

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

65th Legislative Day

May 20, 1997

Speaker Brunsvold: "The House will come to order. All unauthorized personnel shall leave the House Floor and retire to the Gallery. We will be led in prayer today by Father Carlos A. Plazas with St. Augustine College in Chicago. Father Plazas is the guest of Representative Miguel Santiago. Guests in the Gallery may wish to rise for the invocation. Father Plazas."

Father Plazas: "Good afternoon. Thank you very much for the invitation to lead this prayer. As an introduction to this prayer, I would like to mention two things. One, some brief sentences from a great leader, and the second one is a name of a person who christened the Members today because of what he did. The sentences I am going to read are taken from the sayings of this great leader who leads many years ago, but who influenced the leadership national and international even today. At that time he formed a great nation, probably the greatest in the world. This is what he says. 'It is the Lord who gives wisdom. From Him come knowledge and understanding. He provides help and protection for the righteous and honest persons. Remember the Lord in everything you do, and He will show you the right way. Nothing will stand in your way if you walk wisely. Righteousness is the road to life. Show me a person who does a good job, and I will show you a person who is better than most and worthy of the company of kings.' The person that christened our remembrance is the Deacon Alcuin. He was a man of vast learning and great integrity of character. He was appointed, but shall remain as the prime minister of education with the responsibility to revitalize education and learning. He is remembered because of his responsibility for the restoration of the culture of the western civilization. He ordered and

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collected the manuscripts of both pagan and Christian writings of antiquity that already had... for the millennium. With this preamble, let us pray. Almighty God, the fountain of wisdom and love and righteousness, she has done wonderful things for the State of Illinois. We praise You, thank You, and ask You to continue looking on us with Your great kindness, and to continue being with us as we carry our burdens day after day. We always put our hope in You and praise You more and more, particularly today, we thank You for calling our State Representatives to be our leaders and serving citizens for the people of Illinois. We beseech You to guide and bless them where no... in this Legislature, so that they may enact such laws shall please You to the glory of Your name and to the well being of all the people of Illinois, so that they be recognized through the wise decision as our trustworthy leaders. We ask these through Christ, our Lord. Amen."

Speaker Brunsvold: "We shall be led in the Pledge today by Representative Calvin Giles."

Giles - 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 Brunsvold: "Mr. Clerk, Roll Call for Attendance. Take the record, Mr. Clerk. Mr. Cross, Republican excused absences."

Cross: "I have to tell you, we're all here today. Thanks a lot."

Speaker Brunsvold: "The Democrats, Representative Currie. Majority Leader Currie."

Currie: "Thank you, Speaker. Please let the record show that all House Democrats are in attendance. There are no excused absences among us this morning."

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Speaker Brunsvold: "Mr. Clerk, take the record. 118 answering the Roll Call, we have a quorum. The Chair would like to introduce the eighth grade class from Westmer schools in my district, Representative Brunsvold's district. Dennis Henderson is in the balcony. Would the eighth graders please raise their hands. Welcome to Springfield. The Gentleman from Jefferson, Representative John Jones."

Jones, J.: "Thank you, Mr. Speaker. I rise on a Point of Personal Privilege."

Speaker Brunsvold: "Proceed."

Jones, J.: "I would like to introduce the eighth grade class from Woodlawn Grade School in Woodlawn, Illinois in Jefferson County. Welcome to Springfield."

Speaker Brunsvold: "Thank you, Mr. Jones. May get in a yelling match between both sides here. Committee Reports."

Clerk Rossi: "Committee Reports. Representative Giles, Chairman from the Committee on State Government, to which the following Bill was referred, action taken on May 20, 1997, reported the same back with the following recommendation/s: 'do pass Short Debate' Senate Bill 1105. Representative Dart, Chairman from the Committee on Judiciary I, to which the following Floor Amendments and Joint Action Motions were referred, action taken on May 20, 1997, reported the same back with the following recommendation/s: 'be adopted' concur Senate Amendment #1 to House Bill 1589, and Senate Amendment #1 to House Bill 358. Representative Novak, Chairman from the Committee on Environment and Energy, to which the following Joint Action Motions were referred, action taken on May 20, 1997, reported the same back with the following recommendation/s: 'be adopted' motions to concur Senate Amendment 1 to House Bill 1457, and Senate Amendments 1 and 2 to House Bill 1735. Representative

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Holbrook, Chairman from the Committee on Local Government, to which the following Joint Action Motions were referred, action taken on May 20, 1997, reported the same back with the following recommendation/s: 'be adopted' concur Senate Amendments 1, 2, and 3 to House Bill 674. Representative Gash, Chairman from the Committee on Judiciary II - Criminal Law, to which the following Joint Action Motion was referred, action taken on May 20, 1997, reported the same back with the following recommendation/s: 'be adopted' motions to concur Senate Amendment #2 to House Bill 1029, and Senate Amendment #1 to House Bill 1397. Messages from the Senate. By Mr. Jim Harry..."

Speaker Brunsvold: "Excuse me, Mr. Clerk. Representative Deuchler, for what reason do you rise?"

Deuchler: "Mr. Speaker, I rise on a Point of Personal Privilege."

Speaker Brunsvold: "Proceed."

Deuchler: "To introduce former State Representative Susan Catania who is here to greet her friends today."

Speaker Brunsvold: "Welcome back, Representative. Mr. Clerk, continue."

Clerk Rossi: "Announcements. The Rules Committee will meet immediately in the Speaker's Conference Room. The Rules Committee will meet immediately in the Speaker's Conference Room. Messages from the Senate. A Message from the Senate by Mr. Harry, Secretary. 'Mr. Speaker, I am directed to inform the House of Representatives that the Senate has refused to concur with the House in the adoption of their Amendments to Bills of the following titles: Senate Bill 3, a Bill for an Act concerning public employee pensions, together with House Amendment #1, Senate Bill 101, a Bill for an Act to amend the Illinois Pension Code, together with House Amendment #1, Senate Bill 299, a Bill for an Act

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to amend the Environmental Protection Act, together with House Amendment #1, Senate Bill 423, a Bill for an Act in relation to health care benefits for certain retired community college employees and their dependents, together with House Amendment #2, Senate Bill 465, a Bill for an Act in relation to property, together with House Amendment #1, Senate Bill 493, a Bill for an Act in relation to gaming, together with House Amendment #1, Senate Bill 547, a Bill for an Act to amend the Illinois Horse Racing Act, together with House Amendment #1, Senate Bill 596, a Bill for an Act to amend the Clerks of Courts Act, together with House Amendments 1, 2, and 3, Senate Bill 659, a Bill for an Act to amend the Illinois Insurance Code, together with House Amendment #1, Senate Bill 1016, a Bill for an Act in relation to the General Assembly, together with House Amendment #1, Senate Bill 1101, a Bill for an Act in relation to state government, together with House Amendment #1. 'Jim Harry, Secretary'."

Speaker Lang: "Representative Lang in... On the Order of Concurrence there appears House Bill 108. Representative Hannig, on a Motion to nonconcur. The Gentleman is in Rules. Out of the record. On the Order of Concurrence House Bill 358, Representative Novak."

Novak: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I now concur on Senate Amendment #1 to House Bill 358. The original Bill, House Bill 358, passed out of here unanimously. What it was was an agreement between the Illinois State Bar Association and the Illinois Association of Realtors with respect to redefining the word 'seller'. There was some technical Amendments. The Residential Seller Disclosure Act, Senator Pate Philip and myself were the chief Sponsors a number of years ago, and it requires

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that before you sell property in the State of Illinois, specifically homes, there has to be a certain checkoff list that, and it's a good consumer protection Bill. It's also... helps out the Realtors Association, at least makes them know where they stand with respect to the sales of transaction of real estate. Be more than happy to answer any questions."

Speaker Lang: "You've heard the Gentleman's Motion. Is there any discussion? Seeing none, the Gentleman moves to concur, that the House concur in Senate Amendment #1 to House Bill 358. This is final action. All those in favor signify by voting 'aye'. Representative Black, for what reason do you rise?"

Black: "Thank you very much, Mr. Speaker. First, an Inquiry of the Chair. Do you have some paper, do you have something over my speak light up there?"

Speaker Lang: "Just my hand, Sir."

Black: "That's what I thought. And it started to get warm. That's what made you look under your hand."

Speaker Lang: "Yes, Sir. That's correct."

Black: "Yes. Thank you. Well, it was very kind of you. I was quite concerned that we were going to be ignored, but we have a great deal of confidence in you. By the way, we will be singing to you some time today."

Speaker Lang: "Lovely, Sir."

Black: "Would the Sponsor of the Concurrence Motion yield for a question?"

Speaker Lang: "The Gentleman yields."

Black: "I can't see him, there are some balloons in my road, but anyway. The part of the Amendment that I don't understand, Representative Novak, what determines whether or not a seller will have had actual knowledge of an error or

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inaccuracy or omission in any prior disclosure document? For example, if I sell the house and I truly do not know that the roof is bad, you take possession and 30 days later the roof leaks like a sieve. What's the extent of my liability, if, in fact, I say 'the roof was fine when I lived there'?"

Novak: "Just one second, Representative. Okay, Representative, I'm sorry, would you please repeat that question?"

Black: "Yes. There's a section in the Senate Amendment that says prior to closing, any seller that has actual knowledge of an error, inaccuracy, or omission in any prior disclosure document after that document has been delivered to a prospective buyer, then the seller shall, not may, shall supplement the prior disclosure document with a written supplemental disclosure.

Novak: "I see that."

Black: "My concern is, is this going to create a legal thicket of people saying, 'Hey, you should have told me the roof was bad.' My response would be, 'When I lived there the roof was fine. I did not know the roof was bad. It did not leak when I lived there.' And then it seems to me that the person is going to say, 'Well you didn't file a supplemental written disclosure document, therefore, I'm going to sue you for failure to disclose.' I don't want to get into any more legal hassles than we have to in a real estate transaction."

Novak: "I understand that. The agreement was worked out between the realtors and the Bar Association. To answer your question, it says, you're correct, 'prior to the Amendment the Bill provided that the seller shall supplement the disclosure document with a written disclosure after its delivery to a prospective buyer if any previous disclosure

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documents contained errors, inaccuracies, or omissions.' To clarify this language, and apparently this is the intent of the Senate Amendment, the Senate Amendment #1 provided that if prior to a closing any seller has actual knowledge of an error, inaccuracy, or omission in any prior disclosure document after delivery of that disclosure document to a prospective buyer, that seller shall supplement the prior disclosure document with a written. So I think the key word here is actual knowledge, Representative."

Black: "Okay. Because that was one of the concerns I had. For example, if I sell a house in February I can say honestly when I turned the air conditioner off last October it worked fine. We closed on the property in February, the middle of May you turn on the central air conditioning unit, it doesn't work. I don't want my failure to have supplemented my disclosure with that it may not work going to mean I go to court, because the last time I used it, it was fine."

Novak: "That's correct. That's correct. And as I indicated, I think that's one of the reasons why the Senate put this Amendment on. They wanted to be as specific as possible. They wanted to make sure that the individual had knowledge."

Black: "What would be the burden of proof as to whether or not the seller had knowledge?"

Novak: "Well, I would presume that the burden of proof would probably have to be proved if there was any dispute between a buyer and a seller with a realtor involved would probably have to be established in a court of law."

Black: "The new staff person there to your left."

Novak: "He's quite young looking."

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Black: "Is he in agreement with this? I mean, I know he's put a lot of work in on this."

Novak: "Yes, he is."

Black: "Is he now your legislative aide?"

