

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

31st Legislative Day

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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 today in prayer by the Reverend Mary Vick Roth of the Calvary United Methodist Church in Normal. Reverend Roth is the guest of Representative Bradley. Guests... Brady. Guests in the gallery may wish to rise for the invocation."

Reverend Roth: "O God, Creator of all things, whose power exceeds that of all persons, principalities and earthly powers, we seek Your guidance for all who labor here. Within these walls, which echoes still with the wisdom of others who labored here, where weighty matters are debated and resolved, may passion for justice hold greater honor than desire for personal gain. May compassion for the people of this state inform all deliberations, Holy One. When any disagree let them not be disagreeable. And when matters are so complex that decisions are difficult, let the light of Your truth illumine the debates, Great Spirit. We give You thanks for all who give themselves to serve here. And especially, we thank You for the countless support staff and workers, whose diligence and skill, make the work here possible and fruitful. As this Session begins, give peace of mind to all who leave behind concerns in their districts or families. Especially, we pray that Your healing touch may be upon those who struggle with grave illness. Enable all to entrust into Your care, those concerns. And grant strength and integrity to all who labor here. In Your Holy Name, we pray. Amen."

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

Black: - 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: "Thank you, Speaker. Please let the record show that Representative Mautino is excused, and Representatives Giles and Ronen, will be here later this afternoon. They should be marked excused on the Calendar, on the roll call, until they arrive."

Speaker Madigan: "Mr. Poe."

Poe: "Yeah, let the record show that all Republicans, except Representative Kosel, will be excused until she arrives later today."

Speaker Madigan: "Thank you. We need one more person to record themselves. Mr. Clerk, Mr. McGuire's button is not working. Excuse me, Mr. McCarthy. All right. Mr. McGuire, we've been advised that Mr. McCarthy will be late, also. Mr. Clerk, take the record."

Speaker Madigan: "There being 113 Members responding to the Attendance Roll Call, there is a quorum present. Mr. Clerk. On page 42 of the Calendar, there appears House Bill 405. Representative Kosel. On page 43 of the Calendar, there appears House Bill 865. Representative Meyer. The Gentleman indicates, he does not want to call his Bill. On page 46 of the Calendar, there appears House Bill 2616. Mr. Moffitt. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2616, a Bill for an Act in relation to electronic mail. Third Reading of this House Bill."

Speaker Madigan: "Mr. Moffitt."

Moffitt: "Thank you, Mr. Speaker. House Bill 2616, as amended, is an initiative of the Attorney General's Office. With the increased use of electronic e-mail, the Attorney

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General is of the opinion, as am I, that we need to bring some regulation to the electronic e-mail. I had a Bill last year that passed the House, and it was held in the Senate, and then had to continue to work with the 'AG'. This legislation is actually backed by the industry, and it's the only language that's been backed and approved by the association, so far. The Internet Alliance is the leading trade association representing internet and on-line industry. Their members provide over 80% of paid internet access worldwide. It includes America On-line, Bell Atlantic, eBay, Microsoft Net Com, Netscape, US West and Prodigy. The problem, if we don't regulate it properly, actually, we can overload the system with unwanted e-mail. What this would go after would be anything that is untruthful or fraudulent. I'd be happy to answer any questions."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. Is there any discussion? There being no discussion, the question is, 'Shall this Bill pass?' Those in favor signify by voting 'aye'; those opposed by voting 'no'. This is a Third Reading Roll Call. This is a Third Reading Roll Call. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 113 people voting 'yes', 0 voting 'no'. This Bill having received a Constitutional Majority is hereby declared passed. On page 44 of the Calendar, there appears House Bill 1281. Mr. Rutherford. Is Mr. Rutherford in the chamber? On page 41 of the Calendar, there appears House Bill 60. Mr. Winters. Is Mr. Winters in the chamber? Do you wish to call your Bill? Mr. Winters, the environment seems to be conducive to passing Bills, Mr. Winters. Mr. Clerk, read the Bill."

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Clerk Bolin: "House Bill 60, a Bill for an Act concerning agriculture preservation. Third Reading of this House Bill."

Speaker Madigan: "Mr. Winters."

Winters: "Could I ask where the Amendments are in this Bill?"

Speaker Madigan: "Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "Amendments #1, 2 and 3 have been adopted to the Bill."

Speaker Madigan: "Is the Bill on Third Reading?"

Clerk Bolin: "The Bill's on the Order of House Bills Third Reading."

Speaker Madigan: "Mr. Winters."

Winters: "Thank you, Mr. Speaker. House Bill 60, basically, amends the ag (sic-Agricultural) Areas Conservation and Preservation (sic-Protection) Act that was passed about 15 years ago. It enhances it, by increasing some of the repayment that the state will do for ag conservation areas. It has many technical changes that will make it easier for farmers to enter the ag... their ag land in new preservation areas. I'd be happy to answer any questions."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. Is there any discussion? There being no discussion, the question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? This is a Third Reading Roll Call. The Clerk shall take the record. On this question, there are 113 people voting 'yes', 0 voting 'no'. This Bill having received a Constitutional Majority is hereby declared passed. Mr. Clerk. Mr. Bost. Mr. Bost."

Bost: "Yeah, thank you, Mr. Speaker. Just a question. I was looking at the Members on this side of the aisle, we're not

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getting our analyses to roll up automatically. Is there a problem?"

Speaker Madigan: "Mr. Clerk, can you answer the Gentleman's inquiry?"

Clerk Bolin: "LIS will make a correction so that the analyses will pop up on the computer."

Speaker Madigan: "Mr. Clerk, what is the status of House Bill 1841? (1841)."

Clerk Bolin: "House Bill 1841 is on the Order of House Bills Second Reading."

Speaker Madigan: "Are there any Amendments?"

Clerk Bolin: "No Amendments are pending."

Speaker Madigan: "Third Reading. House Bill 1864. What is the status of (1864)?"

Clerk Bolin: "House Bill 1864. The Bill's been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. House Bill 661. What is the status of that Bill?"

Clerk Bolin: "House Bill 661. The Bill's been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed. A fiscal note and a balanced budget note have been requested on the Bill, as well as a judicial note, and those notes have not been filed."

Speaker Madigan: "House Bill 661 shall remain on the Order of Second Reading. Mr. Saviano, do you wish to call (1864) on Third Reading? Mr. Clerk, House Bill 1864, has that Bill been read three times?"

Clerk Bolin: "House Bill 1864 has been read a second time, previously."

Speaker Madigan: "Read the Bill."

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Clerk Bolin: "House Bill 1864, a Bill for an Act concerning fees for death certificates. Third Reading of this House Bill."

Speaker Madigan: "Mr. Saviano."

Saviano: "Thank you, Mr. Speaker, Members of the House. House Bill 1864 is an initiative of the Illinois Coroners' Association. In fact, I was just recently contacted by the Illinois Department of Law Enforcement Training, because this Bill also affects them, and they are in favor of this Bill. What this Bill would do is add a \$2.00 fee to the cost of death certificates which would fund the technological advances of the coroners' offices throughout the state. Over the years with the increase of technology and the demand on the coroners offices to perform more thorough investigations of homicides and such, it has become pertinent that they create an additional revenue stream. There has not been an increase from the state level on death certificate fees. And I would ask for a favorable vote. Thank you."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. Is there any discussion? There being no discussion, the question is 'Shall this Bill pass?' Those in favor signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 68 'ayes'; 43 'noes'. This Bill having received a Constitutional Majority is hereby declared passed. The Chair would like to ask several of the Republican Members, 'Are your computers working, yet?' Mr. Bo... Is Mr. Bost's computer working? No. Oh, okay. We're going to call the Bill and test it. So, has Mr. Rutherford arrived, yet? Do you wish to call your Bill, House Bill 1281? Okay."

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Representative Silva. Will the Members please be in their Chairs. Mr. Kenner, would you please take your seat? Mr. Kenner, would you please take your seat? Mr. Woolard, would you please take your seat? Mr. Smith, would you please take your seat? Will the staff retire to the rear of the chamber? Members will be in their chairs. Members will be in their chairs. We're very pleased to have a special guest with us, today. He's the Governor of the State of Mexico, within the country of Mexico. He will be introduced by Representative Sonia Silva."

Silva: "Thank you. It gives me great pleasure to invite the Consul General of Mexico, Mr. Galindo and also licenciado Cesar Octavio Camacho Quiroz*, he's the Governor of the state of Mexico, the Distrito Federal."

Governor Quiroz: "The Senor Michael Madigan, Speaker of the House, the Representatives of the State of Illinois."

Interpreter: "(Interpreting from Spanish) Nine years ago, there was an agreement signed by the states of Illinois and the state of Mexico, which is of the greatest importance. As the State of Illinois, we do have a population integrated by man and woman anxious to live in a climate of liberty and progress. I bring the greetings of a population of 13,000,000 people of my home state, which as everybody here, would like to assure a future of hope and progress. I have the deepest respect for this chamber of Representatives. In my home state, my party... my political party does not have the majority. And this obligates us to make agreements with the opposition in so many ways. I do believe in politics and politicians, especially, in local politics and local politicians. And from my point of view, politics is actually billed from down to the upper levels. It is an honor to be present in

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this chamber that has done so much for the people of Illinois, and in due time, I would like to pick up the experiences and take them down there to the State of Mexico. I just talked to Governor Ryan, and invited him to lead a trade commission to Mexico, searching for opportunities of investment over there. And it is my pleasure to being able to invite you all, as guests of the State of Mexico, to consider the possibilities we do have to offer. This is already a road well traversed. There are already some trade commissions being organized from the State of Gaunajuato and we would like to do the same thing in the case of the State of Mexico. We would like to share, with you people, our values, and to keep on constructing the future of our people, and to keep on learning from you. Yesterday, there was the birth... the Benito Juarez birth anniversary and... a Mexican that represents the best of possible values of Mexico, and that represents those of liberty. The Mexican and the American community congregated yesterday, for the unveiling ceremony of the Benito Juarez statute on Michigan Avenue in Chicago, to give testimony of the ideals that represent Benito Juarez. Just a few moments ago, I was able to visit the house of Abraham Lincoln, a man that had a similar existence as Benito Juarez. Having a common denominator of the will for liberty and sovereignty. As the best possible homage for the... for our heroes, we would like to establish the necessary agreements to keep on working and progressing and building a better future. Thank you so much, for everything. And on behalf of hundreds of thousands of compatriots living in the State of Illinois, we would like to tell you that we will correspond this attention with so much work in order to have progress and

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development for both countries. I would like to extend an invitation to all you people to come visit the State of Mexico. A state full of people with the greatest possible values in which of the human resource is the most valuable resource. The people from the State of Mexico would love... would be honored to shake hands with the people of the State of Illinois. Thank you so much, for everything."

Speaker Madigan: "On page 450... On page 42 of the Calendar, there appears House Bill 415. Mr. Holbrook. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 415, a Bill for an Act to amend the Department of Veterans Affairs Act. Third Reading of this House Bill."

Speaker Madigan: "Mr. Holbrook."

Holbrook: "Thank you, Mr. Speaker. This Bill was an agreement reached between the Department of Natural Resources and the veterans' department on setting up a classification for disabled veterans that are disabled while in the service, and sets up reduced rates for their campsites according to classifications. I know of no opposition to this Bill. And I would move for its passage. And take questions."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. Is there any discussion? There being no discussion, the question is, 'Shall this Bill pass?' Those in favor signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 113 people voting 'yes', 0 voting 'no'. This Bill having received a Constitutional Majority is hereby declared passed. Representative Kosel, did you wish to call your House Bill 405? Mr. Meyer, did you wish to

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call your Bill now? On page 46 of the Calendar, there appears House Bill 2146. Representative Shirley Jones, do you wish to call your Bill? Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2146, a Bill for an Act to amend the Nursing Home Care Act. Third Reading of this House Bill."

Speaker Madigan: "Representative Jones."

Jones, S.: "On House Bill 2146, amends the Nursing Home Care Act and provides that the department shall publish a consumer report rather than a directory that contains informational public health region listing facilities, provides that the department may charge a fee for the consumer report. I ask for your favorable vote."

Speaker Madigan: "The Lady moves for the passage of the Bill. Is there any discussion? There being no discussion, the question is, 'Shall this Bill pass?' All those in favor signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 112 people voting 'yes', 0 voting 'no'. This Bill having received a Constitutional Majority is hereby declared passed. Is Mr. Rutherford in the chamber? Do you wish to call your House Bill 1281? On page 41 of the Calendar, there appears House Bill 112. Mr. Steve Davis. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 112, a Bill for an Act concerning fireworks. Third Reading of this House Bill."

Davis, S.: "Thank you, Speaker, Ladies and Gentlemen of the House. House Bill 112 creates the Fireworks Displayer Licensing Act and it has four main ingredients: It requires licensure of pyrotechnics companies, pyrotechnics distributors, lead pyrotechnic operators and pyrotechnic

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operators, plus it provides that, if these pyrotechnics are fired from a flotation device, that the workers have to be wearing life jackets, and stipulates guidelines for the firing of these displays. And I would be glad to answer any questions on the Bill."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. On that question, the Chair recognizes Mr. John Turner."

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

Speaker Madigan: "The Sponsor yields."

Turner, J.: "Representative, is there a fee in this Bill?"

Davis, S.: "Representative, we took the fees out of the Bill and put a provision in there that would require that the fees would be set by rule, by the Fire Marshal's Office."

Turner, J.: "I'm not sure I follow you. You took the fee out but there will be some kind of fee set by the State Fire Marshal's Office?"

Davis, S.: "Right. Right."

Turner, J.: "Are there any guidelines on what the fees might be as set by rule, with the State Fire Marshal?"

Davis, S.: "I don't believe that there's any guidelines set, Representative, but the basic figure that we were discussing was around \$700."

Turner, J.: "And how much is that suppose to generate, over the course of a year, on an annual basis?"

Davis: "I believe it was in the \$50,000 range, originally, whenever we had the fee in the Bill."

Turner, J.: "Is there any such type fee being paid today?"

Davis: "Sir?"

Turner, J.: "Is there a fee today, at all? I mean, will the passage of this legislation be the first time that there's ever been a fee?"

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Davis, S.: "I don't believe there's a current fee, no."

Turner, J.: "All right. Other than authorizing the State Fire Marshal to establish a fee schedule, what else does this Bill do?"

Davis, S.: "Well, it defines, it gives definitions for companies, the distributors, lead pyrotechnic technicians, and it gives a definition of a pyrotechnics operator. And what we want to do, is license the distributors the companies and the lead operator and require training and certification for regular a pyrotechnics operator, meaning those who may only work one or two days a year for these fireworks companies. We want to make sure that they have training, and that the certificate is going to be filed with the State Fire Marshal's Office. And the training will be done under the guidelines and training requirements set out by the State Fire Marshal's Office. It will be in-house training, however, and in-house certification, but the certificate will be filed with the Fire Marshal's Office."

Turner, J.: "Well, what's the purpose of the training? And is the... The training that's going to be provided, is that that what... that is what justifies the fee that we're setting of \$700 per year, as suggested?"

Davis, S.: "That, and the fact, that the Fire Marshal's Office has to be in charge of the licensure for the companies and the distributors and the lead pyrotechnic technicians. And the reasoning for the training, Representative, is you may be well aware, that there have been some tragedies in the last two years in this industry, particularly in Alton, Illinois, where three people died setting off fireworks at a 4th of July display. And when we started to looking into what the rules and regulations were in the State of Illinois, we found that there wasn't any guidelines as to

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the training of the people. There weren't any guidelines as to how these displays were going to be put on and so, we went and we worked with the Fire Marshal's Office, and we worked with the Department of Natural Resources and, as you know, I submitted a similar Bill last year that passed out of this House 114-0. And what we have done, is made this more comprehensive. We've got agreements between DNR, and agreements with the Fire Marshal's Office and, much of the language that is in here, has been worked out between the Fire Marshal's Office and the industry."

Turner, J.: "Well, Representative, it sounds like you're suggesting to the Body then, that there is no opposition to your Bill?"

Davis, S.: "Not to...Not to my knowledge, Representative."

Turner, J.: "Did you increase some criminal penalties in the provisions of your Bill, as well?"

Davis, S.: "We put in some penalties that would be a misdemeanor penalties and also fines for people who are in noncompliance."

Turner, J.: "All right. So there are no felonies then, and only misdemeanors?"

Davis, S.: "I believe on a second offense, there's a \$10,000 fine and a Class IV felony."

Turner, J.: "Okay then, first offense would be misdemeanors and, second or subsequent offense, would be a felony, then. Is that what your Bill provides?"

Davis, S.: "That's correct. And that's to the distributors and the companies. That's correct, Sir."

Turner, J.: "Okay, Representative, thank you for answering my questions."

Davis, S.: "Yes, Sir."

Speaker Madigan: "Mr. Bost."

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

Speaker Madigan: "The Sponsor yields."

Bost: "In the Bill, when we talk about the training that is to go on, is it just the lead worker that is supposed to be trained, or how is that?"

Davis, S.: "No, Mike, Representative, we have also put in there that the regular pyrotechnics operators will be trained in-house, and will be certified in-house, but the training guidelines will be set by the Fire Marshal's Office. So, the Fire Marshal's Office will give the companies the guidelines to go by for the training and for the certification. And then that certificate must be put on file. Sir, can you get this guy out of the way, would you? So that certificate will then be put on file with the Fire Marshal's Office."

Bost: "All right. When we... I understand what you're trying to do, because I know the situation that occurred there in the river, there at the Mississippi River in the St. Louis in Belleville area. My question is, 'Is how will this affect smaller communities, that they might only be spending 5 or \$10,000 a year on their '4th of July' displays? Which, you know, they become very proud of and like to bring crowds in to. And a lot of the people that do the shooting off of these particular displays, are local firemen and volunteers that come out and do these displays. Does this affect them? And how does it affect them?"

Davis, S.: "Well, it probably affects the cities, but there is an exemption for state and county fairs."

Bost: "Please say that again. I'm sorry, I'm having trouble hearing you."

Davis, S.: "It does not exempt cities. So, anybody who wants to set those off in cities would have to go through the

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training, would have to have some sort of training and certification, but state and county fairs are exempt from the Act."

Bost: "Okay then, I have a concern with the Bill, and I'll address that in a minute. But, also, we do not have a price. We're going to let the State Fire Marshal's Office set what the fee is going to be for this registration, correct? And we said it was going to be, we're guessing in the neighborhood of \$700?"

Davis, S.: "That's what we're talking about, is around \$700. And the reason that we're going to allow this, by rule, Representative, is as you're well aware of, people get very spooky about voting for fees in this Body, and \$700 today, may have to be increased more in the next year, or two years or three years or four years, but we felt that we would leave that responsibility to the Fire Marshal's Office. Let them do that by rule."

Bost: "Thank you for answering the question. Mr. Speaker, to the Bill. Ladies and Gentlemen of the House, listen closely to this Bill. I have some concerns and those of you that are Legislators that represent areas that are rural areas, that you have these local displays of fireworks and they've been going on for years and the people that are there are trained by the locals, have got a very good safety record. This is going to be an additional cost to them. It's also going to be, possibly, that thing that will shut those small displays down. Think very closely about this. I understand what the Legis... what the Representative's trying to do. I understand the concerns that he has. I am just very concerned about the fact that these smaller displays that are around on our 4th of July's, that we've all come to enjoy in the rural areas, might be endangered

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by this Bill. And I would just ask for a 'present' or a 'no' vote until we can possibly work that out."

Speaker Madigan: "Representative Erwin."

Erwin: "Thank you, Speaker. I rise in strong support of House Bill 112. And I'd really like to commend Representative Davis for the work that he has done over two years, I believe, in trying to have the state adopt a reasonable Fireworks Display Licensure Act. Representative Bost, you know, I would just like to comment, you know, there are fireworks' displays in every community in this state. This isn't, you know, you mentioned in rural communities. The fact of the matter is in suburban communities, in big cities, everywhere in this state there are fireworks' displays. The accident that happened in Representative Davis's district, two of the fatalities were residents of my district, a father and a son. I learned a lot after that accident. And one of the things that I learned is a few of these people that do the big displays, do it for a full-time job. Most of them work in construction, and maybe train, particularly, for, you know, working with dynamite when it's in mining or the construction industry. But what I did learn from the families of the victims was that it was really sort of literally 'hit or miss' in learning how to put on these fireworks displays. And, if the truth be told, as new types of pyrotechnic technology comes about, I don't think whether you're in a rural community or a suburban community or a big city, you want anybody dealing with these deadly, deadly instruments without being trained. So, if you represent a rural community, a suburban community or the City of Chicago, I urge you to vote 'aye' on this to protect the lives and safety of all the citizens of this state. It isn't going

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mean that you're not going to be able to have your fireworks displays, you will. But we learned a very hard, sorry lesson after this accident in Alton. And I would urge an 'aye' vote on everyone's behalf."

Speaker Madigan: "Mr. Davis to close."

Davis, S.: "Yes, thank you Speaker, Ladies and Gentlemen of the House. I would like to point one thing out that is in current law. Perhaps, this may answer Representative Bost's question in opposition. But the current law permits that any groups of three or more adult individuals applying, therefore no permit shall be required under the provision of this Act for supervised public displays by state or county fair associations. And we have exempted the municipalities from the \$2,000,000 liability requirement on that. In closing, Mr. Speaker, what we are doing here, is trying to make the State of Illinois a safe state to have fireworks displays. And this language, and this new provision in the law, does not guarantee absolute safety on the 4th of July. And I would like to remind everybody that on January the 1st, in the year 2000, is going to be the biggest year in the history of this country when it comes to fireworks displays. And if we don't pass this Bill, and if we have more deaths that occur, then I don't think anybody wants that on their heads, and I would appreciate an 'aye' vote and do the right thing."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Please record yourselves. The Clerk shall take the record. On this question, there are 84 'ayes', 26 'noes'.

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This Bill having received a Constitutional Majority is hereby declared passed. On the Order of Third Reading, there appears House Bill 1841. Mr. Saviano. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1841, a Bill for an Act to amend the Election Code. Third Reading of this House Bill."

Speaker Madigan: "Mr. Saviano."

Saviano: "Thank you, Mr. Speaker, Members of the House. House Bill 1841 is an initiative which will assist the Illinois Board of Elections in enabling them to go to the next step in testing on-screen voting. We had this Bill in committee. And there was some concerns that there was a report pending that was supposed to come out. It came out last week. I made the assurance that we wouldn't move the Bill until the report came out. And, simply, what this Bill would do, is allow the Board of Elections to continue on with their testing of on-screen voting. And I would ask for a favorable vote. Thank you."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. Is there any discussion? There being no discussion, the question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 107 people voting 'yes', 2 people voting 'no'. This Bill having received a Constitutional Majority is hereby declared passed. Mr. Clerk, what is the status of House Bill 429? (429)."

Clerk Bolin: "House Bill 429. The Bill's been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

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Speaker Madigan: "Third Reading. Mr. Clerk, what is the status of House Bill 616? (616)."

Clerk Bolin: "House Bill 616. The Bill's been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Mr. Clerk, what is the status of House Bill 1987?"

Clerk Bolin: "House Bill 1987 is on the Order of House Bills Third Reading."

Speaker Madigan: "Place that Bill on the Order of Second Reading. Mr. Clerk, what is the status of House Bill 1219?"

Clerk Bolin: "House Bill 1219 is on the Order of House Bills Third Reading."

Speaker Madigan: "Place that Bill on the Order of Second Reading. Mr. Clerk, what is the status of House Bill 1265?"

Clerk Bolin: "House Bill 1265 is on the Order of House Bills Third Reading."

Speaker Madigan: "Place that the Order of Second Reading. On page 46 of the Calendar, there appears House Bill 2574. Representative Currie. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2574, a Bill for an Act concerning controlled substances. Third Reading of this House Bill."

Speaker Madigan: "Representative Currie. Mr. Hartke in the Chair."

Currie: "Thank you, Speaker and Members of the House. This is a measure that was proposed to me by people who are with the Neurosurgery Department at Rush-Presbyterian St. Luke's. Illinois today, is one of three or four states in the country, that continue to require triplicate prescriptions for controlled substances. House Bill 2574 would do away with the triplicate prescription. It would provide continual monitoring within the Department of Human

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Services. That agency reports, the passage of this Bill, will, in fact, make their operation more efficient and save taxpayer dollars. The measure is supported by the Medical Society, as well as, by the state agency most engaged in this arena. I know of no opposition. Would be happy to answer your questions. And would appreciate your support for this measure."

Speaker Hartke: "Is there any discussion? Seeing no one is seeking recognition, the question is, 'Shall House Bill 2574 pass?' All those in favor will 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? Please record yourselves. Have all voted who wish? Mr. Clerk, take the record. On House Bill 2574, there were 111 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill having received a Constitutional Majority is hereby declared passed. On page 42 of the Calendar, appears House Bill 405. Representative Kosel. Representative Kosel, would you like to call your Bill? Out of the record. For what reason does Representative Wojcik seek recognition? On page 43 of the Calendar, appears House Bill 865. Representative Meyer. Jim Meyer. Out of the record. For what reason does Representative Wojcik seek recognition?"

