

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

135th Legislative Day

December 1, 1998

Speaker Madigan: "The House shall come to order. The House shall come to order. The Members shall be in their chairs. We shall be led in prayer today by the Reverend William Starks of the Broadway Christian Church of Mattoon. Reverend Starks is the guest of Representative Dale Righter. The guests in the gallery may wish to rise and join us in the invocation."

Reverend Starks: "Oh, God, You are the source of all righteousness and justice and the author of all truth whose mercy endures from one generation to another. We commend our state to the guidance of Your wisdom. May these leaders whom Your people choose to serve them, serve You in honesty of purpose and uprightness of life. May they never forget that they are answerable to the people whom they serve and to You. Deliver them from the love of power and from motives of personal gain. From considerations of men or money in place of the demands of truth and justice. Deliver them from sacrificing patriotism to partisanship. May they remember that their intellect, their wisdom, their education, their insights, their discernment, even their charisma are gifts from You for them to exercise in the service of the people in this state through honesty and integrity and moral uprightness. May the lives of our people be guided by wiser policies and lifted to higher ideals and nobler achievements. That the needs and rights of all may be fulfilled. For all this we ask in the name of the King of the universe, the great God who is above all nations. Amen."

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

Hartke - et al: "I pledge allegiance to the flag of the United States of America, and to the Republic for which it stands,

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one nation under God, indivisible, with liberty and justice for all."

Speaker Madigan: "Roll Call for Attendance. Representative Currie."

Currie: "Speaker, please let the record show that Representative Ronen is excused today because of illness."

Speaker Madigan: "Mr. Cross."

Cross: "Thank you, Mr. Speaker. We're all here today."

Speaker Madigan: "Have all voted who wish? Have all voted who wish? The Clerk shall take the record. There being 115 Members responding to the Attendance Roll Call, there is a quorum present. Mr. Clerk."

Clerk Rossi: "Agreed Resolutions. House Resolution 668, offered by Representative Zickus. House Resolution 669, offered by Representative Dart. House Resolution 670, offered by Representative Howard. House Resolution 671, offered by Representative Dart. House Resolution 672, offered by Representative Tom Johnson. House Resolution 673, offered by Representative Zickus. House Resolution 674, offered by Representative Zickus. House Resolution 675, offered by Representative Zickus. House Resolution 676, offered by Representative Morrow. House Resolution 677, offered by Representative Morrow. House Resolution 678, offered by Representative Morrow. House Resolution 679, offered by Representative Morrow. House Resolution 680, offered by Representative Morrow. House Resolution 681, offered by Representative McCarthy. House Resolution 682, offered by Representative Joe Lyons. House Resolution 683, offered by Representative Joe Lyons. House Resolution 684, offered by Representative Hoffman. House Resolution 685, offered by Representative Hoffman. House Resolution...House Joint Resolution 73, offered by Representative Durkin."

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Speaker Madigan: "Mr. Clerk, on the Agreed Resolutions. You've all heard the Resolutions. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Motion to adopt the Resolutions is adopted and the Agreed Resolutions are adopted. Committee announcement."

Clerk Rossi: "The House Rules Committee will meet at 1:15 in the Speaker's Conference Room. The Rules Committee will meet at 1:15 in the Speaker's Conference Room."

Speaker Madigan: "On page... Representative Zickus, on page 2 of the Calendar there appears on the Order of Concurrence House Bill 1670. Representative Zickus."

Zickus: "Thank you, Mr. Speaker. I move to nonconcur with Senate Amendment 1 and to have a Conference Committee appointed."

Speaker Madigan: "The Lady moves to nonconcur and to request the appointment of a Conference Committee. Is there any discussion? There being no discussion the question is, 'Shall that Motion be adopted?' Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Motion is adopted. The House does nonconcur and does request the appointment of a Conference Committee. On page 2 of the Calendar on the Order of Total Vetoes there appears Senate Bill 1510. The Chair recognizes Mr. Stephens for the purpose of a Motion."

Stephens: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I would move to override the Governor's total veto of Senate Bill 1510. This language was originally passed three years ago, I believe. Last year we came back to make this Bill - 1510 was actually just a correction of an error that was made in the drafting of the original Bill, limiting the results of the Act to just two counties. And so if you are in favor of supporting veterans groups and fraternal organizations around the state, you probably

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voted for the original language of this and certainly would support the override of the Governor's Veto. I will tell you the Governor is trying to characterize this as a...an expansion of gambling. Nothing could be further from the truth. I would be glad to respond to any questions and I would move to override the Governor's Veto."

Speaker Madigan: "Mr. Scott."

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

Speaker Madigan: "Sponsor yields."

Scott: "Representative Stephens, as I understand it then, this would allow the raising of the limits for pull tabs that can be collected in one night and make it statewide instead of just for certain counties?"

Stephens: "That's true, yes."

Scott: "And it doesn't have any impact on bingo at all? It's just a pull tab Bill?"

Stephens: "That's true."