Novak: "I just hired him, but we haven't worked out the financial particulars of his contract."

Black: "Well perhaps in Iroquois County we can share the cost."

Novak: "That's right. But he's very very knowledgeable in residential real estate law."

Black: "I've understood that. That's what I've understood. Alright, I appreciate you're answering that question. I think, with that explanation, the Senate Amendment does appear to add a little protection, and we'll stand in favor of the Motion to concur."

Novak: "Thank you, Representative Black."

Speaker Lang: "Seeing no further questions, the question is, 'Shall the House concur in Senate Amendment #1 to House Bill 358?' This is final action. All those in favor shall signify by voting 'aye'; those opposed signify by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk, will take the record. On this Motion there are 118 voting 'yes'; 0 voting 'no'; 0 voting 'present'. And the House does concur in Senate Amendment #1 to House Bill 358. And this Bill, having received the Constitutional Majority, is hereby declared passed. Representative Rutherford, for what reason do you rise?"

Rutherford: "Thank you, Mr. Speaker. Either a question of the Clerk or Parliamentary Inquiry. As we were in committee today looking at the LIS for a Motion to concur on a Senate Amendment had been referred to Rules Committee and was approved by Rules Committee to come out and go to

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substantiative committee. What the action was was an actual Motion to concur. Now as we see the posting for that committee it actually has the Senate Amendment posted, which cannot be considered in committee because it's already attached to the Bill and on the Floor. What I would assume is appropriate posting is the motion to concur as was discharged from Rules. Could I have an explanation as to how we're following... how we're going to do this?"

Speaker Lang: "We will confer with higher authorities, Mr. Rutherford, and get back to you."

Rutherford: "Will that be within today or the next hour?"

Speaker Lang: "As soon as I have had an opportunity to confer with higher authorities."

Rutherford: "That is an honest man and I do appreciate it, Mr. Speaker."

Speaker Lang: "The Chair recognizes Representative Lopez."

Lopez: "Thank you, Mr. Speaker, Members of the General Assembly. I rise on a Point of Personal Privilege."

Speaker Lang: "Proceed."

Lopez: "I would like to welcome to Springfield a school in my district, the Salem Christian School. They are standing or sitting right behind me. If we could please give them a round of applause and welcome them to Springfield. Thank you, Mr. Speaker."

Speaker Lang: "Thank you. And welcome to Springfield. Next on the Order of Concurrence is House Bill 674, Representative Black."

Black: "Thank you very much, Mr. Speaker. I would move that we concur in Senate Amendments #1, 2 and 3. The underlying Bill has been a work in progress for about four years. It passed out of the House 103-9. The underlying Bill gives reauthorizes police powers to animal control wardens if,

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and I emphasize, if the county decides to give them that authority, and that authority would only be valid to enforce the Animal Control Act. It's a purely permissive Bill. Senate Amendment #1 was added to the Bill to further clarify that there would be no way these people would get or receive extraordinary police powers. That was suggested by the Senate and it's a good Amendment. Senate Amendment #2 adds to the Bill. It becomes the language that was in House Bill 1547 sponsored by Representative Wirsing. It's a Department of Agriculture initiative amending the Illinois Diseased Animals Act, giving the Department authority to designate a disease that's contagious or infectious or as a reportable disease by rule, provides that a veterinarian who has information on the existence of any reportable disease among animals in this state who fails to report it shall be guilty of a business offense. It makes some other technical changes to that Act. Senate Amendment #3 is identical to a Bill we passed out of here some time ago. It adds to the Bill. It amends the Illinois Public Relations or Labor Relations Act to allow arbitration of residency requirements for police officers in municipalities with a population under one million. I'd be glad to answer any questions you have."

Speaker Lang: "Representative Dart."

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

Speaker Lang: "He yields."

Dart: "Representative, I show originally there was opposition to this Bill from different groups and one of them was the Law Enforcement Training and Standards Board. Has their opposition been removed with the permissive language changes?"

Black: "As far as I know, Representative. We had a hearing on

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the three Amendments today in committee, no opposition was expressed or signed in. I know the Fraternal Order of the Police and other law enforcement officers had some problems with the Bill as it left the House. I think Senate Amendment #1 removed their opposition, and obviously Senate Amendment #3 is their Amendment. So they stood in favor of the Bill, as amended, this morning."

Dart: "And as far as Senate Amendment #3, that is the same provisions that we've already had in front of us that had passed out of here, I believe, 108 to 6?"

Black: "Yes. We did the very same language for firefighters and the police officers, and rightfully so, said that they would appreciate the same consideration in order to arbitrate their residency requirements."

Dart: "Now, is there some provision in Senate Amendment #2 dealing with steamboats?"

Black: "With what, I'm sorry?"

Dart: "Steamboats."

Black: "Steamboats? Not that I know of, unless they're diseased."

Dart: "Okay, because I thought I saw something in there. I was concerned whether or not that some people..."

Black: "Let me check. I, honestly, have not read the entire Amendment and I don't, let me check with my staff person. Yes, I just checked with our new staffer, and he says there is some language in there that removes steamboats, and trying to clean up the statutes, but doesn't have anything to do with boats as you and I might define boats."

Dart: "Absolutely, because I know there's some people in this Chamber that have some interest in boats, and I wanted to make sure there's nothing in there, and I would defer to your staffer in regards to this because of his imminent

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knowledge."

Black: "He's a very fine fellow, we're very happy he's here."

Dart: "Absolutely. Absolutely. Thank you very much, Representative."

Black: "Thank you."

Speaker Lang: "The Chair noted that Representative Dart was pointing in his direction. Further discussion on Mr. Black's Motion? Seeing none, the question is, 'Shall the House concur in Senate Amendments #1, 2, and 3 to House Bill 674?' This is final action. All those in favor will signify by voting 'aye'; those opposed will signify by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk, will take the record. On this question, there are 118 voting 'yes'; 0 voting 'no'; 0 voting 'present'. And the House does concur in Senate Amendments #1, 2, and 3 to House Bill 674. And this Bill, having received the Constitutional Majority, is hereby declared passed. The Chair recognizes Representative Schoenberg."

Schoenberg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I ask the indulgence of the Body if they would issue a warm welcome to my neighbors from my home parish St. Athanasius School of Evanston up here in the House Gallery."

Speaker Lang: "House Bill 680, Representative Wirsing. Mr. Wirsing."

Wirsing: "Thank you, Mr. Speaker. I move to concur on Amendment #1 to Senate Bill, or House Bill 680. That's Senate Amendment #1 to House Bill 680."

Speaker Lang: "Representative, do you want to explain the Amendment?"

Wirsing: "Thank you. Amendment #1 to House Bill 680 is... can

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you give me just a minute? This simply moves the entrepreneurship from Illinois State into the Illinois State Program, and it also allows ISAC and ICC directors to have alternates on the IBHE Board. It allows the ISAC to pass through college license plate funding to the appropriate private colleges, and this passed in the House, House Bill 1520, by 115 to 1. And that gives a quick outline of what this Amendment does, Mr. Speaker."

Speaker Lang: "Mr. Dart."

Dart: "Will the Sponsor yield?"

Speaker Lang: "The Gentleman yields."

Dart: "Representative, what is the impact going to be on the license plate with this Bill, the college collegiate license plates?"

Wirsing: "It allows ISAC to transfer these funds immediately to these colleges."

Dart: "What do they do presently?"

Wirsing: "Excuse me?"

Dart: "Presently what do they do, right now?"

Wirsing: "Presently, they have to administer, under the scholarship program, those license funds. This separates it out."

Dart: "And what's the reason behind doing that?"

Wirsing: "Because of the amount of the funds is such a small amount, just go ahead and let the private colleges deal with that on their own."

Dart: "Okay. Thank you."

Speaker Lang: "Further questions or comments? Seeing none the question is, 'Shall the House concur in Senate Amendment #1 to House Bill 680?' This is final action. All those in favor shall signify by voting 'aye'; those opposed shall signify by voting 'no'. The voting is open. Have all

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voted who wish? Have all voted who wish? The Clerk, shall take the record. On this question, there are 118 voting 'aye'; 0 voting 'no'; 0 voting 'present'. And the House does concur in Senate Amendment #1 to House Bill 680. And this Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 709, Representative Andrea Moore."

Moore, A.: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I would move to concur with Senate Amendments #1, 2, and 3 to House Bill 709. Senate Amendment #1 amends the provisions that are... by lowering the investment threshold from \$200 million to 175 for a business enterprise that employs at least 150 full time employees. This Amendment will lower the investment threshold by 25 million without lowering the minimum requirement for full time jobs. Senate Amendment, oh excuse me, that was Senate Amendment #2. Senate Amendment #1 expands the permissive public utilities tax imposed by municipalities for business enterprises locating in an enterprise zone, and meeting certain qualifications. A company is currently considering Danville for a location and this is to assist them. Senate Amendment #2, as I said, lowers it by \$25 million without lowering the minimum requirement for full time jobs, and Senate Amendment #3 states the gas tax revenue tax exemption granted for gas services a customer acquired from an out of state supplier on or before March 1, 1995, shall include a charge for gas or gas service. This Amendment is identical to Committee Amendment #1 to Senate Bill 804. The committee has heard this before and so has the House, and I would move to concur in Senate Amendments #1, 2, and 3."

Speaker Lang: "Representative Moore, the Clerk informs me that

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only Senate Amendments 2 and 3 were approved by the Rules Committee for consideration. Representative Moore."

Moore, A.: "Excuse me, yes."

Speaker Lang: "The Rules Committee has not yet approved a concurrence Motion on Senate Amendment #1, only on 2 and 3. Would you like to take this out of the record for the time being until they do that?"

Moore, A.: "I would be happy to do that if that's what you wish, Mr. Speaker."

Speaker Lang: "Well you'll just have to come back again and..."

Moore, A.: "It would seem to be more orderly thing to do. Yes."

Speaker Lang: "That would make sense. We'll check into this."

Moore, A.: "I was not aware that Senate Amendment #1 was not...
Alright, thank you."

Speaker Lang: "Thank you. Representative Brunsvold for an announcement."

Brunsvold: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, every so often we do a renewal of FOID Cards here on the Floor. If you have a FOID Card that needs to be renewed, I have the forms here at my desk. We also have a photographer to take your pictures, and we'll need a check for five dollars, and this can be processed with the State Police. So, if you'd like to renew your FOID Card please come over and get an application, and we'll get the photographer to take your picture. Thank you, Mr. Speaker."

Speaker Lang: "Thank you. And I appreciate you doing that while I was in the Chair, Sir. The Chair recognizes the Clerk for Committee Reports."

Clerk Rossi: "Representative Currie, Chairman from the Committee on Rules, to which the following Joint Action Motions were referred, action taken on May 20, 1997, reported the same

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back with the following recommendations: 'be adopted', to concur with Senate Amendment 2 to House Bill 70, Senate Amendment #1 to House Bill 522, Senate Amendment 1 to House Bill 618, Senate Amendment 1 to House Bill 995, Senate Amendment 1 to House Bill 1051, Senate Amendment 1 to House Bill 1115, Senate Amendment 1 to House Bill 1373, Senate Amendment 1 to House Bill 1450, Senate Amendment 1 to House Bill 1493, Senate Amendment 1 to House Bill 1678, Senate Amendment 1 to House Bill 1883, Senate Amendment 1 to House Bill 2214, Senate Amendment 1 to House Bill 2262. Referred to Second Reading: Senate Bill 55 and Senate Bill 129."

Speaker Lang: "Next on the Order of Concurrence, House Bill 995, Representative Black."