Wojcik: "Thank you, Mr. Speaker. My light is not working. And had it have been working, I would have voted for... 'aye' for House Bill 2574. Thank you."

Speaker Hartke: "The Journal will so reflect your wishes. On page 45 of the Calendar, appears House Bill 1878. Representative Delgado. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1878, a Bill for an Act to amend the School Code. Third Reading of this House Bill."

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Speaker Hartke: "Representative Delgado."

Delgado: "Thank you, Mr. Speaker and Members of the Illinois House. House Bill 1878's intention is to create a \$20,000,000 line item that will be created to provide after school programs throughout the State of Illinois. This would allow families to come into the schools, the centers of knowledge throughout our state, and be able to utilize the different components of education that exist. This will allow the students, who are... basically, need more opportunity for the economic... academic growth, to be able to access these centers of knowledge, which are our schools, all the way from Harrisburg on up to Chicago. This will allow participation by all members of our community. Those schools eligible, would require two-fifths of the students be below academic standing. We will utilize, and make sure, that all teachers are certified, the certification of public day school teachers. In addition, transportation will basically, come from the families. Districts would not be required to bring them to the schools. Forty-one school districts would be eligible, according to the Illinois State Board of Education, which would be administering the program. This would be open to all private and parochial students, regardless, if they're members of that particular school, or not. And of course, we will be able to always maintain a view on the Academic Warning List. I would ask all my colleagues to please support House Bill 1878. And I'm available to take any questions, at this moment."

Speaker Hartke: "Is there any discussion? The Chair recognizes the Gentleman from Cook, Representative Parke. Representative Hoeft."

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

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Speaker Hartke: "He indicates he will."

Hoelt: "I think you've got a good core idea here but there's very great... I have great concern about specifics. First of all, on transportation. The City of Chicago, the students are required to come and go from school on their own, but this is not the case for the rest of us in the State of Illinois. Will this discriminate against those children who have not the capacity, the wealth to have cars?"

Delgado: "No, Representative. This wouldn't discriminate against any families that do not have cars. The school district, it's up to each school district to utilize their grant money in the best way to provide for that after school program. You could put together parent clubs. You could put together from the PTA's. There are many forms of transportation to get to and from the after school programs. We would encourage that throughout whatever district. This Bill is not intended to hamper or discriminate against any particular population. On the contrary, it's available to all parts of the state. And for those districts to use their creativity on how to best utilize their after school program. If it needs to create transportation as part of the after school component, I would defer to that district to develop that within their plan."

Hoelt: "The problem is, that in rural areas where a child might have to go five or six miles out in the countryside, and his parents cannot provide the transportation, this will discriminate against that individual. The individual that is in the town, they might have no problem. Okay, let's say the parent allows the child to participate in the program, and wants to pick up the child halfway through the academic program. Are you going to allow parents to come

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and go as their schedule needs, or are you going to set... there's a two-hour period, you pick the child up after two hours?"

Delgado: "No, Representative, absolutely not. The Bill's intention again, is for every school district to use whatever is more native to their community, whatever is going to work better for them to develop and devise that plan. I would find that very stringent for an administrator to say 'That a child must stay for this amount of time.' This is to allow more flexibility, if anything, to the original school day. If you will an extension of that school day, but in a little bit more lax manner. This would be to encourage participation, and not discourage. And we would hold ISBE to that standard so that we can make sure that information is discriminated."

Hoefl: "So, if a child gets through school at 2:30, an elementary school child, the program starts at that point, the program goes until 6:00 at night, but the parents come in at 5:30 and the child would be leaving the program at 5:30?"

Delgado: "That is correct. They would be leaving at the time of the parent. That's absolutely correct. We would hope the parent would stay the extra hour and get on a computer with their child."

Hoefl: "And we are saying 'That fully certified Illinois State Teachers will be the only ones allowed to teach the academic portions of this after school activity?'"

Delgado: "Absolutely. Being an LSC member for a... former LSC member of a high school that had sixth grade reading, it really is something that devastates me. We would want them to have the highest standard. In many schools, other forms of recreation already exists and this is our opportunity, a wonderful one, to really emphasize academia."

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Hoelt: "Will there be athletics involved in this after school activity?"

Delgado: "Yes, there will be. Basketball courts are available, as you know, in schools, in some of the public schools, and swimming pool. We would have definitely encouraged recreation as a form of complete socialization. However, in some schools, like in the Chicago Public School System, the Lighthouse Program exists, and therefore, there's already dollars available for that portion in a large municipality, but yes, we would encourage recreation. But again, at the discretion of that particular school district."

Hoelt: "Is there any step in here that is created that says 'Before a child can do any of the athletics, they must participate in the academic program?'"

Delgado: "That is the, utmost and foremost, reason for this Bill. They will becoming in to participate and (A) getting their reading skills up to par; (B) or king in the math; working science, having the opportunity to work one-on-one with teachers and other classmates of similar interests. And recreation should be there only as a format to either, maybe kill some time, and or, if you're doing really well, you're already an accelerated student, maybe you can get together with a gym teacher and work on some of those situps or calisthenics."

Hoelt: "Again, again, the question I have, Sir."

Delgado: "Yes."

Hoelt: "I will the academics be demanded as a requirement before one does the athletics?"

Delgado: "Yes."

Hoelt: "The last question I have is, that there is threshold here which says that this group must have 40% of the students."

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What's the threshold in order to participate?"

Delgado: "Right. The Amendment we created, where it would be two-fifths of the students failed to meet state academic standards, as determined by the School Code."

Hoefl: "That's 40% now. That's opened up then. We have private and parochial school students who have access to the program. Any private and parochial school student, or would those individuals have to also have, learning disabilities or being part of that 40%?"

Delgado: "No, Representative. If there are parochial or private schools in the area, they will not be evaluated for that. If they show an interest to participate in the overall program of that school district, after school program we will not close the doors, that is not the intention of my Bill, either. They will be allowed to participate. For that matter, an honor student will be able to participate if he or she so chooses."

Hoefl: "In the same way that a member of the school that is performing badly, if they are one of the exemplary students, they also have the rights to participate in the program."

Delgado: "Absolutely."

Hoefl: "Ladies and Gentlemen, on the Bill, please."

Speaker Hartke: "To the Bill."

Hoefl: "We are looking at increasing the capacity of learning in the State of Illinois, that means elongating the school year and elongating the school day. This is a major step towards one of those two. Taking and creating more time in the classroom for students. I think this Bill has a large number of practical problems, that it's going to have to work its way through. The only way that can be done is if we actually pass the thing and allow it to go. I would

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like to say that the Sponsor has a good idea. It will be interesting to explore this. And this is a first step that, I would hope, all schools in the State of Illinois, would be open through our support, through the State Board of Education, to allow all children, not just those having academic problems. I wish that this could be a resource for, virtually, every child in the State of Illinois. I'd like nothing but 'green' up there."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Du Page, Representative Johnson."

Johnson, Tom: "Will the Sponsor yield?"

Speaker Hartke: "He indicates he will."

Johnson, Tom: "Representative, you know, I applaud what you're trying to do here. However, I have some problems with it. You know, I think if we're going to elongate the day, pump more resources for all the students of the State of Illinois, as Representative Hoeft was just mentioning. The problem that I have with this you use as a criteria, and I suppose the genesis of this Bill, that these grants will be available to schools that have two-fifths of their students not meeting the median academic standards of the state. Is that correct?"

Delgado: "That is correct, Representative."

Johnson, Tom: "So, your real intent here was to try to get help for those who are not succeeding, correct?"

Delgado: "That is correct, Sir."

Johnson, Tom: "Okay. That to me, is where the real problem for me lies. This is not targeted resources to those who need it the most. This is a pretty low bar, two-fifths. I can see that in a school that might have three-fifths, of course, who are doing quite well, I can see the three-fifths taking advantage of this program, and the

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two-fifths not even going near it. And I fail to see how this particular plan, if in fact, it's geared towards assisting the two-fifths who are not making it, gets this anywhere towards this and gain. Now granted, some of those people might take advantage of it. But my real problem with this Bill is, we ought to be targeting resources on those children who need it the most. And in my opinion, this is just kind of a catchall."

Delgado: "Representative, what I would say is that we have to allow for our teachers, our administrators, our local school councils, our PTA's and counselors to determine anyone above those two-fifths. I agree, the resources are targeted towards those who need it the most. And I think, that we as Legislators, as parents, and those who are involved in our communities, have pretty well an idea of who those individuals are. And then we have to turn to our experts, and those are those educators and those administrators, that can enhance what is a genuinely good concept, and that is after school programs. Because we have some blessings in here. We have an impact program that also takes our youth from the corners, from the streets, from the lots, from the parking lots, and gives them something constructive to do. This will impact youth crime, delinquency. This will impact parent and family interests. This has a wide array of impact that will not only impact the student as an academic achiever, or one who is in need of academic achievement, but would also impact the social side of things in our communities on a day-to-day basis and give them somewhere constructive to be at."

Johnson, Tom: "Okay. To the Bill. I accept the Representative's intentions and I think they're very well-intentioned, and I

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really applaud the efforts that he is making here. But for me, the real issue is we have certain pockets in our state that are not doing very well. We have a number of students who, for a variety of reasons, are not doing very well and, in fact, would probably fall into, even under this grant, the two-fifths who are not making it. However, I do not believe that just putting more money based to try to get the two-fifths up by making it available to a hundred percent of the students is the way to go. I think we need to target these resources, and I fail to see how this Bill really advances that. So respectfully, I'm going to have to vote 'no' on this."

Speaker Hartke: "Further discussion? The Chair recognizes the Lady from Du Page, Representative Cowlshaw."

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

Speaker Hartke: "Sponsor indicates he will."

Cowlshaw: "Representative, when this Bill was presented in committee, there was a rather lengthy discussion... "

Delgado: "Yes."

Cowlshaw: "... about the fundamental merits that this Bill possesses, because clearly, it is meant to serve young people who really need some additional help. But there were a couple of things that we mentioned then, we would like to get on the record when this debate happened here on the floor. So let me just ask you the appropriate questions. And if Jerry would move out of the aisle, it would be a lot easier for you and I to communicate. Jerry, 'oh Jerry, could you move either one way or the other? I certainly appreciate that."

Unknown: "Thank you."

Cowlshaw: "Isn't that wonderful. We discussed the fact that

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this provides for recreation. And that, in fact, that is not the primary goal of this Bill."

Delgado: "That's correct."

Cowlshaw: "I need you to let me know that, in fact, the primary thrust is academic, and that anything that would be recreational, would be secondary and supplemental to the educational purposes. Is that correct?"

Delgado: "Absolutely. As an activist back in my community, I would fight diligently that recreation not be used as the foremost. If you look at the Bill itself, the language under Section (d), would indicate that the first point is homework assistance. The second one is supplemental education and recreational programs. The recreational programs primarily, are funded by the Lighthouse Program which has an entire different life, different staff and a different goal. This would be primarily to deal with the academia of the student, and so, I give you my word, Representative, that it is for academia."

Cowlshaw: "Thank you. One other... just one other item. The Bill, actually says 'That the Board of Education, the State Board of Education, is to encourage school districts to try to establish partnerships with not-for-profit organizations or businesses, in order to offer these after school programs.' It is my understanding, that that is something that you are expecting the State Board of Education to put into the rules and regulations so that there is, in fact, a real encouragement, a thrust, for those local school districts to get the support of not-for-profit organizations even other units of government, as well as, local businesses, or perhaps, even the local YMCA. In order to do these programs in a community-wide way and with a maximum return for the public tax dollar invested. That

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also, I assume, is correct."

Delgado: "Absolutely. We have nonprofits and YMCA's and businesses, such as Target and other businesses, that are very interested in working with us, and making sure that, not only Cook County, but the whole State of Illinois, have an opportunity to bring this type of program to your schools. And it's as important to point out, Representative, that school districts must submit to the ISBE, a detailed plan summarizing it's strategy for recruiting the students and retaining those students in the after school program, who have failed to meet the academic standards. This is no midnight basketball program, colleagues. This is about getting to the heart of the matter and giving our young people an opportunity to become honor students and, maybe some day also serve in the Illinois House of Representatives."

Cowlshaw: "Representative, have you already selected someone tentatively, to act as the Senate Sponsor of this Bill, if it passes in the House?"

Delgado: "Absolutely."

Cowlshaw: "And may I ask who that Senator might be?"

Delgado: "In the Senate, we have Senator Miguel Del Valle, who is sponsoring that Bill in the Senate. If that was your question, Representative?"

Cowlshaw: "Fine. I, certainly, assume the Senator would be more than willing to work with those of us in the House, who serve on the Education Committee, any of us from either side of the aisle here, in order to try to make sure we get this Bill into the form that it is necessary to be in in order to pass, not just here, but also in the Senate. And I would like to volunteer, Sir, to try to be of help to you with that when the Bill does get to the Senate. I think the

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Bill has merit."

Delgado: "Thank you."

Cowlshaw: "But it's going to take some work."

Delgado: "That's true."

Cowlshaw: "I appreciate your putting this into the record, and thank you, Mr. Speaker."

Delgado: "Thank you, Representative, for your comments. Thank you."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from... the Lady from Cook, Representative Davis. She requests that it be moved to full debate. Representative Davis."

Davis, M.: "Oh. Oh. Who requested that?"

Speaker Hartke: "You did."

Davis, M.: "Oh, right. Okay, very briefly. I rise in support of the legislation, because I believe that in the State of Illinois, when we constantly test our children, but do very little intervention to see that something occurs to increase their testing skills or their academic ability, then we're wasting our time. I think this is an excellent piece of legislation, because it also addresses the 'latch key' kid problem. Many children, after school, have absolutely no place positive in which to go. And this Bill will make certain that those who are not below academically, may also participate. And that's what I really like about the Bill is other students at that particular school, can also participate. I believe that, as we continue to talk about our children in Illinois being our greatest resource and I believe that when we get opportunities to support legislation, that will prove that we care about their academic achievement and we care about what they're doing in the evening. I believe that we will

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then look forward to passing this kind of legislation. If children are in need of interventions in learning, some place has to begin the process. And the State of Illinois in passing this Bill, will begin the process by making sure the school is open in the evening that those children who need to participate, will participate, they will get assistance in homework, they will get tutoring, and perhaps, there will be some recreational offering in order to entice and encourage their participation. I believe this Bill should get 118 'green' votes. And then we'll know we really do mean we're putting our money where our mouth is to support the children of the State of Illinois. We should all vote 'aye'. Thank you, Mr. Chair... Mr. Speaker."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Champaign, Representative Winkel."

Winkel: "Thank you, Mr. Speaker, will the Sponsor yield?"

Speaker Hartke: "He indicates he will."

Winkel: "Representative, I recall in committee, you discussed the eligibility of which school districts would be involved in this program. Could you describe eligibility for the... What school districts would be involved? How would they be eligible?"

Delgado: "Right. Representative, what we did was, we had the ISBE make a run for us throughout the State of Illinois, determining the school districts that had the two-fifth students not meeting the academic standards. So, the ISBE actually made the run, and came up with 41 school districts. I'm having a difficult time hearing myself here, Representative, came up with 41 school districts and that became the formula."

Winkel: "Representative, I guess... obviously, the school in

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Chicago is one district, right?"

Delgado: "That's... "

Winkel: "And so we're talking about 40 additional districts.

Delgado: "That's correct, Sir."

Winkel: "Where would these school districts be located? Are we talking about Suburban Cook? Are we talking about the collar counties? Are we talking downstate? Could you kind of... "

Delgado: "They are peppered through... "

Winkel: "Could you elaborate on that and tell us where these districts are?"

Delgado: "Yes. Yes, Sir. Those districts, from my knowledge, is peppered throughout the State of Illinois. That is my intention to make sure that we do have them wherever schools... "

Winkel: "Representative, do you have a copy of the list of the school districts affected?"

Delgado: "I don't have one here, but I can make one available for you, Sir."

Winkel: "Well, Representative, Representative."

Delgado: "Yes."

Winkel: "I think this is very important to your Bill."

Delgado: "Yes, it is."

Winkel: "Now, now, here's my question to you. I... Would you be willing to take your Bill out of the record, so that we would have a chance to take a look at the list. It give us an opportunity to see which school districts are on that list, before we take a vote on this Bill? I think that's pretty important."

Delgado: "Representative, I think that in good faith to the children of Illinois and to this freshmen Legislator, we'll make this list available to you as soon as we possibly can

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from ISBE."

Winkel: "Representative, with all due respect, I think others have said that your Bill has merit and they'd consider it, but I'm telling you that you might want to seriously give some thought about taking your Bill out of the record. I mean, you haven't asked for my advice. For the two cents it's probably worth, I think you might want to rethink that, one more chance here. Let's have a copy of that list, so we can take a look at it. I would request that you consider, again."

Delgado: "Yeah, Representative. I have no... What we're trying to attempt here is to be able to please both sides, Representative. Yeah. We call it back. I'm going to pull it out of the record just in fairness, Representative Winkel, we worked very well together on committees. And I will pull this from the record, so we can get it called back later today, so you have ample opportunity to read the schools."

Winkel: "Representative, thank you very much, for your cooperation. Appreciate it very much."

Delgado: "You're quite welcome."

Speaker Hartke: "Mr. Clerk, take that Bill out of the record. On page 33 of the Calendar, appears House Bill 2359. What is the status of that Bill?"

Clerk Bolin: "House Bill 2359. The Bill's been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative O'Connor, has been approved for consideration."

Speaker Hartke: "Representative O'Connor."

O'Connor: "Thank you, Mr. Speaker, Members of the House. Amendment #1 of this Bill becomes the Bill. Amendment #1 amends the Township Code. It allows the township... the

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township board, to transfer funds from the Township General Assistance Fund to the Township General Fund. Such transfer funds may only be used for the support and maintenance of children or senior programs. Without this change in law, under the Township Code, the funds that are normally going for general assistance sit in the fund and can't be used for any other purpose. This is supported by the township officials. It would pass out of committee unanimously. There are no opponents to it. And I'd appreciate the Amendment being adopted. Thank you."

Speaker Hartke: "Is there any discussion on the Amendment? Being that no one is seeking recognition, the question is, 'Shall Floor Amendment #1 be adopted to House Bill 2359?' All those in favor signify by saying 'aye', those opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And Floor Amendment #1 is adopted. Further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. On page 42 of the Calendar, appears House Bill 405. Representative Kosel. Out of the record. Mr. Clerk, what is the status of House Bill 405? House Bill 405 is on the Order of House Bills-Third Reading."

Speaker Hartke: "Let's move that Bill back to Second for purposes of an Amendment. Place that Bill on Second. On page 25 of the Calendar, appears House Bill 1795. Representative Smith. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1795. The Bill has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. On page 8 of the Calendar, on Second Reading, appears House Bill 571. Representative Delgado. Mr. Clerk, read the Bill."

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Clerk Bolin: "House Bill 571. The Bill's been read a second time, previously. Amendment #1 was adopted in committee. No Floor Amendments have been approved for consideration. No Motions filed."

Speaker Hartke: "Third Reading. On page 11 of the Calendar, appears House Bill 723. Representative Pugh. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 723. The Bill has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. On page 16 of the Calendar, appears House Bill 1157. Representative Scully. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1157."

Speaker Hartke: "Take that Bill out of the record. On page 27 of the Calendar, appears House Bill 1963. Representative Brunsvold. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1963. The Bill's been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. Mr. Clerk, House Bill 2307. Representative Myers moves to table House Bill 2307. All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the Motion to table House Bill 2307 carries. The Bill was tabled. On page 13 of the Calendar, appears House Bill 803. Representative Brosnahan. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 803. The Bill has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. On page 21 of the Calendar, on Second Reading, appears House Bill 1557. Representative

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Scully. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1557. The Bill has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading, On page 6 of the Calendar, on Second Reading, appears House Bill 429. Representative Bugielski. Mr. Clerk, read the Bill. Take that Bill out of the record. On page 3 of the Calendar, appears House Bill, on Second Reading, House Bill 143. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 143. The Bill has been read a second time, previously. Amendments #1 and 2 have been adopted in committee. No Floor Amendments have been approved for consideration. No Motions filed."

Speaker Hartke: "Third Reading. On page 41 on the Calendar, on Third Reading, appears House Bill 130. Representative Black. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 130, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of this House Bill."

Speaker Hartke: "Representative Black."

Black: "Yeah, thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 130 was amended to address any concerns that came up in the House committee on... after it's hearing. This came out of a future, or a FFA Chapter in some districts. I believe Representative O'Brien and myself had been contacted by some FFA Chapters. For those of you who don't know, that's the agricultural extracurricular unit in many of downstate schools. And what they have done in the past, and have been doing for many years, is they use their pickup trucks to throw equipment in the back and they drive out to the test plot. And then there was a ruling last year, by the State Board

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of Education, that they couldn't do that. So, all this Bill does, as amended, is to say that, 'Only those students can ride in the front of the pickup, and only the number of students that could be covered by seat belts.' In other words, nobody can ride in the back of the pickup. The school district must supervise any such action before a student can use a pickup truck. They must authorize said use and accept liability for said use. Should this Bill get to the Senate, Mr. Speaker, the Department of Transportation has asked for an Amendment to further clarify the definition of a pickup truck. And I'm certainly in agreement with that. I'm sure the Senate Sponsor would do so. I'd be glad to answer any questions anyone has."

Speaker Hartke: "Is there any discussion? The Chair recognizes the Gentleman from Whiteside, Representative Mitchell."

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

Speaker Hartke: "He indicates he will."

Mitchell, J.: "Representative Black, with your legislation, and certainly, for many of our small rural districts, this will definitely be a help. Does your Bill actually... What it does is just simply says, that Mr. and Mrs. School Board Members, if you wish to accept the responsibility and the liability for this action, you may do so; however, you best make sure that your sponsors understand that the liability falls solely on a school district and not on a state board or the State of Illinois."

Black: "It's absolutely my intent. I think the Bill does that. And I didn't know until I presented this Bill in committee, there are some schools that actually purchase a pickup truck for use by their FFA members. And according to the ruling made last year by the State Board of Education, that

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truck could not be used for that purpose. So, I think this clarifies it. Gives constructive notice that the school board must authorize it, must accept the liability, and makes it very clear that the students could only ride in the front of the truck. And only the number of students that could be belted in. So, I think we've tried to make certain that it would not be abused. I know I got some calls early in this process, that said I was trying to replace school buses with pickup trucks. And nothing can be further from the truth."

Mitchell, J.: "I know that's certainly not the case. But quite often, agricultural students are involved in both, not only ag enterprises, but sometimes some vocational and building enterprises, as well when it comes to farm buildings and farm work. Those involve a certain amount of tools that would fit handily in the back of the pickup, as long as the kids are in the cab and strapped in. I think, this Bill just simply gives the school district a little more latitude and puts the emphasis where it should be, with the school district and the board members, and not with us. Isn't that your feeling?"

Black: "Well, I certainly would agree with you, Representative. And I know when we first got into this, the State Board suggested that they should take a school bus to and from the test plot. And unless you had the money to modify a school bus, in other words take most of the rear seats out, it would be impossible for you to transport the feed, seed, fertilizer, tools; you know, all the things that you need out at the test plot. So, unless you had resources that most rural districts don't have, that wouldn't work very well."

Mitchell, J.: "Well, you're absolutely right, and besides that,

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there's many of the smaller school districts that don't have their own school buses. They, in fact, lease these and they're charged per trip. Now, if you've got three or four students and a couple of pickups with the tools, it would be much cheaper and make much more sense for them to go that way, with their instructor, than to have to lease another school bus for an extra special run that costs the districts on top of their ordinary contracted services."

Black: "Well, I absolutely agree with you. And that's all our intent is. We think we've tightened it up to make quite certain that we are not encouraging or letting students drive pickup trucks 'willy-nilly' to school events. And I think the Bill is very definitely focused in on what it can be used for."

Mitchell, J.: "Thank you, Representative Black. Mr. Speaker, to the Bill. I certainly applaud the Representative for bringing this forward. It's something that's been needed for a long, long time. For those remote in rural areas, that ag and the ag programs (FFA), are very, very important to the students and to the area. This Bill will certainly be a help. And I, truly, believe that local school districts have the intelligence to accept the responsibility and the liability, if they so choose. They don't have to but they may. And this legislation is good because it leaves it with the local folks and under local control. I urge an 'aye' vote. Thank you."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Cook, Representative Harris."

Harris: "Thank you, Mr. Speaker. Would the Representative yield?"

Speaker Hartke: "He indicates he will."

Harris: "Representative Black. I would like to know whether..."

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why the Illinois Transportation Association and the Illinois State Board of Education, why are they opposed to this Bill?"

