

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

52nd Legislative Day

May 17, 1999

Speaker Hartke: "The House shall come to order. Members will be in their chairs. We'll be led in prayer today by the Reverend Terry Cooper, with the Full Gospel Christian Fellowship Church in Paxton, Illinois. Reverend Cooper is the guest of Representative Tim Johnson. Our guests in the gallery may wish to rise and join us for the invocation and stay standing for the Pledge of Allegiance. Reverend Cooper."

Reverend Cooper: "I thank each and every one of you for the privilege of being able to be here today. I don't see this as just another time to pray, but I see it as an honor and a privilege to be here. And so with that, I want to, I want us to bow our heads. Heavenly Father, we are come here today with thanksgiving for the honor and the privilege that You have given these men and women to handle the affairs of this office, that You have placed them in. And Father, You've asked us to pray and to intercede and to give thanks for all men, for all that are in authority, that we might live a quiet and peaceable life in all Godliness and honesty. And because You have put these men and women in this office and in this position of authority, You have given them the ability and the equipment to stand in this office of authority. So, we come to You when we ask You for wisdom to make the right decisions, that first of all, Your will will be done and the decisions that are made here, will be pleasing to You. And so I ask You today, Father God, that we will seek Your will and Your desire for this state and for the people of this state. You told us in Your word to ask and we shall receive, to seek and we shall find, knock and the door shall be opened. So Heavenly Father, we're here today to ask You, to seek from You answers, to ask questions and seek the answers and

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

52nd Legislative Day

May 17, 1999

we're knocking on the door of Your wisdom and Your knowledge and Your understanding to help us make the right decisions for the state and for the people of this state. And I ask this all, in the name of Jesus, Amen."

Speaker Hartke: "We'll be led in the pledge today by Representative Winters. Roll Call for Attendance. Report from the Republican side, Mr. Poe."

Poe: "Mr. Speaker, let the record show today that all Republicans are present."

Speaker Hartke: "Representative Currie from the Democrat side."

Currie: "Thank you, Speaker. Please let the record show that Representatives Feigenholtz, Flowers, and Shirley Jones are excused."

Speaker Hartke: "Mr. Clerk, take the record. (115) Members answering the call. There's a quorum present. And the House is in Session. Committee Reports."

Clerk Rossi: "Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following measures were referred, action taken on May 17, 1999, reported the same back with the following recommendations: to the Order of Concurrence, Motions to Concur, the following have been approved for consideration: Senate Amendments 1 and 2 to House Bill 245, Senate Amendment #1 to House Bill 329, Amendment #1 to House Bill 377, Senate Amendment #1 to House Bill 448, Senate Amendment #1 to House Bill 471, Senate Amendment #1 to House Bill 536, Senate Amendment #1 to House Bill 731, Senate Amendment #1 to House Bill 800, Senate Amendment #1 to House Bill 916, Senate Amendment #1 to House Bill 928, Senate Amendment #1 to House Bill 1164, Senate Amendment #1 to House Bill 1193, Senate Amendment #1 to House Bill 1282, Senate Amendment #1 to House Bill 1286, Senate Amendment #1 to House Bill 1305,

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

52nd Legislative Day

May 17, 1999

Senate Amendment #1 to House Bill 1676, Senate Amendment #1 to House Bill 1732, Senate Amendment #1 to House Bill 1759, Senate Amendment #1 to House Bill 1817, Senate Amendment #1 to House Bill 1871, Senate Amendment #1 to House Bill 1909, Senate Amendments 1 and 2 to House Bill 1972, Senate Amendment #1 to House Bill 2085, Senate Amendment #1 to House Bill 2041, Senate Amendment #1 to House Bill 2308, Senate Amendment #1 to House Bill 2605, Senate Amendment #1 to House Bill 2616, Senate Amendment #1 to House Bill 2631, Senate Amendment #1 to House Bill 2644, Senate Amendment #1 to House Bill 2645, and Senate Amendment #1 to House Bill 2724."

Speaker Hartke: "Supplemental Calendar being distributed, #1. The Chair's desire today to move as many Bills as possible that are on Supplemental Calendar #1 for concurrence. I might notify the Members that, if you have a Bill that is on the regular Calendar on concurrence, you must file a Motion, a written Motion on this slip, to either nonconcur or to concur, with Senate Amendments. We will be going down the order of Bills that are on the Order of Concurrence on Supplemental Calendar #1. Mr. Clerk, has the Calendar been distributed?"

Clerk Rossi: "The Calendar is being distributed."

Speaker Hartke: "Supplemental Calendar #1, appears House Bill 245. Representative Saviano. Out of the record. Mr. Clerk, call the Bill. Representative Saviano."

Saviano: "Thank you, Mr. Speaker, and Members of the House. I would make a Motion to move that we concur with Senate Amendments #1 and #2 to House Bill 245. If you remember, House Bill 245 was the Agency Bill for the Department of Professional Regulation. The Senate Amendments made some technical corrections on the Bill and I would ask that we

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

52nd Legislative Day

May 17, 1999

concur with Senate Amendments #1 and 2 to House Bill 245."

Speaker Hartke: "Is there 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: "When you say a couple of technical changes, Representative, could you, could you briefly go through what they are? I, I, I mean I see in one, in one instance we're amending one, Amendment #1, inserts the definition of physician, talking about meaning a person licensed to practice medicine in all its branches. I mean that, that kind of language is always of some contention among chiropractors and others. What, what are we doing here with this one?"