Black: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. I would move to concur with Senate Amendment #1 to House Bill 995. This is the Commercial Driver's License issue for farmers. The Senate Amendment simply adds to the Bill, I think clarifies some language. Let me very briefly tell you what that is, if I can find it. Senate Amendment #1 was added by Senator Hawkinson, was kind enough to check with me and I have no problems with the Amendment. It further narrows the scope of the Bill concerning a Commercial Driver's License waiver for those in agriculture. The Amendment provides that the waiver shall apply only to persons driving a vehicle with a farm truck plate as registered by the Secretary of State. With this Amendment, the Bill grants a CDL waiver to a farmer or a member of that farmer's immediate family who is over 21 years of age, who is driving fewer than 150 miles, and whose vehicle is registered as a farm truck, in other words, not for hire. The farmer, driver continues to be subject to CDL's lower Blood Alcohol Concentration of .04

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as contained in the original Bill. Be glad to answer any questions."

Speaker Lang: "Mr. Dart."

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

Speaker Lang: "The Gentleman will yield."

Dart: "Representative, from what you were just detailing then, the Senate Amendment narrows the scope of the Bill. Did you mention the exact numbers it was going to narrow it from?"

Black: "Yes. Without the Senate Amendment it would be possible for me to lease a truck and waive the CDL if my son were driving the truck. This says it has to be a truck with a farm plate. I don't want to portray to you that it would always be owned by the farmer, but it is owned and registered by a farmer and has farm truck plates on it. So there would be no way to get around the intent of the law, which is to go out and find a truck for hire and then stick your son in the truck and say, 'Well it's our truck.' This really narrows the scope even more than the House Bill."

Dart: "Okay. In what instances... what are the situations in which an individual would be utilizing this... they won't be on highways and that?"

Black: "No. They can operate within 150 mile radius of their farm. It's generally to a grain elevator or back. The truck would have to be owned by them or a farmer, and can only be operated under a CDL waiver by a member of the immediate family of the farm who owns the load on the truck."

Dart: "And would the purpose of their utilizing this would be for work purposes only?"

Black: "Yes. The Blood Alcohol Content remains the same. The only thing this does is to really get away, the Federal

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Laws, I'm sure you know, was never intended to go after the average driver. It was the professional, long-haul driver, and farmers maintain that during harvest or planting when they may have to run 20 hours a day they don't have time to go get the various tests, they still have to have a CDL, but they don't have to go somewhere for the blood and urine specimen as required under the CDL, and that's all they're asking to be exempted from."

Dart: "Okay. Thank you very much."

Speaker Lang: "Further questions? Seeing none, the question is, 'Shall the House concur in Senate Amendment #1 to House Bill 995?' This is final action. All those in favor vote 'aye'; all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk, will take the record. On this question there are 117 voting 'aye'; 0 voting 'no'; 1 voting 'present'. And the House does concur in Senate Amendment #1 to House Bill 995. And this Bill, having received the required Constitutional Majority, is hereby declared passed. House Bill 1051, Representative Brunsvold. Mr. Brunsvold, do you wish to... Mr. Brunsvold? Do you want to proceed on your Bill, Sir? Mr. Brunsvold on House Bill 1051. Out of the record. Representative Moffitt, House Bill 1112."

Moffitt: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I would like to move to concur on House Bill 1112 with Senate Amendment #1."

Speaker Lang: "Please explain your Amendment, Sir."

Moffitt: "The underlying Bill was allowing our community colleges to be able to connect with one another as far as telecommunications and technology, and with other state agencies and state universities. CMS simply wanted a

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technical amendment put on here that says that we will be complying with all requirements that CMS has to meet that the technology is available to all agencies. So it's just a technical amendment to comply with the legislative mandate that CMS is already operating under."

Speaker Lang: "Questions or comments? Seeing none, the question is, 'Shall the House concur in Senate Amendment #1 to House Bill 1112?' This is final action. All those in favor shall vote 'aye'; those opposed shall vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? The Clerk, shall take the record. On this question, there are 117 voting 'yes'; 1 voting 'no'; 0 voting 'present'. And the House does concur in Senate Amendment #1 to House Bill 1112. And this Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 1115, Representative McAuliffe."

McAuliffe: "Thank you, Mr. Speaker. House Bill 1115, I'd like to concur with Senate Amendment #1 which will enable the Secretary of State agreed to this Bill a little bit more that says they 'shall' instead of saying 'may'."

Speaker Lang: "Representative Dart."

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

Speaker Lang: "The Gentleman will yield."

Dart: "As amended by the Senate Amendment what will the Bill actually do now then?"

McAuliffe: "With the Secretary of State, with the enforcement of this it will make it a lot easier for them to do it where they can do this electronically instead of doing it by phone. Their office asked the Senate if they could put this Amendment in so it would be a lot easier for them to communicate to the local law enforcement officials."

Dart: "Okay. I was just glancing at this quickly, but it looks

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almost as if the changing of the language from 'shall' to 'may' it makes it now that the Secretary of State could do this if they want to but they don't have to?"

McAuliffe: "No. The intent of that is they do want to do it. They just, by doing this, they want to do this electronically and not by calling up and using telecommunications operations."

Dart: "So, they will do this then?"

McAuliffe: "Yes. They definitely will."

Dart: "Would this abolish the tinted window law?"

McAuliffe: "No, it would not."

Dart: "For individuals that may have skin disease or lupus, would they still be able to get tinted windows?"

McAuliffe: "Again, back to the original Bill, they still have up until January 1 of '98 to do that, and that would still extend another, I believe, 10 years from that. So anyone that still wants to get a letter from their doctor can still do that up until the end of this year."

Dart: "But after a certain date though, then there will be no more?"

McAuliffe: "Correct."

Dart: "So, then after that date, though, then individuals that have a skin disease or lupus will not be able to get tinted windows, is that correct?"

McAuliffe: "Yes."

Dart: "Or exemptions from the law?"

McAuliffe: "Correct. The people that do have lupus, the reason that what they do is, most of the time, when they're driving in a car they're wearing long sleeve shirts already, because if it's a sunny day, as soon as they walk out of their vehicle, they don't want any part of their skin exposed. So they normally do wear long sleeve shirts

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even when they're in a car."

Dart: "So, different organizations that represent people that have these type of diseases, are they in support of this Bill or are they opposed to this?"

McAuliffe: "No, they didn't voice an opinion in support or oppose."

Dart: "Okay. No further questions."

McAuliffe: "Thank you."

Speaker Lang: "Further questions or comments? Seeing none, the question is, 'Shall the House concur in Senate Amendment #1 to House Bill 1115?' This is final action. All those in favor signify by voting 'aye'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk, will take the record. On this Motion, there are 115 voting 'yes'; 0 voting 'no'; 1 voting 'present'. And the House does concur in Senate Amendment #1 to House Bill 1115. And this Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 1118, Representative Moffitt."

Moffitt: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I move to nonconcur on Senate Amendment #1 to House Bill 1118. We passed 1118 and then the Senate put on the Amendment at the request of the county treasurers, which incorporated the language from 1121, which we had also passed out of here, I believe, with unanimous vote. So it contained both 1118, 1121. Since that time, the State Bar Association and Land Title Association had some concerns with the language in 1121, which is Amendment #1. They and the County Treasurers Association have come to an agreement, so if we send this to a Conference Committee, put it in a Conference Committee, I think there will be an

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agreement, and the opposition or the concern came late.

So, be happy to answer any other questions."

Speaker Lang: "Seeing no discussion the Gentleman... you heard the Gentleman's motion. All in favor say 'aye'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it and the motion carries. And the House does nonconcur with Senate Amendment #1 to House Bill 1118. House Bill 1327, Representative Clayton. Excuse me, Representative Clayton, one moment. For what reason does Representative Kubik rise?"

Kubik: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. A Point of Personal Privilege, if you might. Representative Saviano and I don't share many traits in common. I think that's a fair statement. However, we do share one very important trait and that is we share a birthday. So I would like to wish Representative Saviano a very happy birthday, because he's much younger than I am and he's much healthier than I am. But we have some cake in the front and we welcome you all to have some cake. And I want to take a moment to wish my colleague and good friend, Representative Saviano, happy birthday."

Speaker Lang: "Representative Saviano."

Saviano: "Well, Representative Kubik, I appreciate that in your eloquent way, and we do have some other things in common, but we don't want it put on the record, now do we? Thank you, Jack, and also happy birthday to you. Thanks."

Speaker Lang: "Happy birthday. Happy birthday. Representative Clayton, House Bill 1327. Out of the record. House Bill 1337, Representative Poe."

Poe: "Yes. Mr. Speaker, I make an amendment (Sic-Motion) that we adopt or concur with Senate Amendment 1 and 2."

Speaker Lang: "Please explain both Amendments, Sir."

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Poe: "Senate Amendment #1 contains clarifying language to specify... allowing employers to fax new hire reports to the Department. Amendment #2 clarifies that an employer who rehires a worker within 180 days after a layoff may choose to report the worker as a new hire. This Amendment was requested by the American Payroll Association. Thank you."

Speaker Lang: "Are there questions? Representative Black."

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

Speaker Lang: "The Gentleman will yield."

Speaker Lang: "The Gentleman will yield."

Black: "Yes. Representative, I don't see any language in either of the Amendments that would transfer the Bureau of Child Support from its current location in the Department of Public Aid to a new location, the Department of Revenue, Internal Revenue, Jim Nelson Enterprises. I thought when this came back it was going to transfer the responsibilities of the Bureau of Child Support from its current home to a new home?"

Poe: "That hasn't been discussed, in this Bill, at this time."

Black: "But it might be under advisement perhaps?"

Poe: "No."

Black: "You mean it's not even a discussable item?"

Poe: "Not in regards to this Bill, but it is being discussed at great length and detail with a lot of sincerity in other places."

Black: "Well, that's the key to this issue. Given that assurance by you I can't imagine that anybody would then stand in opposition to the two Senate Amendments, and you and I will continue to walk down the primrose path of the other issue. Thank you."

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Poe: "Thank you."

Speaker Lang: "Mr. Dart."

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

Speaker Lang: "He will yield."

Dart: "Representative, I was looking at Senate Amendment #1. It has some changes in the requirement as far as non-compliance by an employer, that's been changed from certified mail to regular mail, is that correct?"

Poe: "No. What it's doing it's allowing employers to fax their information to the Department. So it clarified that this is another option they have."

Dart: "Is there not provisions in the Amendment, though, that also deals with defining how an employer commits a knowing violation of the Act reporting requirements?"

Poe: "Yes. At this time there has been no penalty of certification at this time, so there's no need to do that until there's a penalty in place."

Dart: "So then its removal is just because there is no need for it at that point?"

Poe: "It's just technical in the nature of the process."

Dart: "Okay. Thank you."

Speaker Lang: "Mr. Dart, have you completed your questions? Thank you. Seeing nothing further, the question is, 'Shall the House concur in Senate Amendments #1 and 2 to House Bill 1337?' This is final action. Those in favor shall vote 'aye'; those opposed shall vote 'no'. The voting is 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 116 voting 'yes'; 0 voting 'no'; 0 voting 'present'. And the House does concur in Senate Amendments 1 and 2 to House Bill 1337. And this Bill, having received the required Constitutional Majority,

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is hereby declared passed. House Bill 1051, Representative Brunsvold."

Brunsvold: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. It's with great pleasure I stand today before you to present a concurrence on Senate Amendment #1 to this House Bill. Could we have a little order, Mr. Speaker? This is important for not only me."