Scott: "Okay. Thank you very much."

Speaker Madigan: "Mr. Black. Mr. Black."

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

Speaker Madigan: "The Sponsor yields."

Black: "Representative, does this Bill only apply to various veterans and charitable groups, or does it apply to anyone who has a charitable game license?"

Stephens: "It applies only to those that are affected by the Illinois Pull Tabs and Jar Games Act."

Black: "And...and could, under existing law, could a neighborhood tavern hold a pull tab or a jar game license?"

Stephens: "I believe that only if they qualify under the provisions of the Charitable Games Act."

Black: "Are you aware of any establishment whose primary business

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is the sale of alcohol? Maybe somebody from Revenue could answer the question. I'm just curious as to under existing law, a business whose sole business is the sale of alcoholic beverages, whether or not they currently hold or could hold a pull tab or jar game license?"

Stephens: "I'm not qualified to answer that question, but I can tell you that what this Bill did was simply correct an error in drafting so that the aggregate value of all prizes or merchandise awarded in a single day of pull tabs and jar games shall not exceed \$5,000. The old limit was 2,500 and this Bill, when it was drafted, actually limited that to just two counties. The override of the Governor's Veto will allow that same language to be in effect in all 102 counties of the state."

Black: "I'm curious. Could everybody that would hold the license, would they all be able to afford the \$5,000 daily payout? Would... Isn't that dependent upon how many people would patronize the establishment, i.e., the bigger the establishment, the more likely it is you could reach the maximum prize value?"

Stephens: "The more progressive the establishment, the more likely they would be to reach that \$5,000 value. Representative, it's true that this would raise the limit from \$2,500 to \$5,000 in one day's payout. What's currently the problem is that many veterans organizations and those that approached us about this subject thought that this limit of 2,500 and at the same time a \$1.00 pull tab price had not been changed in some years. In the original language in this Bill, we raised it from \$1.00 to \$2.00 and subsequently raised the daily limit from 2,500 to 5,000. Seemed to make sense at the time and we still think that it makes sense. What didn't make sense was limiting

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it to just two counties in southwestern Illinois where I come from."

Black: "So, basically, the Bill then expands this higher prize limit to every county throughout the state. Correct?"

Stephens: "That's correct."

Black: "I assume that there's nothing in this Bill that addresses probably one of the great loopholes under the Charitable Games Act right now, and that is what people are referring to as a raffle where the prize may be in excess of \$5,000 and they don't even need a license to have this. And I know in my area of the state with many small towns, these unlicensed unregulated raffles, quote unquote, have literally put some small charitable groups out of business because they can't compete with the higher price...or the higher prize limit. And this Bill does nothing to address that problem. Correct?"

Stephens: "Representative, I had to borrow Representative Ackerman's reading glasses in order to present this Bill. He's getting very nervous back here. The answer to your question is 'no'."

Black: "Are you aware of any...any opposition to the Bill? My concern, Representative, and it's...I don't think it's unfounded concern. My concern is if you have a very small post, a very small American Legion post, a very small VFW post in a town or village of say 1,500 people. Might that...might this Bill not...might this Bill hurt that small post who probably wouldn't have the traffic to generate the higher prize and people would get into the car and drive to a larger community where the post would have more people playing the game and therefore might be able to well afford the higher prize?"

Stephens: "No, I don't believe it would. And I also think... I

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want to remind the Members that the veterans organizations from throughout the state, the VFW, the American Legion, Purple Heart Association, Disabled American Veterans all came to us asking for support of this legislation in its original form. I don't believe that your scenario actually plays out. The local veterans halls in the smaller communities are going to be supported by their local membership and their local community. I don't think this has an effect on them at all."

Black: "All right. My last question, Representative, and I do appreciate your indulgence. Can they...under this Bill, can they award that \$5,000 prize every day?"

Stephens: "If that meets with the terms of the Charitable Games Act and I think that it does, the answer is yes."

Black: "Yeah, cause I really don't know. Can you operate under the charitable games license, can you operate a pull tab or a jar game seven days a week?"

Stephens: "I'm not sure of the answer to that question."

Black: "I really don't know either. Maybe...maybe somebody from Revenue could enlighten us or one of the staff members could enlighten us prior to the vote, but I do appreciate your indulgence. Thank you, Mr. Speaker."

Speaker Madigan: "Mr. Hartke."

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

Speaker Madigan: "Sponsor yields."

Hartke: "Representative Stephens, I think you, in your opening comments, you said that this original Bill was introduced to correct some problems with the legislation that was passed three years ago. I failed to find that in my analysis here. Could you enlighten me on what corrective changes were made in the language that we had to correct it three years later?"