Saviano: "The chiropractors are okay on this. I know that, 'cause I spoke to them. Let's see here. ... Yeah, ... the highlight was on the board members. It increased it from five members to six members and they added a physician to that, primarily because they needed a doctor on there to determine whether a boxer or a wrestler or whatever was fit to, physically fit in some instances."

Scott: "Okay. And the ... rest of it seems to be talking about the difference between registration and licensure. Did we, is that changed all the way throughout the whole Act here?"

Saviano: "Yeah, what it did is updated and standardized all the hearing and due process language. I mean, I, I can go through a whole litany of things, but it, it, I can tell you that its all been agreed on. This is something they have worked on for about a year and a half. And the Senate, when Amendment #1 became the Bill, but they just, instead of just adding to it, they wanted to make sure it was all comprehensive in that respect."

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

52nd Legislative Day

May 17, 1999

Scott: "Okay, thank you. I appreciate it."

Speaker Hartke: "Further discussion? Seeing that no one in seeking recognition, Representative Saviano asks that the House does concur to Senate Amendments #1 and 2 to House Bill 245. 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? This is final action. Have all voted who wish? Mr. Clerk, there's still one person not voting. Mr. Clerk, take the record. On Senate Amendment, on House Bill 245, Senate Amendments #1 and 2, the House does concur with 115 Members voting 'yes', 0 voting 'no' and 0 voting 'present'. And this Bill having received a Constitutional Majority is hereby declared passed. House Bill 251, Representative Poe. Representative Poe."

Poe: "Yeah, I'd like, Mr. Speaker, I'd like to move to concur with the Senate."

Speaker Hartke: "Amendments #1 and 2?"

Poe: "Yes."

Speaker Hartke: "It's customary to explain what the Senate Amendments #1 and 2 do."

Poe: "Okay, Okay. You surprised me. I didn't know you was going to call me. This Bill that passed out of the House 115 to, and 1 'present' was a Bill that deals with fly dumping, punishment up to \$500 and the Senate Amendments would take out the part where, where you confiscate a vehicle for indigent people. And, instead they would either pay the minimum fine of \$500 or they perform 100 hours of community service and we agreed to go along with that."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House concur in Senate Amendment #1 and 2 to House Bill 251?'"

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

52nd Legislative Day

May 17, 1999

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 wish? Mr. Clerk, take the record. On this question, there are 115 Members voting 'yes', 0 voting 'no' and 0 voting 'present'. And this House Bill 251 ... including Senate Amendments #1 and 2 is hereby declared passed. House Bill 329, Representative Curry."

Curry: "Thank you, Mr. Speaker, Members of the House. I would ask Members to concur with Senate Amendment #1 to House Bill 329. If you remember, House Bill 329 was legislation that extended the statute of limitations for cases involving aggravated sexual assault. This Amendment is a compromise to this legislation and it does specifically three different things. First of all, it says, 'In order to get the extension to ten years, the victim must have reported the crime within two years of the crime taking place.' Second, it says, 'If you were a minor and the offender is a member of your family, then you get ten years from the date you turn 18. If you were a minor and the member, or the offender is not a member of your family, then you have to report the crime within two years of turning 18. And then you get the extension of the ten years.' I would ask that the Body support this Amendment."

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

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

Speaker Hartke: "She indicates she will."

Parke: "Yes, Representative, how does this differ, we chatted ... where are you?"

Curry: "I'm, I'm over here, Representative."

Parke: "I'm sorry. Thank you. I can see you now. Mr. Dart."

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

52nd Legislative Day

May 17, 1999

Curry: "Excuse me, I didn't here what your question was."

Parke: "Okay, no I didn't ask. How does this differ with the Bill that I passed and is on the Governor's desk..."

Curry: "Well..."

Parke: "... that was, I believe, 1142? How does this differ?"

Curry: "Well, well, it differs, it's quite different. First of all, your legislation only affected minors. Mine affects anyone, any victim who is either a minor or not a minor. It's legislation that we've been working on with the Illinois Coalition Against Sexual Assault and law enforcement officials across this state for two years."

Parke: "And so this is just, this is an enhanced version of the one I have."

Curry: "It's, It's what I would consider a better Bill that would encompass more victims, yes."

Parke: "Well, better is all relative. It's a Bill that encompasses more. Is there any known opposition to the way this is structured?"

Curry: "Not that I'm aware of. It's an Amendment that I worked out with the Chairman of the Senate Judiciary Committee, Senator Carl Hawkinson. He's in full support of this Amendment and full support of this legislation."

Parke: "Thank you, Representative."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition the question is, 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 this question there are 115 Members voting 'yes', 0 voting 'no' and 0 voting 'present'. And the House does concur to Senate Amendment #1 to House Bill 329. All those in favor... And this Bill having received a

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

52nd Legislative Day

May 17, 1999

Constitutional Majority is hereby declared passed. House Bill 377, Representative Mathias."

Mathias: "Thank you. House Bill 377 allows the courts to appoint a child to represent the interests, I'm sorry, to rep... to appoint an attorney to represent the interests of a child in a, under the Illinois Marriage and Dissolution Act. It also gives the court the right to order either the parties to pay for that attorney. Senate Amendment #1 just allows the Department of Public Aid, it was their Amendment, so that they would not be made to pay for these attorney's fees. And the Bar Association is in support of this Amendment. And I ask the House to concur in Amendment, in Senate Amendment #1."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition. The question is, 'Shall the House concur in Senate Amendment #1 to House Bill 377?' 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 this question, there are 115 Members voting 'yes', 0 voting 'no' and 0 voting 'present'. And the House does concur in Senate Amendment #1 to House Bill 4, 377. And this Bill having received a Constitutional Majority is hereby declared passed. House Bill 448, Representative Johnson, Tim, Tom Johnson."