Speaker Lang: "Could we have some order for the Gentleman please?"

Brunsvold: "For not only me, but also for Mr. Black and Mr. Weaver, whose Senator, Harry 'Babe' Woodyard, died this spring. Senator Madigan and the Senators in the sports area in the Senate added this Amendment that would designate the site M facility in Cass County, which is just west of here, about 15,600 acres of ground that was purchased by the Department of Conservation DNR a few years back, it would designate that area as the Harry 'Babe' Woodyard Conservation Area. And I could think of no more fitting opportunity to praise a guy that I thought was absolutely fantastic. I worked with him over the years on a lot of sporting issues, legislative issues that we worked together on. I went to the funeral in Chrisman the day that Harry 'Babe' Woodyard was buried, and let me tell you the people of that area thought very highly of Mr. Babe Woodyard. The funeral went from Chrisman west about eight miles to the burial sight, and usually cars pass on the left and this opportunity no car passed us, they all pulled over to the side of the road in respect to Babe Woodyard. And I think it's a great tribute to him and the work he has done for years as Senator from that area to promote and protect the people of his area. I want to just say thank you, Babe Woodyard, for all your efforts, and I stand very

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much in support of this Senate Amendment. Babe Woodyard and I, in 1992, started the Illinois Sportsman's Caucus, which we have over 100 members now of the House and Senate that are promoting sports activities in the State of Illinois. And, Babe, thank you very much for your help with the Sportsman's Caucus, and, Mr. Speaker, I would ask for the concurrence on Senate Amendment #1 to House Bill 1051."

Speaker Lang: "The question is, 'Shall the House concur in Senate Amendment #1 to House Bill 1051?' This is final action. All those in favor shall vote 'aye'; those opposed shall vote 'no'. The voting is 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 116 voting 'yes'; 1 voting 'no'; 0 voting 'present'. And the House does concur with Senate Amendment #1 to House Bill 1051. And this Bill, having received the required Constitutional Majority, is hereby declared passed. House Bill 1373, Representative Mitchell. Excuse me, Mr. Mitchell. Mr. Black, for what reason do you rise?"

Black: "Yes. Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. Point of Personal Privilege if I might."

Speaker Lang: "Please proceed."

Black: "Yes. It's always a pleasure to welcome back former Members of the House, and that's certainly my great pleasure today to welcome former Member, now Comptroller of the State of Illinois, Loleta Didrickson with us today."

Speaker Lang: "Thank you, Mr. Black, and welcome to the Comptroller. Mr. Mitchell."

Mitchell: "Thank you, Mr. Speaker. I'd like to rise and concur with Senate Amendment 1 to House Bill 1373, which makes

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House Bill 1373 identical to an earlier measure passed out of this Chamber by Senator Radogno and carried by Representative Parke. It simply is a Criminal Trespass Bill that gives owners of commercial businesses some protection against trespass. I would ask for a favorable vote for this concurrence."

Speaker Lang: "Is there a discussion? Seeing none, the question is, 'Shall the House concur in Senate Amendment #1 to House Bill 1373?' This is final action. All those in favor shall vote 'aye'; those opposed shall vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? The Clerk, shall take the record. On this question there are 118 voting 'yes'; 0 voting 'no'; 0 voting 'present'. And the House does concur in Senate Amendment #1 to House Bill 1373. And this Bill, having received the required Constitutional Majority, is hereby declared passed. Representative Capparelli, on House Bill 1375. We'll get him back. Out of the record. Representative Saviano, the birthday boy, on House Bill 1397."

Saviano: "Thank you, Mr. Speaker. I would move to concur with Senate Amendment #1 to House Bill 1397."

Speaker Lang: "Would you like to explain the Amendment to us, Sir?"

Saviano: "Yes. The Bill makes it a crime to lie on your application as far as your back criminal history or on your certification, your education, when it comes to applying for a job as an in home care worker for the developmentally disabled. Senate Amendment #1 would limit the scope of that Bill and I would concur."

Speaker Lang: "Is there discussion? Seeing none, the question is, 'Shall the House concur in Senate Amendment #1 to House Bill 1397?' This is final action. All those in favor shall

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vote 'aye'; those opposed shall vote 'no'. The voting is 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 118 voting 'yes'; 0 voting 'no'; and 0 voting 'present'. And the House does concur in Senate Amendment #1 to House Bill 1397. And this Bill, having received the required Constitutional Majority, is hereby declared passed. Representative Rutherford, on House Bill 1450. Out of the record. Representative Novak, House Bill 1457."

Novak: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I now concur in Senate Amendment #1 to House Bill 1457. The underlying Bill was an Agreed Bill between the Department of Nuclear Safety and Illinois Power, and Commonwealth Edison. It has to deal with increase in fees that both of the utilities pay to the state with respect to the number of reactors that are in the State of Illinois. The dollars are handled by, and maintained by the Department of Nuclear Safety, and those county governments where those reactors are located, they are allowed to apply for funds to use for training and emergency preparedness in the event of a nuclear accident or any type of a major breakdown at a nuclear facility. The Amendment that was put on in the Senate sort of tightened up the language and put some caps on the amounts that the local governments could receive. This is agreed between the utilities and the Department of Nuclear Safety, and there are no tax dollars involved in this Bill."

Speaker Lang: "The question is, 'Shall the House concur in Senate Amendment #1 to House Bill 1457?' This is final action. All those in favor shall vote 'aye'; those opposed shall vote 'no'. The voting is open. Have all voted who wish?"

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Have all voted who wish? Have all voted who wish? The Clerk, shall take the record. On this question, there are 107 voting 'yes'; 8 voting 'no'; 0 voting 'present'. And the House does concur with Senate Amendment #1 to House Bill 1457. And this Bill, having received the required Constitutional Majority, is hereby declared passed. Representative Leitch, House Bill 1400. Is the Gentleman in the Chamber? Out of the record. The Chair recognizes, Representative Mautino."

Mautino: "Thank you. I have Representative Leitch's permission, and we have a Motion that's filed on here to nonconcur."

Speaker Lang: "Proceed, Sir."

Mautino: "I'd simply ask the Body to nonconcur in Senate Amendment #1. This will place this in the form of Conference Committee Report that we're going to ask for, and the idea behind it is to put in the new federal regulations regarding the Portability Act which have just been sent to the Department of Insurance."

Speaker Lang: "All in favor of the Gentleman's Motion shall vote 'aye'; those opposed shall vote 'no'. In the opinion of the Chair, the 'ayes' have it. And the Motion carries. And the House does nonconcur with Senate Amendment #1 to House Bill 1400. House Bill 1493, Representative Ryder. Out of the record. House Bill 1513, Representative Holbrook."

Holbrook: "Thank you, Speaker. I move for a concurrence on Senate Amendments 1, 2, 4, and 5 to House Bill 1513. This makes the issue of senior citizen exemptions to be held permissive by the county board. The county board will, has to prove a Motion individually. It does not apply to Cook County. Also, Senate Amendment 4 allows for the Village of Crestwood to take money from their tax reimbursement

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account under the Property Tax Code and also applies it to the commercial property. And I move for concurrence."

Speaker Lang: "Mr. Holbrook, Senate Amendment #1 is still in the Revenue Committee on your Motion to Concur. So it would be best if you took the Bill out of the record until all of these Amendments are on the Floor at once. Out of the record. Thank you. Representative Capparelli, has returned on House Bill 1375. Representative Capparelli. Representative Capparelli. Out of the record. Representative Ryder, on House Bill 1493. Don't run, Sir."

Ryder: "Thank you, Mr. Speaker. I move to concur in Senate Amendments. These were done with the agreement of the Dental Society. As you know, when we passed this Bill over to the Senate, I indicated that there were some elements necessary for agreement with the Dental Society. That has been accomplished, and as a result, we are in a position to now ask for your concurrence in this Bill. I'd be happy to answer any questions, Mr. Speaker."

Speaker Lang: "Representative Dart."

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

Speaker Lang: "The Gentleman will yield."

Dart: "Representative, I was examining Senate Amendment 1, it appears as if the only changes deal with the fee schedule, is that it?"

Ryder: "Yes."

Dart: "And how does it change it exactly?"

Ryder: "Representative, there was a question raised by the Dental Society and others that objected to the original concept of having fees created by rule. Dental Society said let's leave them in the statute, so we're leaving them in the statute. That's the difference."

Dart: "Okay. So then the fees would just stay in the statute

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under Senate Amendment 1?"

Ryder: "Yes, Sir."

Dart: "Okay. Thank you very much."

Ryder: "You're welcome."

Speaker Lang: "Further questions? Seeing none, the question is, 'Shall the House concur in Senate Amendment #1 to House Bill 1493?' This is final action. All those in favor shall vote 'aye'; all those opposed shall vote 'no'. The voting is 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 86 voting 'yes'; 28 voting 'no'; 3 voting 'present'. And the House does concur in Senate Amendment #1 to House Bill 1493. And this Bill, having received the required Constitutional Majority, is hereby declared passed. House Bill 1589, Representative McKeon."

McKeon: "Thank you, Mr. Speaker. I move concurrence with Senate Amendment #1. This Amendment makes it permissive for the chief judge of each circuit court to appoint a judge for the purpose of hearing emergency orders of protection. And also changes the text of the Bill that states that the information, the order of protection, will be inserted into the lead system within 24 hours to as soon as possible after receipt by the county sherriff. I urge approval."

Speaker Lang: "The question is, 'Shall the House concur in Senate Amendment #1 to House Bill 1589?' This is final action. All those in favor shall vote 'aye'; those opposed shall vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 118 voting 'yes'; 0 voting 'no'; 0 voting 'present'. And the House does concur in Senate Amendment #1 to House Bill

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1589. And this Bill, having received the required Constitutional Majority, is hereby declared passed. House Bill 1883, Representative Black. Mr. Black."

Black: "Yes, thank you very much, Mr. Speaker. I'd Move that we concur with Senate Amendment #1 in order to gain sufficient support to pass the Bill out of the Senate, I agreed to this Bill, or the Amendment. What the Amendment does, it deletes any provision that the Bill preempts Home Rule. And it deletes a provision that would close, mandate the closure of an adult entertainment facility on Sunday, otherwise the underlying Bill remains the same. And that is to give some counties without zoning ordinances protection in unincorporated areas, as to the location of an adult entertainment facility, a thousand feet from a school, church, et cetera, et cetera. I would be glad to answer any questions."

Speaker Lang: "Mr. Dart."

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

Speaker Lang: "Yes, he will."

Dart: "Representative, how many different communities will be excluded now, based on the preemption change?"

Black: "You know, I really don't know how many Home Rule Communities there are in the State of Illinois. I should, I have heard it enough. But I can't remember. But, obviously, if we had preempted Home Rule, then I think, we might have run into the 71 vote problem. It just was easier to delete any preemption of Home Rule. And most of the Home Rule Communities say that, they didn't need any help, they can regulate these on their own."

Dart: "Okay. So, then as the Bill stands now then, it would prohibit adult entertainment facilities from operating within a 1000 feet of any school, day care center, et

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cetera?"

Black: "Right. Yeah, that is all the Bill does. And, it was, we had some strong opposition to the mandated closure on Sunday. I'm not sure I agree with that."

Dart: "Where was that coming from?"

Black: "I really don't know. It surfaced in the Senate. It amazes me, we can mandate that automobile dealers close on Sunday, but somebody is opposed to mandating adult entertainment facilities close on Monday (Sic-Sunday). But I have been around here long enough to know, you compromise, you do what you can and tomorrow is another day."