Black: "Why the Department of Transportation is opposed to it? They, and it's my fault, I accept the responsibility. They had an Amendment that I did not see in the process until really it's too late in this last week. I have told their liaison, Matt Davidson, that I will absolutely, insist that the Senate Sponsor add their Amendment. It's a... it defines a truck more narrowly references Section 1 to 11. Says they can only be transported, within the passenger compartment, to a school related instructional program. The number of students being transported may not exceed the number of actual seating positions within the passenger compartment. That's a good Amendment. It was my fault that we overlooked it after we left committee. The Bill will never advance in the Senate without the Amendment, and will have to come back over here for concurrence if it gets that far. And I think that's why they were opposed. And it's my fault. I...I... We agreed to take the Amendment, and somehow it didn't get drafted in time. But that's why they were concerned. But I assure you, this Bill will never get to the Governor's desk without that Amendment."

Harris: "Thank you. Mr. Speaker, to the Bill."

Speaker Hartke: "To the Bill."

Harris: "I think it is a good Bill, as long as that portion of it would be taken care of. Thank you."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, Representative Black to close."

Black: "Thank you very much. We've had a full and fair debate and I ask for an 'aye' vote."

Speaker Hartke: "The question is, 'Shall House Bill 130 pass?'"

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All those in favor will vote 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On House Bill 130, there were 115 Members voting 'yes', 0 voting 'no', 0 voting 'present'. And this Bill having received a Constitutional Majority is hereby declared passed. On page 42 of the Calendar, on Third Reading, appears House Bill 492. Representative Turner. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 492, a Bill for an Act to amend the Veterans Burial Places Act. Third Reading of this House Bill."

Speaker Hartke: "Representative Turner."

Turner, J.: "Thank you, Mr. Speaker. House Bill 492 amends the Veterans Burial Places Act. It adds monument companies and veterans' groups to the list of those who can be reimbursed, up to a hundred dollars, for the cost of transporting and erecting a headstone or memorial provided by the United States Government for a veteran. Be happy to answer any questions."

Speaker Hartke: "Is there any discussion? Seeing none, the question is, 'Shall House Bill 492 pass?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On House Bill 492, there were 116 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And House Bill 492 having received a Constitutional Majority is hereby declared passed. On page 44 of the Calendar, appears House Bill 1280. Representative Winkel. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1280, a Bill for an Act to amend the

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Mental Health and Developmental Disabilities Code. Third Reading of this House Bill."

Speaker Hartke: "Representative Winkel."

Winkel: "Thank you, Mr. Speaker. House Bill 1280 is an effort to set up further safeguards for children who may need electroconvulsive therapy or ECT. This came at the request of a local attorney, who had a case pending in court. It was unclear from the statute, whether or not a court order was necessary or not. So by this Bill, what we're doing is making it clear that, yes indeed, the parents, in the best interests of the child, must first go to court and demonstrate that it is, in fact, in the best interests of the child to have ECT therapy. And also in the Bill, we have added, at the request of the Illinois Psychiatric Society and the State Medical Society, language that would require two additional psychiatric opinions to concur that ECT for minor is necessary. And I'd be glad to answer any questions."

Speaker Hartke: "Is there any discussion? The Chair recognizes the Gentleman from Madison, Representative Hoffman."

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

Speaker Hartke: "He indicates he will."

Hoffman: "Representative, explain to me the current status regarding electroconvulsive therapy for minors the current status of the law."

Winkel: "Representative, ECT for minors was always allowed under the common law with the consent of the parents. We, in the last Session, passed an Act that set forth the procedure for adults, but I believe, inadvertently, left out any mention of minors. And so, the question arose, 'Does the common law still provide for ECT for minors with parental consent alone, or do you have to go through the same

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procedure that you do for adults?' This is an effort to clarify that and to say, 'You do have to go through the same procedures. But in addition to that, you have to, in addition to the treating psychiatrists, have an additional psychiatric opinion, that would occur, that ECT would be needed for the minor.' So it would actually require a court order and have two psychiatrists concurring that ECT for minors is necessary."

Hoffman: "So with regard to adults, currently there has to be a court order. Is that my understanding?"

Winkel: "That's correct."

Hoffman: "And there has to just be one individual that says it is needed, correct?"

Winkel: "That's right. And this... "

Hoffman: "So now we're saying as a double precaution, we'll need two. And, currently, currently we're concerned that a minor's parents could just allow this. And what we're saying... We're going to be like an adult and we're going to require court orders. So, what we're doing is we're tightening up the availability to avoid any type of potential for abuse. Is that correct?"

Winkel: "That's absolutely correct. ECT for minors is rare and we want to keep it that way. We want these safeguards to be in place."

Hoffman: "Great. That was my understanding. I just wanted to make sure that that's what this Bill did. I think it's a good Bill and I urge an 'aye' vote."

Winkel: "Thank you, Representative."

Speaker Hartke: "Representative Hoffman, are you finished?"

Hoffman: "Yes, I am."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, Representative Winkel to close."

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Winkel: "I would ask for your 'yes' vote. Thank you."

Speaker Hartke: "The question is, 'Shall House Bill 1280 pass?' All those in favor will vote 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On House Bill 1280, there are 116 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill having received a Constitutional Majority is hereby declared passed. On page 46 of the Calendar, on Third Reading, appears House Bill 2011. Representative Stroger. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2011, a Bill for an Act to amend the Environmental Protection Act. Third Reading of this House Bill."

Speaker Hartke: "Representative Stroger."

Stroger: "Thank you, Mr. Speaker. House Bill 2011 would increase the civil penalties for open dumping from \$500 per offense to 1500 for the first offense, and 3,000 for second and any other offenses. And we are proposing this because when people dump, the first offense was low and it's hard to catch them, so they would dump again. And, even after they had to pay the second offense, they still came out on top. We think if we increase the penalties, this will make it harder on them, and they will not even do it the first time. And I'll answer any questions."

Speaker Hartke: "Is there any discussion? The Chair recognizes the Gentleman from Logan, Representative Turner."

Turner, J.: "Mr. Speaker, will the Sponsor yield?"

Speaker Hartke: "The Sponsor indicates he will yield."

Turner, J.: "Representative, I hate to ask you to repeat what you said, but I couldn't hear, and it was short, so do you mind again stating what the Bill does?"

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Stroger: "The Bill increases the penalties for open dumping from \$500 for the first offense and increases it to 1500. And for a second offense, it becomes \$3,000. And for any other offenses, it would be \$3,000."

Turner, J.: "And what is your definition for open dumping?"

Stroger: "Open dumping means the consolidation of refuse from one or more sources at a disposal site that does not fulfill the requirements of a sanitary landfill."

Turner, J.: "Well, would it like include littering, throwing something out the window of a car, or isn't that... "

Stroger: "No."

Turner, J.: "... all encompassing? It would not?"

Stroger: "No, that's littering. That's not dumping."

Turner, J.: "I'm sorry, Representative. My analysis says that it would include littering and I want to make sure that we're not getting too large a penalty that simply would be unfair. I'm not saying I support littering at all, but I want to make sure we're not including throwing a wrapper out of a car, or something. My analysis does say littering. That is specifically excluded?"

Stroger: "You're right. Excuse me. Excuse me, my legal expert here tells me that, you're right, it does include littering. But it would have to come from one or more sources."

Turner, J.: "And what do you mean by that?"

Stroger: "That would mean that it has to be more than one person and they would have to throw things in a pile, not just randomly out of the window."

Turner, J.: "Okay. Is that in the Bill someplace? If so, I do have the Bill in front of me, could you point to the language? I don't see that in the Bill."

Stroger: "We're getting that from the definition of open dumping,

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which is in the Environmental Protection Act."

Turner, J.: "All right. So you're... In order to get the definition, I need to have the Environmental Protection Act in front of me?"

Stroger: "Do you want us to bring it over to you? We've got a copy right here."

Turner, J.: "No. I don't need it. If you're tel... As long as I can ask the questions and you can clarify them for me. So if a person's driving down the roadway in a car and throws out a piece of paper as I understand it, that is not included under your Bill, which would warrant a \$500 penalty?"

Stroger: "That's correct."

Turner, J.: "If a passenger threw out a piece of litter, and a driver threw out a piece of litter, would that then qualify under your Bill?"

Stroger: "Well, it would have to all end up in a pile in the same spot. Then that would be dumping. But if they just randomly threw things out, and it floated around, that would not."

Turner, J.: "Is this Bill intended to affect the entire state, the entire State of Illinois, or is it confined only to Cook County or the City of Chicago?"

Stroger: "The State of Illinois."

Turner, J.: "These offenses, are they petty offenses, misdemeanor offenses, or felony offenses, or business offenses?"

Stroger: "It's a civil penalty."

Turner, J.: "Civil penalty only then, and there is no criminal violation?"

Stroger: "No criminal violation."

Turner, J.: "How is the civil penalty imposed? And by whom is it imposed?"

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Speaker Hartke: "Mr. Turner, are you finished with your questioning, or?"

Turner, J.: "No, I was waiting for a response to my last inquiry. Thank you, Mr. Speaker."

Stroger: "The State's Attorney or the Attorney General has the authority to pursue an action for collection of the penalties."

Turner, J.: "Okay, so the action would be brought either by the Attorney General or the State's Attorney, I presume meaning, accused person would have the right to contest the same in a court of law?"

Stroger: "Yes."

Turner, J.: "And how are they charged? Is it something mailed to them, or is it some uniform traffic citation or what would be the process?"

Stroger: "Usually, the EPA will give a citation and then, from there, it will go to the State's Attorney or the Attorney General, and they will take it... file the complaint, take it to court, and try to collect the fine."

Turner, J.: "Okay. And you're increasing the penalty for the first offense. Is it from \$500 all the way up to \$1500?"

Stroger: "Right, 500 to 1500."

Turner, J.: "Then how did you arrive at that? That's a 300 fold... or a three fold increase, so why did you come up with increasing all the way up to \$1500 from 500?"

Stroger: "Well, the problem we have now is, well it's hard to catch people dumping. So, we wanted to make the penalty large enough, where if they were caught a first time, it would have some fiscal impact on them."

Turner, J.: "Well, has there been a problem that people being caught, or not fined enough? Or they're not being fined the maximum \$500 or they are being fined that and that just

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hasn't served as an effective deterrent?"

Stroger: "Well, it's very hard to catch them. And \$500 is a small amount as you can dump once and you don't get caught until the next year."

Turner, J.: "Well, my question was, 'Have courts of law been imposing penalties below \$500 or have they been actually imposing the \$500 penalty, thereby causing you to believe that, if you up the minimum amount, that it would serve as a more effective deterrent?'"

Stroger: "We believe that the EPA and the courts have been seeking the \$500 penalty."

Turner, J.: "Representative, my analysis says that the Bill is opposed by the Manufacturers' Association. Do you know if that's correct?"

Stroger: "I believe they removed their opposition."

Turner, J.: "Okay. The analysis also indicates that the State Chamber is opposed or at least has been opposed the Chemical Industry Council is opposed or has been opposed. And the Petroleum Council is opposed or has been opposed. Do you know what their position is today, as we speak?"

Stroger: "My understanding is they're no longer in opposition."

Turner, J.: "Did you amend the Bill causing them to raise their opposition?"

Stroger: "No, I did not amend the Bill."

Turner, J.: "Do you know why they were originally opposed or thought they would be opposed?"

Stroger: "I believe... The conversation we had, they said 'that their members don't do illegal dumping.' And then I told them that it wouldn't affect them and I thought they were happy with that."

Turner: "Representative, thank you for responding to my questions. Thank you, Mr. Speaker."

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Stroger: "Thank you."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, Representative Stroger to close."

Stroger: "And I'd ask for an affirmative vote. Thank you."

Speaker Hartke: "The question is, 'Shall House Bill 2011 pass?' All those in favor will vote 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On House Bill 2011, there were 117 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill having received a Constitutional Majority is hereby declared passed. Mr. Clerk, what is the status of House Bill 143?"

Clerk Bolin: "House Bill 143 is on the Order of House Bills-Third Reading."

Speaker Hartke: "Place that Bill on Second, for the purposes of an Amendment, at the request of the Sponsor. On page 45 of the Calendar, appears House Bill 1878. Representative Delgado. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1878, a Bill for an Act to amend the School Code. Third Reading of this House Bill."

Speaker Hartke: "Representative Delgado."

Delgado: "Thank you, Mr. Speaker and Members of the Illinois House. At the request of Representative Winkel, we were asked to provide a list of all the schools that House Bill 1878 would affect throughout this great State of Illinois. And this is in regards to the after school programs, when and if we create a \$20,000,000 line item. We have since given the information to Representative Winkel and his staff, and we would ask at this time for any further questions regarding the House Bill 1878."

Speaker Hartke: "Further discussion? The Chair recognizes the

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Gentleman from Whiteside, Representative Mitchell."

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

Delgado: "Yes."

Speaker Hartke: "He indicates he will."

Mitchell, J.: "Representative Delgado, is your Bill subject to appropriation?"

Delgado: "Right. It doesn't state specifically in the Bill. This would be creating a line item that is not in existence at this moment. As we know, the Governor's Office has shown indications as helping to create this. In addition, we do not, at this point, we consider this a new line item, Representative."

Mitchell, J.: "Representative, our analysis says 'for monies appropriated for these activities.' Now, my understanding with that then, this Bill will be subject to you being able to find the funds to... Hello... find the funds to get these programs in motion. Yes. Mr. Speaker, could you clear the center aisle? I'm having a little difficulty communicating here."

Speaker Hartke: "Ladies and Gentlemen, this is Third Reading. Please give the speakers your attention."

Delgado: "Thank you, Representative, and I stand corrected. If you look at the actual language of the Bill, Section 2-3.11(c), After School Program Grant. Section A - for monies appropriated for the purposes of this section, the State Board of Education shall provide After School Program Grants. These dollars... We're anticipating negotiating with the Governor's Office who has shown an intense interest in after school programs. In addition to many of the school districts, the The Chicago Tribune this past weekend or last weekend, put out a very favorable editorial indicating that such is needed. So we are looking at

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working with the Governor's Office, moving this legislation forward to the Senate, as we know that this is... this will incorporate other discussions."

Mitchell, J.: "Well, Representative, at this point in the negotiation's process and in the budgeting process, I wish you the best of luck."

Delgado: "Thank you, Representative."

Mitchell, J.: "Mr. Speaker, to the Bill. This is a good concept... "

Speaker Hartke: "To the Bill."

Mitchell, J.: "... it's one that's needed. And I certainly applaud Representative Delgado for bringing it forward. It's tough to find any kind of programs that help to alleviate the problem of students not achieving the standards of the State of Illinois. As we move forward and expect all students to meet standards before they move on, grade level wise, we're going to need a lot of programs in order for all students to meet those standards. It may be tough to get the appropriations at this time, but it will, at least put a line item, even if it's zero this year, it will be there in the following years for the State Board to look at, budgeting some money for this. I applaud the Representative and I think everyone should vote 'aye'. Thank you."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Champaign, Representative Winkel."

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

Speaker Hartke: "He indicates he will."

Winkel: "Representative, is there a companion Bill in the Senate?"

Delgado: "Yes there is, Representative."

Winkel: "What is the status of that Bill?"

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Delgado: "The status of it now, from what I understand, it may still be in committee. I understand, there is a... one Senator on your side of the aisle, that I know of, whose concern was that because there's no schools in his district period, that there might be some... there still needs to be further discussion as to the total support there. However, we do have indications that, that there are discussions. But it is in committee."

Winkel: "Well, Representative, I, again, do appreciate your having taken this Bill out of the record and provided us with the requested information, then. It gives us an opportunity, then, to make a more informed decision. Thank you very much."

Delgado: "Thank you, Representative."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, the question... Representative Delgado to close."

Delgado: "Well, once again, I would just ask for your 'aye' vote on this. And please understand the social impact that after school programs will have throughout our great State of Illinois. And let's move forward."

Speaker Hartke: "The question is, 'Shall House Bill 1878 pass?' All those in favor will vote 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On House Bill 1878, there are 96 Members voting 'yes', 21 Members voting 'no', and 0 voting 'present'. And this Bill having received a Constitutional Majority is hereby declared passed. On page 46 of the Calendar, appears House Bill 2333. Representative Turner. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2333, a Bill for an Act to amend the Code of Criminal Procedure of 1963. Third Reading of this

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House Bill."

Speaker Hartke: "Representative Turner."

Turner, J.: "Thank you, Mr. Speaker. House Bill 2333 amends the Code of Criminal Procedure. It permits an additional 10 days for trial after a speedy trial deadline has expired but does provide that the defendant would be released from custody during that additional 10-day period. It makes other provisions, with regard to the speedy trial provisions in the Code, to help clarify them in order to assist both prosecution and defendant so that they will know, exactly, what the speedy trial rights are to be given to defendant. Be glad to answer any questions."

Speaker Hartke: "Is there any discussion? Seeing that no one's seeking recognition, the question is, 'Shall House Bill 2333 pass?' All those in favor vote 'aye'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On House Bill 2333, there are 112 Members voting 'yes', 0 voting 'no', and 4 Members voting 'present'. And this Bill having received a Constitutional Majority is hereby declared passed. On Third Reading, on page 45 of the Calendar, appears House Bill 1712. Representative Moffitt. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1712, a Bill for an Act to amend the Counties Code. Third Reading of this House Bill."

Speaker Hartke: "Representative Moffitt."

Moffitt: "Thank you, Mr. Speaker. House Bill 1712 makes provisions of the Municipal Housing Finance Law applicable to counties. This Amendment allows counties to issue tax-free revenue bonds to help low or moderate income home buyers. Under the current law, counties... Excuse me. Under the current law, cities and Cook County are allowed

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to issue such bonds. This would simply... it's permissive. Would allow the counties across the state to do the same thing that municipalities are doing at the present time. Also I have a letter from Chapman and Cutler. Just one concluding paragraph. It says, 'It's important to note that the revenue bonds issued by nonhome rule counties and municipalities under the statute as amended by House Bill 1712, will be payable solely from the revenues of the financed program and would not, I repeat, 'would not be payable from the general funds of the issuing counties or municipalities or taxes.' Be happy to answer any questions."

Speaker Hartke: "Is there any discussion? The Chair recognizes the Gentleman from Madison, Representative Hoffman."

Hoffman: "Will the Sponsor yield?"

Speaker Hartke: "He indicates he will."

Hoffman: "Yes, Representative. Explain to me, exactly, what this would do in relation to the current law again?"

Moffitt: "Under current law, municipalities have the ability to issue bonds to make available low or moderate income... for low or moderate income home buyers. The municipalities have that authority now. This would simply, apply that then to counties that do not have the authority. Currently, Cook County, would be the only county that has that authority, along with the municipalities in the state. And that legislation was passed, I believe, in the last Session. And I think... I believe, Representative Leitch sponsored that legislation, if I remember, correctly, last year and was... has been working on this again this year to apply it now to counties. But it's permissive. Would allow counties to do what cities already can do, help low and moderate income families, if they want to."

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Hoffman: "And where would the funding for this program come from?"

Moffitt: "By the issuance of bonds by the county. They would decide whether or not they wanted to issue these bonds, which then they could make the loans available at low interest rate."

Hoffman: "Who would pay for... repay the bonds, the homeowner? Is that what you're saying?"

Moffitt: "Yeah. Yeah. Ultimately, the homeowner is going to repay it but they're going to be paying at a much reduced rate."

Hoffman: "And who would... How come they can offer it at a reduced rate? What I'm trying to get to, is this going to cost county taxpayers any money as far as generally, the general population?"

Moffitt: "No, absolutely not. And the reason they can, the counties can offer it at a lower rate is because they are tax free bonds. It's not putting the county tax base or taxpayers at risk, at all. And I have the letter from Chapman and Cutler indicating that, that it would not be putting them at risk. But strictly paid for by the homeowners paying... repaying the low interest loan."

Hoffman: "And is this an initiative of any particular county or organization? Or is it just your initiative?"

Moffitt: "Representative, this would be available to any county and anyone that wanted to get into the bonds. It was brought up by... Gates Capital is the one that had indicated that why not apply this also to counties, what we'd already applied to municipalities?"

Hoffman: "You're telling me, right now, that there is no risk, whatsoever, to county taxpayers?"

Moffitt: "Right. No risk to the county taxpayer. That's

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correct."

Hoffman: "What if the bonds... What if there are loan interest low that are made and then they go default. Who's going to pick up that cost?"

Moffitt: "There could probably be more than one scenario. But, typically, a bank would buy the bonds. They're not taxable by the Federal Government, so that the banks would be the one holding the bonds and if there was a default, would be the ones that, ultimately, probably, would go back to take over the property and market it under another buyer. It would not be left with the county, in any way, owing the bond. But it would be in private ownership."

Hoffman: "Okay well, thank you, Representative. I don't see any problem with it. I believe, that this has worked in some municipalities. My only concern, as I indicated before, was the potential for any risks to the general population who would not be involved in this program. I don't see any problem with an 'aye' vote."

Moffitt: "I appreciate that, Representative. And, of course, the letter from Chapman and Cutler indicated that it did not put the counties at risk."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Peoria, Representative Leitch."

Leitch: "Thank you, Mr. Speaker. Perhaps it'd be helpful, to say that this legislation merely extends the abilities of counties to use their IRB tax exemptions for low cost housing. And it's the same thing we did for nonhome rule units last year. And city's home rule units have been able to do this for years. Thank you."

Speaker Hartke: "Representative Moffitt to close."

Moffitt: "I think it's an opportunity to extend an authority to the counties to help their citizens, just like the

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municipalities have now. And I'd ask for an 'aye' vote."

Speaker Hartke: "The question is, 'Shall House Bill 1712 pass?'

All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish?

Have all voted who wish? Have all voted who have wish?

Mr. Clerk, take the record. On House Bill 1712, there are 117 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill having received a Constitutional Majority is hereby declared passed. On Second Reading, appears House Bill 1383. Representative Black. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1383, a Bill for an Act concerning wireless 911 services. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. On page 13 of the Calendar, on Second Reading, appears House Bill 822. Representative Black. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 822. The Bill's been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Black, has been approved for consideration."

Speaker Hartke: "Representative Black."

Black: "Thank you very much, Mr. Speaker. Floor Amendment #2 was adopted in committee last week. If you'll bear with me for a second, I might even be able to find it and refresh my memory as to what it did."

Speaker Hartke: "Floor Amendment #1."

Black: "(1) that's right. (1) was amended in committee. Let me take a stab at it, because we don't have it in the file. As I recall, it sets up how the advisory committee is to be run, and it takes the 8.75% privilege fee, currently levied

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on quarter horse races, and puts it in... now that goes into the General Revenue Fund, that's about \$58,000. That fund would... those dollars would then go into the Quarter Horse Breeders Fund that'll be administered by the Department of Agriculture with the advice and assistance of the advisory board, that's created in subsection (d) of this section. And it creates the Illinois Racing Quarter Horse Breeders Fund Advisory Board. The purpose of that is to enhance the purse and the races for Illinois-owned and bred quarter horses. I'd be glad to answer any questions that you have about that."

Speaker Hartke: "Is there any discussion? The Chair recognizes the Gentleman from Cook, Representative Lang."

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

Speaker Hartke: "He indicates he'll yield."

Lang: "Representative, where do we raise quarter horses in Illinois?"

Black: "Well, I know where we used to raise them, but it's closed, and it was in Gibson City. So let me... let me consult with staff. It's my understanding, and I should have remembered this, I passed the Bill last year. Any racetrack in Illinois, between cards of thoroughbred or pacer or whatever, can if they so desire, have a quarter horse race. And it's my understanding, that some have done so and that the handle was such, that they may want to continue to do that, and even promote it. And I think last year the Bill we passed said, that they were limited to one per day, and if that... if the track wanted to, they could have more than one per day. That... The best of my understanding, Lou."

Lang: "If a track chooses to raise quarter horses, can those races be simulcast to... around the state as other races

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are now?"

Black: "Well, I really don't know the answer to that. I can try to find out. My guess would be if it was at an approved meet, and I notice that the Thoroughbred Horse Association, Arlington's... Of course, Arlington is out of the business Sportsman's and the Illinois Racing Board, were neutral on the Bill. My guess is that it would be 'yes', but I honestly, don't know."

Lang: "All right. I'm prepared to support the Amendment. But before we vote on it, on Third Reading, I think there's some more information we need to get about how this meshes with what's going on today. As you know, the horse race system in Illinois today, is in a crisis. There numbers are going down. There's some real problems with simulcasting. Some real problems with keeping those 37,000 agriculture jobs going. And I would just like to know how this meshes with that, so we can determine if this is good for the horse racing industry in general, or neutral, or bad. I really don't know but I'll support your Amendment."

Black: "Thank you very much. And I assure you, we'll get the answers before we move the Bill on Third."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, Representative Black, would you like to close?"

Black: "Thank you very much. I would ask for a favorable vote on the Amendment. And we'll, certainly, do our best to get the answers that Representative Lang ... the answers to the questions that he raised."