Johnson, Tom: "Yes, Mr. Speaker and Members of the House. I would ask that the House concur with Senate Amendment #1 to House Bill 448. This Amendment basically, takes the assault against sports officials, takes it back to a Class A misdemeanor from a Class 4 felony, but imposes a minimum fine of \$1000 for the first conviction and \$2000 for a second and subsequent conviction. I'd ask for your

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

52nd Legislative Day

May 17, 1999

favorable consideration."

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

Hoffman: "Yes, will the Sponsor yield?"

Speaker Hartke: "He indicates he will."

Hoffman: "Representative, it's my understanding, as you indicated, that a second conviction will be a \$2000 fine but still is a Class A misdemeanor. It was my understanding that under a criminal code, you would just have up to \$1000 fine for a Class A misdemeanor."

Johnson, Tom: "Jay, I believe that that's correct but I think that, in fact, we have other precedents of this that, in fact, you can set a specific fine higher."

Hoffman: "So what you are saying is that jail time, or potential county jail time of 365 days would remain the same..."

Johnson, Tom: "Right."

Hoffman: "... however, the potential for a fine could be greater than a statutory amount for a Class A misdemeanor."

Johnson, Tom: "That's correct."

Hoffman: "What you're doing, I mean the concern may be from some people is that you are essentially reducing by this Amendment and concurring with this Amendment the potential fines. Is there a reason why you want to do that? Excuse me, the potential penalties. 'Cause when it first passed out of here, we were making it a Class 4 felony I believe. And a second and subsequent, was a Class 3 felony. And now we are making it a misdemeanor again."

Johnson, Tom: "Well, the Senate, of course, works miraculous things. And they in fact, and I, I think this was in, with the support of the sports officials and everybody else. I, I, I think that really this strengthens it, because now it really imposes an absolute minimum fine. And in

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

52nd Legislative Day

May 17, 1999

clarification even to your first question Jay, I forgot we increased the maximum fine for Class A misdemeanors up to 2500."

Hoffman: "Okay, I apologize. Guess I missed..."

Johnson, Tom: "You weren't here."

Hoffman: "Yeah, that's the year I missed."

Johnson, Tom: "You were down south somewhere."

Hoffman: "Yeah. Anyway, if you would like to concur and that's, that's your intent and the sports officials are, are okay with this, I understand the intent is to stop some of this harassment of sports officials and and give them the respect that they deserve. If you think this is a... is proper, I support your Motion."

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

Johnson, Tom: "Just ask for your favorable vote."

Speaker Hartke: "The question is, 'Shall the House concur in Senate Amendment #1 to House Bill 448?' This is final action. 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 this question, there are 115 Members voting 'yes', 0 voting 'no' and 0 voting 'present'. And the House does concur in Senate Amendment #1 to House Bill 448. And this Bill having received a Constitutional Majority is hereby declared passed. House Bill 471, Representative Wojcik."

Wojcik: "Thank you, Mr. Speaker, Members of the House. This is the body piercing Bill. House Bill 471 and I do move to concur with Senate Amendment #1. What Senate Amendment states, it eliminates a offense offering to pierce the body of a person under 18 years of age without parent or

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

52nd Legislative Day

May 17, 1999

guardian consent. And it also deletes the provision that makes it a Class C misdemeanor for a person under 18, to misrepresent his or her age as 18 years of age or over. This was discussed before the Bill went over to the Senate. We have placed this Amendment on to satisfy the thoughts of some of the Members in the House and in the Senate. And now it places the onus in the business owner's operation and it will take the charges against the minor away. So I ask for it's passage."

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

Hoffman: "Yes, will the Sponsor yield?"

Speaker Hartke: "She indicates she will."

Hoffman: "Representative, it's my understanding that there are only two changes to the original Bill and the Senate Amendment. You briefly explained them. One of them would take up the entire offensive offering to pierce a person under the age of 18, is that correct?"

Wojcik: "Yes."

Hoffman: "Do you, you support that?"

Wojcik: "I do."

Hoffman: "Okay. And then the second one would be, that it deletes the amendatory language that created a Class C misdemeanor on the person under 18. So in other words we're not going to, we're not going to punish the person who got the piercing, we're going to punish the person who conducted the piercing?"

Wojcik: "That's absolutely correct?"

Hoffman: "I think that's a good idea."

Wojcik: "I do too, thank you."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House

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

52nd Legislative Day

May 17, 1999

concur in Senate Amendment #1 to House Bill 471?' 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, there is 1 Member not voting. Mr. Clerk, take the record. On this question, there are 110 Members voting 'yes', 4 Members voting 'no' and 1 Member voting 'present'. And the House does concur Senate Amendment #1 to House Bill 471. And this Bill having received a Constitutional Majority is hereby declared passed. House Bill 536, Representative Mathias."

Mathias: "Thank you. House Bill 536 makes it illegal to park your vehicle with an expired license plate registration. Senate Amendment #1 takes that Bill and puts it into a different section of the code. It still would make it illegal but instead of it being a misdemeanor, which would require a mandatory court appearance, it puts it into the parking violation section of the code and I would ask for your encour... concurrence in Senate Amendment #1."