Dart: "Yeah, I agree with you too, Representative. Like yourself, though, I find it interesting, though, about how car dealers are closed on Sunday, but we allow these places to be open. Thank you, very much, Representative."

Black: "Thank you."

Speaker Lang: "Representative Pugh."

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

Speaker Lang: "Sponsor will yield."

Pugh: "Representative, the legislation itself raised some questions to House Bill 1883, raised some questions about the constitutionality of the Bill. Does the Amendment address that problem at all, Sir?"

Black: "I would not portray it as that, Representative. I think, anytime you try to regulate a business, you run the risk of a constitutional problem, particularly when you are singling out a business, as this Bill does. I think, they might have a legitimate right to go to court and say that, we are not getting equal protection under the law. And I understand that. And it may in fact be ruled

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unconstitutional at some point. I have no assurance from any of our legal staff that the underlying constitutional issue still is within this Bill. There is no question about that."

Pugh: "So, the question still exists?"

Black: "Yeah, I think so. Absolutely."

Pugh: "Would you tell me whether or not this was designed to address a particular problem in your community?"

Black: "Yes, it was, Representative. My home County of Vermilion, does not have a county zoning ordinance. And in an unincorporated area of that county, within 200 feet of a church, a vacant lot was purchased by an owner or by a business owner, who announced his intention to put an adult book store, video arcade, that kind of a business. I received several calls, letters and hundreds of signatures on petitions. We think, we have addressed it by a township ordinance, but again that is subject to court challenge. So, we thought we might try to put something in state law. At least dealing with the set back provision from a church or a school."

Pugh: "Thank you, Sir. I have no further questions, Mr. Chairman (Sic-Speaker)."

Black: "Thank you."

Speaker Lang: "Anything further? Seeing none, the question is 'Shall the House concur in Senate Amendment #1 to House Bill 1883?' This is final action. Those in favor of the Motion shall vote 'aye'; those opposed shall vote 'no'. The voting is 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 'yes'; 4 voting 'no'; 0 voting 'present'. And the House does concur in Senate Amendment #1 to House Bill 1883. And

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this Bill, having received the required Constitutional Majority, is hereby declared passed. House Bill 1735, Representative Howard."

Howard: "Thank you, Mr. Speaker. I move for concurrence in Senate Amendments # 1 and 2 of House Bill 1735. The underlying Bill authorizes municipalities to inspect, remediate, and acquire abandoned properties that are environmentally contaminated. Senate Amendment #1 makes substantiative changes. It changes the definition of 'abandoned', removing 'outstanding water bills' as part of that definition. It amends the definition of 'unsafe', to replace the use of the term 'contaminants' with the term 'hazardous substances'. This would narrow the scope of the property that can be deemed unsafe. This Amendment also narrows the types of orders that a municipality can obtain from a court with respect to abandoned and unsafe property. As well, Amendment #1 deletes the language regarding a 'No Further Remediation Law' letter, and deletes the portion of the Bill making evidence admissible as to the nature and extent of an adverse environmental condition. Amendment #2 clarifies the Bill by insuring that regardless of how a lien is enforced a municipality cannot proceed against other assets of the owner of the real estate. This Bill came out of the Senate 56-0."

Speaker Lang: "Representative Hughes."

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

Speaker Lang: "The Lady yields."

Hughes: "Representative, at the time this Bill came through the House, I believe the IMA was in opposition. Are they still opposed or do these Amendments remove their opposition?"

Howard: "It is my understanding that these Amendments make this an agreeable Bill to all."

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Hughes: "Thank you very much."

Speaker Lang: "Mr. Black."

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

Speaker Lang: "She yields."

Black: "Following up on Representative Hughes' question, I know the bankers originally expressed serious concern about this because of the underlying Bill, at one time, may have made their investment or their mortgage very shaky on such a building, has that been eliminated by your subsequent Floor Amendments and the Senate Amendments?"

Howard: "My understanding, Representative, is that these two Amendments would make it agreeable to all parties concerned."

Black: "Okay. And that would include the realtors I would imagine then?"

Howard: "That's my understanding."

Black: "Okay. Thank you very much, Representative."

Howard: "You're welcome."

Speaker Lang: "Representative Monique Davis."

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

Speaker Lang: "The Lady will yield."

Davis, M.: "Representative, what will happen in case an individual wanted to acquire the property and remove the hazardous substance? For example, a building may have asbestos and the person has obtained a loan to clean up that asbestos. Now what would happen if this Bill passes in reference to that person being able to obtain that property?"

Howard: "This particular legislation pertains to municipalities. So it has nothing to do with individuals."

Davis, M.: "Well, it retains to municipalities, but it's

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municipalities that will take this to court, right?"

Howard: "The municipalities would do the remediation necessary to clean up the property. This legislation provides them the opportunity to do that."

Davis, M.: "But the buildings we're talking about are owned by private individuals."

Howard: "That's correct."

Davis, M.: "Now, the buildings we're talking about are owned by private individuals, and according to your legislation, if hazardous materials or hazardous waste is found in that area or in the building, they would have the authority, the municipality would have the authority to go to court and to seek the demolition of this property. Is that correct?"

Howard: "The municipality would have the authority to go to court to seek the opportunity to go onto the property to remediate it, that means to clean it up. It would have to be abandoned property."

Davis, M.: "So they would be going to clean up the property..."

Howard: "To clean up the property, that's correct."

Davis, M.: "And not what my analysis says here, to see that that, to get the property torn down, is that correct? Let me tell you my concern. My concern is, I have a resident in my community who is attempting to purchase, or who has purchased a very, very old former cleaners. After purchasing it, my constituent finds there's asbestos in the building. At the same time, the municipality, or the city is saying we want to destroy this building, we want to tear it down. So we've been very lucky, or very fortunate so far, because each time we go to court and my constituent shows that he's a little further ahead in obtaining all the needed things to get that asbestos removed and turn this property into a tax paying business. We've been fortunate."

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I just want to know, would your legislation allow my constituent to continue with his pursuit to save this property and to make it into a viable business with tax paying workers and so forth?"

Howard: "I would think that the property that you described does not meet the definition of abandoned property. Therefore, it would not be applicable to this situation."

Davis, M.: "But it is, at this point, abandoned. At this point there's no one there."

Howard: "Did you say that someone owns the property, Representative?"

Davis, M.: "Yes, they do. They do."

Howard: "Well then it's no abandoned property."

Davis, M.: "So you're saying your legislation would not automatically give the municipality the authority to destroy this property immediately?"

Howard: "This pertains to abandoned property. That would mean, Representative, that it has been abandoned and tax delinquent for two years."

Davis, M.: "What does your Bill define as 'abandoned'? What is 'abandoned' according to your Bill?"

Howard: "The definition of 'abandoned' would be tax delinquent for two years and it's unoccupied by persons legally in possession. So if it's tax delinquent for two years, unoccupied, then it would meet the definition."

Davis, M.: "But if a property, a business that's vacant wouldn't be occupied, though, would it?"

Howard: "But are the taxes being payed?"

Davis, M.: "Yes. I'm sure they are."

Howard: "Then automatically, that would eliminate it from this definition. If the taxes are being payed."

Davis, M.: "So you have one or two Senate Amendments?"

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Howard: "Yes. Two Senate Amendments."

Davis, M.: "Okay. Your first Senate Amendment said that the municipality could inspect the property?"

Howard: "No, that's the underlying Bill."

Davis, M.: "What would bring about these inspections? What would help the city to decide, 'Let's inspect this.'?"

Howard: "If in fact the city makes a determination that this property is abandoned, if taxes have not been payed for two years, if they suspect that there is some reason to believe that the property has some kind of toxicity to it, then they will be able to go in and deal with it."

Davis, M.: "Thank you. To the Bill, Mr. Speaker. I will probably support this, but I just feel a bit concerned that property owners would not be given sufficient opportunity to clean up whatever needed to be cleaned up. We don't want property owners to walk on their property and find an empty lot where their business used to be, and I'm just concerned that enough notice is not provided in your Bill to the owners of the property. However, we will support your Bill, and hopefully we can make sure that people who own property don't find it destroyed before they have a chance to go to court. Thank you."

Howard: "Thank you."

Speaker Lang: "The question is, 'Shall the House concur in Senate Amendments #1 and 2 to House Bill 1735?' This is final action. All those in favor shall vote 'aye'; those opposed shall vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this Motion, there are 118 voting 'yes', 0 voting 'no', 0 voting 'present'. And the House does concur with Senate Amendments #1 and 2 to House Bill 1735. And this Bill, having received the required Constitutional

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Majority, is hereby declared passed. House Bill 2214, Representative Tom Johnson."

Johnson, Tom: "Yes, Mr. Speaker, Members of the House, I move to concur in Senate Amendment #1 to House Bill 2214. This Amendment is really the final changes necessary in law to finish up the Thorium clean up in West Chicago. This has been agreed upon by IDNS, the City of West Chicago, IEPA, Kerr-McGee, and I would ask for your favorable consideration."

Speaker Lang: "Mr. Black."

Black: "Thank you very much, Mr. Speaker. Will the Sponsor yield? Representative, when this Bill left the House, it was purely a Vehicle Bill wasn't it?"

Johnson, Tom: "That's correct."

Black: "So obviously then, Senate Amendment #1 becomes the Bill."

Johnson, Tom: "That's right."

Black: "Is there a fee structure in the Bill?"

Johnson, Tom: "No, Representative, not really a fee structure. As you know, this General Assembly has helped West Chicago out for a number of years on this Thorium, and as part of that, we imposed a storage fee on Kerr-McGee for the Thorium that remained on the site. Basically, that fund has been used as a lever to make sure that the process goes forward. This merely culminates that whole process and says that the amount of storage fees, first of all, which have been continued to be used for the cleanup. In other words, Kerr-McGee can draw that fund down as they show the movement of the Thorium, and secondly, would finalize, in the end, when all of this is done relieving them of any more responsibility to kick money into that fund."

Black: "I recall this legislation some years ago. I think Representative Hensel had worked on it for some time."

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Johnson, Tom: "Yes. Representative Hensel and Karpiel."

Black: "And are they actually making progress? I mean, are you actually getting this site cleaned up?"

Johnson, Tom: "Right. As I announced earlier this year, we've already moved several hundred thousand tons of the Thorium out and this is the final process now. We've got about 850 thousand cubic yards of Thorium that will be removed over the next three years, which will finish up the clean up. And that's all this does. This was put together, really, between all the parties and the process will be complete. Largest clean up in the history of the United States of this type, and it's because of this General Assembly and the State sticking to its guns that it's occurred."

Black: "The by product material safety fund, who has the responsibility for that fund?"

Johnson, Tom: "That goes through IDNS."

Black: "Okay. So, it would be..."

Johnson, Tom: "It's an in and out fund that was established under the Hensel/Karpiel Bill."

Black: "Well, I congratulate you and Senator Karpiel and everybody involved. It looks like you may be one of the few communities to actually complete what I would call a 'superfund site clean up', and it looks like you can see the light at the end of the tunnel."

Johnson, Tom: "Well, thank you. It's been a 20 year process, as you're aware, and it's because of this General Assembly that it is finally finished. And we're just very thankful as a community."

Black: "Okay. And I certainly have no objection to your Motion to Concur, but I would want everybody on our side of the aisle to understand that the two dollars referenced in the Amendment is not a new fee being imposed on business. It's

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an existing fee and is simply used to clean up the site and then reimburse the company if that should come to pass. So I think it's a wonderful Amendment. I appreciate your answering the questions."

Johnson, Tom: "Thank you."