Speaker Hartke: "The question is, 'Shall the House approve... adopt Amendment... Floor Amendment #1 to House Bill 822?' All those in favor signify by saying 'aye'; those opposed 'no'. In the opinion of the Chair, the 'ayes' have it."

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And House... Floor Amendment #1 is adopted. Further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. On page 13 of the Calendar, appears House Bill 842. Representative Moore. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 842. The Bill's been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. On Third Reading, on page 45 of the Calendar, appears House Bill 1955. Representative Turner. Art Turner. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1955, a Bill for an Act to amend the Illinois Municipal Code. Third Reading of this House Bill."

Speaker Hartke: "Representative Turner."

Turner, A.: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 1959 (sic-1955) requires that persons contesting a municipality's proposed action for demolition, must have a legal and equitable interest in the property in order to stop demolitions. It also provides that a municipality's liens for protecting that property, i.e. boarding it up, are in terms of priority, are superior to all existing liens except taxes. So if the municipality files a notice it owes liens within 180 days after incurring that cost... Basically, it provides protection for owners of property, who feel that they still have an equitable interest. And it also provides some safeguard for the city, who is making an attempt to protect their property. And I move for the adoption of House Bill 1955."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall House Bill

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1955 pass?' All those in favor will vote 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On House Bill 1955, there are 115 Members voting 'yes', 1 person voting 'no', and 0 voting 'present'. And this Bill having received a Constitutional Majority is hereby declared passed. On page 42 of the Calendar, on Third Reading, appears House Bill 562. Representative Black. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 562, a Bill for an Act to amend the Illinois Public Aid Code. Third Reading of this House Bill."

Speaker Hartke: "Representative Black."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 562 has come out of several incidents that many of us in the General Assembly have, unfortunately, run across from time to time. That is, that if... if the Department of Public Aid underpays one of your providers, a nursing home or a community-based organization of some kind, they can go back and, or excuse me, overpays, I'm sorry... they can go back, literally unlimited period of time, and say 'that you owe them money and you had best send it back.' However, if your nursing home, your publicly-owned nursing home, or your community-based organization, overpays the Department of Public Aid, they are told, 'Well, that's tough. We'll give you a credit or we'll work it out.' Many of them have said 'We would prefer to have the money. Our cash flow is such that we would prefer that you pay us back.' Now, that has not been done. This is a Bill that we voted on in the House, I think last year. I believe Representative Poe had the Bill and it passed. We passed 112-2 but did not receive a

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hearing in the Senate as surprised as you all are to hear that. So, we're going to try once again. Now, I have agreed with the Department of Public Aid, that we will put a reasonable time limit in the Senate, on how far back that community-based institution can request reimbursement. Obviously, we would want something in the order of 18 months, not 10 or 15 years. I think, it's... we've tried to do this in every way we could. It appears the only way we can do it is legislatively. I'd be glad to answer any questions that you have."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, except Representative Jerry Mitchell, from Whiteside."

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

Speaker Hartke: "He indicates he will."

Mitchell, J.: "Representative, I notice that you were trying to work with the Department. Were you successful in reaching any agreement? Or are they still... both departments still opposed that show on our analysis?"

Black: "Well, I wouldn't portray it as saying that they're in agreement. We did reach a verbal agreement, that if I would amend the Bill in the Senate, and I'm perfectly willing to do that. To say that they're liability would not go back forever, which I think is a fair request, that while they probably wouldn't support the Bill, they wouldn't oppose it as vigorously. And I think this is what we'll try to do in the Senate, is to limit their liability say to 18 months. We could see where maybe a nursing home would change hands and in the audit, they would find that maybe 10 years ago, they overpaid the Department of Public Aid and were, in effect, owed \$50,000. And the Department says, you know, space 'Surely you don't want us to go back

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10, 15 years and pay them that money.' And I agree with that. So, we'll make the Amendment in the Senate to say that those community-based entities that have overpaid, will have to request their reimbursement within an 18-month period."

Mitchell, J.: "So basically, you're saying your Bill just sets the record straight as of now...?"

Black: "Yes. That's right."

Mitchell, J.: "... or more or less, now?"

Black: "Unfortunately, we won't be able to help any of those, and I have a nursing home in my district, a county-owned nursing home, that has run into this, and we could not work out any reimbursement to help their cash flow. So, I think many of us, on occasion, just thought that, that was not a fair way to do it."

Mitchell, J.: "It looks like a fair solution to me. Thank you, Representative."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, Representative Black to close."

Black: "Thank you very much. I'd request an 'aye' vote."

Speaker Hartke: "The question is, 'Shall House Bill 562 pass?' All those in favor will signify by voting 'yes'; those opposed voted 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On House Bill 562, there are 116 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill having received a Constitutional Majority is hereby declared passed. On page 26 of the Calendar, on Second Reading, appears House Bill 1874. Representative Klingler. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1874. The Bill has been read a second time, previously. No Committee Amendments. No Floor

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Amendments have been approved for consideration. No Motions filed."

Speaker Hartke: "Third Reading. For what reason does Representative Garrett seek recognition?"

Garrett: "Mr. Chairman (sic-Speaker), my light did not work on the last vote. So I would, respectfully, ask you to take that into consideration. Vote me a 'yes', if you can. Mark me down as a 'yes' vote."

Speaker Hartke: "The Journal will so reflect your wishes. On page 44 of the Calendar, on Third Reading, appears House Bill 1290. Representative Black. Representative Black. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1290, a Bill for an Act to amend the School Construction Law. Third Reading of this House Bill."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 1290 is a companion Bill to one that we passed on the Agreed Bill last week. This emanates from my district. A number of small school superintendents have tried to figure out ways to combine some of their relatively small enrollment high schools into a high school of, at least 500 enrollment. The way they think to do this is by changing the Cooperative School Law, and we did that last week, unanimously. This Bill then, since there's no reference in the construction grant, references a cooperative high school in the existing construction grant program. I'd be glad to answer any questions that you have."

Speaker Hartke: "Is there any discussion? The Chair recognizes the Gentleman from Macoupin, Representative Hannig."

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

Speaker Hartke: "He indicates he will."

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Hannig: "Yes. Representative Black, the way I read this Bill, it would take your school district and put them at the head of the line, so to speak. It would... In the school construction program, it would put them ahead of everyone else who's currently in line. Is that the way you read this Bill?"

Black: "No. And the superintendents who testified said that that's not the way they read it. And it's not the way the State Board read it. It does put them in as a second priority. And I was more than willing to do a 2 subsection (a) or a 2 subsection (b). The State Board said, 'You know you just couldn't do that, you would end up with, perhaps 50 or 60 subsections.' I did ask, under the most optimistic projections, how many cooperative high schools could there possibly be and they said, 'None'. Excuse me, they said, 'No more than six could possibly be formulated in the next decade.' I guess I'll borrow a phrase from the superintendent of these five schools that are trying to consolidate into one high school, or not consolidate, that's the word that gives some of the folks problems in rural areas. They're trying to get rid of three, four small enrollment high schools into one high school of 500 or more. And as they said, more eloquently than I'm doing here, 'If there isn't a construction grant component to this, then obviously, it can't happen.' So, we would simply continue to operate, in this case, four relatively small enrollment high schools, where I think the sense of the General Assembly was, 'We'd kind of like to see larger enrollment high schools.'"

Hannig: "Well, Representative, our analysis says, that it would create a new category and that that category, in effect, would be between the first category, which is the fire or

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some kind of natural disaster, which I think we all agree with, but it would be before the second normal category, which is where most all of our existing school districts now reside, as far as their status on the build list. And I don't think anybody objects if you want to join Category II, but I don't know that everybody wants to allow you just to get in the front of the line, quite frankly."

Black: "I wish I had a good answer for you, Representative. And I wish it was possible for the superintendents working on this issue, and the board members and the parents, were here to tell you why they're so interested in this. You know me well enough to know I'm not trying to get in the head of the line. What I am trying to do, is to say that students in small high schools, and I doubt how efficiently they can run in the next decade, if we're going to look at all the students in the State of Illinois and try to give opportunity for new facilities, i.e., larger enrollment facilities, then they have to go on the list. I wish there was a way to do it as you're saying, and we did look into that. We asked the State Board if we could do a subsection or a two and add, and all I can tell you is that Gary Ey, who I've come to respect a great deal at the State Board, said 'That there was simply no way to do that, that these would be so few and far between, that it would probably not disrupt anybody's plans currently on the list or even in the works.' But he knows of no other way to do it. I wish there was, because I don't want my school district to knock out, even if this happens... and by the way, it can't happen without a front door referendum in the affected districts. At the same time, I'd like to see this idea move forward if at all possible. I wish I could tell you, unequivocally, that no district would be moved down. My

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gut feeling is that none will. I'm not sure that any of these will take place. But I've done everything I can do to see if we could add a subsection, or handle it in any different way. And unfortunately, according to the best advice I've gotten from the State Board, there's no other way to do it."

Speaker Hartke: "Further discussion? Representative Hannig, you have further questions?"

Hannig: "I think, Representative Black, under the current law, there's already a three, a priority three for projects resulting from inner-district reorganization, and you probably would be there. Now, frankly, the problem there is that you are at the end of the line. But why would you not just use that classification?"

Black: "That would be fine with me. And should this Bill get to the Senate, if it can be amended to a three, I have no objection to that. To the best of my recollection, Gary, the experts at the State Board said that they thought three dealt with consolidation and we're creating a new hybrid. And they didn't think it would go in three, either. I understand perfectly what you're saying, and I wish I could find a real easy way out of this. But, I guess the bottom line is, this is what four small districts have come up with to try and get a high school of 500 enrollment. And it seems to be... this is what the experts tell us we're left with."

Hannig: "Do you foresee any potential that other school districts, if we create this special class, would try to use... take advantage of it?"

Black: "Gary, I've asked that question. And again, this legislation was drafted primarily by the experts in the State Board of Education with the conjunction of the

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affected districts. According to what Gary Ey, and I hope I'm not misinterpreting what he said, according to what my interpretation of what Gary Ey said, that there would probably be fewer than six, if that many, who could do this under the Bill that we've already sent to the Senate creating a cooperative high school district. And that would be statewide."

Hannig: "Thank you."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Kane, Representative Hoeft."

Hoeft: "Thank you, Mr. Speaker. The Sponsor yields?"

Speaker Hartke: "He indicates he will."

Hoeft: "In all due respect, I don't understand why we can't have a subcategory of cooperative schools with the consolidation. This Bill specifically says, 'That it will be placed before overcrowding.' That'll be the second classification. And that will have a negative impact, virtually, across the board for every Member of this General Assembly. The first is natural disaster and fire; the second would be your cooperative school. Cooperative school and consolidated schools are such natural partners, I think that it would just simply making a statement that they are similar in terms of their ability to get funds. This doesn't make any sense. I don't... I have a lot of respect for Gary Ey also, but what he's saying doesn't make any sense to me. And I think this Bill as it is written, is going to harm just about everyone of us who are looking for these construction grants. Why can't it be put under Classification III?"

Black: "Doug, if I thought it would harm anybody in the chamber, I wouldn't present the Bill. Obviously, I don't feel that way. And, obviously, you do. All I can tell you is that I

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ask the best minds who have worked on these problems, i.e., consolidation for the last 15 years, if we could do that. Could we create a subsection? Could we 'piggyback' on an existing item? And for better or for worse, and I'm not an expert in that field, I've spent most of my life in education, but this is beyond my realm of experience. I was told, 'No we could not, because if we did that, we could end up, literally, with dozens of subsections that would emasculate the whole process.' I'm taking Gary, and again, I hope I've not misinterpreted his remarks, but I'm taking someone who's spent years dealing with this, I'm taking him at face value and that's what I'm presenting."

Hoeft: "So what are you going to do when this is to the Senate? You say you were going to change it?"

Black: "Yes, I would ask... and I would assume that Senator Myers would pick this up. And I'm perfectly willing to tell Judy, or ask Judy to go back to Gary and the State Board, and say 'let's look at it again.' Is there a way we can just dovetail into the existing category three? Is there a way we could dovetail into an existing Category II with a subsection? I'm perfectly willing to do that, if the experts up the road here, will tell me we can."

Hoeft: "And if they can't, then will this be put as the third or the second section of priorities?"

Black: "If I could get a green light from the State Board that we wouldn't be in conflict with what they think the intent of the third category is, that we're not in competition or out of sync with consolidation, I'll gladly move it to Section III."

Hoeft: "Because you could just make it Section III and make the consolidations Section IV."

Black: "Well, that could be. Or maybe we could even amend it on

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it's face, consolidation/cooperative. The problem with this is we created that new category and I don't think they really knew where to put it."

Hoeft: "I don't think it should go in front of all the school districts that are struggling with overcrowding. Because we dealt with that. We worked with that. We negotiated that. And all school districts here who have... school districts that are experiencing overcrowding and will get the support of the construction grants, this Bill will place these six schools directly in front of our schools that need this, unless this has changed. Thank you, Sir."

Black: "Thank you."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Cook, Representative Harris."

Harris: "Will the Representative yield, Mr. Speaker?"

Speaker Hartke: "The Sponsor will yield."

Harris: "Representative Black, what if any, would that be an additional cost to the state for this?"

Black: "I'm sorry, Mr. Speaker. Mr. Speaker."

Speaker Hartke: "Yes, Sir."

Black: "I could not... I could not hear the question."

Speaker Hartke: "Shhh."

Harris: "Representative Black, will there be any cost to the state in this regard?"

Black: "As I interpret the bonding provision, no. The bonds are already there. They've been sold. I think what you've heard is the concern. There will be no extra cost. What you've heard is a concern that a cooperative high school might fit in before somebody else's application. But there would be no extra cost than what's already provided for in the bond... in the school construction bond issue."

Harris: "Well, my next question then would be this, do they have

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a law now that 'first come first served'? If any, do you know... "

Black: "Not necessarily in the school. There are categories in the school construction bond law. Not necessarily, 'first come first served.'"

Harris: "Well, thank you. Thank you, Mr. Speaker."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Champaign, Representative Winkel."

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

Speaker Hartke: "He indicates he will."

Winkel: "Representative Black, when would this Bill take effect?"

Black: "I'm sorry, Rick, when does the Bill take effect?"

Winkel: "Yes, Sir."

Black: "It doesn't have an effective date, so it would be January 1 next year, I think. If I remember how that works, because it does not have an immediate effective date."

Winkel: "Okay, obviously a lot of us are thinking, well we've got school districts on the lists already and there may be some more in April with referenda that are pending. And we're very concerned, of course, if there'll be enough allocated in the budget to cover those existing projects that are already eligible. Is ther... And I've got a district, Gibson City for instance, that's on the list and their down... ranked toward the end, and I'm a little concerned about that. Is there a chance that if we passed your Bill they'd be bumped off?"

Black: "No. No, and I'll tell you why, Rick. First of all, the Bill does not have an immediate effective date. Secondly, I don't know that any of these will ever... they have to go to the voter, and I only know of one in the state, and, you know, I can't dodge the issue, that one is in Vermilion and a small piece of Champaign County. I think it's in

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Representative Johnson's district. I would say they're two years away from a vote to authorize a cooperative high school. Probably then another year away for studies, et cetera. My guess is, that the earliest you could see an application for a cooperative high school construction grant, would probably be 2003 or 2004. So, I don't think it would knock out anybody, currently, in the pipeline."

Winkel: "Well, I was glad to support your House Bill 131, I believe the number was."

Black: "That's correct."

Winkel: "And... So this would affect cooperatives and consolidation?"

Black: "Yes. (131) would create the category of a cooperative high school. This would allow them to access funding if, and I'm glad you raised the question, if in fact, any of them ever come to pass."

Winkel: "So, House Bill 131 hasn't even been signed into law yet, so it doesn't even exist."

Black: "That's true."

Winkel: "So, I mean, this... we're looking farther down the pike if this would ever come to be."

Black: "I... I... If everything went as smoothly as could possibly be expected, we're four fiscal years away from even having an application. And I think that's a best case scenario. Because, I'm the same way, Rick Danville is in the pipeline and should get notification of a new elementary school. And obviously, I couldn't put myself in the position of either/or. So, nothing in this Bill will come to fruition, for at least four years maybe never."

Winkel: "Well, Representative, I appreciate your answers and I certainly hope, that this afternoon, that people are listening that this is an important piece of legislation

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and they ought to be aware of their own situations and the impact of this Bill, and how it might affect school districts currently ranked. And I appreciate your answering my questions."

Black: "Thank you."

Speaker Hartke: "Further discussion? The Chair recognizes the Lady from Cook, Representative Crotty."

Crotty: "Thank you, Mr. Chairman (sic-Speaker). Would the Sponsor yield?"

Speaker Hartke: "He indicates he will."

Crotty: "I'm sorry, Bill. You may have answered this question but, in discussion over here, could you tell me again, if you have? Will this end up with the list that we have already out there on school construction, will this drop all of the districts down by putting your Bill into law, will that bring your school district, or school districts like yours, to the second priority list?"

Black: "Representative, to the best of my knowledge, assuming that any cooperative school would ever be formed, and realize that the enabling legislation is now in the Senate, that could conceivably happen. As I told Representative Hannig earlier, the State Board has told me, that under the most liberal interpretation, there would never be more than six of these, if that many. We're four fiscal years away from any action on a cooperative high school. I would think that anybody in the pipeline is going to be there long before this district would be ready because they've not had... First of all, the law doesn't exist. Secondly, they have to have a referenda. But, I'm not going to evade your question. Four or five years from now, could a cooperative high school be placed in a Number 2 a overcrowded your school in your district be placed Number

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3, that is conceivable. That could happen. I don't think it would, but I'm not about to stand up here and tell you, that under no circumstances would it ever happen."

Crotty: "Thank you for being very honest with your answers. That's all."

Black: "Thank you."

Speaker Hartke: "Further discussion? Seeing no one is seeking recognition, Representative Black to close."

Black: "Thank you very much, Mr. Speaker. We've had a full debate. You were kind enough to pass the enabling legislation for a cooperative high school to the Senate. This is the companion Bill. Obviously, without some funding mechanism the enabling legislation is meaningless. We're perfectly willing to work on this in the Senate. It's not our intent to bully anybody or bully into the line. And as I've tried to explain to you, this is at least four fiscal years out, if it ever comes to pass. If you'll give us an 'aye' vote, we'll continue to work on it and try to address the concerns expressed by many of you who had some very good questions. I would ask for your favorable vote."

Speaker Hartke: "The question is, 'Shall House Bill 1290 pass?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk. Have all voted who wish? Mr. Clerk, take the record. On House Bill 1290, there are 41 Members voting 'yes', 68 Members voting 'no', and 6 Members voting 'present'. And this Bill having received a... failed to receive a Constitutional Majority is hereby declared lost. On page 41 of the Calendar, appears House Bill 156. Representative Lang. Mr. Clerk, read the Bill."

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Clerk Bolin: "House Bill 156, a Bill for an Act to amend the Criminal Code of 1961. Third Reading of this House Bill."

Speaker Hartke: "Representative Lang."

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen. We're all concerned about gun safety. This is a gun safety Bill of utmost importance. This is what I would call a safe storage Bill. It started out as something called the trigger lock Bill, but it's now a safe storage Bill. The purpose of this piece of legislation, Ladies and Gentlemen, is to encourage people, law abiding citizens, who are taking care of their guns do a better job of taking care of them. It encourages those who have children in their home to make sure their gun is locked away or otherwise kept safely to avoid injuries to children and other family members and playmates. This is not a Bill that's a gun control Bill. It's not a Bill designed to take anyone's rights away. It's a Bill designed to protect lives and to save children and others from injuries. I should add that although, it is true that the NRA opposes this Bill, the NRA wrote the language for the Bill, along with staff and others. When they came to committee to discuss the Bill, they said, 'Well, we don't really have any problem with the language of the Bill, but our problem is with the philosophy of the Bill.' But they wrote it. They understand what's in it. The penalties are very low. We're not trying to punish anyone. In fact, Charlton Heston, himself the President of the NRA, came out some months ago on CNN and said, 'We ought to do something about legislation for safe storage.' This same type of approach, although not exactly the same language, has been endorsed by Governor Ryan in a Bill that Senator Mahar has in the Senate. It's been endorsed by Attorney General Jim Ryan.

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It's a good piece of legislation designed to save lives and I would ask your support."

Speaker Hartke: "Is there any discussion? The Chair recognizes the Gentleman from Rock Island, Mr. Brunsvold."

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

Speaker Hartke: "He indicates he will."

Brunsvold: "Mr. Lang, I know you worked quite hard on this Bill. And you've amended it and met and discussed the, the problems with the Bill and changed it... and, you know, I thank you for doing that, because you put the Bill in a lot better shape than it was before. The one problem exists, I think, that needs to be brought to light, and I think it was brought to light in committee, is the homeowner. As your description said, your homeowner, your trying to protect children in the home and playmates in the home. Most guns in the home, by a lot of people, are for protection of the home. Would this Bill make the home safer against a criminal or less safe against a criminal?"

Lang: "Representative, there's certainly a philosophical argument on this point. It was discussed in committee and I understand the argument that says, 'Well, if a gun is locked away and then a criminal intrudes into your home, it's that much tougher to get to that weapon.' But I think the argument can be fairly made that your children are more likely to be injured by a gun that they get their hands on than they are to be injured by a criminal that intrudes into your home. Certainly as likely, and therefore the philosophical argument is, where are we going to be safer? And I don't think we know, affirmatively with certainty, which is or is not the case. But I do know this, I know that we have a responsibility to do all we can to protect children from harm. The law-abiding gun owners who have

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guns in their home, most of them do a very fine job protecting children from guns. There are many exemptions in this Bill that create a rebuttable... presumption that the homeowner has put their gun away in a safe... in a safe manner. And most gun owners already lock their guns away or put trigger locks or other types of locks on them. So, there's certainly an argument to be made, Representative, on either side. It's an argument we could both make and be convincing. But for me, the overwhelming evidence is, the overwhelming philosophy is, keep guns away from children."

Brunsvold: "Would this not pertain to a couple, an adult male and female married, living together that have no children, this would not come into play?"

Lang: "No, this Bill only applies to those who have children under 14 years of age in the home."

Brunsvold: "The argument or the item that we've discussed before is irresponsibility by some gun owners which we realize is going to happen. How does this Bill... how's this Bill going to change the irresponsible parent that doesn't take care of anything now? What's going to change?"

Lang: "Well, Representative, you could make that argument about any law we pass in the State of Illinois. If a person is going to be irresponsible or break the law, they're going to do it. What this Bill does do and you could tell from the way that it's now drafted, that we're not talking about severe penalties. My goal here is not to penalize anyone. My goal here is to put something into the law with just a little bit of teeth, to say to people, 'protect your kids'. This is a la... a Bill that's been prepared with the idea of encouraging people to do the right thing with their weapons."

Brunsvold: "Thank you, Representative. To the Bill, Mr.

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Speaker."

Speaker Hartke: "To the Bill."

Brunsvold: "Representative Lang, I think has done a good job of trying to put the Bill together, trying to make it so it's not too onerous to gun owners. A...the really the one point that comes to mind here that really everyone should consider, is the fact that about 2.5 five million times a year in this country, homeowners use a firearm to protect their home or their person. And if that is compromised and the homeowner doesn't have an opportunity to use a firearm for protection of his person or his home, we might see a lot of result from 'B & E's' breakings and enterings from druggies and criminals that break into a house to steal things, to steal items so they can buy drugs. If we can't protect our homes there may be even more serious consequences to having a trigger lock Bill than Mr. Lang has described right now. So I would stand in opposition to the Bill."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Champaign, Representative Winkel."

Winkel: "Thank you, Mr. Speaker. To the Bill. Well, first I'd like to thank the Sponsor for doing the things that he said he would do in committee to change the Bill. In committee it was presented as a trigger lock Bill. And it was presented as a way of avoiding tragedy to our children, which I appreciate and I want to work with the Sponsor on helping to avoid tragedies to our children. But, Ladies and Gentlemen, we have to be very mindful when we pass this sort of prohibitive legislation, this requirement that you have to have your guns locked with trigger locks. I think that we have to be very, very careful and, especially I think, you have to think of your own district and think of

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where you live. Now, tragedy to children can happen if the home is invaded. I, too, want to make sure that there are no tragedies to our children. And I think we have to be mindful that many people live far away from police help. The sheriff can be 20 minutes away in a lot of our rural areas in a lot of our districts. To have these guns locked up when they need to be available to protect our homes, to protect our children, I think we have to give that very, very careful thought. So, there, there is one concern here and I think it's very much one that depends on where you live. I mean, does this Bill meet the needs and concerns of your own constituents? If you have rural areas where you need to be able to protect your home and to protect your children, I think that you have to take a very serious long, hard look at this Bill. I do, also, have a problem with it. It still contains criminal liability. I would prefer to see some sort of civil penalty rather than relying on criminal liability in a case like this. And also, remember, and I want to drive this point home. If we're looking at trigger locks, let's be very careful to realize that trigger locks as a mechanism do not always work. We saw a video in committee that made that very, very clear. So, make certain that you understand that. Make certain that that's the word that gets to your constituents, that if this becomes the requirement be very, very careful that it does not cause a false sense of security. Because we saw in the video that was played in JUD Criminal Committee that these trigger locks do fail. You can fire a gun with the trigger locks in place. So, Ladies and Gentlemen, depending on where you live and your particular situation with your constituents, be very careful how you vote on this Bill. Thank you, very much."