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

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

Speaker Hartke: "He indicates he will."

Black: "Thank you. Representative, I remember this Bill now. It's all coming back to me."

Mathias: "I was afraid so."

Black: "Yes, yes, this is a fine piece of legislation. Let's see what the Senate did. I don't see that the Senate did a whole lot different than what you started out with."

Mathias: "They just put it into a different section of the code."

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

52nd Legislative Day

May 17, 1999

Black: "Why would they want to do that?"

Mathias: "In this way it will be considered a parking violation instead of a misdemeanor. The reason for that is, for example, if you were to, if ... someone saw your car being parked illegally, if a police officer saw that under a misdemeanor, it would be a 'must appear' and they were concerned that the ticket would, you know, blow off or in some way the owner wouldn't see it and would ... and if you violate a mis... 'must appear', you could have your license suspended."

Black: "I see."

Mathias: "So they put it in as a parking ticket."

Black: "A parking ticket. Is this modeled after the Chicago parking ticket system?"

Mathias: "I think it gives the right to any municipality to issue a parking ticket."

Black: "I see. Now we discussed this earlier. If I have that vehicle on my property, in my driveway, in my front yard, in my side yard, in my back yard, you can't ticket me, right? You can't come on my property and ticket the vehicle for having an expired registration sticker, correct?"

Mathias: "Yes, that's, that's correct."

Black: "All right, so they can only issue this \$100 ticket if I park it on a street, public thoroughfare of any kind, right?"

Mathias: "That's correct."

Black: "Would that also include a public parking lot?"

Mathias: "No, it's got to be a public street. I believe is the..."

Black: "Okay, in other words, if I, if I go visit Chicago and I park my car in one of those very reasonable parking lots,

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

52nd Legislative Day

May 17, 1999

you know, \$20 an hour or whatever it is, and upon leaving my car I see that the sticker, 'Oh, good heavens the sticker's expired'. Now if I leave it there and get a retriever and haul my car back, I don't have any problem, right?"

Mathias: "That's correct."

Black: "Okay."

Mathias: "So long as you don't park it on a public street, highway or roadway."

Black: "Okay. Now, if I back my car out of the driveway to let, let my spouse back her car out of the driveway and her car is registered and the sticker is current, my car registration has expired. So, I back out in the street, I'm in the car, the motor's running to let her get out and then I'm going to pull my car back in the garage. For that short amount of time that my car is on the street, even though technically I'm not parked, could I be ticketed then?"

Mathias: "Yes, you could be ticketed actually under the original law, which says you can't operate a vehicle on a public highway. That's the current law. This just adds parking to it."

Black: "Oh. And, and the penalty, if you're caught with this, the first offense is a Class X felony? Is that what they did?"

Mathias: "Something similar to that."

Black: "Is, is it still a misdemeanor or just a parking ticket?"

Mathias: "Now it becomes a parking ticket."

Black: "Okay. All right, so I'm not going to have to do any heavy jail time for this, right?"

Mathias: "That's correct."

Black: "Okay. Otherwise we'd have to get a corrections impact

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

52nd Legislative Day

May 17, 1999

note, right?"

Mathias: "Yes, that's correct."

Black: "All right, I, Representative I, actually I think the Senate might have done you a favor or two. Kind of tightened it up a little bit. So, I, I, I appreciate your indulgence. Thank you, Mr. Speaker."

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

Mathias: "Yes, I urge my fellow House Members to concur in Senate Amendment #1."

Speaker Hartke: "The question is, 'Shall the House concur in Senate Amendment #1 to House Bill 536?' 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 this question, there are 113 Members voting 'yes', 1 person voting 'no' and 0 voting 'present'. And the House does concur in Senate Amendment #1 to House Bill 536. And this Bill having a Constitutional, having received a Constitutional Majority is hereby declared passed. On Supplemental Calendar #1 on Concurrences, appears House Bill 731, Representative O'Brien."

O'Brien: "Thank you Mr..."

Speaker Hartke: "Representative O'Brien."

O'Brien: "Thank you, Mr. Speaker. I ask that the House concur in Senate Amendment #1 to House Bill 731. What the Amendment does is it requires that publications of photos of sex offenders by sheriffs and municipal police departments for sex offenders whose victims are 13 years of age or younger. That is the primary difference between the original House Bill and the Bill as amended. The original Bill would've required that picture for anyone and now it is for child

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

52nd Legislative Day

May 17, 1999

sex offender's and the rationale, is, is that in drafting this legislation that a child may not remember a sex offender's name as published in the newspaper but they will more likely remember a photograph. So, I do concur in the Amendment and would ask the same of my colleagues."

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

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

Speaker Hartke: "She indicates she will."

Black: "Representative, where, where will this photograph be published? I mean, is it going to be on the internet or is it going to be hung up in the post office or where does the photograph, where is it displayed?"

O'Brien: "The only requirement for the photograph is that it be put into the sex offender database which goes on the web."

Black: "Okay, so it will be on the web and can be downloaded. So, obviously if it is on the web, it's in the public domain and anybody can download it, correctly? This isn't one of those situations where you are supposed to go to the sheriff's department to get the list. Is that's, that's the way we started out. I, evidently we've changed that?"