Speaker Lang: "Anything further? Seeing none the question is, 'Shall the House concur in Senate Amendment #1 to House Bill 2214?' This is final action. All those in favor shall vote 'aye'; those opposed shall vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? The Clerk, shall take the record. On this question, there are 118 voting 'yes'; 0 voting 'no'; 0 voting 'present'. And the House does concur in Senate Amendment #1 to House Bill 2214. And this Bill, having received the required Constitutional Majority, is hereby declared passed. House Bill 2262, Representative Clayton."

Clayton: "Has this Amendment been released from Rules?"

Speaker Lang: "Yes, is the answer to your question."

Clayton: "Could you hold on? I didn't know. Thank you, Speaker. I move to concur with Senate Amendment #1 to House Bill 2262. The Senate Amendment deletes reference to previous convictions for DUI in a vehicle, or for previous DUI convictions on snowmobiles. Under the original Bill, if the person received a DUI for driving under the influence of alcohol and then received a DUI for driving a boat under the influence of alcohol, the previous conviction could be used to enhance the boat DUI to a Class IV Felony, which is one to three years. However, a boat DUI could not be used to enhance a subsequent driving under the influence of alcohol to the Class IV Felony. So, this makes it that in order to receive the ultimate penalty, they would all have to be DUIs with a boat. And I move to concur."

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Speaker Lang: "Mr. John Turner."

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

Speaker Lang: "The Lady yields."

Turner, J.: "Representative, the language in the proposal, the Bill and the Amendment combine, because I can't seem to find it all here in the file, does it refer to the Vehicle Code, or does it specifically state that it will be against the law to drive at .08?"

Clayton: "No. It places it exactly the same as whatever the Vehicle Code is. If it's .08 or .10, whichever is the... excuse me, I think we're bringing you a copy."

Turner, J.: "So the language itself, then, does not say .08, it simply refers back to the Vehicle Code?"

Clayton: "That's correct."

Turner, J.: "The Amendment does what then, to the original House Bill 2262?"

Clayton: "As you recall, the original Bill let a DUI in an automobile or a snowmobile to count as the first violation. This removes that possibility. This makes, requires that all of the DUIs have to be on a boat in order for it to count toward the ultimate penalty."

Turner, J.: "Okay. So, if a person were to get a DUI on a boat or on a snowmobile, and they subsequently got a DUI for driving a vehicle, would the conviction, or the plea of guilty, whatever the case may be, on the vehicle violation be a second offense?"

Clayton: "For a DUI in a vehicle, any violation, a DUI on a boat would not count toward the DUI in a vehicle."

Turner, J.: "Okay. If I'm following what you're saying then, if you get a DUI, if a person were to get a DUI for operating a boat, then later got one for operating a motor vehicle, the DUI as to the motor vehicle would be a first offense?"

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Clayton: "Yes."

Turner, J.: "And as far as the, it would be the same way with a snowmobile then?"

Clayton: "Correct."

Turner, J.: "If a person got a DUI on a snowmobile, later got a DUI for operating a boat. Would the boat violation be a second offense?"

Clayton: "We're not dealing with the Snowmobile Act."

Turner, J.: "Snowmobile is not included then?"

Clayton: "Right."

Turner, J.: "So this is only as to boats?"

Clayton: "Correct."

Turner, J.: "I'm wondering about the correctness of simply referring to the Illinois Vehicle Code, especially in as much as what's going to happen to the Illinois Vehicle Code, I think, is kind of up in the air. I presume that the Governor will sign the .08, but do we want to make the Act as to operating a boat exactly the same as the Vehicle Code? Because the Vehicle Code may change next year, or the following year, or it could even be held unconstitutional. I mean, I don't see that, but I'm just wondering about the propriety of referring to the Vehicle Code within this particular Act, and whether or not we should simply set forth the standards that we want to apply for operating a boat within the language."

Clayton: "We purposely kept this to be the same as in the Vehicle Code, because if the Legislature determines that a person is under the influence at .08, or whether it's at .10, he would certainly still be under the influence in a boat with the same blood alcohol content."

Turner, J.: "Alright, I'm looking at page 4 of what I guess is still part of the Bill, under... let's see, at line 214,

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and specifically, I guess, beginning at line 213, and we talk about a previous conviction under this section, 11-501 of the Vehicle Code or 5-7 of the Snowmobile Registration and Safety Act. That seems to me to indicate that we are linking the Vehicle Code with, the operation of a boat, with a snowmobile, am I reading it incorrectly?"

Clayton: "That's what the Amendment does, is remove the reference to the snowmobile."

Turner, J.: "Okay then. So the Amendment would take out all of the language at page 4, lines 213, 214, 215, exactly what does it do? I'm sorry, I just don't have it in front of me."

Clayton: "It takes out all of the underlying language in that section, just in that section."

Turner, J.: "Could you bear with me a minute, Mr. Speaker? Okay. I think I'm clear now as to what that Amendment does. I'm just wondering about the term 'reasonable suspicion', and this is found on page eight of the Bill at line 343. It looks like, to me, we've taken out 'probable cause' and replaced that with the phrase 'reasonable suspicion', am I reading that correctly?"

Clayton: "Yes, that's correct. With a reasonable suspicion they can do a breathalyzer test."

Turner, J.: "Okay. So that language remains the same?"

Clayton: "Yes. That was not changed with the Amendment. Correct."

Turner, J.: "When we passed House Bill 2262 we changed 'probable cause' to 'reasonable suspicion'?"

Clayton: "Right."

Turner, J.: "I realize you may not know this, Representative, but I'm just curious as to if Representative Churchill, who I believed had handled the Bill when it originally went

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through the House, why..."

Clayton: "He handled the Senate Bill that came through that reads exactly the same way, yes."

Turner, J.: "Okay. He handled the Senate Bill? I'm wondering if you know then, why we are taking out 'probable cause' and replacing that with 'a reasonable suspicion?'"

Clayton: "Alright, presently police officers can pull over a vehicle for reasonable suspicion, they need probable cause in order to have an arrest."

Turner, J.: "I guess, in my mind I'm trying to figure out what would be reasonable suspicion in a boat. Clearly, in a vehicle, if the vehicle's weaving, that's going to be probable cause or reasonable suspicion, however you want to define it, but weaving in a boat, there's no speeding, well there may be speeding, but presumably if a person's in a boat going 30, 40 miles an hour and weaving around. I'm just wondering how that works, what would be, if you can give me one example, what would be a reasonable suspicion that someone was under the influence?"

Clayton: "That would be up to the officer in a case by case basis."

Turner, J.: "Now, if the Vehicle Code were to change next year and the standard was moved from .08 down to .06 or .04, would that also then effectively change the standard for operating the boat?"

Clayton: "Yes, it would. The way it reads in this Bill. Again, because if the Legislature determines that .0 whatever is intoxication for any vehicle, it would also be appropriate for a boat to have the same."

Turner, J.: "Okay, and in fairness, also if for some reason, and I don't believe this is going to happen, but if it were raised back to .10 under the Vehicle Code it would also

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raise under this Act, for operating the boat?"

Clayton: "That's correct."

Turner, J.: "Thank you for answering my questions. I wasn't clear and you've clarified. I appreciate it."

Clayton: "Thank you."

Speaker Lang: "Mr. Dart."

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

Speaker Lang: "The Lady yields."

Dart: "Representative, can you explain to me why the Senate is making this change?"

Clayton: "They evidently were concerned that a boat DUI should not count toward a vehicle DUI and vice versa. That it should just be a boat DUI that should be considered."

Dart: "I don't get why though. Because it doesn't seem to me to make sense. It seems as if you're saying that you can drive under the influence using a snowmobile, and then as long as you're using a different vehicle to drive under the influence the next time you're okay. I mean, I don't understand the logic there."

Clayton: "I can't explain it."

Dart: "Well, I don't know why we're concurring with this thing. Because I think it's a bad idea. It's sort of similar to saying that we're going to aggravate an offense based on using a gun, but if you use a knife the next time it's okay, we're going to start you from square one with that. I just, I mean, I don't agree with the idea there. I mean, if we're going to get tough on this stuff, that's a whole other issue altogether, but if we're going to do it, I don't understand why we're going to distinguish between which vehicle you're using to endanger peoples lives. Whether you're doing it on the water or on the land, I think it's a bad idea."

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Clayton: "Well, I believe that this Bill, even as amended, will certainly help to save lives. I don't know if you've had the opportunity to go on the chain of lakes, where there is a great deal of boat traffic and we have at least one death caused by a DUI boat driver or captain."

Dart: "No one is arguing with that, but Representative, we're not arguing with the underlying Bill. That's fine. I voted for it. I am in complete agreement with your underlying Bill. The problem lies in what the Senate did, and they have taken your Bill and made it weaker. They've lessened it, and my suggestion is that this is something that we might want to tell the Senate that we don't agree with you, pull your Amendment off and pass the Bill as you sent it over to them. You sent over to them a very good Bill, and now they've weakened your Bill, and I don't think we ought to go along with that. I think we ought to tell the Senate to leave your Bill alone, and whether that is in the form of them receding from the Amendment or whether it's in the form of a conference committee, I think that would be the best way to do it. I don't understand the logic, because there is no logic to what the Senate is doing, and I think we're better off sticking to what you originally did."

Clayton: "We believe the consequences of the different DUIs are different. I believe this is a good step forward to be able to save lives on the water, and I would like to stick with it."

Dart: "Would the Senate not go along with any suggestions you would have about pulling their Amendment off, have they made that clear to you?"

Clayton: "They obviously made this Amendment because they thought it was an important issue."

Dart: "Well have you since talked to them and explained..."

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Clayton: "No, I have not. However, I would note that the Senate Bill that is like this also had the same provisions as the Amendment."

Dart: "Well, Representative, to the Motion here. As I say, I'm in opposition to your Motion. I think you sent over to the Senate a very good Bill that made a lot of sense and I think from the Senate, the Amendment they put on is making this a Bill that is less than what it was, and I don't think that's a good idea. I think this is something that we should work out in a conference committee, because you had a very good idea you sent over to them and I think they have undercut it a little bit, and I don't agree with that."

Speaker Lang: "There being no further discussion, Representative Clayton, do you wish to close?"

Clayton: "Yes. I think this is a good Bill, even with the Amendment. It's a very important issue to me and the people in my district and I wish to pursue it and would urge a 'yes' vote by the House."

Speaker Lang: "The question is, 'Shall the House concur in Senate Amendment #1 to House Bill 2262?' This is final action. 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? The Clerk, will take the record. On this Motion, there are 72 voting 'yes'; 37 voting 'no'; and 7 voting 'present'. And the House does concur with Senate Amendment #1 to House Bill 2262. And this Bill, having received the Constitutional Majority, is hereby declared passed. Representative Fritchey on House Bill 70."

Fritchey: "Thank you, Mr. Speaker. The Senate Amendment #1 to House Bill 70 does two things. Number one, it adds another

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drug commonly known as GHB, which is a drug that has become a problem for substance abusers and recreational use. And it also would add this drug, in addition to Ketamine, to the Controlled Substance Act. And with respect to Ketamine, the Amendment changes the proposed Bill from a schedule two to making Ketamine a schedule three. This would have a minimal impact on the criminal provisions of the Bill, but simply makes reporting requirements easier for veterinarians and other medical professionals using the drug for prescribed purposes. It's a good Amendment. It's made a good Bill a better Bill, and I'd ask for its concurrence."

Speaker Lang: "Mr. Black."

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

Speaker Lang: "The Gentleman will yield."