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Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Jackson, Representative Bost."

Bost: "Thank you, Mr. Speaker. To the Bill."

Speaker Hartke: "To the Bill."

Bost: "I think the last speaker explained it very well. You must look at where you live. When we are in our rural areas there are several reasons why we might have a loaded weapon in the home, for protection is probably the main reason. It is a quite a distance to any local police officer. It is quite a distance for that help that you might be able to receive. And the criminals know that. I understand that the Sponsor of this Bill has worked very hard to try to do the best he can for his situation in his district. I'd just encourage each one of you to look very closely at this piece of legislation. All of us want to protect children. Above all we want to protect children. The question is, does this legislation do that? If the only ones that were carrying weapons were the law-abiding citizens, this would do that. But the reality is, those aren't the only ones that are carrying weapons. Ladies and Gentlemen, watch your district, know your district. For my district, I'll be voting 'no'."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Logan, Representative Turner, John Turner."

Turner, J.: "I don't have any questions. Thanks anyway, Mr. Speaker."

Speaker Hartke: "The Gentleman declined. Seeing that no one is seeking recognition, Representative Lang to close."

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen. I appreciate the comments of those who have spoken. Let me just respond to a couple of those. First of all, this is no longer a trigger lock Bill. No one is required under

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this Bill, and I'd like you to all listen to this carefully. No one is required under this Bill to put a trigger lock on their gun. Really, all that is required under this Bill the way it is now carefully drafted, is to do what a reasonable person would do to protect children under 14 years of age from harm with a weapon. It could mean locking it up. It could mean putting it where they can't get to it. It could be any number of things. There's a rebuttable presumption that if you did what a reasonable person would do in storing the gun, that you are not liable for anything. So, it's no longer a Bill that requires a trigger lock. It does require that you do what is reasonable to safely store your gun. Relative to the comments about civil relative to the criminal liability, the Judiciary Committee asked me to remove the civil liability. They said, 'We don't want a new cause of action.' So, I took that out and I put in very, very low criminal penalties, a Class C misdemeanor, very low criminal penalties. In addition, and finally I think, for the comments relative to how far it is from, in rural areas from people's homes to the hospital, if someone gets injured or if a criminal comes into your home, I remind you it's the same long distance if your child injures himself or herself or a playmate with a weapon that's negligently left on your premises. They have a long way to go to the hospital, too and they have a right to protection. Ladies and Gentlemen, this is an important piece of legislation. It was very carefully drafted so that law-abiding citizens and gun owners, who take care of their weapons should have nothing to fear. We're not trying to take anything away from anybody. We're only trying to protect the lives of children, their playmates and others who may come into your

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home. That is a reasonable thing to do. Those in your districts who believe that this Bill is something else are wrong. It's a very carefully drafted Bill to enable you to go back to your constituencies and say, 'Look, Governor Ryan is for this notion. Attorney General Ryan is for this notion. The head of the NRA is for this notion.' What we need to do is to put it into law to protect the lives of children. Please support me in this effort."

Speaker Hartke: "The question is, 'Shall House Bill 156 pass?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On House Bill 156, there are 70 Members voting 'yes', 44 Members voting 'no', 3 Members voting 'present'. And this Bill having received a Constitutional Majority is hereby declared passed. On page 45 of the Calendar, appears House Bill 1780. Representative Saviano. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1780, a Bill for an Act creating the Health Care Professionals Credentialing Act. Third Reading of this House Bill."

Speaker Hartke: "Representative Saviano."

Saviano: "Thank you, Mr. Speaker, Members of the House. House Bill 1780 is a streamlining method to deliver health care to residents of our state who are covered under insurance plans. Currently, for a constituent who is with a current HMO or PPO doctor and that doctor's... and that constituent's health plan changes over. For that doctor to follow that patient to the new PPO or their new HMO, they have to go through a credentialing process which sometimes lasts between six months to a year, which means there's a break in treatment. What this Bill would do is consolidate

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that effort to streamline that credentialing process so that there is no break in treatment to that patient. And I would entertain any questions and I would ask for a favorable vote. Thank you."

Speaker Hartke: "Any discussion? The Chair recognizes the Gentleman from Winnebago, Representative Scott."

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

Speaker Hartke: "He indicates he will."

Scott: "Skip, I've just got a couple of questions. I understand what you're saying and we looked through at that, it seemed to be a streamlining Bill so the idea would be to... Are these credentialing done now by different organizations? Is the credentialing now done by different organizations in different ways and is that what you're trying to avoid?"

Saviano: "Yeah. There could actually be numerous different agencies and processes a doctor has to go through to be accepted by a new health plan. And, like I said, it's very time consuming. And this just consolidates that effort to create a new clearing house, if you will, to provide all of those different credentialing processes into one entity and that would streamline."

Scott: "So I would assume the medical organizations, hospital society and everybody, this would be something they'd, that they would like."

Saviano: "The hospitals and the Medical Society would like it a lot. I believe the HMOs are a little hesitant about it, but I just think it's a good piece of legislation."

Scott: "Didn't they tell you why... I mean, why they're hesitant about it or what their hesitancy would be?"

Saviano: "I think, from the testimony in committee, I think they were concerned at maybe they didn't have enough control over this process. But they would be at the table. They

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would be... make up... You know we would make sure they would make up part of this central credentialing agency. I think they just wanted to have a little more control."

Scott: "Is there anybody else that you know of that was against this, that either spoke against it or has let you know of some concern?"

Saviano: "It states on the analysis that Humana Hospital System, Illinois Life Insurance and Illinois Association or HMOs are opponents. But after hearing testimony in committee, it passed out 13 to 1."

Scott: "Yeah. Yeah. Are there any lasting fees... What does it do to fee structures or credentialing fees or other things right now? Is there some change to what these agencies go through now?"

Saviano: "No, there was no evidence of any change in the fees whatsoever, as far as to provide the same sort of process. I would imagine when it's being streamlined it would be even cheaper."

Scott: "Yeah, I would think so, too. Appreciate your answers. Thanks a lot, Skip."

Saviano: "Thank you."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, Representative Saviano to close."

Saviano: "Mr. Speaker and Members of the House. This is a good piece of legislation to prevent the cutting off of treatment to our constituents who want to be treated by their doctor and current practice prohibits that for long periods of time and I would ask for a favorable vote. Thank you."

Speaker Hartke: "The question is, 'Shall House Bill 1780 pass?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who

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wish? Have all voted who wish? Have all voted who wish?
Mr. Clerk, take the record. On House Bill 1780, there were
111 Members voting 'yes', 3 people voting 'no', and 3
people voting 'present'. And this Bill having received the
Constitutional Majority is hereby declared passed."

Speaker Madigan: "Speaker Madigan in the Chair. On the Order of
Second Reading, House Bill 225. Mr. Dart. Mr. Clerk, what
is the status of the Bill?"

Clerk Bolin: "House Bill 225. The Bill has been read a second
time, previously. No Committee Amendments. Floor
Amendment #1, offered by Representative Dart, has been
approved for consideration."

Speaker Madigan: "Mr. Dart. Mr. Dart. Turn on Mr. Dart."

Dart: "Thank you, Mr. Speaker. Amendment #1 clarifies the
original Bill. It exempts, from licensing requirement,
hunt clubs and gun ranges. It leaves licensing costs... it
lowers it to \$300 for a license and removes the insurance
requirement as well. It makes some other minor...
technical changes, as well, to the original Bill. I'd move
for the adoption and I would appreciate for the support."

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

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

Speaker Madigan: "Sponsor yields."

Turner, J.: "Representative, what provisions were taken out of
your... the underlying Bill by your Amendment?"

Dart: "The ones I'd mentioned. I'll go through them again, John.
It was the... It provides an exemption for hunt clubs and
gun ranges. It lowers the licensing costs of \$300.00 from
a thousand. It removes the insurance requirement removes
the provision required someone to tell what the source of
the purchase was for. It provides for the confidentiality

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of the database. It also provides for the individuals who wish to purchase weapons where they live in the city where it's illegal. They can now do that if they show where the other location where they're going to have the gun. And it provides for dealers to have access to the information on the database for their purposes."

Turner, J.: "Thank you, Representative. I'll save my questions for when you call it on Third Reading."

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

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

Speaker Madigan: "Sponsor yields."

Black: "Representative, what is a... Is there, currently, a retail firearms license? Is there, currently, a retail firearms license, under current law?"

Dart: "No, not from the state."

Black: "Okay, so the Amendment creates... "

Dart: "No. Well, the Bill itself does. The Amendment just clarifies some parts of the Bill in regards to that."

Black: "Okay. All right, so we'd have to reference the Bill. Fine. Okay. We'll run the Amendment and we'll... "

Dart: "Yeah. Yeah."

Black: "... ask questions about the Bill. Thank you."

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

Clerk Bolin: "No further Amendments."

Speaker Madigan: "Third Reading. House Bill 228. Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "House Bill 228. The Bill has been read a second

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time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Dart, has been approved for consideration."

Speaker Madigan: "Mr. Dart."

Dart: "Thank you, Mr. Speaker, Members of the House. Floor Amendment #1 to House Bill 228 is similar to the original Bill. It becomes the Bill and it makes some changes to the underlying provisions. It is... with an attempt to streamline the original Bill, so that it dealt strictly with the issues dealing with a purchase of a handgun and no other arms would be covered under this law. What it does is, it requires that... limits an individual to the purchase of one handgun a month and makes some other changes as well, throughout the Bill. But at the heart of it, the Bill deals with prohibiting the purchase or sale of more than one handgun per month. And I move for its adoption."

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

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

Speaker Madigan: "Sponsor yields."

Durkin: "Representative Dart, there was some concern on this Bill by a number of Members of this caucus in which we asked if there would be some type of inheritance exception. Is this the... Was that included in this particular Amendment?"

Dart: "Correct. Correct, there was."

Durkin: "Thank you very much."

Speaker Madigan: "Any further discussion? The question is, 'Shall the Amendment be adopted?' Those in favor say 'yes'; those opposed say 'no'. The 'ayes' have it. The

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Amendment is adopted. Are there any further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Madigan: "Third Reading. On the Order of Third Reading, there appears House Bill 225. Mr. Dart. Mr. Clerk, read the Bill."

Speaker Madigan: "On the Order of Third Reading, there appears House Bill 225. Mr. Dart. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 225. A Bill for an Act in relation to firearms. Third Reading of this Bill."

Speaker Madigan: "Mr. Dart."

Dart: "Thank you, Mr. Speaker, Members of the House. House Bill 225 is a Bill, which at its heart, will license gun dealers in the State of Illinois. What the intent of this Bill is, is to deal with the unscrupulous businessmen, who right now, make an enormous amount of profit off of a, otherwise lawful, business by flooding markets such as Chicago, where I'm from. What this Bill will attempt to do would be set up a state licensing procedure for individuals who wish to sell guns. Not just handguns, to sell guns. And the Bill itself is a means to try to keep track of that. But much more importantly, it sets up a database right now; information that could be made available to law enforcement throughout the state so that they would know individuals who are the ones who are flooding markets, who are causing the problems before it occurs. The requirements that are on the law right now do not cut it. They do not work. It is much too easy to get around. We, right now, license virtually, it seems at times, virtually every other type of possible individual you can imagine. We license taxidermists, boxers, wrestlers, timekeepers, pet shop operators, safety deposit renters, timber buyers, water well installers, and we actually require permits for

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tanning facilities. We even go to the point of registering beekeepers. This is an industry that, obviously, as from it's very nature is dangerous, can be dangerous, is proven to be dangerous. What we're asking for is very reasonable. What we're asking is for individuals who conduct business in this state in selling guns that they have a license from the state. A license that would require that they act as a scrupulous businessman, who would deal with this so that law abiding citizens will not be affected. They can purchase their weapons without any problems. But at the same time, the individuals who are flooding markets, who are cutting around the edges to try make markets and in the end, people are losing their lives, would be cut out of this business. So, that all gun dealers we'd have in the state would be ones that would be representative of, who most of them are now, which are lawabiding good businessmen. This would attempt to do that. It would provide the database that all the different law enforcement agencies right now are clamoring for and it's something that's long overdue. As I say, we're dealing with something here that is very serious and I think that this is a Bill that is very reasonable and very responsible and I'd appreciate a favorable vote."

Speaker Madigan: "Representative Lindner."

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

Speaker Madigan: "Sponsor yields."

Lindner: "Could you tell me, Representative Dart, right now our... are these licensed federally?"

Dart: "Are these individuals licensed?"

Lindner: "Federally?"

Dart: "There's a federal license requirement, yes, for individuals who are federally-licensed gun dealers,

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correct."

Lindner: "And, turning to page 4 of our Bill. You have a number of criteria for licensing. Could you go through those and tell me which one of those are in the Federal Law right now?"

Dart: "Which ones are Federal Law right now?"

Lindner: "Yeah."

Dart: "In some parts, this mirrors a lot of what the Federal Law does in regards to someone cannot be convicted... under... or under indictment for a crime, fugitive from the law, has been an unlawful user or addicted to a control substance, somebody that has been committed to a mental institution, someone who's been discharged dishonorably from the armed services. Those are... those are the mirror what the Federal Law has in some regards."

Lindner: "So right now, I mean, a gun shop in Illinois would have to follow, already all of the criteria that is in your Bill. Is that correct?"

Dart: "That's to qualify to get it. Now we put some other qualifications in the Bill further on down the road, that make it different than what the Federal Law is."

Lindner: "Okay, but on page 4 of your Bill, you're saying all those things on page 4, all those criteria, are now in the Federal Law?"

Dart: "Those are requirements that are made for individuals to get a federal license."

Lindner: "Okay. And so they're already doing that, that's my point."

Dart: "That part of it they're doing, there's other parts they aren't, though."

Lindner: "Okay and then over on page 7, I'm a little concerned about the enforcement of this. It looks like you give the

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enforcement of the Act to the State Police. Is that correct?"

Dart: "Correct."

Lindner: "All right, now you say there has to be a notice to the licensee and reasonable opportunity to be heard, but I don't understand how this is going to work. Are you making the State Police a court now... who's going...?"

Dart: "... No. This would be provided under the Administrative Code, much like other hearings are conducted, as well."

Lindner: "Okay. Do you know... I mean, who is going to hear this? I mean how many people, is it going to be, two people, ten people? Will there be... what kind of hearing will be conducted? I'm just as concerned..."

Dart: "...Well, I talked... I... I talked..."

Lindner: "...about you giving this to the State Police."

Dart: "I talked to the State Police who informed me it'd be something. It's a minimal cost and it's something that they're very much in favor doing. As far as the exact number, it'd be dictated somewhat by the people that are involved with it. Which is to say, things that are already being done under the Administrative Code, it would follow suit here."

Lindner: "Okay and what... what is that? What's being done under the Administrative Code now? I don't know..."

Dart: "There'd be..."

Lindner: "...what that is..."

Dart: "...an Administrative Hearing officer's to be appointed to conduct hearings on these individuals and there'd be a right for individuals have all the due process they're already allowed to have."

Lindner: "All right, then on page 6 of the Bill, 'the licensee has to obtain a certificate of registration issued under

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the Retailers Occupation Tax Act.' Is there a fee for that and do they have to do that now under the Federal Law?"

Dart: "They would have to get that license just like they would... other businesses would have to get the license. It's their business."

Lindner: "Okay, but do they do that now under the Federal Law?"

Dart: "I don't know if it's under Federal Law, but it'd be required for individuals who conduct a business."

Lindner: "Do you know what the fee is?"

Dart: "What the fee is for that? No I don't. But it's a state law requirement now for individuals who've got business though, retail business. It's no different."

Lindner: "Thank you."

Speaker Madigan: "Representative Brunsvold."

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

Speaker Madigan: "Sponsor yields."

Brunsvold: "Representative Dart, why did you change the licensure fee from \$1,000 to \$300?"

Dart: "Why? I wanted it to mirror what it is, basically right now, for people who have... require licenses for liquor establishments, so it's something similar to that."

Brunsvold: "A \$1,000. You know the federal firearms license is \$600, that the dealers have now. Three hundred would be on top of that. Explain to me the process of going in now and what the license of a state... a state license is going to do to me as a gun buyer."

Dart: "Well, actually, what... the state license would do... as a gun buyer would be very minimal. Because, basically, what we're requiring them to do is take the information. Some people have attempted to make this into a Bill where we're trying to get all this new information that we aren't presently asking for from individuals. And that's just not

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the case. What we're asking, if the individual, the information that's already being asked, there's being filled out right now, but being kept in the store, we're just asking that information and be forwarded to the State Police. So, it wouldn't be any other information. It asks for the name, date of purchase, price of the weapon. There's one or two minor things; such as I think the occupation of the individual purchasing the gun, which is something in addition to what's already... But 99.9% of the stuff that we are asking, that information we're asking be forwarded to the State Police, is presently required under the law that exists now. But right now, it's just kept in the store on shelves that's inaccessible to people."

Brunsvold: "When I buy a firearm at a gun dealer, say in Morton, Illinois, I fill out a yellow sheet the Feds require me to fill out. It's pretty extensive. It gives background information. It asks about 10 or 15 questions. Who examines those papers?"

Dart: "That's the 4473 Form, I think."

Brunsvold: "It's a yellow sheet that you fill out from the Feds."

Dart: "Yes. This here. This is something that the dealer, right now, examines now and all we're asking is that they take the same form that they're filling out now and forward it to the State Police."

Brunsvold: "Okay. What else do I have to do when I buy a gun?"

Dart: "Under this Bill, that would be the extent of it. It's... under this Bill, more or less, what we're asking is just to have the dealer be forwarding the information right now, that they aren't, on to us. As far as the buyer goes, the restrictions on the buyer, I... I... I can't really think of any. I can't think of anything that they have to do that they don't do already."

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Brunsvold: "Were you at the hearing on Friday, November 20, in Chicago?"

Dart: "I believe so."

Brunsvold: "And did you hear Mayor Daley's comments?"

Dart: "I'm sure I did. I can't recall them, though."

Brunsvold: "He said something there, he said, 'Today, someone can buy 10 guns from 10 different gun shops, all in the same day and no one ever knows about it.' Now, when I go in and buy this gun, who do they call?"

Dart: "When you go and buy a gun presently, they would call the State Police for the F-TIP check. And under this law, they would continue to call the State Police with the F-TIP check and if you're making the multiple purchases of the gun you'd... the federal statute would kick in as far as what you'd be required..."

Brunsvold: "Well, I don't... you know, I don't know if the mayor's statement's correct, because I checked with F-TIP and they said if I bought ten different guns in ten different places, they would know about it."

Dart: "Well, that would be, they would have the ability, I guess if they had some, if the same person answered the phone, they would have the ability to do that. My understanding is that they have one person answers the phone, live and they also have a recorded message that answers the other one. So, if you were, someone is calling the recorded message, they wouldn't necessarily know that, because they don't track that. And if you go to ten different ones, if you went to the same gun store and bought ten, they you would definitely, because that would kick in the federal requirement."

Brunsvold: "If we've got these terrible gun dealers and there's a crime committed with a firearm, they trace one back to a

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dealer in the suburbs, where is the Federal, Alcohol, Tobacco, and Firearms people who are supposed to be checking these?"

Dart: "That's a very, very good question. The problem is is they have 11 people to do all the inspections for this entire region. They are overworked, undermanned. They don't have the ability to make these inspections. So, they aren't there. That's one of the main reasons why we think a Bill like this is very necessary, because they just aren't there."

Brunsvold: "Representative Dart, you've been investigating this for quite a length of time. Why are there so... many, many, many more handgun crimes in Chicago than there are in downstate."

Dart: "I think, honestly, I think it's a... it's a... it's a... it's a problem. It's an urban problem that we've had. I think a lot of it, though, is because of the availability to guns. Because our licensing and our restrictions in and around the Chicago area are so lax, it allows for the market to be flooded with guns. There's no reason why, on the face of the earth that the gun shop in Riverdale should be selling guns. It was 1,200 guns that were used over the course of about 2 years that were found to have been used in crimes. I mean, there's certain gun dealers that are located where they are at, so that they can do business for individuals who bring guns in the City of Chicago, where it's illegal to have a handgun, or at least you can't register a handgun. I should correct myself. And I think it's that availability that causes the problem, because the vast majority of all of the murders and the drive-bys and stuff, are being caused by these guns."

Brunsvold: "You're telling me, in front of this House of

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Representatives, that the gun causes the crime?"

Dart: "I'm not telling you that the gun causes the crime. I'm the first one to say there..."

Brunsvold: "I mean..."

Dart: "No, no, I'm not telling you that..."

Brunsvold: "...Representative Dart, we have just as many guns downstate as you have in Chicago. And now you're telling me that the guns in Chicago are the reason for the crime."

Dart: "No, I'm telling you that the availability of handguns take, what would otherwise be an aggravated battery with a baseball bat, or with the hands and turns it into a murder or attempt murder, or the paralyzing to somebody because they're so readily available there. I'm not saying that ..."

Brunsvold: "...well..."

Dart: "...I'm not saying that we have all these great people in the City of Chicago, who all these guns are just popping into their hands and all of a sudden these bad guns are causing everything. No, no, no. I'm not trying to say that. I'm saying that there's a lot of law-abiding citizens, who'll have a lot of good reasons to have guns. I'm not trying to interfere with that, whatsoever with this Bill. What I'm trying to say is, that some of these owners of these gun shops have set up shop there with the single purpose of flooding markets with guns where they know they have no legitimate purpose, or not a lawful purpose."

Brunsvold: "I guess, I'm trying to get to the point is, you've got a gun there. It's a piece of metal and a piece of wood. Why do people kill everybody at, I don't know, 8 times a greater rate or 10 times a greater rate in Chicago than they do downstate? They have the same guns. Why is that?"

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Dart: "As I mentioned, we have some urban problems. I'll be the first to admit that. I'm not trying to duck that at all. But I'm trying to tell you that the availability of guns there raises what would otherwise be a fist fight or a fight with baseball bats into something that is a murder, an attempted murder, an aggravated battery with a firearm. It just changes the ..."

Brunsvold: "Tom, I realize what you're trying to do here and I understand the problem you've got. I think we need to realize and Mayor Daley needs to realize that, one, we have a drug problem in Chicago that is coming downstate to us now. We have a gang problem in Chicago that, also, comes to our areas. We have a breakdown in the family unit in Chicago that is more prevalent than in downstate. That is the reason for the problems. If we can solve those problems, you won't have these gun problems."

Dart: "I think a lot of what you're saying contributes to it, and I would tend to agree with you on a lot of what you're saying there. I'm just saying..."

Speaker Madigan: "Mr. Brunsvold. Could you bring your remarks to a close?"

Brunsvold: "Yes, Mr. Speaker. I understand what Representative Dart's trying to do. But the problem is not here in the firearms. You can see that from the downstate numbers compared to the Chicago numbers. This is not going to solve the problem in Chicago and we need to look further into some of the drugs and gang problems in Chicago that cause the murders. I would ask for a 'no' vote."

Speaker Madigan: "Mr. Bost."

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

Speaker Madigan: "Sponsor yields."

Bost: "Tom, I'd like to continue on where Joel left off there."

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The state as a whole, downstate and when we start talking about our gun dealers and all of the situations we deal with we enforce those laws that are in existence right now from the Federal Government. Why is it the City of Chicago cannot enforce those laws?"

Dart: "Well, for starters, these are not businesses in the City of Chicago. So, it's a little bit difficult for the City of Chicago to send it's police down to Springfield or wherever to enforce laws not in it's city. But secondly, as to the Bill and how it would impact individuals, individuals who are responsible gun dealers will not be affected by this. The only requirement that they would have under this would be to report the information that they're presently collecting now. We're not asking them to run through people's files and set up all this elaborate system. We're saying the reports you get now, submit them to the State Police. You're required to get a license and as a license holder for this business, you have to act responsibly. So, I guarantee you, literally all of the gun dealers that you have in your area will be unaffected by this Bill."

Bost: "So, so what you're saying is that will be no different under this law than what it is under Federal Law?"

Dart: "No. Under this law right now, we would have the ability where the State Police would have this information. Unfortunately, right now, when we have the murders in Chicago, when we have the murders anywhere in the State of Illinois right now, the police cannot find out that information except working backwards. This would allow some front-end ability for individuals to find out about whether or not there are 'straw purchase's going on; whether or not individuals are accumulating handguns that

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are being utilized and sent into the areas where gangs are using them and they're being, their taking them for not legal purposes. So, they'd have that ability. There also is the ability for the state to enforce the license right now that the Federal Government does not have the ability to do that. They just don't do that... They have 11 inspectors that inspect not just guns, they inspect wine, they inspect cigarettes, the whole thing. And they can only make one unannounced, one announced visit to a gun dealer. So, it just doesn't have the ability to do it. There's over 2000 gun dealers, 11 guys are supposed to look after. It just doesn't work."