O'Brien: "Correct. Actually, the department may require person who seeks access to the sex offender information to submit some information about themselves before they can get access onto that website. I don't understand exactly how that works..."

Black: "I don't either."

O'Brien: "As being as not very computer literate."

Black: "I was going to say, if it's, if it's on the web, how can you block it and ask for people to send you information? I would think that would be the public domain and if you want

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

52nd Legislative Day

May 17, 1999

this information on the sex offenders and/or a photograph, it would seem like that, anybody could download it. And I just, when I read this quickly, I thought this doesn't make, I understand what you are trying to do and I'm certainly not going to vote in opposition, but it seems like putting this in a public domain is a great change from where we started."

O'Brien: "I, I, I think what the department and, and, and what the Senate Sponsor, I think what they worked out with the State Police, that there is a mechanism when you try to get on a website, maybe where you'd have to, if you're purchasing something where you have to give a credit card number first. Before you can get in, they may require some information about you first."

Black: "Okay. That, that makes sense. Who's going to take these pictures? Do you know? Is it the same, the same people who take your drivers license picture, for example?"

O'Brien: "It won't be taken at the Secretary of State's Office..."

Black: "I was going to say, because if we do that, nobody will recognize them anyway."

O'Brien: "They'll be taken..."

Black: "So, I mean, will the individual furnish the picture or will the picture be furnished by the arresting agency, or what I'm trying to get at, I mean obviously if you ask, if you ask the offender to furnish the picture, the offender is liable to get cute and send your picture."

O'Brien: "Right, and I, I think with the State Police, that they want to have the picture either from the Department of Corrections or if none is available, then they will take that picture and provide it."

Black: "Alright. So that, your satisfied that there is some

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

52nd Legislative Day

May 17, 1999

protection in the Bill that the offender, in order to make a statement about this whole law, won't be able to grab someone's picture and send it in, so you've got John Doe, but it's not John Doe's picture."

O'Brien: "Right. And they do have to come and do this registry in person."

Black: "Okay. Fine, thank you very much."

O'Brien: "Thank you."

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

Klingler: "Thank you very much. Will the Sponsor yield?"

Speaker Hartke: "She indicates she will."

Klingler: "Representative, I'm concerned that part of this Bill may conflict with the Bill, House Bill 2721, which was the main sex offender Bill and changes sponsored by the Illinois State Police this Session. Part of 2721 was that there would be discretionary information could be released by the State Police, including for example, photographs, including height, weight description, vehicle information. And there was no limitation on that Bill as far as age of, of the victims. So, I'm concerned if we have this Bill limiting it to situations of the victim being 13, that that's going to restrict what the State Police were trying to do in House Bill 2721."

O'Brien: "I addressed that concern with the Senate Sponsor who says that she worked with the State Police and that they don't, they feel that they are complementary, not contradictory to one other. Is, but I have been told by the Senate Sponsor who did negotiate Amendment #1 with the State Police."

Klingler: "So, if this Bill became law, if the State Police wanted to release a photograph of someone who had assaulted

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

52nd Legislative Day

May 17, 1999

someone who was 16 years old, that photograph could not be released? Is that, is there a prohibition against that?"

O'Brien: "I don't believe that it would be prohibited. But it would not be required. The offender having that picture, if you are an offender of someone 13 years of age or younger it is required. (2721) is completely discretionary. So the offender may have offended some, assaulted someone who was 25 or he may have assaulted someone that is five. But under House Bill 2721, the authority to disseminate those photos is 100% discretionary. What this does, it says, 'that if you are, if you are an offender of children under the age 13, your picture must be provided. It must be put into the web.' And I think that that's where they become complementary and not contradictory."

Klingler: "Okay. Thank you. I think that answers my question, that if the police felt that it was important to release a photograph and the victim were older, this Bill would not prevent that. Is that correct?"

O'Brien: "That's correct."

Klingler: "Thank you very much and I'll support the Bill."

O'Brien: "Sure, thank you."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from McHenry, Mr. Skinner."

Skinner: "Now, if you type in sex offender, on your internet search machine, is that going to pop this site up?"

O'Brien: "I don't know what the search code will be. What the name of it is, it's under the sex or the statewide database. I have never done the search. I don't, I have no idea what the name of it is."

Skinner: "Well, might it be possible that filters might prohibit kids from finding the pictures of these sex offenders?"

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

52nd Legislative Day

May 17, 1999

Because of the nature of the crime?"

O'Brien: "Again, Representative Skinner, I, I don't know what the search term is going to be."

Skinner: "Okay. Thank you."

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

O'Brien: "I would just urge an 'aye' vote in the concurrence of Senate Amendment #1. Thank you."

Speaker Hartke: "The question is, 'Shall the House concur in Senate Amendment #1 to House Bill 731? 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 this question, there are 115 Members voting 'yes', 0 voting 'no' and 0 voting 'present'. And the House does concur to Senate Amendment #1 to House Bill 731. And this Bill having received a Constitutional Majority is hereby declared passed. House Bill 800, Representative Saviano."

Saviano: "Thank you, Mr. Speaker and Members of the House. I would make a Motion to concur with Senate Amendment #1 to House Bill 800. If you remember, Senate Bill 800 addressed the mail order contact lenses. This Bill passed out of the House, was an Agreed Bill. The Senate has taken it. The Senate made technical changes. Replaced 'Board' with 'Medical Licensing Board'. Inserted 'physician', to mean a person licensed to practice medicine in all its branches under the Medical Practice Act. So it was a technical Amendment, there was no opposition. I move that we concur with Senate Amendment #1 to House Bill 800. Thank you."