Black: "I see this Bill is back. I downloaded some material on this. I really have more material here than I can even use, but some of it is very interesting. What do they call Ketamine on the street? I'm fascinated by this, in case you don't know. Do you know what they call Ketamine on the street?"

Fritchey: "It goes by the street names of Special K or Kat."

Black: "Alright. I like Special K. Now, it's also been referred to as the psychedelic heroin and the new ecstasy. Now, what I don't understand is how do these animal tranquilizers get into the human marketplace? I just don't understand that at all."

Fritchey: "From individuals obtaining it. A lot of it, that's occurred by breaking into veterinarian offices, which was one of the things we tried to deal with with this Bill originally."

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Black: "Well you know, it's one of the reasons I've always been a dog owner. I did have a cat once when my children were very little. I could just tell you, you can't trust these cats. I think these cats are selling this on the market. But we've debated Ketamine before, but the Senate Amendment, the Senate Amendment added gamma hydroxybutyrate to this illegal substance. Now, if you gave that explanation in the Senate Amendment, I didn't hear it. What is gamma hydroxybutyrate?"

Fritchey: "Gamma hydroxybutyric acid is a drug that's also a drug that's become an issue of late, and it's become used for recreational purposes. I don't know its original prescribed indications. This was done at, I believe, Senator Dillard's initiation. This was another drug that was not a scheduled drug, and at the request of certain law enforcement agencies, they felt that some additional penalties needed to be added to deal with this problem."

Black: "But this isn't a animal based drug, then, is it? This isn't a drug that was created for the animal population?"

Fritchey: "Representative, I actually have no idea. What I would suggest this is it's just another argument. What we really need in this Session is a strong Bill to arm our animal control officers. I would really hope that somebody had the foresight to introduce such legislation, Representative."

Black: "Well, that's right. And now that they have police powers we're going after these Ketamine, I can guarantee you that. Mr. Speaker, I have an Inquiry of the Chair."

Speaker Lang: "State your inquiry."

Black: "The underlying Bill deals with an animal tranquilizer commonly referred to as Ketamine, known on the street as Special K. The Senate Amendment deals with gamma

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hydroxybutyrate, which is a normal component of human metabolism first synthesized about 30 years ago, and it has nothing to do with animals. Would the Senate Amendment be germane to the underlying Bill that deals with animal tranquilizers?"

Speaker Lang: "The Parliamentarian will read through this and get back to you, Sir."

Black: "Yes. I have a hunch on how that ruling will come down, but... you know there was, in all of this material we downloaded from the internet, there was one question that came up. Could you amend this on its face? There's a new drug, as I understand it, being used on certain college campuses, commonly referred to as the date rape drug, shouldn't we add that in this perhaps?"

Fritchey: "I'll address that in a second. I've got an Inquiry of the Chair. Procedurally, I'm wondering if your first Bill continues to be your first Bill throughout its life during the Session, or if that's only through its initial presentation? Apparently, as long as the Bill lives it continues to live on as your first Bill. That having been said, the drug that is commonly known as the date rape drug is Rohipnal. The reason I didn't deal with Rohipnal initially is Rohipnal is already a controlled substance. I believe it's a schedule four."

Black: "So it's already on the list?"

Fritchey: "It's a schedule four controlled substance, and the DEA has taken the position that that is a sufficient enough classification for the drug. Ketamine, to the contrary, hasn't been controlled, and I don't believe GHB has been either."

Black: "This really is material on Ketamine. I had no idea. And in all due respect to you, Representative, when your first

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Bill, is one like this, this will go down in the annals of history. We like this. You've done a good job with this Bill and I appreciate you answering the questions. Mr. Speaker, to the Bill as amended. I didn't expect to see the Ketamine Bill back, but the Senate, in its infinite wisdom, not only sent it back, but added some other drug to it. This Bill truly has nine lives, and I think the only way to see if, in fact, it has 10 lives is send this Bill to the Governor's office. I happen to know that the Governor is a dog fancier, has two dogs. If this has 10 lives, the Governor will sign it. If not, I look forward to next spring with Representative Fritchey reintroducing this fine Bill, and do you have anything on my germaneness question yet?"

Speaker Lang: "Yes, Mr. Black. That question should have been posed in the Senate. That's already part of our Bill, and so, since the Senate... since it was not declared to be non-germane in the Senate, it's germane."

Black: "I asked two of the Senators this very question. They refused to bring it up. I said, 'I don't think it's germane.' They looked at me and said, 'What does an Indian chief have to do with this?' So, what can you do with the Senate?"

Speaker Lang: "Perhaps that's why you chose to stay here, Sir."

Black: "Touche."

Speaker Lang: "Thank you. Further questions? Seeing none, the question is, 'Shall the House concur in Senate Amendment #2 to House Bill 70?' This is final action. All those in favor shall vote 'aye'; those opposed shall vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 116 voting 'yes';

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0 voting 'no'; 0 voting 'present'. And the House, does concur in Senate Amendment #2 to House Bill 70. And this Bill, having received the required Constitutional Majority, is hereby declared passed. Representative Fritchey, for what reason do you rise?"

Fritchey: "I just have an inquiry to make sure that the board was working correctly. It appeared from here, and it just could be my eyesight, that there was a green light next to Representative Black's name. And I just wondered if we could confirm if that was indeed how he voted."

Speaker Lang: "Well, you can come up and get the Roll Call, Sir, but as I recall, Mr. Black said he was for your Bill."

Fritchey: "Okay. I just wanted to confirm that."

Speaker Lang: "House Bill 522, Representative Bugielski."

Bugielski: "Thank you, Mr. Speaker, Members of the House. I wish to concur in Senate Amendment #1. Amendment #1 brings in an agreement between the Illinois Association for the Medical Equipment Services and the Department of Professional Regulations. All home medical equipment companies applying for licenses in the two year period will be grandfathered and exempt from the initial inspection, but if the Department does get a complaint, then they will go out and inspect. So this is just an agreed language which brings the Department in terms and in consent with the Home Medical Equipment Operators, and I ask for a favorable Roll Call."

Speaker Lang: "Mr. Black."

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

Speaker Lang: "The Gentleman will yield."

Black: "Representative, the underlying Bill, at one time, had significant opposition from the Hospital Association was

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that opposition?"

Bugielski: "That was all taken care of, Representative Black."

Black: "Was that taken care of by the Senate Amendment?"

Bugielski: "No, that was taken care of here in the House before it left the House. We reached an agreement when it was on Second Reading, but we put an Amendment in which brought... they are exempt, the hospitals are exempt."

Black: "Okay."

Bugielski: "That was before it left the House here."

Black: "So the Senate Amendment #1 simply adds to the Bill, and that addresses the concerns of the Department of Professional Regulation, is that correct?"

Bugielski: "That is correct."

Black: "Senate Amendment #2 is an intriguing Bill."

Bugielski: "Senate Amendment #2?"

Black: "According to our analysis, Senate Amendment #2 has to do with industrial gases, is that on the Bill?"

Bugielski: "That is not. The only thing that is on the Bill is Senate Amendment #1."

Black: "Mr. Speaker, either we have transposed files or there's a typo, because we show an Amendment #2 that gives a tax break for industrial gases. Could the Sponsor take it out of the record for just a second?"

Bugielski: "Sure."

Speaker Lang: "Out of the Record. We'll get back to it, Mr. Bugielski. Representative Rutherford, for what reason do you rise?"

Rutherford: "Just seeing if maybe we had an answer to my question in regards to the postings for Motions to Concur, or not."

Speaker Lang: "Yes, we do have an answer for you, Representative. The answer to your inquiry is that the only way we can deal with a Senate Amendment on a House Bill is in committee."

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That's the only place you can do it, and the only place you can do it is on a Motion to Concur. So, and, further, the House computers are not set up for Motions. Otherwise, whenever you made a Motion to Overrule the Chair, we would have to run that through the computer and send that to committee as well. So we wouldn't do that."

Rutherford: "We wouldn't want a Motion to Overrule the Chair running through any computer, it could get lost. So, in case throngs of people from Livingston County wanted to come to Springfield to discuss a Motion to Concur, it would never be on the posting notice."

Speaker Lang: "It probably would not be on the posting notice that way, Sir."

Rutherford: "Okay. Thank you very much for the clarification, Mr. Speaker."

Speaker Lang: "And thank you for your inquiry, Sir."

Rutherford: "No problem."

Speaker Lang: "Representative Cross, House Bill 608. I'm sorry, (Sic-House Bill) 618, Representative Cross."

Cross: "Thank you, Mr. Speaker. And I would Move to Concur with Senate Amendment #1. Thank you. Appreciate a 'yes' vote."

Speaker Lang: "Can you briefly explain that to us while you look for your file?"

Cross: "I'm sorry. Were you asking me to yield? Are you going to ask me questions from up there?"

Speaker Lang: "Perhaps you can explain the Amendment to us, Sir."

Cross: "Yes, and that's a good question, Mr. Speaker. This Bill, as I'm sure you recall, dealt with increasing the fines on criminal penalties. We have not done so since 1961. The Amendment merely made the penalties consistent, or the fines for the penalties consistent in the Controlled Substances Act. It's, for the most part, technical in

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nature. It passed out of the Senate 57-0. I'll be glad to answer any questions."

Speaker Lang: "Mr. Dart."

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

Speaker Lang: "Yes, he will yield."

Dart: "Tom, what was the reason why we had to make this change over there?"

Cross: "It brought the Controlled Substances Act, made the Controlled Substances Act consistent with the Criminal Code when we changed the... you know, we were raising the fines for misdemeanors and felonies, and we needed to make an adjustment in the Controlled Substances Act to have it consistent with the Criminal Code. So, across the board we'll have the increase in fines. This was a request from a judge from my area."

Dart: "Okay. So this is just consistency then in the statute?"

Cross: "The Amendment we did creates the consistency."

Dart: "Great. Thanks, Tom."

Speaker Lang: "Further questions? Being none, the question is, 'Shall the House concur in Senate Amendment #1 to House Bill 618?' This is final action. Those in favor of the Motion shall vote 'aye'; those opposed shall vote 'no'. The voting is 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 117 voting 'yes'; 0 voting 'no'; and 0 voting 'present'. And the House does concur with Senate Amendment #1 to House Bill 618. And this Bill, having received the Constitutional Majority, is hereby declared passed. We will now return to House Bill 522, Representative Bugielski."

Bugielski: "Thank you, Mr. Speaker, Members of the House. House Bill 522, I wish to concur in Senate Amendment #1. Again,

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as I repeated before, this language is an agreement with the Illinois Association for Medical Equipment Services and the Department of Profession Regulation. We got our differences ironed out with Representative Black. I don't see him waving. They had the wrong Amendment in the wrong file."

Speaker Lang: "Thank you for clearing that up, Mr. Bugielski. Seeing no questions or comments, the question is, 'Shall the House concur in Senate Amendment #1 to House Bill 522?' This is final action. Those in favor of the motion shall vote 'aye'; those opposed shall vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk, will take the record. On this question, there are 117 voting 'yes'; 0 voting 'no'; and 0 voting 'present'. And the House does concur in Senate Amendment #1 to House Bill 522. And this Bill, having received the required Constitutional Majority, is hereby declared passed. House Bill 1029, Representative McGuire."

McGuire: "Thank you, Mr. Speaker. I do want to concur with the Amendment number... Oh boy, I don't know what the Amendment number is. The Amendment on 1029, I believe is Amendment #2."

Speaker Lang: "Can you explain your Amendment briefly, Sir."