Bost: "Okay, I... the only problem I have is, I feel like you're saying two things at once here. You're saying that it's not going to affect our dealers, but yet there's a \$300 fee. So, that's a cost to doing business..."

Dart: "...sure..."

Bost: "... and if it... what qualifies a dealership? What makes a dealership?"

Dart: "What makes a dealership is someone who exercises this in the course of business for profit. I have a definition here that I could read to you, but it was specifically written so that individuals who are making their livelihood out of this business are the ones who will be impacted by it. And just so I can clarify with you, what I was saying to you about, dealers won't be impacted. Responsible dealers will not be impacted. Will they have the \$300 fee? Absolutely. They will have that. Responsible dealers won't be. The guys that are unloading guns into markets, which they have been, and we have video tapes to show it, they will be impacted by this."

Bost: "But your illegal gun dealers, which most probably a

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majority of those guns used in crimes, that's where they get these guns, is that correct? Do your percentages show that?"

Dart: "Our numbers show 99% of the guns that are recovered from crimes in the City of Chicago, are not lost or stolen guns, they were legally, legally purchased at one point in time. And in 80% of the cases, they were purchased within the past two or three years. And so, they are being legally, technically legally purchased, legally at the initial step."

Bost: "The key was, at one point in time."

Dart: "Correct."

Bost: "That were legally purchased."

Dart: "Correct."

Bost: "However, through a series, those guns then are brought, not through gun dealers at all, but through no dealers; but someone illegally selling or were transferring guns. This law won't deal with that. Correct?"

Dart: "No. This law will deal that, because what this law will do is, it will require individuals who have the license by the state to be responsible in who they sell their guns to."

Bost: "To make sure that this person who is doing is not going to be using it for an illegal purpose. Does that mean they're going to follow him? No. Does that mean they have to prove all that? No. But it's a requirement of the license that individuals are not going to be irresponsibly just throwing these guns out and saying, 'Hey, how was I supposed to know, just because he had his gang colors on and he was saying he had to get somebody, I didn't know.' We're trying to make it so people have to be responsible in this place we call the 'real world.'"

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Bost: "But our existing gun laws and our existing laws on our dealerships right now, also do that same thing. They require, require a background check. They require a cool-off period. They require all of the things that you're already... that... that... should be taking care of this. The problem, once again, is not with the legal dealers. But unfortunately, what we're doing is, we're going aggressively after legal gun dealers, again, in an attempt and this is, this is my opinion, and I know you have yours, and I know you're trying desperately to do what's right for your district. But in an attempt to make everybody here feel like we're aggressively going after these gun problems, when the problem is not the gun dealer. The problem is the criminal. The problem is the person that uses a gun incorrectly. The problem is not the gun. It's not the gun dealer and we keep drafting laws that aggressively go after those people that are legally using guns, either in a sportsman's context, or also in the protection of their home and their property. I don't believe this does deal with those concerns that that are out there that even the mayor had those concerns on. If gun laws and the continuing of the gun laws that we have would work, Chicago would be a crime-free city, as far as gun... gun violations are concerned. Because it's not legal to have a handgun there. It doesn't work. We've got to stop this. I appreciate you answering my questions, but I still encourage everyone to vote 'no'."

Speaker Madigan: "Representative John Turner."

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

Speaker Madigan: "Sponsor yields."

Turner, J.: "Mr. Speaker, before asking questions of the Sponsor, if this measure does get the requisite number of votes for

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passage, I would request a verification. Would you acknowledge that Mr. Speaker? Thank you. Representative Dart. Could you go over for me what the registration, new registration requirements, under your Bill are?"

Dart: "Under this Bill, the individual license grantors actually shall be subject to all of the following requirements. And I'll just give you a bullet of it; requiring to follow the zoning classifications in existence, that they transact business at a place, a licensed dealer may not transact business in any place other than the premise specified on his license or they can also go to a gun show, as well. They shall not violate any provisions of federal/state law pertaining to possession, use and sale of delivery of firearms; that they shall strictly adhere to the provisions of all applicable federal and state laws, local ordinances, and local business license requirements. They should get... a separate license shall be obtained for each separate place of business. The license should be displayed in the premises. They should not display firearms in the outer window of the premise. Firearms shall be unloaded when delivered. The licensee shall obtain a certificate of registration from Retailers Occupation Tax Act. And then it has the licensee shall take reasonable precautions to ensure that firearms the licensee sells will not be used illegally, these include the refusal to sell firearms to a person the licensee knows or has reason to know is purchasing the firearm on behalf of another person; refusal to sell firearms to person who has provided home address in a municipality or county in which the possession of that type of firearm is illegal unless they show that there is an exception to that, that is what the Amendment put in. And refusal to sell a

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firearm to a person who's provided the home address in the municipality or county that requires registration of firearms, unless they present satisfactory evidence of compliance with that registration requirement. And they shall make available the license records to the law enforcement agencies. Those are the requirements. Was that what you were looking for?"

Turner, J.: "No, but I still appreciate your attempt to answer my question, anyway. Let me see if I can be a little more specific. The general question didn't work very well. It's my understanding that your Bill requires that the State Police will establish a database to register all firearms, is that not true?"

Dart: "That's correct."

Turner, J.: "All right. Why is that and how does that work? How does the State Police establish this database?"

Dart: "The State Police are going to establish the database via the information that is presently brought into the, is presently taken in on the 4473 Form. That would be information that would be submitted to the State Police and they'd put forth the database then so that they'd be able to keep some type of tracking mechanism on the large purchases of firearms and the like, by one individual. That's what..."

Turner, J.: "The database will be then a database of those who sell firearms or those who possess firearms, or both?"

Dart: "It will be a database submitted by gun dealers which would record individuals who have purchased guns with the thought being, and the plan here is, so that individuals who are buying large amounts of guns, police would know that ahead of time. So we don't have to wait until a police officer is shot or a little kid is killed to then trace the gun

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back and find that someone's gun-running."

Turner, J.: "Okay, I understand that. But that suggests to me then that anyone who purchases a firearm will, in fact, be in this database. It's, in fact, a form of registration for anyone who owns or purchases a firearm, whether that be in the City of Chicago or downstate."

Dart: "Well, I guess my only point I'd make to you is, I agree with what you're saying, but I guess what my point is here though, is that, we already require that. We're basically telling them the form that you already have, which you are filling out already, give us that information to put into a database. We're not asking for new information. We're not asking you to register now, and you don't do this now. If this form was not being used, 4473 and I was just saying for the first time, then I'd be in agreement with you. This form's already there. The only problem is it sits on shelves in locations where no one has access to it so you cannot do the pro-active type of measures to prevent some of the tragedies that have been occurring."

Turner, J.: "I have constituents call me in my 9th Representative District about the registration requirement. And they want to know why the government has to have a database, a registration requirement, so that the government knows who each and everyone of those constituents are that own a firearm, and that gives them cause for concern. I understand what you've done here, but I think that is a very problematical area in your particular piece of legislation. I know when we came up in committee, I'd ask the question of the requirement that a person transferring or selling, a retailer of guns cannot have a window because these guns cannot be visible from the outside. Did you ever make any correction on that? And if not, do you not

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see that as a problem?"

Dart: "No, we left that provision the same so that individuals... what we were trying to do is make it so that this were not visible from the streets, to encourage people to break in and steal the guns and things along those lines. That's still in the Bill."

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

Turner, J.: "Well, Mr. Speaker, could I have just a few more moments? Mr. Dart took a couple of minutes to answer my first question."

Speaker Madigan: "I'm only looking at you and Mr. Cross and Mr. John Jones and Representative Mulligan. So, we'll get a full debate on the issue."

Turner, J.: "Thank you, Mr. Speaker. Representative Dart, I don't have much time left, let me see if I can talk more quickly than I usually do and ask a few more questions. There's still a fee as I understand it..."

Dart: "...Correct..."

Turner, J.: "...and that fee will be \$300?"

Dart: "Correct."

Turner, J.: "Three hundred dollars and that is good for how many years?"

Dart: "Three years, with a renewal at the end of the three years."

Turner, J.: "And what's to be done with that fee?"

Dart: "The fee is going to be utilized by the State Police in an effort to try to put the database together and to make this work."

Turner, J.: "There's a question about the legislation, that I have, and it appears to allow unwarranted searches. And that is, that it requires the licensees to make available

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any records of their business to any official who enforces laws or ordinances pertaining to firearms. That strikes me as suggesting that the Chicago police can come in downstate Illinois or in suburban Illinois and ask to see records of those who are in the business of selling guns in the retail basis. And I believe that the language suggests that that could happen. Do you have any comment on that or do you disagree with my interpretation of your language?"

Dart: "Well, it is slightly. Right now they already have the ability to go in and examine these records. This is to allow law enforcement to go in there so that they can pro-actively try to prevent crimes by individuals who are trying to mask guns and dumping them into certain areas."

Turner, J.: "Could you repeat that, please? Am I wrong, does it not allow an unwarranted search?"

Dart: "No. No. Right now, they're presently allowed to do just this very thing. They're allowed to go in and examine records when they want to do that, that are presently kept in the stores. This would allow them to do that, and as I say, it's a measure that we put in there, not because we're trying to find out all this information on people for the heck of it. But we're trying to find it, so we can target the individuals who are purchasing large amounts of guns and dumping them into different areas where they're being used to kill people."

Turner, J.: "This Bill was brought to you by the Mayor of the City of Chicago, was it not?"

Dart: "It's a Bill we've worked on together for the course of a couple of years."

Turner, J.: "Right. You're carrying it for the City of Chicago."

Dart: "I'm carrying it for myself and for my constituents."

Turner, J.: "Understood. And to the Bill. And very briefly Mr.

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Speaker, just in closing. But first of all, Representative Dart, I certainly have a lot of respect for you and I know that you're bringing this Bill with good intentions and I certainly know you're bringing it on behalf of your constituents from the City of Chicago. I hope you also have the same deference and respect for those of us who are from downstate, who hear from our constituents. And what we hear, as we get about our districts is that, 'Yes, they have problems in the City of Chicago, and yes, they have some of the toughest gun laws in the City of Chicago, in fact, the toughest in the country, perhaps next to Washington D.C. And in spite of that, I recall from the committee hearing, the crime rate, the violent crime rate, continues to go up and up. And the people from my area who have had guns for many, many years, have passed them through the generations of the families and they wonder why it is that further restrictions are placed upon their ability to have and possess, either handguns or long guns under the United States Constitution, Second Amendment, or indeed, under the Illinois State Constitution, with regard to the right to bear arms. And they suggest to me that what good is it going to do for the City of Chicago to foist tougher laws on we people downstate Illinois, who are not using our guns illegally; who may have several guns, but are using them in an appropriate fashion and why they should be penalized; why they should have registration; why they should be marked by the State Police or by the police officers from the City of Chicago as people who own guns. They certainly do not understand what the purpose of that is. They don't understand what the purpose of their registration is when they're using their guns legally. And they would suggest to you that, while they want to help you

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in the City of Chicago, but by penalizing and enforcing new laws upon those who do not use guns inappropriately, is not going to solve the problem in the City of Chicago. And indeed, it's going to work just the opposite, because these types of regulations only mean that, essentially, what we'll be left with are, the only guns left, will be in the hands of criminals. So, I would suggest to you, Representative Dart, that while your intentions are good, they work adversely towards the legal law-abiding citizens and work, indeed in effect for the criminal and promote more criminal activity and I respectfully ask that the Members vote 'no.'

Speaker Madigan: "Representative Mulligan."

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

Speaker Madigan: "Sponsor yields."

Mulligan: "Representative Dart, I know in the Amendment, you changed something that was of particular interest to me, but I'm not quite sure how it changed. If I live in a municipality where you can't purchase guns, but I have a farm in Wisconsin that's a game preserve, where I routinely go and take people to hunt. If I want to buy a gun, can I not buy a gun, then?"

Dart: "No. No. That was... this particular problem you're talking about now, was specifically addressed in the Amendment. So that individuals who come from a municipality, for example, that you cannot legally have a gun, purchase it or possess it. You can now come forward and show that this is a gun that's going to be stored or be used in Wisconsin or going to be used elsewhere. So that, that was specifically drafted for that reason."

Mulligan: "How would I prove that?"

Dart: "You just have to come in..."

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Mulligan: "...show ownership or..."

Dart: "... I can show you the exact language. You have to come in with some type of form of evidence showing that you have this other house or property tax bill, any type of thing to show that this is something that I have another possessionary (sic-possessory) interest in."

Mulligan: "Would that be the same thing for ammunition?"

Dart: "Correct."

Mulligan: "Okay. And then the other thing is, the way that you're doing this, would every gun that's purchased then be identified by the person that bought it and put in a registry, so that someone would have on a registry every gun that I were to own, if I were to own guns?"

Dart: "They presently, they do that already. They keep records of the guns that are purchased for 10 years within the different stores. So they, they do that already. This would have it on a database. So it would be more accessible, I guess."

Mulligan: "But the way they do it now, it's not on like a central database."

Dart: "Correct, it isn't. And that is at the heart of the problem, is that it's not accessible. No one, police and individuals trying to stop gunrunning, stop some of the violence, their hands are tied. They can only do it from a back end, when once the gun's been used to kill somebody, then they can trace it backwards. They can't do it pro-actively to stop... and just this for example that Officer Serielli who was murdered, the individual who sold him the guns had been buying these guns as a 'straw purchaser' for years and he just been buying more and more and more. And this is a situation, where with a pro-active approach, we could have stopped some of this stuff

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possibly."

Mulligan: "How would I absolve myself of liability if someone stole a gun out of my home that was out-of-state and I didn't realize it or report it right away and then that gun was used in commission of a crime?"

Dart: "There's no liability issues in this Bill in regards to any of those provisions. It would be... whatever the present law is right now would be the same under this."

Mulligan: "Thank you."

Speaker Madigan: "Mr. Cross."

Cross: "Yes, Mr. Speaker, just a few questions. Will the Sponsor yield?"

Speaker Madigan: "Sponsor yields."

Cross: "Representative. I, and excuse me if I, I hope not to be repetitive. But I... does this... Tom would this apply to a WAL-MART or a K-Mart, or a hardware store? It appears that it would."

Dart: "This would apply to anybody who has got a license who is going to be selling guns as their primary source of business and not just that, the store itself does not have to have as it's primary source of business the selling of guns. But it's one of the things such as a K-Mart or a WAL-MART, they would have to have licensing, as well."

Cross: "And then, I think... my understanding and I'm not... never bought a gun, but that WAL-MART or K-Mart primarily deals with hunting... of shotguns and long guns. Is that..."

Dart: "... my understanding, too."

Cross: "What would a... first of all, what would a WAL-MART do or a K-Mart need to do to get a license? I guess my question is, would you apply for one license for all the WAL-MARTs throughout the state and who would make that application?"

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Dart: "They would have to have a different license for each location."

Cross: "And... would... and I'm looking at your corporation, 'an individual possessing directly or indirectly the power to direct or cause in the direction of the management.' So each individual store manager would make that application?"

Dart: "Yeah. The person at that store, who is the one that's in charge would be the one that would be making the application."

Cross: "All right. One of my fears or concerns in this area is if, if one of the WAL-MARTs and let's use WAL-MART and not K-Mart or True-Value, acts inappropriately under this section, or under this Bill in the event it becomes law, it appears that all of the WAL-MARTs would be in jeopardy of losing their licenses. I don't know that that's your intent, but, by reading this, I'm concerned about that scenario."

Dart: "My intent is to go after the individuals who are abusing the process, who are the ones that are not doing it. My intent is in no way to try to run a entire chain out of business or disallow them to purchase things. This is something where it's supposed to be... its intention is to be very specific."

Cross: "And... and I understand that. But my concern is, I just don't see anything in the Bill that is specific in that area and I, a WAL-MART in my district or, I guess for that matter, I have K-Marts in my district, several of each. I don't believe you want to punish them if others made a mistake and I just don't see the, I'm concerned about the lack of clarity on that. Just a little side note on the application process. I've never seen this language before, and I don't know if there's a reason for it. But one of

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the criteria says that, you can't... 'is not and has not been an unlawful user of... or addicted to a controlled substance or cannabis.' Are we trying to put that language in there to cover the President? I mean, I don't know if he has anticipated a job with Sam Walton, but I haven't seen that language 'unlawful user' in our legislation before."

Dart: "That's pulled right out of the Federal Law."

Cross: "So he must, maybe he's going to be at a WAL-MART after his presidency. One of the other questions, Tom, and once again I don't want to be nitpicky, but I have some of these businesses in my district. There has been, and I guess, just once again on that area, you talk about revoking the license for up to ten years. My fear is that it may apply to all the WAL-MARTs and I, once again, I don't see anything in there that... that... that... specifically clarifies that issue. The only other area that, once again, I guess I have a concern, is on page 2 of your Amendment, we talk about the confidentiality of the database. And I understand the need for that. And I think that helps it and I appreciate that. But in reading the next Bill that I believe will be called HB228, apparently we give access to sellers of guns that database information. And I believe there's some conflict between 225 (sic-HB) and 228 (sic-HB) if in 225, (sic-HB) we say they should be confidentiality, but in 228 (sic-HB) we give people access to that and I don't... I don't... I'm not trying to once again be cute or nitpicky, but I would take a look at those two sections."

Dart: "Sure... I... I... don't think they're in conflict, the way that we drafted it, I don't think so. I think what it does, it allows for confidentiality but at the same time

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allows the dealer information so that they don't become in violation of the law for like 228 (sic-HB)."

Cross: "All right, and once again, maybe I misread it, but I'd take a look at it. Thank you very much."

Speaker Madigan: "Mr. John Jones."

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

Speaker Madigan: "Sponsor yields."

Jones, J.: "Representative Dart, one question of you. At the present time the Chicago law's forbidden people from owning firearms in the City of Chicago such as handguns. Right?"

Dart: "It prohibits them from registering handguns... unless..."

Jones, J.: "...Mr. Speaker..."

Dart: "...they were grandfathered in, there was individuals, when the law was originally passed in the early 80's that they can get grandfathered in."

Jones, J.: "Mr. Speaker, to the Bill. Quite frankly, I think this is one of the classic cases of the laws that we pass down here sometimes that, if we just sit back and take a little deep breath once in awhile, if we would just enforce the laws that we already have on the books, many times we don't need to pass all these Bills that we pass down here. I think this General Assembly this year had over 2800 Bills posted for committees. Many of those Bills will never see the light of day in the Senate and probably this Bill not... will be one of them, also. But this is a classic case of taking our Second Amendment rights away in the State of Illinois, and I would just strongly urge a 'no' vote on this Bill and everybody should take a real serious look at it and vote 'no' on this Bill."

Speaker Madigan: "Mr. Schoenberg."

Schoenberg: "Thank you, Mr. Speaker. A question for the Sponsor, will he yield?"

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Speaker Madigan: "Sponsor yields."

Schoenberg: "Mr. Dart, if McDonald's in your district, if a particular McDonald's in your district is in violation of a health code... suffers from a health code violation or if a 711 in your district... or better yet, if a 711 in your district sells alcoholic beverages to an underage minor under Illinois law, what are the repercussions for the entire Southland Corporation?"

Dart: "It's directed at that individual business."

Schoenberg: "So, it's directed for that individual business."

Dart: "Just like this Bill would be."

Schoenberg: "Just like this Bill would be. Did we need to write anything specifically in the statute or is that just the... general understanding of the law?"

Dart: "That's the general understanding of how this would be applied."

Schoenberg: "So, one of the prior speaker's broad overgeneralizations that the WAL-MART in his district would jeopardize all the other WAL-MARTs in the State of Illinois and the others in the remaining 49 states in the Union, if in fact, there were to be an unlawful transfer of a fire... sale of a firearm, would you find that to be an inaccurate argument?"

Dart: "Yeah. I probably could have been clearer in my responses to the person who asked the questions, but that... it... that's not what the Bill, how the Bill would operate at all. It would be directed at the individual business with the individual license... the individual licenseholder."

Schoenberg: "So you would say that that was misleading?"

Dart: "Yes."

Schoenberg: "Let me ask you another question. Based on your understanding of the Second Amendment to the Constitution,

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do you see that this would be abrogating anybody's right to bear arms?"

Dart: "No. None whatsoever. We've already got, we crossed that threshold. Right now, this is information that individuals already give when they purchase a firearm. We're asking it just goes on to a database. Individuals who are law-abiding citizens, individuals who are lawful and respectable businessmen will not be affected by this Bill other than \$300 fee to become a licensed business owner, which is what we do for bar owners and the like, already. So, I don't see how this in any stretch or form... infringes upon the Second Amendment right to bear arms, whatsoever."

Schoenberg: "And isn't a lot of this information already available through the federal alcohol, tobacco, and firearm database that we use for firearm tracing?"

Dart: "Most of it is, yes. Literally all of it."

Schoenberg: "So most of it is. So if anything, what the opponents could argue about this, is that it's duplicative. It's hardly eroding anybody's rights. Correct?"

Dart: "I would say so."

Schoenberg: "They would argue that it's duplicative. But for some reason they're not making that argument. To the Bill, Mr. Speaker. I have to, I stand in strong support of this measure and I'd like to share with the Members some recent information that was resulting from a study by the Federal Bureau of Alcohol, Tobacco, and Firearms, about it's youth crime gun introduction initiative. This initiative traced guns used by 18 to 24 year-olds in 24 areas... 27 areas around the country the past three years. The ATF found that 51% of the guns traced were purchased from licensed dealers by people acting as 'straw' intermediaries for real

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owners and only 35% were stolen. The fact... the simple fact of the matter is, is that the overwhelming majority of them, 52% of all the trace requests were semi-automatic pistols. This is not just happening in the City of Chicago, but this is happening throughout the country in all kinds of areas for the country. And I have to say parenthetically, that I find... I resent the implication that problems that... that there are problems which originate in the City of Chicago and they are being exported throughout the suburbs and the rest of the state. That's simply a ridiculous argument and it's grounded in fantasy by those who don't wish to acknowledge the fact that the reason why drugs and more prevalent use of firearms exists throughout the state, is because organized criminal elements who don't care where they live, see a ripe market to start these illicit businesses and that's where they traffic in these illegal commodities, whether they're drugs or whether they're guns. This is not a case of exporting problems out of the City of Chicago, as if the City of Chicago had some kind of exclusive franchise on drug abuse, juvenile use of guns, and other illegal uses of guns. The use... the illegal use of guns and the illegal sale of guns through 'straw purchases' is prevalent throughout our state and has only become increasingly possible as a result of organized crime becoming even more organized. So to make the kind of arguments that we've heard thus far, I think are unfair to everybody in this state, not to just those who live in the City of Chicago. And I'd urge my colleagues to support this. Thank you very much."

Speaker Madigan: "Mr. Dart to close."

Dart: "Thank you, Mr. Speaker. Members of the House. There's

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been a lengthy debate on this. I will not go on and on. But in a state where we presently license beekeepers, athletic trainers, and barbers and cosmetologists, I ask you, if we have a bad beekeeper, what's going to be the harm there? We have a bad barber, we got a bad haircut. We got a bad gun dealer, folks, we've got some people who are going to die. This is a situation where the laws right now, the federal statutes, requires this information. We're not asking you for new information, but the Federal Law does not have the teeth that a state license would. Just is nonexistent there, folks. We have the ability to actually put something on the books that would make a difference in all of our communities. It would ensure that individuals who are respectable businessmen would not be affected by this. Individuals who are purchasing guns would not be affected by this, who are law-abiding, but would go after the problem we're experiencing, not just in Chicago, but in other areas as well. Where people are lawfully purchasing the weapon, but then it's finding it's way into the crimes throughout the City of Chicago and elsewhere. So I say, there's been an incredible debate on this. But I ask you, how could it be that a... one gun shop in Riverdale had 1200 guns turn up in crimes over the course of 2 years? Is that individual a respectable businessman? No, that's an individual who is trying to make a profit from gangs and drug dealers, who are using those guns to kill innocent people. I'm telling you that this is something that is responsible. It's reasonable. It is not a stretch by any stretch in the imagination. And I would appreciate a favorable vote."

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

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voting 'no'. Have all voted who wish? Have all vote who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 52 'ayes' and 62 'noes'. This Bill having failed to receive a Constitutional Majority is hereby declared...hereby declared lost."

Speaker Madigan: "House Bill 474. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 474, a Bill for an Act to amend the Illinois Human Rights Act. Third Reading of this House Bill."

Speaker Madigan: "Mr. McKeon."