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

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

52nd Legislative Day

May 17, 1999

Black: "Yes, thank you very much, Mr. Speaker. If you'll give me some latitude here, I need to go back and ask a question about the Bill. Is that permissible, as amended by the Senate?"

Speaker Hartke: "Sure."

Black: "Thank you. Will the Gentleman yield?"

Speaker Hartke: "He indicates he will."

Black: "Representative, I was off the floor when we passed this Bill, and I remember it. Do you watch television?"

Saviano: "Yeah."

Black: "Okay. That lady that advertises mail order contacts, didn't she used to play 'Wonder Woman'?"

Saviano: "Well, let's see, that was a long time ago."

Black: "Well, I know you're not as old as I am. But, I, I think she did. I think she played 'Wonder Woman' back in the golden age of television. Now, and I always liked her. Now, the Bill as amended, 'Wonder Woman' is still going to be able to sell contact lenses through the mail. Isn't she?"

Saviano: "Absolutely."

Black: "I mean, I don't know why, I've never been to interested in buying contact lenses through the mail. But, I guess there are those that do. But, we're going to make sure that 'Wonder Woman' sells contact lenses that aren't going to put my eyes out, right?"

Saviano: "No, as long as she registers with the State of Illinois, she can still sell contact lenses to consumers..."

Black: "Well, like I can, if I didn't, 'cause her acting career is falling on hard times. I didn't want to, I didn't want to throw her out of work. Well, that, that answers that. Mr. Speaker, I've tossed and turned all night worried about

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

52nd Legislative Day

May 17, 1999

whether 'Wonder Woman' is going to be able to sell contact lenses. And I appreciate your indulgence."

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

Saviano: "I would ask that we concur with Senate Amendment #1 to House Bill 800. Thank you."

Speaker Hartke: "The question is, 'Shall the House concur in Senate Amendment #1 to House Bill 800?' This is final action. 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 wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 115 Members voting 'yes', 0 voting 'no' and 0 voting 'present'. And the House does concur in Senate Amendment #1 to House Bill 800. And this Bill having received a Constitutional Majority is hereby declared passed. House Bill 1164, Representative Hoffman."

Hoffman: "Yes, I move to concur in House Bill 1164 Senate Amendment, I believe it's #1. Senate Amendment #1 would remove the provision from the underlying Bill that would amend the Probation and Probation Officers Act. So what would be left in the Bill is, is an initiative of the probation association that would provide that a probation officer must take and subscribe to an oath before the chief judge or his or her designee. It eliminates the provision that indicated that you would have to go before, take the oath before the county clerk. Since the chief judge is essentially, who is over the probation officers, we believe they would be the ones that would rightfully administer the oath."

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

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

52nd Legislative Day

May 17, 1999

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

Speaker Hartke: "He indicates he will."

Black: "Representative, Senate Amendment #1, does it, does it clearly state that part-time employees cannot serve as a probation officer?"

Saviano: "No. All it does is delete, I believe that it deletes the provision, it deletes the provision in the Bill that would have deleted a provision that the probation officer must be a full-time employee."

Black: "Hmm. Hang on just a second."

Saviano: "In other words, it just leaves current law the same, Representative, with regard to the full-time, part-time issue. And the reason is, it's my understanding the probation association is okay with that. AFSCME had a concern with it. AFSCME now is okay with this Bill. So, we just wanted to move, move it forward with the issue with regard to the oath."

Black: "Okay, so, so, a part-timer can still serve, is that your understanding?"

Saviano: "This does not change, I... no Representative, existing law indicates that the probation officer must be a full-time employee. This does not change existing law."

Black: "Okay. Fine. Thank you very much."

Speaker Hartke: "Further discussion? Seeing that no one else is seeking recognition. The question is, 'Shall the House concur in Senate Amendment #1 to House Bill 1164?' 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? Mr. Clerk, take the record. On this question, there are 115 Members voting 'yes', 0 voting 'no' and 0 voting 'present'. And the House does concur in

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

52nd Legislative Day

May 17, 1999

Senate Amendment #1 to House Bill 1164. And this Bill having received a Constitutional Majority is hereby declared passed. House Bill 916, Representative Mulligan."

Mulligan: "Thank you, Mr. Speaker. I'd like to concur in Senate Amendment 1, which just narrows the scope of the Bill, basically to Cook County."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition the Chair recognizes the Gentleman from Cook, Representative Dart."

Dart: "Excuse me, will the Sponsor yield, please?"

Speaker Hartke: "She indicates she will."

Dart: "Representative, can you... does this apply only to Cook County?"

Mulligan: "Yes, I made it general. All it does is it allows municipalities to enter into intergovernmental agreements with flood for floodwater management with unincorporated areas of townships. For some reason, the Senate in their infinite wisdom, decided to limit it to Cook County. I don't know if they don't have a problem, we have a problem because Cook County does not want to sign on for the unincorporated areas and they have no authority to enter into agreements."

Dart: "... Is there other counties, DuPage County, they don't have flood problems?"

Mulligan: "Well, I never, I never heard that the county will not take the authority for unincorporated areas. Maybe they don't have as large a one. And why the Senate did this, I don't know. But, since it is a problem for us in Cook County, I'm willing to concur. This is about the fifth time I've tried to figure out how to solve this situation and one of my local municipalities agreed to take, enter into an agreement so that they could assist the

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

52nd Legislative Day

May 17, 1999

unincorporated area in receiving funds and actually signing on to a plan to dredge a creek that's part of the Des Plaines River Project."

