the ongoing investigation which has been going on at the school, particularly, we expected the way that the bidding procedures are not being followed. During the course of this investigation, it was the opinion of both the Paul *Vells* and also the Cook County States Attorney's Office that there needs to be some more clarification under our Criminal Code of Procedure. So, what we're doing is recreating new offenses, particularly, when we refer to vendor applications. First of all, we're creating a defense of false statement on a vendor application which will now be a Class III Felony. Also, we are creating defense of the false entry in any book with the intent to defraud a school district, is a Class III Felony. We also are creating another district... another crime, the misapplication of fund, which will be a Class III Felony. And also, we are also creating another offense, the

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unlawful participation. Which is when a person participates or shares or receives or benefits through a contract with the intent to defraud a school district. And lastly, what we're doing, is we're creating a new offense called the... which is referred to stringing, which is the unlawfully structuring of job orders to avoid competitive bidding. That will be a Class IV Felony and I have absolutely no idea what these fools behind me as well, but..."

Speaker Hartke: "I think that's your staff."

Durkin: "Well, it's a soury state for the House Republicans if they have to rely on any one of these individuals in this Bill. In any event, what this... this Bill, it was Amended in committee in which we are including also. Not only school districts but also local units of governments. That was the concern which was brought in the Senate, whether or not we would have an equal protection problem. But this Bill received unanimous support in the Senate and I believe what we see right now is that through the hearings which are going on, particularly with Representative Lopez, they're discovering that a number of individuals are structuring transactions to avoid the competitive bidding process and unlawfully benefiting from that. I am ready to answer any questions."

Speaker Hartke: "The Gentleman has asked for the passage of Senate Bill 1335. Is there any discussion? Seeing no one is seeking recognition, the question is, 'Shall Senate Bill 1335 pass?' All those in favor signify by voting 'aye'; those opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On Senate Bill 1335, there are 117 Members voting 'yes', 0 voting 'no',

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and 0 voting 'present'. And this Bill, having received the Constitutional Majority is hereby declared passed. Mr. Clerk, what is the status of 1307?"

Clerk Rossi: "Senate Bill 1307 is on the order of Senate Bill's Third Reading."

Speaker Hartke: "At the Sponsor's request, that will be placed on Second Reading. Representative Fritchey, the Gentleman from Cook, what reason do you rise?"

Fritchey: "Mr. Speaker, I'd like the record to reflect on Senate Bill 1870, I intended to vote 'no'."

Speaker Hartke: "The record will so reflect. Mr. Clerk, there's been a Motion filed. Will you read the Motion, please?"

Clerk Rossi: "Pursuant to Rule 65, Representative Roskam, having voted on the prevailing side, has moved to reconsider the vote by which Senate Bill 1328 passed."

Speaker Hartke: "Representative Dart."

Dart: "Thank you, Mr. Speaker. I move to have that vote taken immediately."

Speaker Hartke: "All those in favor of the Motion, signify by... The Chair recognizes the Gentleman from Kendall, Representative Cross."

Cross: "Mr. Speaker, the Sponsor of the Motion, who's not even in the chamber right now, Mr. Roskam, Representative Roskam, should at least be here if you're asking to vote on his Petition to Reconsider... a Motion to Reconsider. If you're making a Motion to Table, that's another thing. I still think you ought to have the decency to let Representative Roskam know you're going to call his Motion. He's not even in the room. Now, if you're going to take a Motion, if you're going to make a Motion to table, for getting there, I request a Roll Call vote and a verification. But, I'd at least ask you to hold off, maybe

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until tomorrow or until we find Representative Roskam."

Speaker Hartke: "Would... Representative Cross, would you suggest we wait until Representative Roskam returns?"

Cross: "Mr. Speaker, we ask an immediate Republican Caucus."

Speaker Hartke: "The... the Motion has been filed by Representative Roskam to reconsider the vote, which is his right. Mr. Dart requested immediate vote which is also his right. Vote on the Motion to Reconsider will be taken tomorrow morning at 10:00 when we re-adjourn... reconvene, excuse me. Representative Currie now moves that this House stands adjourned until the hour of 10:00 A.M.. tomorrow. Leaving Perfunctory time for the Clerk. We will have committee notices read by the Clerk. Republicans have requested a Caucus, would they like to Caucus? They're denying... they decided not to Caucus. Representative Fritchey."

Fritchey: "Thank you, Speaker. For purposes of clarification, I meant to ask that my vote be... that I intended to vote 'no' on Senate Bill 1840, not 1870 as I had said earlier. Thank you."

Speaker Hartke: "That will be so recorded in the record. Mr. Clerk, read the committee notices."

Clerk Rossi: "The following committees will meet immediately. Executive Committee in Room 118, the Human Services Committee in C-1, the Judiciary II Committee in D-1."

Clerk Rossi: "The House Perfunctory Session will come to order. Messages from the Senate by Mr. Jim Harry, Secretary. 'Mr. Speaker, I am directed to inform the House of Representatives that the Senate has concurred with the House in the passage of the following Bills: House Bill 884, together with Senate Amendment #1; House Bill 1151, a Bill for an Act to amend the local governmental and

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Governmental Employees Tort Immunity Act, together with Senate Amendment #2; House Bill 1217, a Bill for an Act to amend the alcoholism and drug addiction intervener and reporter immunity law, together with Senate Amendments 1 and 2; House Bill 1422, a Bill for an Act concerning the right of publicity, together with Senate Amendment #2; House Bill 2306, a Bill for an Act concerning vehicles, together with Senate Amendment #1; House Bill 2446, a Bill for an Act to amend the criminal code of 1961, together with Senate Amendment #1; House Bill 2589, a Bill for an Act to amend the Barber, Cosmetology, Esthetics, and Nail Technology Act, together with Senate Amendment #1 and Senate Amendment #2; House Bill 2909, a Bill for an Act to amend the Civil Administrative Code of Illinois, together with Senate Amendment #1; House Bill 3129, a Bill for an Act concerning environmental conservation, together with Senate Amendment #1 and 2; House Bill 3026, a Bill for an Act to amend the property tax code, together with Senate Amendments #1, 2, and 4; House Bill 3257, a Bill for an Act to amend the environmental protection Act, together with Senate Amendment 1 and 2; House Bill 3279, a Bill for an Act to amend the violent crime victims assistance Act, together with Senate Amendment #1; House Bill 3294, a Bill for an Act creating the year 2000 computer date change task force, together with Senate Amendment #1; House Bill 3464, a Bill for an Act concerning service contracts, together with Senate Amendment #1; House Bill 3492, a Bill for an Act to amend the mental health and developmental disabilities code, together with Senate Amendment #1; House Bill 3811, a Bill for an Act concerning taxation, together with Senate Amendment #1; House Bill 525, a Bill for an Act to amend the Illinois Municipal Code, together

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with Senate Amendment #1; House Bill 644, a Bill for an Act to Amend the Election Code, together with Senate Amendments 1 and 2; House Bill 646, a Bill for an Act to amend the Emergency Telephone System Act, together with Senate Amendment #1."

Clerk Bolin: "Having no further business, the House Perfunctory Session will stand adjourned. The House will reconvene in Regular Session on Friday at 10:00 A.M."