McKeon: "Thank you, Mr. Speaker. I bring to you, Ladies and Gentlemen of the House, House Bill 474. Which is almost identical to House Bill 1241, which I presented in the last General Assembly. This is a Bill that means a tremendous amount to me, personally, and to over a quarter million citizens of this state. Since I talked about House Bill 20... 1241, on this floor, two years ago, a number of things that have occurred that I think is troubling to everyone here. From the beating of Lenard Clark in Chicago, and the trial; to the savage and brutal murder of Matthew Shepard, last summer, a 21 year-old, a mere child crucified on a split rail fence by two men in their early twenties, because of their hatred towards this young man; to an incident two weeks ago, in Alabama, where a man in his mid-thirties was bludgeoned to death and set afire on a pile of tires. And some of us say, 'Well, we have a hate crimes law in this state.' But I think when our Governor formed the Commission on Discrimination and Hate Violence, and made that announcement a couple of months ago, the Governor recognized the linkage between intolerance, and discrimination, and what leads to acts of physical

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violence, including murder. I've been to those funerals. For 5 years, I was director of the Chicago Commission on Human Rights. And for 10 years the City of Chicago has had a law similar to the one being proposed. It has not been an onerous burden on small business. It has worked well. It has been copied by Cook County and seven other municipalities in this state. This Bill is supported by major religious denominations, by organized labor, and organizations throughout the state. A recent survey of Illinoisans indicated that 85% of the citizens of this state are against discrimination based on sexual orientation. Now let me be clear, this Bill defines sexual orientation as being heterosexual, gay, or lesbian, or bi-sexual. It protects all of us, regardless of our sexual orientation. This Bill clearly, and explicitly states, that it does not provide special rights, special privileges, that it does not provide affirmative action, or quotas. The Bill specifically excludes religious organizations. The Bill provides for an exclusion for homeowners of rental units of five units or less. These are all of the issues that have been brought up in past years, regarding this Bill. And I want to commend our constitutional officers, Governor Ryan; Attorney General, Jim Ryan; State Treasurer, Judy Baar Topinka, Comptroller, Dan Hynes; our Secretary of State, Jesse White, for having the courage to demonstrate the leadership in the State of Illinois, that equal justice should apply to not just a vocal minority, but to all Illinoisans. Mr. Speaker, I urge you, and Members of this House to support this Bill. And Mr. Speaker, I ask that you recognize Representative Beaubien for purposes of legislative intent."

Speaker Madigan: "Mr. Beaubien."

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Beaubien: "Yes, will the Sponsor yield?"

Speaker Madigan: "The Sponsor yields."

Beaubien: "I would like to ask some general questions on legislative intent. I have a feeling this may be a long debate, and I'd like to get some of these issues out on the table. First of all, in the most general sense, what is the general legislative intent of this legislation?"

McKeon: "As I stated before and two years ago, this legislation amends the Illinois Human Rights Act to prohibit discrimination on the basis of sexual orientation in housing, employment, credit transactions, and public accommodation. It conveys no special rights or privileges. It requires no quotas or affirmative action. It merely protects all persons against discrimination."

Beaubien: "Is there currently, constitutional or legislative protection, or court-ordered protection against such discrimination?"

McKeon: "No. The United States Supreme Court, and the Illinois Supreme Court in deference to the United Supreme Court, hold that protections against discrimination in the U.S. Constitution, do not apply beyond the classes of persons intended at the time that those Constitutions were created. And they have deferred to the United States Congress, and to the State General Assemblies to expand on that, and have upheld those expansions where justified by a particular state interest."

Beaubien: "Does the passage of this Bill affect the current state statute defining marriage? For example, if two men attempted to marry, could they obtain a judgement of discrimination under this Bill?"

McKeon: "Absolutely not. The General Assembly, by an overwhelming vote, has addressed that issue. That's a

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matter of state law. There's nothing in this Bill that would supersede that law and the Human Rights Commission, if empowered to handle these cases, would be required to defer to the prevailing law of the State of Illinois."

Beaubien: "Could an employee challenge an employee dress code?"

McKeon: "This was brought up in the debate two years ago. Personally, I find it somewhat offensive. But to answer your question if any employer has a reasonable dress code, that's applied uniformly across all employees, and it's known to employees at the date of hire, there's nothing in this Bill that would invalidate that dress code, or provide for a basis of action as a result of this legislation."

Beaubien: "Wouldn't this Bill require the state as an employer to extend health benefits to its employees?"

McKeon: "No. The General Assembly, in its passage of the Illinois personal... Personnel Code, has clearly stated, with respect to health care benefits, and other employee benefits, who those categories are. They include individuals, and spou... and their spouses, and other dependents. Benefits of the type that you describe, could not be the basis of a claim under this Act."

Beaubien: "Thank you, just one more comment. People perhaps wonder why I sponsored this Bill, and I'd just like to say, affirmatively, that very... to my very core I've always resented and hated discrimination in any form and that's why I urge your support of this Bill."

Speaker Madigan: "Representative Howard."

Howard: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, two years ago, when I spoke in support of this legislation, I was confident that like myself, other Members of this Body would feel similar concern for fellow human beings and vote in sufficient numbers for its

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passage. As I told my colleagues at that time, I was formerly employed as an investigator with the Illinois Department of Human Rights. And as such, I accepted charges from many complainants who believed themselves to be victims of employment or other discriminatory practices. In addition to individuals who came to IDHR, because of unlawful discrimination on the basis of a number of categories, including race, gender, national origin, religion and age, I also interviewed numbers of persons who came for help, but were unable to receive such assistance, because the good people of Illinois had not yet seen the wisdom of making it unlawful to discriminate on the basis of sexual orientation. Unfortunately, not enough of my colleagues during that prior term, cast 'yes' votes. And a long-standing wrong was not righted at that time. Fortunately, my colleagues today, we have been given yet another chance to act in a positive manner and I for one, welcome that opportunity. Why? Because I believe every citizen of this state has the right to life, liberty, and the pursuit of happiness, as provided by the United States Constitution, and that we in this state have a responsibility to help make certain that discriminatory bars to equal employment for all are eliminated. I urge Members of this Body to look into your hearts and to cast affirmative votes for this legislation. Not only because it is the right, just, and fair thing to do, for those who are members of the gay and lesbian community, but also, on behalf of those who, because of erroneous perceptions have suffered, are now suffering, or will potentially suffer. You should be aware, my colleagues, that this Bill protects everyone in this chamber. I implore you to not miss another opportunity to strike a blow against mankind's

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inhumanity to our fellow man. Vote 'yes'."

Speaker Madigan: "Mr. Parke."

Parke: "Thank you, Mr. Speaker. If this receives the required number of votes I would like a verification of the roll call."

Speaker Madigan: "Anything else, Mr. Parke?"

Parke: "No. Sir."

Speaker Madigan: "Thank you. Representative Mulligan."

Mulligan: "Thank you, Mr. Speaker. I'd also like to stand in support of this Bill. I think when we asked in committee, in the Human Service Appropriation Committee, we asked the Human Service Department... Human Services... Human Rights Department, how much this would increase their caseload, or what they thought it might cost. The best guestimate according to what has happened in other states is that it might increase their caseload approximately 10%, and the cost they figured a best guestimate would be about \$300,000. I think when you take a look at what is already in this Bill, and the people that we protect, we're not asking for special rights for anyone. When we see a group of people who are intentionally discriminated against in some forms, it translates certainly into hate crimes. I think then, as Legislators, we need to take a good hard look at adding people in that need protection under the laws of the state. There are many people here who are concerned about this vote. You know, I know it's not going to happen, but the best thing that could ever happen, is if this vote were to fly out of here with everyone's votes on it and we put this issue to rest. Because quite certainly that would put the issue to rest and it would show certain people in the state that lobbying against something that is probably good for everyone in the state. People that we

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don't know, if you don't know someone that is gay, you don't know a family member, it's because they choose not to tell you that they are. They choose not to tell you that it impacts people that you represent, in your district. People that they care about, people that they're fearful for, people that are discriminated against. I think this is a very important vote. It's come before us several time since I've been elected here. I chose not to put my name on the Bill until now and I thought quite seriously why I would put my name on the Bill. My mother was disabled at a young age. And in our family, discrimination, of any form, was always not the right thing to do. I've always grown up with that. I've always felt right about it. I've always felt inherently that it's the right thing not to discriminate against other people. I think this is a good vote. I think we should put this to rest. I'd like to see everyone put an 'aye' vote on this Bill and once and for all put it to rest in this Assembly. That's why I strongly support it."

Speaker Madigan: "Representative Ronen."

Ronen: "Thank you, Speaker. I rise in strong support of this Bill, as well. And I encourage all of my colleagues to join with me, and join with all the constitutional officers who have also supported this Bill, and sent a letter to all of us that's on our desk, because they know this is not a partisan issue. This is an issue of fairness. An issue which will determine if we have the same commitment to liberty and justice as our founding fathers did. America is the greatest democracy the world has ever known. And the history of our country is the story of the pursuit of liberty. We're constantly striving to make the opportunities of America available to more and more people."

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Our republic has endured because it's rooted in a system of laws that protects individual rights and it's flexible enough to adapt to change. In the beginning of our nation, only white men with property were protected by these laws. But as times changed, our nation evolved and the laws changed to bring others under the umbrella of justice and opportunity, so they might receive their fair share of the American dream. A look back at all these struggles, all these struggles for civil rights, and you'll here vociferous arguments against granting basic freedoms. What's self-evident to us now, then was embroiled in hysteria and misinformation. Much as the misinformation that's being spread about this Bill. This Bill does not grant special privileges. It provides equal protection. This Bill does not establish quotas. It provides equal opportunity. And this Bill will not destroy the fabric of our society, it will make us better. Every battle for equal rights has been hard fought and controversial, at first. But who among us is not repulsed by the institution of slavery? Who among us does not find repugnant the violence and hatred of the Ku Klux Klan? And who among us is not embarrassed that until 1920, women could not even vote? Hundreds of Bills come before us each Session, but there are only a few Bills upon which we will be judged in the future. Who among us would not be proud if we had been able to cast the vote that ended slavery; the vote that gave our grandmothers the right to the ballot; the vote that said you don't have to sit in the back of the bus anymore. Legislators who cast those votes are honored by history. We are a strong nation today, not because we achieved perfection in 1789, but because we continue to grow and change. We continue to offer opportunities, not

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special privileges to more people. In 1789 equality and justice were given only to the privileged few. It is a great testament to our character that we didn't let it end there. We kept on fighting, we kept on changing. Today we're here fighting yet another battle, to take another step toward equality, toward reaching the American ideal. Our legislative today begins... everyday we begin by reciting the pledge. We pledge our allegiance to the flag, as a symbol of our nation, we say, 'one nation, under God, indivisible, with liberty and justice for all.' These words define our principles and they define our way of life. We don't say liberty and justice for some. It's liberty and justice for all. Because if some of us are not free, than none of us is free. We recite that pledge everyday. Now it's time to honor the pledge. One nation, indivisible, under God, with liberty and justice for all. Let's take the next step. Let's vote 'yes'."

Speaker Madigan: "Representative Lou Jones."

Jones, L.: "Thank you, Mr. Speaker, Members of the House. Again I rise in support of this legislation. Again I rise in support of someone else's rights. As someone who has fought all my entire life for my civil rights, and also my human rights, I know what it's like to be discriminated against denied housing, jobs, not to be admitted in certain areas and certain events, because of the color of your skin. Some... last time this legislation was up, someone said sexual orientation is a behavior problem. I disagree, I think it's a discrimination problem. The constitution of the United States says 'all men/women are created equal. It does not say unless you are gay, lesbian, Black, poor, or even a woman. The Constitution does not prevent people from being discriminated against. Ask the gay person who

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was beaten to death a few months ago, ask the family of the man that was dragged to death in Texas. Some of my colleagues, my colleagues have never experienced discrimination, consider yourself very lucky. It hurts. It hurts your family. It hurts your friends. Most of you, I would say 95% of you, have friends, family members, and neighbors who are gay and lesbian. You don't know them because they're scared to let you know who they are. 'Cause they know their jobs will be in jeopardy, their housing will be in jeopardy, and they might just lose the friendship of you. I come to ask you again, in 1999, before we go into this new millennium, to let's put this to rest. It is not a behavior problem. And if you believe like me, that there is such thing as reincarnation, think about it twice. You might just come back here gay, lesbian, black, poor, and a woman. I say vote 'yes'."

Speaker Madigan: "Representative Feigenholtz."

Feigenholtz: "Thank you, very much, Mr. Speaker. Ladies and Gentlemen of the House. I stand tall with Representative Larry McKeon, who has served here for the last two years. I think that if we ignore what we've been seeing in this country, messages coming from some leaders to the right on the 'gay agenda' whatever that is. There is a direct correlation when we here those messages a direct correlation with the number of hate crimes that occur in every state, and in every city of this country. This summer it began with Matthew Shepard, and then it moved to Billy Jack Gaither, who was burned on a bunch of tires in Alabama. And shortly after that, there was a man who was decapitated, and a lot of that comes from the message. The message that we as leaders, we who have the power to hit the red button or to hit the green button on this vote and

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how that message is defined. We've heard previous speakers talk about discrimination. Well, let me tell you about the experience in my legislative district. While everyone was sitting down to supper, a week ago on Sunday night, I went to a corner in my district and marched in a vigil for Billy Jack Gaither. And along with me were men and women, straight and gay, and lesbian all with fear in their eyes, all with fear in their hearts. Ladies and Gentlemen, this is a simple piece of legislation. This piece of legislation, if we pass it out of this House today, says, 'We are a government that is here to protect everybody.' We know that if we attack, if a gay person is attacked, we all are attacked. If a Jewish person is attacked, we all are attacked. If an African-American person is attacked, we all are attacked. I've heard people in this room just scuttering about saying, 'Oh, I can't vote for this Bill'. Do you know what kind of direct mail it would give me in my district? This would be the end of me.' Everybody who's sitting in this room, was elected here to lead, not to live in fear, and not to let fear control their lives. Please, let's send this Bill to the Senate. Let's be leaders. This is the right thing to do, vote 'aye'."

Speaker Madigan: "Mr. Lang."

Lang: "Thank you, Mr. Speaker. Ladies and Gentlemen, I am proud to stand in support of Representative McKeon's Bill. There can be very little else more important for us to do today. This is an important piece of legislation because it establishes the rights of everyone in Illinois to be who they are, not bothering anybody else, just being who they are. There are many on this floor who wouldn't think of voting against a Bill to provide rights to Catholics or Jews, or Blacks or Hispanics, or short people, or tall

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people, or animals, or all kinds of groups. Pick a group. But for some reason, some of us are afraid to do the right thing when it comes to people who are gay and lesbian. Everyone on this floor was appalled when they heard about the Matthew Shepard story, everyone. And everyone on this floor, if we come and talk to you privately, will say, 'Well, gee, you know, we ought to really pass House Bill 474, but you know I just can't do it in my district. I just can't do it in my district.' Ladies and Gentleman, this isn't about your district. This is about hundreds of thousands of people that live in the State of Illinois, that have a right to enjoy their life just as we do, that have a right to rent an apartment wherever they want to rent it, that have a right to get any job they are qualified for. Because after all, isn't that what America is suppose to be? You work, you go to college, you study, or you don't go to college. You go to high school, vocational school, wherever you go, and you go out to pursue your career, whatever that is. And we're taught in America that you should go as high and as far as your talents will take you. And it doesn't matter whether you're Black, Jewish, Catholic, disabled or anything else. Why should it matter if you're gay or lesbian? It only matters because we have people out there like Jerry Falwell, that's concerned that a Teletubbie may be gay. We have people in our communities who live in fear. Well, we should not live in fear. We, as many before me have said, should do the right thing. And you know, Ladies and Gentlemen, we have talked about the Holocaust in Eastern Europe during World War II, on this floor more than once. You know that for all the talk about how the Nazi's persecuted, abused, and killed millions of Jews and others,

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we forget that they exterminated a quarter of a million people simply because they were gay. Now, Ladies and Gentlemen, it's time to take a stand. It's time to take a stand for doing what's right. Don't be coming over to Representative McKeon later if you vote 'no' and say, 'You know, in my heart I was really with you, Representative. I just couldn't do it.' Forget about that. Don't come over here and say that to him. Come over here and shake his hand after you vote the right way, and after you vote for human rights. Because the people in your district, even those that don't understand this issue as well as you do, will respect you for standing up for people and standing up for what's right in the State of Illinois. That's our responsibility. That's our obligation. The only time this Bill has ever passed this chamber was about 6 years ago. I was the proud Chief Sponsor of that Bill. Some of the people on this floor were there then. We have a different Body today, but the issue is no less relevant and the issue is no less important. Not just for the gay and lesbian people in Illinois, who think this is a good thing to protect their daily lives, but because we have a responsibility as a General Assembly to say to others, that we must respect the lives of every human being in Illinois, gay or straight, Jew or gentile, Black or White, disabled or not. This is our responsibility, what's more it's our obligation. We must stand shoulder to shoulder with Representative McKeon, all the Sponsors of this Bill and with everyone in Illinois who believes that human rights for all should be our credo. Vote 'aye'."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Cook, Representative Madigan."

Madigan: "Mr. Speaker, Ladies and Gentlemen of the House. I rise

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in support of the Bill. I'll be very brief. The Bill is not about special consideration for certain people. It's not about a special classification for certain people, as has been spoken to by others, especially Lou Jones. This is about equality, equal treatment for all under the law. It's not talking about what's in peoples minds. It's not talking about practices. It's talking about law, equality under the law, equal treatment under the law. And certainly we all believe in that, especially, when we, or our group or class, wants to avail itself of the protections of the law. And for those reasons, I plan to vote 'yes'."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman the Rock Island, Representative Boland."

Boland: "Thank you, Mr. Speaker. I rise in support of the Bill. As some of you know, I have an appointment tomorrow, that I'd really rather be here with you folks on, but I wanted to stick around a little longer to make sure that I could vote for Larry McKeon's Bill. If we look back, I was a history teacher for 30 years if we look back, in World War II there used to be billboards out that would have a woman, a man, a Hispanic, an African-American, and they had a slogan, 'Fair play is the American way'. And I was born during World War II, and my father was a great exponent of that philosophy, and taught me it as I grew up. And into the 1960's I grew up in a city called Davenport that was originally a neighborhood of Irish and German-Americans, and turned Black. And we stayed in that neighborhood because my father believed very strongly in that idea. And now we're in the 1990's and this type of legislation is just the continuation of that battle for decency and fair play for all people. And so I just wanted to stick around

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this extra hour to make sure that Larry, I hope, is successful in this. I hope that all of you will join in this, because it's a very simple thing. That's what it comes down to. Fair play is the American way. I own a piece of rental property, and Ladies and Gentlemen, according to the law, if I wanted to I couldn't discriminate against somebody because of their race. I have a Black couple in there now. I couldn't discriminate against somebody if they're handicapped. I've had a handicapped couple in there before. I couldn't discriminate against somebody because of their religion, or their creed, but I could discriminate against somebody because of their sexual orientation. That's just not fair play. It's time we ended it. This is the Land of Lincoln. Let's do what Lincoln would do if he was alive today. Let's stand up and be counted and vote 'yes' for decency, for fair play. Thank you."

Speaker Madigan: "Mr. Schoenberg."

Schoenberg: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. When Mr. Lang made earlier illusion to a certain character, Tinky Winky from the very popular Teletubbies series, there was an undercurrent of bemusement that could be heard in the room. So I pulled up on-line, Reverend Jerry Falwell's response from the National Liberty Journal about, 'Parents alert! Tinky Winky comes out of the closet. The character, whose voice is obviously that of a boy, has been found carrying a red purse in many episodes, has become a favorite character among gay groups worldwide. Now, further evidence that the creators of this series intend for Tinky Winky to be a gay role model have surfaced. He is purple, the gay pride color, and his antenna is shaped like a triangle, the gay pride symbol.

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Furthering Tinky's outing was a recent Washington Post editorial that cast the character's photo opposite that of Ellen DeGeneres in an in/out column. This implies that Ellen is 'out' as chief national gay representative, while Tinky Winky is the trendy 'in' celebrity. These subtle depictions are no doubt intentional and parents are warned to be alert to these elements of this series.' Mr. Speaker, Ladies and Gentlemen of the House. I wish we were only talking about fictional cartoon characters today. When Mr. McKeon presented a earlier version of this Bill, he said something in his floor remarks that had a resonating effect. He spoke of his own personal experience, as a veteran, as a police officer, as someone who within the boundaries of Cook County and beyond, had served his country, had served his community, had sought to uphold a community and a nation of laws. And when he got in the car to come to work here, 3 hours south of Chicago, as soon as his car passed the Cook County border, he no longer enjoyed those same protections under the law that he had when he was in Cook County. That artificial boundary of the county line had evaporated his protection when it came to where he could rent an apartment here in Springfield; where he could seek employment if he sought a second job opportunity outside of Cook County; whether or not his partner would be stopped at the doors of the emergency room if in fact, God forbid, he were to be taken seriously ill or involved in a personal tragedy where his health and well-being was in danger. This discussion, I wish it was just about fictional cartoon characters. It's about our lives. It's about our neighbor's lives. It's about the lives of people who wish to share their sexual preferences with us, every waking moment of the day. And

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it's about those who walk in fear for the repercussions that may exist in the workplace and in their community. In his seminal work on liberty, John Stuart Mill talked about the struggle between liberty and authority. And said that it's most conspicuous theater, it's most conspicuous feature occurred in the portions of history which we were earliest familiar with, in ancient Greece, Rome, and England. At that time the contest was between subjects, or some classes of subjects, and the governments. And in those ancient antiquated days, by liberty, what was meant as protection, was against tyranny of the political rulers. Look how far we've evolved as a society. Look how far we've evolved as a nation. We are often, often have brought before us issues whose sole purpose is to divide us. Is to make us play to people's basest fears, whether they are warranted or not. Tonight we can transcend that. Tonight we can show that we are above those ancient civilizations. Tonight we can show that equal protection under the law, can indeed, be taken in its most literal sense. Tonight we can show that we really do love our neighbors, as we love ourselves. Thank you."

Speaker Madigan: "Mr. McKeon to close."

McKeon: "Thank you, Mr. Speaker. I met with the Governor in December before he was sworn in, and talked about this issue. And we talked about the courage to lead, the courage to lead, even in the face of criticism. Your vote on this Bill is about courage, and it's about leadership. Those of you who vote 'yes' along with our constitutional officers, our Governor, our Secretary of State, our Attorney General, our Controller, our State Treasurer, our Comptroller, my Speaker, and my colleagues who have supported me in this effort, will demonstrate that courage

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to lead. As a gay man, the first openly gay man ever elected to legislative office in the great State of Illinois, it's an honor and a privilege to be here. It would be an even greater honor and privilege to be here as an equal. I ask for your 'aye' vote."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 57 'ayes', and 59 'noes'. The Chair recognizes Mr. McKeon."

McKeon: "Mr. Speaker, I graciously ask that we place this on Postponed Consideration."

Speaker Madigan: "This Bill shall be placed on the Order of Postponed Consideration."

Speaker Madigan: "House Bill 1503. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1503, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of this House Bill. "

Speaker Madigan: "Representative Monique Davis."

Davis, M.: "Thank you, Mr. Speaker. House Bill 1503, amends the Illinois Vehicle Code to provide that the Department of State Police and all local law enforcement agencies shall compile specified data on traffic stops, between the dates of July 1, 1999 through December 31, 1999, and send the data to the Secretary of State by July 1, 2000. It provides that the Secretary of State shall send a report on traffic stops to the Speaker of the House, the President of the Senate and other officials. I think this Bill is necessary, Mr. Speaker, because as you know on a national level, there are a number of people who are being stopped randomly and not given a ticket and not served with any

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warrant, but simply harassed. This legislation Mr. Speaker, hopefully, will end that practice or give the State of Illinois documented information on these occurrences."

Speaker Madigan: "The Lady moves for the passage of the Bill. The Chair recognizes Mr. John Turner."

Turner, John: "Mr. Speaker, will the Lady yield?"

Davis, M.: "Yes, Sir."

Speaker Madigan: "The Sponsor yields."

Turner, J.: "Representative, as I understand your Bill, as I glanced through it, everytime there is a stop of a motor vehicle there will be certain information taken from the person stopped by the trooper or any law enforcement officer, is that correct?"

Davis, M.: "According to the Bill, the information that they will check off will be the ethnicity of the driver and the reason for the stop and whether a ticket was issued."

Turner, J.: "All right. And does it apply to the State Police officers or municipal police officers or both or whom?"

Davis, M.: "It applies to the Department of State Police, all local law enforcement agency within the state."

Turner, J.: "And do we have the authority to dictate that type of a measure on local law enforcement?"

Davis, M.: "Yes, we do. Yes."

Turner, J.: "We do have that authority?"

Davis, M.: "Yes, we do."

Turner, J.: "And what will be done with this information once it's taken?"

Davis, M.: "It's similar to legislation that passed in Congress. And this information will be compiled. It'll be sent to the Secretary of State's Office and compiled and then sent to the General Assembly, sent to the President of the

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Senate and to the Speaker of the House."

Turner, J.: "Okay, the information's going to be compiled and then sent to the Speaker of the House, and the General Assembly and then presumably, the President of the Senate. Then what are they going to do with this information?"