Dart: "... And I agree with what you are doing here and I think it's a good Bill. It's unfortunate the other 101 counties won't have the ability to..."

Mulligan: "Yeah, I don't, you know, the Senate does these things and I don't understand."

Dart: "Yeah, wisdom may be a misnomer. Thank you."

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

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

Speaker Hartke: "Sponsor will yield."

Black: "Yes. Representative, with this Bill being limited only to Cook County, it doesn't do what you started out wanting to do, does it?"

Mulligan: "Yes, it does. Because it will solve the problem for the unincorporated areas in Cook County. Several of the Representatives up there..."

Black: "Okay."

Mulligan: "Have the same situation."

Black: "All right. Now, I had some correspondence on this Bill from people downstate who thought this was going to fundamentally change Drainage District Law. And it doesn't have any impact on Drainage District Law, as far as you know, does it?"

Mulligan: "No, these are limited agreements that would be between a municipality and a township, for their unincorporated area because Cook County has pretty much refused to take responsibility and the township does not have the authority."

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

52nd Legislative Day

May 17, 1999

Black: "Okay. That's all I wanted to check. Thank you very much."

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

Mulligan: "I would appreciate an 'aye' vote."

Speaker Hartke: "The question is, 'Shall the House concur in Senate Amendment #1 to House Bill 916?' This is final action. On this, 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? Mr. Clerk, take the record. On this question, there are 115 Members voting 'yes', 0 voting 'no' and 0 voting 'present'. And the House does concur in Senate Amendment #1 to House Bill 916. And this Bill having received a Constitutional Majority is hereby declared passed. House Bill 928, Representative Saviano. Mr. Saviano."

Saviano: "Thank you, Mr. Speaker, Members of the House. I would ask that we concur with Senate Amendment #1 to House Bill 928. If you remember Senate Bill 92... , or House Bill 928 passed out of here, I think, unanimously. That was the Bill that addressed some concerns of the Cook County Board of Tax Review. One in being their title of commissioner. The Senate has since taken that Bill. Okay, where is it? What they did was, they, they added to the Bill providing that whenever it may be a necessary purpose, determining a jurisdiction of Cook County Board of Review shall be deemed to succeed the powers and duties of the former Cook County Board of Appeals and shall have all the powers and duties granted to it, under the Property Tax Code. This is to bring everything in uniformity when we changed over from the Cook County Board of Tax Bills over to the Cook County Board of Tax Review. And I would ask that we concur with

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

52nd Legislative Day

May 17, 1999

Senate Amendment #1 to House Bill 928."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition. The question is, 'Shall the House concur in Senate Amendment #1 to House Bill 928?' This is final action. 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 this question, there are 114 Members voting 'yes', 0 voting 'no' and 1 Member voting 'present'. And the House does concur to Senate Amendment #1 to House Bill 928. And this Bill having received a Constitutional Majority is hereby declared passed. House Bill 1193, Representative Sommer."

Sommer: "Thank you, Mr. Speaker and Members of the House. I move that the House concur in Senate Amendment #1 to House Bill 1193. (1193) is part of the Attorney General Safe to Learn Program. What this Amendment does, only, is specifies in the building safety component of the legislation, that portable metal detectors may be among those items, a parts of the grants. It permits it only among many other things."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition. The question is, 'Shall the House concur in Senate Amendment #1 to House Bill 1193?' This is final action. 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 this question, there are 115 Members voting 'yes', 0 voting 'no' and 0 voting 'present'. And the House does concur in Senate Amendment #1 to House Bill 1193. And this Bill having received a Constitutional Majority is hereby

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

52nd Legislative Day

May 17, 1999

declared passed. House Bill 1282, Representative Bost."

Bost: "Thank you, Mr. Speaker. I move to concur with Senate Amendment #1 to House Bill 1282. What Senate Amendment #1 does, this is when, it gives the opportunity for IDOT and CMS to transfer planes to the University that have aeronautic divisions. What this does is, it makes sure that those planes are not being used for trade-in and also, takes away some language that was kind of repetitive. And I would move to concur."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition. The question is, 'Shall the House concur to Senate Amendment #1 to House Bill 1282?' This is final action. 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? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 113 Members voting 'yes', 0 voting 'no' and 0 voting 'present'. And the House does concur in Senate Amendment #1 to House Bill 1282. And this Bill having received a Constitutional Majority is hereby declared passed. House Bill 1286, Representative Cross."

Cross: "Thank you, Mr. Speaker. This is a Senate Amendment that was an agreed to, an Agreed Amendment proposed by the Illinois State Bar Association, which creates a presumption with holders of the power of direction will continue to act in a fiduciary capacity for anyone that has a beneficially interest in a land trust. I don't know of any opposition. I'd appreciate a 'yes' vote. I don't know of any opposition and I should say the Community Bankers and the Bar Association are, as well, in favor of this."

Speaker Hartke: "Is there any discussion? Seeing that no one is

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

52nd Legislative Day

May 17, 1999

seeking recognition. The question is, 'Shall the House concur in Senate Amendment #1 to House Bill 1286?' This is final action. 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? Mr. Clerk, take the record. On this question, there are 115 Members voting 'yes', 0 voting 'no' and 0 voting 'present'. And the House does concur in Senate Amendment #1 to House Bill 1286. And this Bill having received a Constitutional Majority is hereby declared passed. House Bill 1305, Representative Durkin."