McGuire: "Yes. Briefly, the Amendment adds to the Bill to make it nearly identical to Senate Bill 5, which has been sent to the Governor's desk, and it provides that evidence is admissible if the rules of evidence otherwise permit and the evidence is relevant. So that's the gist of the Amendment, Sir. And the Amendment should be concurred with."

Speaker Lang: "Mr. Cross."

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

Speaker Lang: "The Sponsor will yield."

Cross: "I apologize, Mr. Speaker. I don't have any questions."

Speaker Lang: "The question is, 'Shall the House concur in Senate Amendment #2 to House Bill 1029?' This is final action. Those in favor of the Motion shall vote 'aye'; those opposed shall vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 117 voting 'yes'; 0 voting 'no'; and 1 voting 'present'. And the House does concur in Senate Amendment #2 to House Bill 1029. And this Bill, having received the required Constitutional Majority, is hereby declared passed. House Bill 1171, Representative Rutherford, on a Motion to nonconcur. Representative Rutherford. Out of the record. House Bill 2132, Representative Kosel."

Kosel: "Thank you, Mr. Speaker. I would Move to Concur on both Amendments 1 and 2, the Senate (Sic-House) Bill 2132. The first Amendment adds some definition as to who needs to report violations of drugs in schools to the police authority. It also adds a fine, which is removed in Amendment #2."

Speaker Lang: "Mr. Dart."

Dart: "Will the Sponsor yield?"

Speaker Lang: "The Lady will yield."

Dart: "Representative, what is the reason behind Amendment #2?"

Kosel: "Amendment #2 is to remove the fine that is set up in Amendment #1, only the Senate."

Dart: "Okay, but why is it that we want to remove the fine?"

Kosel: "I don't believe it is the intention of this Bill or this Sponsor to criminalize principals and school administrators."

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Dart: "So, by removing this provision then there would be no criminal sanctions at all, is that correct?"

Kosel: "That is correct."

Dart: "Okay. No further questions."

Speaker Lang: "There being no further questions the question is, 'Shall the House concur in Senate Amendments #1 and 2 to House Bill 2132?' This is final action. Those in favor of the Motion 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? The Clerk shall take the record. On this question, there are 116 voting 'yes'; 0 voting 'no'; 0 voting 'present'. And the House does concur in Senate Amendments #1 and 2 to House Bill 2132. And this Bill, having received the required Constitutional Majority, is hereby declared passed. The Chair, recognizes the Clerk, for an announcement."

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

Speaker Lang: "On the Order of Nonconcurrency, Senate Bill 603, Representative Saviano. Out of the record. On the Order of Nonconcurrency, Senate Bill 806, Representative Santiago."

Santiago: "Thank you, Mr. Speaker and Members of the General Assembly. I refuse to recede from House Amendment #1 to Senate Bill 806, and I ask for a Conference Committee. Thank you."

Speaker Lang: "The question is, 'Shall the House refuse to recede from House Amendment #1 to Senate Bill 806?' Those in favor of the Motion say 'aye'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the House does Refuse to Recede from House Amendment 1 to Senate Bill 806. And the House requests a Conference Committee be appointed. The Chair, is prepared to adjourn."

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Mr. Tenhouse, for an announcement."

Tenhouse: "Thank you, Mr. Speaker. Upon adjournment, there will be a Republican Conference in Room 118."

Speaker Lang: "Representative Shirley Jones, for what reason do you rise?"

Jones, S.: "Mr. Speaker, there will be a Public Utilities Meeting tomorrow at 11:00 in Room 122-B. Thank you."

Speaker Lang: "Representative Schoenberg."

Schoenberg: "Inquiry of the Chair. Will the Democrats be engaged in group therapy as well immediately upon adjournment?"

Speaker Lang: "Mr. Hartke is shaking his head no. The Democrats don't need group therapy. Sorry, we have one more item. Senate Bill 120, on the Order of Nonconcurrency, Representative Dart. Representative Dart, Moves to Refuse to Recede with House Amendment #1. You heard the question. The question is, 'Shall the House Refuse to Recede with House Amendment #1 on Senate Bill 120?' Those in favor of the Motion shall say 'aye'; those opposed shall say 'no'. In the opinion of the Chair, the 'ayes' have it. And the House does Refuse to Recede to House Amendment #1 to Senate Bill 120. Allowing Perfunctory time... one more. Senate Bill 603, Representative Saviano on a Motion to Refuse to Recede."

Saviano: "Thank you, Mr. Speaker, Members of the House. I wish to refuse to recede from House Amendment #2 to Senate Bill 603."

Speaker Lang: "You heard the Motion. The question is, 'Shall the House Refuse to Recede from House Amendment #2 to Senate Bill 603?' All in favor say 'aye'; all opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the House does Refuse to Recede from House Amendment #2 to Senate Bill 603, and requests that a Conference Committee

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be appointed. Mr. Dart, on your previous Motion, you wanted a Conference Committee, I assume?"

Dart: "Yes."

Speaker Lang: "The record will so reflect. Allowing Perfunctory time for the Clerk, and reminding the Republicans that they're in Caucus, and reminding Members that they may get notices for committees they do not yet have in their hand, Mr. Black now Moves that the House stand adjourned until 1:00 p.m.. tomorrow. All in favor say 'aye'; opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the House does stand adjourned until 1:00 p.m.. tomorrow."

Clerk Rossi: "Introduction and First Reading of Resolutions. House Resolution 174, offered by Representative Younge, is assigned to the Rules Committee." House Bills - Second Reading. House Bill 2265, a Bill for an Act to create the Welfare Reform Act of 1997. Second Reading of this House Bill. The Bill will be held on the order of Second Reading. Senate Bills - Second Reading. Senate Bill 77, a Bill for an Act amending the Illinois Public Aid Code. Second Reading of this Senate Bill. Senate Bill 747, a Bill for an Act amending the State Finance Act. Second Reading of this Senate Bill. Senate Bill 55, a Bill for an Act amending the Public Utilities Act. Second Reading of this Senate Bill. Senate Bill 129, a Bill for an Act amending the Election Code. Second Reading of this Senate Bill. Senate Bill 1105, a Bill for an Act amending the Lobbyist Registration Act. Second Reading of this Senate Bill."

Clerk Rossi: "Introduction and First Reading of Constitutional Amendments. House Joint Resolution Constitutional Amendment #14, offered by Representative Brady."

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HOUSE JOINT RESOLUTION

CONSTITUTIONAL AMENDMENT

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETIETH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that there shall be submitted to the electors of the State for adoption or rejection at the general election next occurring at least 6 months after the adoption of this resolution a proposition to amend Section 15 of Article VI of the Illinois Constitution as follows:

ARTICLE VI

THE JUDICIARY

(ILCON Art. VI, Sec. 15)

SECTION 15. RETIREMENT - DISCIPLINE

(a) The General Assembly may provide by law for the retirement of Judges and Associate Judges at a prescribed age. Any retired Judge or Associate Judge, with his or her consent, may be assigned by the Supreme Court to judicial service for which he or she shall receive the applicable compensation in lieu of retirement benefits. A retired Associate Judge may be assigned only as an Associate Judge.

(b) A Judicial Inquiry Board is created. The Supreme Court shall select two Circuit Judges as members and the Governor shall appoint four persons who are not lawyers and three lawyers as members of the Board. No more than two of the lawyers and two of the non-lawyers appointed by the Governor shall be members of the same political party. The terms of Board members shall be four years. A vacancy on the Board shall be filled for a full term in the manner the original appointment was made. No member may serve on the Board more than eight years.

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(c) The Board shall be convened permanently, with authority to conduct investigations, receive or initiate complaints concerning a Judge or Associate Judge, and file complaints with the Courts Commission. The Board shall not file a complaint unless five members believe that a reasonable basis exists (1) to charge the Judge or Associate Judge with willful misconduct in office, persistent failure to perform his duties, or other conduct that is prejudicial to the administration of justice or that brings the judicial office into disrepute, or (2) to charge that the Judge or Associate Judge is physically or mentally unable to perform his duties. All proceedings of the Board shall be confidential except the filing of a complaint with the Courts Commission. The Board shall prosecute the complaint.

(d) The Board shall adopt rules governing its procedures. It shall have subpoena power and authority to appoint and direct its staff. Members of the Board who are not Judges shall receive per diem compensation and necessary expenses; members who are Judges shall receive necessary expenses only. The General Assembly by law shall appropriate funds for the operation of the Board.

(e) An independent A Courts Commission is created consisting of one--Supreme--Court--Judge--selected--by--that--Court,--who--shall--be its--chairman, two Appellate Court Judges selected by that Court as members and two as alternates, and two Circuit Judges selected by the Chief Judges of the Judicial Circuits as members and two as alternates, and three citizens who are not sitting Illinois Judges selected by the Supreme Court as members and three as alternates Supreme-Court. No member or alternate of the Commission shall be a member of the Judicial Inquiry Board. The members of the Commission shall select a chairperson to serve a two-year term.

Except for the initial appointees, each member and alternate of the Commission shall serve a four-year term. The terms of the initial appointees shall be staggered terms of four or fewer years

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as determined by the Supreme Court by rule so that no more than one-third of the members and no more than one-third of the alternates is appointed in any one year. If the office of a member or alternate becomes vacant, the vacancy shall be filled for the remainder of the term in the manner the original appointment was made.

The Commission shall be convened permanently to hear complaints filed by the Judicial Inquiry Board. The Commission shall have authority after notice and public hearing, (1) to remove from office, suspend without pay, censure or reprimand a Judge or Associate Judge for willful misconduct in office, persistent failure to perform his or her duties, or other conduct that is prejudicial to the administration of justice or that brings the judicial office into disrepute, or (2) to suspend, with or without pay, or retire a Judge or Associate Judge who is physically or mentally unable to perform his or her duties.

(f) The concurrence of four ~~three~~ members of the Commission shall be necessary for a decision. ~~The decision of the Commission shall be final.~~

(g) Both the Judicial Inquiry Board and the Judge subject to discipline have the right to appeal the decision of the Commission. If the Judge is not a Supreme Court Judge, the appeal shall be to the Supreme Court. If the Judge is a Supreme Court Judge, the appeal shall be to a Special Panel convened specifically for that purpose. The Special Panel shall consist of seven Appellate Court Judges, who are not Commission members or alternates or Judicial Inquiry Board members, chosen by lot by the Secretary of State in a public drawing with three chosen from the First Judicial District and one from each of the other Judicial Districts. The senior Appellate Court Judge on the Special Panel shall serve as its Chief Judge. The decision of the Supreme Court or Special Panel, as the case may be, shall be final.

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(h) (g) The Commission shall adopt comprehensive rules to ensure that governing its procedures are fair and appropriate. These rules and any amendments shall be public and filed with the Secretary of State 30 days before becoming effective.

A member of the Commission shall disqualify himself or herself, or the other members of the Commission shall disqualify a member, with respect to any matter in which disqualification or recusal would be required of a Judge under rules of the Supreme Court or statutes governing disqualification or recusal.

If a member of the Commission is disqualified with respect to any matter, that member shall be replaced by one of his or her alternates in a manner provided by rule of the Supreme Court. The alternate shall act as member of the Courts Commission with respect to that matter only.

The Commission and shall have power to issue subpoenas.

The General Assembly shall provide by law for the expenses of the Commission.

(Source: Illinois Constitution.)

SCHEDULE

This Constitutional Amendment takes effect upon approval by the electors of this State. First Reading of this Constitutional Amendment."

Clerk Rossi: "There being no further business the House Perfunctory Session stands adjourned."