Davis, M.: "Well, we hope, we hope there will not be a need to do anything, Representative. We hope that it'll just be information that we obtained. But the purpose is to find if what is being charged, that a number of African-Americans, a number of Latinos, and especially males, are being stopped randomly. They haven't committed any offense. They're merely just being stopped. That's the purpose. And hopefully, we'll find that this does not happen in Illinois."

Turner, J.: "I'm wondering if some people who are stopped may not feel like their rights are being violated by making a record, compiling the same and sending it to, the not only, to the State Police first, but then to the General Assembly based upon their ethnic origin. I'm wondering if that would not be a problematic area."

Davis, M.: "Their personal identification information will not be sent. It will merely be an African-American or a Latino or a Caucasian male, female, or age. But this one just asks for their ethnicity and their age."

Turner, J.: "So, it would just ask for what? I'm sorry."

Davis, M.: "Their personal information would not be provided to the General Assembly. If you're thinking of identifying information, like a person's name, address, no Sir, that will not be sent."

Turner, J.: "So, it will just be numbers only."

Davis, M.: "That is correct."

Turner, J.: "Numbers of those who are stopped."

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Davis, M.: "That is correct."

Turner, J.: "Is there any check on the law enforcement officer whether they be a State Police officer, or local law enforcement officer, to make sure they're complying with this, if we are to pass it in to law?"

Davis, M.: "Well, I think we're going to have to leave that up to our respect for police officers, that they would be honest. I don't know of any way to check that. This legislation doesn't. I mean we'd have to just accept their word for it and what they documented."

Turner, J.: "Is the information you're requesting not already on a uniform traffic citation that would be issued?"

Davis, M.: "I believe that they stopped placing this kind of information on traffic citations, I think in the early 60's. So they are no longer collecting this data."

Turner, J.: "Well like...When a uniform traffic citation is actually issued, the information comes from the driver's license, does it not, of someone who is stopped in a motor vehicle?"

Davis, M.: "Yes, it does."

Turner, J.: "And the information, it seems to me that, you're asking now that we keep a record of and then provide it to the General Assembly. Is that not recorded onto the uniform traffic citation? From my knowledge it would be."

Davis, M.: "Not at this time, I don't think it is. I don't think so."

Turner, J.: "Well, what goes on the uniform traffic citation with regard to identification of the person who is stopped? Do you know?"

Davis, M.: "Their ethnicity and their birthdate."

Turner, J.: "Right and that's what you're requesting now, that we compile a database for."

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Davis, M.: "That is correct."

Turner, J.: "All right. Well then what would be the purpose of it if we are already doing that? Why would we need this extra database, for this extra file on the numbers of those who are stopped?"

Davis, M.: "At this time Representative, there race is not on the citation. At this time the race is not on there."

Turner, J.: "Would this information be recorded whether or not a citation is actually given?"

Davis, M.: "Yes, it would. It would be recorded and whether a ticket was issued or whether a ticket was not issued. That is correct."

Turner, J.: "And is there some type of method that.. Or I guess I should say form, that you would envision that would be utilized, which would be uniform throughout the state, whether for local law enforcement or for the State Police?"

Davis, M.: "Yes, there is. It would have to be a uniformed document. I would imagine it would have to be a uniformed document for the reporting, just for the reporting."

Turner, J.: "And who would provide this form?"

Davis, M.: "It could be the Secretary of State or it could be the State Police."

Turner, J.: "Does local law enforcement or the State Police have a position on your measure?"

Davis, M.: "Yes, we do. The State Police, they are against it."

Turner, J.: "State Police are against it. Is this a cost consideration? Is there a fiscal impact? And is that why they're opposed?"

Davis, M.: "Yes, they estimate that the Bill...that it'll cost \$300,000"."

Turner, J.: "Three hundred thousand dollars annually?"

Davis, M.: "It just says they estimate a fiscal cost of

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\$300,000."

Turner, J.: "Okay. And do you know if that is the nature of their opposition or does it take on some other reason? Did they have some other reason why they're opposing the Bill, other than just the fiscal impact?"

Davis, M.: "Based upon...Based upon my discussion in the committee, that was the only opposition. And I imagine that \$300,000 would be... perhaps for whatever their new... for whatever they have to do differently."

Turner, J.: "Do you fear this could have an impact on causing officers to make sure that they... for example, if they stop a certain ethnic group... after they've stopped so many of those then they may just feel like they need to stop some from another ethnic group to even that out? I mean is this going to create some type of onus on their part to make sure that they're stopping the right amount of persons from all groups, as opposed to those who they think are committing violations?"

Davis, M.: "You know, I don't believe that the police will do that. I don't believe that they will decide that since they have stopped ten African-Americans, now they gotta stop ten Latinos. I don't believe the police will do that. I have enough trust in them to believe that that is not what will happen. But let me just say to you what I think does happen. In many film in which police officers are trained, they're trained in these film to believe that all African-Americans or all Latinos are criminals. And when they see them they immediately go for them. Do you understand what I am saying? So, we're hoping, we're hoping, that this will help them to realize that you know, that just isn't so. And they'll just have this little pad, and they will check off the ethnicity of the person they

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stop, whether they issued a ticket or a citation and the birthdate that's all."

Davis, M: "Well Representative, thank you for responding to my questions. I yield the balance of my time to Representative Cross."

Speaker Madigan: "Mr. Cross."

Cross: "Thank you, Mr. Speaker. Sir, if the event does get the requisite number of votes, we do request a verification. Will the Sponsor yield?"

Speaker Madigan: "The Sponsor yields."

Cross: "Representative, I.. My understanding, and I'm not on the Transportation Committee, though is that during the committee hearing there were some opponents that testified, namely the State Police, and that there was discussion about amending this Bill to address their concerns."

Davis, M.: "Well, we talked with them in reference to the finances, and they felt that it would cost \$300,000."

Cross: "I guess my question is, our understanding was you had agreed to amend it before you moved it on, and I don't believe there's been an Amendment right now."

Davis, M.: "Representative, do you know what we were going to amend?"

Cross: "Pardon me?"

Davis, M.: "Do you remember what we were going to amend?"

Cross: "I'm not in the committee, Representative. I was told by people on the committee from our side that you had made a commitment to amend it to address the concerns of law enforcement."

Davis, M.: "We... our staff has talked to the State Police and they had no Amendment to offer. There was no Amendment to offer."

Cross: "But yet, you're not disagreeing that they had opposition

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to the Bill, and you have not addressed that opposition?"

Davis, M.: "They had no major opposition. But there opposition was, well if this was going to cost us, \$300,000 then we'd rather not do this.' And I can understand them saying they'd rather not do it, if perhaps a number of people are stopped, perhaps that should not be stopped."

Cross: "All right, well, we'll move on. One of the concerns...and I understand, I think I understand the rationale behind this. And I don't necessarily, I don't totally disagree. But I....one of my concerns is that if I remember correctly, from what I heard about that committee, was that there was a time in this state when law enforcement officers did have on a uniform or a citation or a traffic ticket, a place to mark off certain of the things that you are currently requesting. Is that your understanding?"

Davis, M.: "I'm sorry, I didn't hear you."

Cross: "My understanding is that...."

Davis, M.: "It did. It did. It used to have a box that you could identify the racial makeup of the individual you're stopping. That is correct."

Cross: "My concern is that that stopped once the ACLU filed a lawsuit seeking that that no longer be allowed."

Davis, M.: "Well, the ACLU is a major supporter of this legislation."

Cross: "I understand."

Davis, M.: "They testified in committee in reference to their support for this legislation. The ACLU believes as I do....."

Cross: "So..."

Davis, M.: "...That we need to document the information that we are seeking, just as they are doing in Legislatures across

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the state...across the country."

Cross: "I guess I'm puzzled by, we apparently have a court case where the ACLU won that case and won't let us do it. And now we are trying to do the opposite, where they want us to keep information. There seems to be a conflict there."

Davis, M.: "Was that in the 60's? Was that in the 60's that that happened, Representative?"

Cross: "Yes."

Davis, M.: "Okay, well this is the 90's. Let me...Let me share some information with you. African-Americans make up 14% of the population and they account for 72% of traffic, routine traffic stops. African-Americans make up 14% of the population, and they account for 72% of all traffic stops."

Cross: "Thank you, Representative. I'm not going to ask any more questions. Thank you, Mr. Speaker."

Speaker Madigan: "Mr. Brosnahan."

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

Speaker Madigan: "The Sponsor yields."

Brosnahan: "Representative Davis, it's kind of loud in here and I apologize if Representative Turner has already asked you this question. But once this study is completed, once the stats are compiled and they're filed, what can be done legislatively?"

Davis, M.: "Well, the information, after it's compiled by the Secretary of State, is to be given to the Speaker of House, and the President of the Senate. And after they have... if they find that African-Americans or Latinos are being stopped routinely for absolutely no reason, be they doctors, politicians, or college students, or whomever they are, they've all experienced a stop for absolutely no reason. So once this information is documented and

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brought to the Leaders of both Houses, it could do one of many things. One could be, the police department could issue policies saying, 'You do not stop people simply because of the color of their skin, or because of their ethnic background.' That could be the result. The police department themselves could use the department to stop the behavior."

Brosnahan: "I understand that, but it seems like those are internal policies that the police departments can do. They can do that today."

Davis, M.: "So.. but..."

Brosnahan: "...or, they should do that today. I just don't know what we can do legislatively."

Davis, M.: "Okay, the very reason that they don't, Sir, is the reason we are bringing this legislation here. It's legislation that is similar to that which is being passed in Congress. It's a growing national problem."

Brosnahan: "I have another question."

Davis, M.: "So, if it becomes necessary after getting the information, then we can meet with you and others in this Body and determine what the solution might be."

Brosnahan: "One of the questions I have is that, you obviously... and it's valid, you want to find out about the extent of peremptory stops made by a police..."

Davis, M.: "That's correct."

Brosnahan: "...And see how widespread it is. But when you look at this legislation after this six-month study, you have to admit that some of these stops are going to be valid. And I don't know how you differentiate between what was an invalid stop and what was a valid stop. It's not addressing this in this legislation at all. You can't just say cover with a wide blanket and say every stop by these

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police officers of a minority is an invalid stop. And I don't know how you can differentiate what was valid and what was not valid."

Davis, M.: "Well, I think you have to look at the data that you get. For example, let's say you get data that says you stopped ten African-Americans and you issued one ticket."

Brosnahan: "But now, that's now that's another problem. Now right now, I think there's going to be a lot of times when maybe a valid stop was made, let's say of an African-American or a Hispanic. And right now it takes a valid stop. It was for speeding, but a police officer's going to decide, 'I am just going to give this guy a warning. He doesn't have a, you know, a background.' He's going to give him a pass. But now with this legislation, if I am a police officer, I'd be very hesitant to give anybody a pass, because you know you're going to document these records. You're going to say, 'All right well, I pulled over an African-American but I know he has no background, I'm going to give him a pass. But now that can be used against him because it would be that the ACLU, let's say, or the proponents of this measure will say, 'Well, you know what? They pulled over five African-Americans and they didn't give tickets to three of them.' Well, that could be because the police officer gave the guy a break because he had no background. I think what this legislation's going to do, in my personal opinion, is police officers are going to be very, very hesitant to give people simple warnings. They're going to want to cover their tracks, and they are going to want to give tickets. And if I was a police officer why I'd do the same thing."

Davis, M.: "You know, I don't think that a police officer who was going to give someone a pass would be fearful of doing that

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based upon him having to document the fact that he stopped a person. You know, if he checks off that he did not issue a ticket that will be not held against him. It will not be held against him."

Brosnahan: "Representative Davis, you mentioned some statistics earlier. If you could tell me when were those statistics done and where were they done at?"

Davis, M.: "Okay. This says, this is from 1997. And it is from the Traffic Stops Statistics in the House of Representatives in the United States, and it's nationwide. Nationwide. Listen please. Nationwide. It says, 'Law enforcement representatives may admit to isolated instances of racially targeted police stops.' Although African-Americans make up 14% of the population, that's nationwide, they account for 72% of all traffic stops."

Brosnahan: "I'm just wondering why we need to do another study then if that's a valid study or you just wanted do just Illinois?"

Davis, M.: "We'd like to have one for Illinois. We'd like very much to do that."

Brosnahan: "Thank you, Representative. To the Bill. Mr. Speaker, I think although well-intentioned, I think this legislation is.. it's ill-designed, and I don't think this will solve the problems. We are not going to be able to tell under this study what's a valid stop what's an invalid stop. I know the Illinois State Police are still very much opposed to this Bill. I think for obvious reasons, not just the cost. So I would urge everyone for a no vote. Thank you."

Speaker Madigan: "Mr. Delgado."

Delgado: "Thank you, Mr. Speaker. I rise in support of House Bill 1503. Let's be very clear, when a police officer

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stops a vehicle on that ticket he has categories on there. Was it a rainy day, a bright day? Was it clear outside? Was vision impaired? Well, all they have to do under normal stops is also checkout who they're stopping, one more little box. For example, in the State of Florida, they eliminated license plates with county names on them. You know why? They eliminated them because Dade County was getting stopped quite a bit. But the great county of Volusia might not have shown many stops. So they put the 'Sunshine State' on the back of the license plate so that the state troopers wouldn't have an idea of who they're stopping. They would just stop a Florida license plate. I think they did that with the mind, the mindset that there's a population being stopped much more than another population. In the State of New Jersey, the State Police Chief was terminated because his assessment of stops was that minorities, people of color, are those people who carry drugs and contraband in their car. So let's be very clear, until we can eradicate the 'Archie Bunkers' from our society and our police forces, we must protect those honest police officers who are out there trying to do a good job. How can we tell the difference between a Sammy Sosa, and a Oscar DeLaHoya? They're both Latino, but one is black one is light-skinned. Would that police officer be able to tell the difference? Or is he going to say, 'Oops, sorry.' So, let's think about what we are doing here. We're just trying to get some information so we can see what's happening because statistics in Illinois indicate that 3% of a county can be African-American, or Latino, but 80% of the stops were that of people of color. Let's get with it. Let's get stopped blocking. Let's be creative. Let's take a chance. Let's all say 'aye' to House Bill 1503, and

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let's make sure that we create diversity and not just talk about it. This would give us that great opportunity. Thank you."

Speaker Madigan: "Representative Davis, to close."

Davis, M.: "Thank you, Mr. Speaker. I certainly agree with the previous speaker. The Fourth Amendment provides the right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches, seizures. They should not be violated. Traffic stops based solely on race are wrong and must not be tolerated. And what our Bill does, is simply ask for the documentation of what kind of stops are being made in the State of Illinois. We don't believe that it will hinder police work. It's a national piece of legislation. And we just hope that Illinois will step up to the plate and vote 'yes' on this Bill, so that this information can be provided to the Leaders of both Houses."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 48 'ayes', 64 'noes'. Representative Davis."

Davis, M.: "Can we put this on Postponed Consideration?"

Speaker Madigan: "This matter shall be put on the Order of Postponed Consideration. House Bill 228. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 228, a Bill for an Act to amend the Criminal Code of 1961. Third Reading of this House Bill."

Speaker Madigan: "Mr. Dart."

Dart: "Thank you, Mr. Speaker, Members of the House. This is

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another one of my noncontroversial Bills. House Bill 228, is a Bill that I have worked on, made some changes with the Amendment that was placed on it. But the heart of the... House Bill 228 is a idea that's been utilized in two other states right now. Virginia, not exactly a hotbed of liberal gun control, and Maryland. And it calls for restricting the purchases of handguns, and the sale of handguns to one per month. It's interesting that while the crime rate... virtually, every category is going down over the course of the last ten years. The number of nonlethal shootings is up in this past year. The number of drive-by shootings is up over 32%, and the predominant homicide motive is gangs or narcotics. Where are all the guns coming from? Well, contrary to popular myth and what a lot of people will tell you is that these are all stolen guns that are in the market, that they are illegally obtained, and they're stolen. But over the course of the last four or five years, in the City of Chicago alone, a study was done of 10,000 guns that were used in the course of crime. Of those 10,000 guns only 98 of those had been reported stolen. So less than 1% of the guns were stolen guns. Over 80% of the guns that were recovered in these crimes, were purchased, were purchased in the last three years. What's happening is 'straw purchasers,' who have valid FOID cards go into a gun store, buy the guns, and then take them down to the areas where it's illegal to have them. They sell them to gang members. They sell them to people involved in narcotics. And it's from that that our streets are filled with guns. In 1997, 210 people under 21 were killed by firearms in Chicago. In '97, 96% of all guns related... gun-related murders in Chicago were committed with handguns. The United States Department of Justice

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reports that in 1993, handguns were used in over 1,000,000 violent crimes in the United States. Only one third of the guns in the United States are handguns, but they account for two thirds of all firearm crimes. The hospital study from Childrens Memorial show that from 1992 to '95, over 6000 Illinois children, and teenagers were victims of gunshot wounds, 95% of them from handguns. I have a list that I would be happy to show Members, to detail some of the carnage that the handguns have caused in certain areas. But that's something that we've talked about at length in other issues. The reality is, this is a measure that is carefully drafted. It's a measure that for law-abiding citizens, will not do anything more than maybe a mere inconvenience. For the vast majority of the population, that has been the victims of these guns though, it can mean the difference between life and death. I would appreciate your support of this Bill, and I know there's a lot of people who might be interested in asking questions. I'll be happy to answer any questions."

Speaker Madigan: "Mr. Brunsvold, there's a call for a roll call. Should we proceed a roll call, Mr. Brunsvold?"

Brunsvold: "Not immediately, Mr. Speaker. Couple questions, if I could?"

Speaker Madigan: "There's a loud noise on the one side of the aisle, complaining about your questions, Mr. Brunsvold. Mr. Brunsvold."

Brunsvold: "Will the Sponsor yield? Okay, I'll make it short. Tom, that Novem.. November meeting... and I'm gonna make this short and brief... the mayor said... made a statement there, that ought to get the downstaters a little concerned. And do you remember what that statement was?"

Dart: "No, I don't. I don't recall that one."

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Brunsvold: "The statement was, 'If I could take guns away from everybody, I would.'"

Dart: "I can see where that would be..."

Brunsvold: "And, to me this process is the beginning of that process. The mayor wants to take guns away from the people in Chicago. I guess that's his right. We would just as soon not do that in downstate, and I would simply ask for a 'no' vote."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 50 'ayes'; 64 'noes'. This Bill having failed to receive a Constitutional Majority, is hereby declared lost. House Bill 227. Mr. Clerk, what is the status of this Bill?"

Clerk Bolin: "House Bill 227 is on the Order of House Bills-Third Reading."

Speaker Madigan: "Put this Bill on the Order of Second Reading. Are there any Amendments?"

Clerk Bolin: "Floor Amendment #1, offered by Representative Delgado, has been approved for consideration."

Speaker Madigan: "Mr. Delgado."

Delgado: "Thank you... Thank you, Mr. Speaker."

Speaker Madigan: "Please be brief. Mr. Delgado."

Delgado: "Thank you, Mr. Speaker. Floor Amendment #1. Floor Amendment #1. Basically, it deletes the definition of transfer. It includes the actual constructive or attempt to transfer of an item with or without consideration. This Amendment was filed in conjunction with opposition from the NRA, in order to clear up some language for the Bill 227 and that was the purpose of the Amendment. And we do

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appreciate that filing."

Speaker Madigan: "The Gentleman moves for the adoption of the Amendment. On that question, the Chair recognizes Mr. Cross."

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

Speaker Madigan: "Sponsor yields."

Cross: "Representative, I apologize. We can't hear over here. Can you tell us what happens to the Bill with the Amendment?"

Delgado: "The Amendment was offered by the NRA. And it changes the language of 'firearm.'"

Cross: "All you're doing is changing the definition of what a firearm is?"

Delgado: "No, it deletes the definition of 'transfer.'"

Cross: "Okay."

Delgado: "That's in Section 2-23. And for our purposes, that was the only opposition to my Bill. And that was done in conjunction with the opposition being the NRA at the time."

Cross: "Thank you. Thank you very much, Representative."

Speaker Madigan: "Mr. Delgado moves for the adoption of an Amendment supported by the National Rifle Association. Those in favor say 'yes'; those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Mr. Clerk, are there further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Madigan: "Third Reading. Mr. Delgado rises in support of a Bill supported by the National Rifle Association. Those in favor signify by voting 'yes'; those opposed by voting 'no'. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 227, a Bill for an Act to amend the Criminal Code of 1961. Third Reading of this House Bill."

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

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Cross: "I hate to slow down this process, Mr. Speaker, but could the Sponsor let us know what happens, what the Bill does?"

Speaker Madigan: "Mr. Delgado."

Cross: "I know that may be a little out of line but... "

Delgado: "Yes. Thank you, Mr. Speaker and Members of the House. Basically, this Bill does three things. It creates the offense of possession of a stolen firearm. It creates the aggravated possession of a stolen firearm. And it alters the penalties for unlawful use or possession of weapons by felons or persons in custody. That's basically what it does, Representative, three things."

Cross: "Representative, what are the... I didn't hear over there. What are the increased penalties here for the possession? You've created the offense of aggravated... aggravated possession of a stolen firearm. Is that correct?"

Delgado: "That is correct. House Bill 227 would create the offense of aggravated possession of a stolen firearm. This Bill is aimed at illegal posses... illegal possession of an illegal firearm, or possession of a illegal firearm."

Cross: "And what happens in the event... is it just dealing with possession of the firearm?"

Delgado: "Once... once again, Representative, it would be... it would do three things. The Bill's gonna create an offense of possession of a stolen firearm. It's an enhancement penalty, 'cause it's already on the books. It will create the offense of aggravated possession of a stolen firearm. And it would alter the penalty for unlawful use of a possession of a stolen firearm."

Cross: "What does it do in the area of ammunition?"

Delgado: "Firearm ammunition, Representative, means any self-contained cartridge or shotgun shell, or whatever name known, which is designed to be used or adaptable to use in

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a firearm, excluding, however, any ammunition exclusively designed for use with a device used exclusively for signaling, or safety, and required or recommended by the United States Coast Guard, or the Interstate Commerce Commission, or any ammunition designed exclusively to use with a stud or rivet driver, or any similar industrial ammunition.'" "

Cross: "All right, thanks."

Speaker Madigan: "Mr. John Turner."

Turner, J: "Thank you, Mr. Speaker. To the Bill. This was a pretty good Bill in committee. It's been amended now. I think it's a very good Bill. I would urge everyone to vote 'yes'."

Delgado: "Thank you, Representative."

Speaker Madigan: "Those in favor of the passage of the Bill vote 'aye'; those opposed vote 'no'. This is an NRA approved Bill. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 116 people voting 'yes', no... 0 voting 'no'. This Bill having received a Constitutional Majority is hereby declared passed. Mr. Clerk, House Bill 2198. What is the status of that Bill? (2198)."

Clerk Bolin: "House Bill 2198 is on the Order of House Bills-Second Reading. The Bill's been read a second time, previously. No Committee Amendments. Floor Amendment #2, offered by Representative Hamos, has been approved for consideration."

Speaker Madigan: "Representative Hamos on the Amendments."

Hamos: "Thank you, Mr. Speaker, Ladies and Gentlemen. This was approved by Attendance Roll Call, unanimously, in the House Human Services Committee last week. This would, basically, take a 10-year-old law resurrected by providing emergency

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grant for people to prevent homelessness. And the grantees under this Bill, will be: townships, counties, municipalities and not for profits. They will have an opportunity to give short-term grants to get people over emergencies in their lives. It's all subject to appropriations and there was no dissent in committee. I thank you for your favorable support."

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

Clerk Bolin: "No further Amendments."

Speaker Madigan: "Third Reading. Mr. Clerk, House Bill 227. Mr. Clerk, take that out of the record. Mr. Clerk."

Clerk Bolin: "Committee Announcements. The following committees will meet at 9:30 a.m. tomorrow morning: The Judiciary I-Civil Law Committee will meet in Room C-1 at 9:30 a.m. the Registration and Regulation Committee will meet in Room 114 at 9:30. The Revenue Committee will meet in Room D-1 Stratton at 9:30 and the Transportation Committee will meet in Room 118 of the Capitol at 9:30 a.m."

Speaker Madigan: "I trust that everyone heard that announcement concerning committees meeting in the morning. Judiciary I at 9:30 in C-1, Registration and Regulation at 9:30 in 114, Revenue at 9:30 in D-1, Transportation at 9:30 in Room 118. The Chair recognizes Representative Howard."

Howard: "Thank you, Mr. Speaker. Just wanted to remind Members of the Computer Technology Committee, that the meeting previously scheduled for tomorrow, has been cancelled. Thank you."

Speaker Madigan: "The Chair is prepared to adjourn. Are there any further announcements? There being no further

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announcements, Representative Currie moves that the House does stand adjourned until 10 a.m. tomorrow morning. those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The House does stand adjourned until 10 a.m. tomorrow morning."