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Stephens: "Yes, Representative Hartke, thank you very much. The... I believe it was three years ago we passed the original change in the Pull Tab Act raising the unit price from \$1.00 to \$2.00, the daily payout from 2,500 to 5,000. I amended that language at the request of Representative Holbrook to make a change for the Bingo Act that was not related exactly to the Bill. In the drafting of that Amendment to our original legislation, we wound up limiting this act to just two counties, Madison and St. Clair. That was unintentional. Representative Holbrook knows it was unintentional and he supported my effort to come back and make this change which you see before us today. It's ironic that the Governor did not prevail in his original opposition to the Act, which had the \$1.00 increase to \$2.00 and the daily limit to 5,000. The Governor did not prevail there and he should not prevail today."

Hartke: "Well, if this is not expansion - but you're saying that it does now include all counties rather than just those two in this Act. Is that correct?"

Stephens: "As was the original legislation before three years ago."

Hartke: "So it was inadvertently left out in the pull tab language and just included the increase in the pull tabs in those two counties alone, but before it was in all the counties?"

Stephens: "Yes."

Hartke: "Sounds reasonable to me. Thank you."

Speaker Madigan: "Mr. Holbrook."

Holbrook: "Thank you, Speaker. I just want to echo what Representative Stephens has said, this was a drafting error we made. Hopefully we can correct it. I support this Bill. The majority of the people in both the House and

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Senate did and I would urge a 'yes' vote. Thank you."

Speaker Madigan: "Mr. Stephens to close."

Stephens: "I'd appreciate a 'yes' vote for the veterans of Illinois."

Speaker Madigan: "The question is, 'Shall this Bill pass, the Governor's Veto notwithstanding?' Those in favor of the Motion signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? This requires 71 votes. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 86 'ayes', 28 'nos'. This Motion, having received the required Three-Fifths Majority, the Motion to override prevails and the Bill is declared passed, notwithstanding the veto of the Governor. Committee Reports."

Clerk Rossi: "Representative Currie, Chairperson from the Committee on Rules, to which the following items were referred, action taken on December 1, 1998, reported the same back with the following recommendations: Amendatory Veto Accept Motions on Senate Bill 1279 and Senate Bill 1335 have been approved for consideration."

Speaker Madigan: "On page 3 of the Calendar on the Order of Amendatory Veto Motions there appears Senate Bill 1279, Representative Clayton. Representative Clayton."

Clayton: "Thank you, Speaker. I wish to accept the Amendatory Veto of the Governor. As a matter of fact we had even requested the AV. As the Bill was written, the Comptroller was being asked to produce a report on March 1st, but the information would not be slated to be available until March 15th of the year. This change will now make it possible for the Comptroller's Office to meet the required dates."

Speaker Madigan: "The Lady moves to accept the Governor's

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Amendatory Veto. Is there any discussion? There being no discussion the question is, 'Shall the Lady's Motion be adopted?' Those in favor signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 115 people voting 'aye', 0 voting 'no'. This Motion, having received the required Constitutional Majority, the House accepts the Governor's specific recommendations for change regarding this Bill. On the same order there appears Senate Bill 1335, Mr. Durkin. Mr. Durkin."

Durkin: "Thank you very much, Mr. Speaker. I move that we accept the Amendatory Veto to Senate Bill 1335. When this Bill passed both chambers, what the intent of the Bill was, first of all, that it was the product of the Chicago school system. Paul Vallas, Cook County State's Attorneys Office, to address certain wrongs which they had found during the investigation of the Chicago schools, particularly in the way that the competitive bidding process was not being adhered to. What this Bill is going to set up, very strict and stringent rules in which the way and people are to apply for jobs and also for contracts within schools. It came over to the Senate. The Senate said let's go a little bit further, let's apply this also to local government. So what I think this Bill does, is, I think it's important and the AV of the Governor raised the fine from \$10,000 to \$25,000. That was reasonable because two years ago we had raised the penalty on felonies to \$25,000. We are just being consistent with what we did two years ago. But I think this Bill is important because it restores integrity in the competitive bidding process, not only in our schools but also through local government. I'm willing to accept

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any questions."

Speaker Madigan: "The Gentleman moves for the adoption of his Motion to accept the Governor's Amendment. Is there any discussion? There being no discussion the question is, 'Shall the Gentleman's Motion be adopted?' Those in favor signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted wish? The Clerk shall take the record. On this question there are 115 'ayes', 0 voting 'no'. This Motion, having received the required Constitutional Majority, the House accepts the Governor's specific recommendations for change regarding this Bill. Is there anything further to come before the House? The Chair is prepared to adjourn. Is there anything further to come before the House? There being nothing further... For what purpose does Representative Erwin seek recognition?"

Erwin: "Thank you, Speaker. Just for the purpose of an announcement. The House Higher Education Committee is meeting in Room 114 immediately upon adjournment. Thank you."

Speaker Madigan: "You've all heard the announcement. House Higher Education Committee will meet immediately after adjournment. Is there anything further to come before the House? There being nothing further, Representative Currie moves that the House does stand adjourned until 2:00 p.m. tomorrow afternoon. Those in favor say 'aye'; those opposed say 'no'. The 'aye's have it. The House does stand adjourned until 2:00 p.m. tomorrow afternoon."