Durkin: "Thank you, Mr. Speaker. I move that we concur with Senate Amendment 1 to House Bill 1305. That was originally a Bill, which expands the definition of insurance fraud to include the language which states, causing a false claim to be made. What we're doing in this Bill is we're eliminating the forfeiture provision which was in the House Bill. And, that's reasonable with me, that was a Senate Amendment. And I'm agreeing with this Amendment and I would ask that the rest of the House concur as well, and I'm ready to entertain 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: "Representative, as you indicated, it's my understanding the Senate Amendment completely demolishes the issue with regard to forfeiture, doesn't allow it under this Bill anymore. How come?"

Durkin: "I think it's just a... a general philosophy in the Senate that they are against forfeiture. That is the indication I got from our, from our staffers and also from

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

52nd Legislative Day

May 17, 1999

the Senate, that they were not comfortable with expanding the forfeiture provisions under the Criminal Code."

Hoffman: "Well, what we're talking about here is, ill-gotten gains as a result of insurance fraud. Is that correct?"

Durkin: "That's correct."

Hoffman: "So, you're talking about money that would be made as a result of insurance fraud. It would seem to me, that would make sense that we should be able to obtain the assets that are bought or purchased or the, or the ill-gotten gains, the money profits or property that were made as a result of this insurance fraud. Don't you think?"

Durkin: "Well, I'm not sure if... I think that perhaps may be some provisions already 'cause there are number of forfeiture prof... provisions within the statutes. And whether or not this redefines it and makes it more ... gives greater clarity. I think that you still would probably under existing law you could probably seek that. You could make that argument. In this case, I don't disagree with you, but I, the original intent of this Bill was to expand the definition of what insurance fraud is. And that is the person who makes a false claim which is, which was, there was a problem with a number of cases that were brought up on insurance fraud ... types of claims and the person, and what happened was that they way the definition is is not broad enough. And when you have a third party gets involved, person makes a false statement, third party. The forfeiture provisions, I don't disagree with you. We'll do it next year. I just believe I want to get this Bill out right now. And the thing is, we can address a forfeiture."

Hoffman: "I agree with all of that. I agree with all of that. Okay. Well, I was going to say, if you don't disagree with

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

52nd Legislative Day

May 17, 1999

it, with, with me, why aren't we nonconcurring instead of concurring? So there."

Durkin: "My, my, my philosophy is that this was, this was, peripheral to the original Bill. And I believe that, you know, we have, we have, plenty of forfeiture provisions in the statute and I think if somebody wants to make a case to get ill-begotten gains that were dug through some type of insurance fraud."

Hoffman: "Well, could, could you potentially, could you potentially be agreeing with me, but understand the fact, just potentially, that you could still get restitution under the other laws?"

Durkin: "Hypothetically, sure."

Hoffman: "So, in other words, there's a potential that the, the victim could still be reimbursed under current law."

Durkin: "Oh, absolutely. I mean you still have orders of restitution and fines which can go back to a, an injured party."

Hoffman: "Okay. Well, I, I think I agree with you in that you should agree with me, that it'd be a better Bill if we had the forfeiture provisions. However I'm prepared to support it."

Speaker Hartke: "Further discussion? Representative Durkin to close."

Durkin: "Thank you, Mr. Speaker. I think Representative Hoffman makes a, you know, interesting point. I think that we do have existing laws in the book dealing with forfeiture, which would cover anybody who are, who perhaps does engage in this type of illegal activity. Great points. Maybe if it isn't, we'll bring it up sometime later. But I would ask for your vote to concur with Senate Amendment #1 to House Bill 1305."

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

52nd Legislative Day

May 17, 1999

Speaker Hartke: "Question is, 'Shall the House concur to Senate Amendment #1 to House Bill 1305?' This is final action. All those in favor will, in favor of the Bill will vote 'aye'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 114 Members voting 'yes', 0 voting 'no' and 0 voting 'present'. And the House does concur to Senate Amendment #1 to House Bill 1305. And this Bill having received a Constitutional Majority is hereby declared passed. House Bill 1676, Representative Lyons."

Lyons, J.: "Thank you, Mr. Speaker, Ladies and Gentleman of the House. I move to concur in Senate Amendment #1 to House Bill 1676. The original Bill was an initiative of the Illinois Transportation Association which is meant to become the Intermodal Trailer, Chassis and Container Safety Act. That basically says that, federal regulations that require the chassis and rail equipment must comply with road, road standards, road ability standards. This requires the owners also to take on a reasonable amount of liability on the equipment that is in operating condition. Basically, it's a trucker's safety initiative. It passed out of the House Transportation unanimously. Here, it was on the Agreed Bill List. In the Senate, Senator Fawell took the Bill and clarified some language. There's three or four sections where language was changed. This is endorsed by the Illinois Department of Transportation and the Municipal League, Midwest Truckers. And I ask for your favorable consideration on this Bill."

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

Hoffman: "Yes, I rise in support of this legislation. I think

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

52nd Legislative Day

May 17, 1999

it's an important safety issue. As Chairman of the Transportation Committee, I know that Representative Lyons has worked extremely hard with various groups to try and graph the Bill that's going to make sure that our roads are safer. This will do it. Not only will it affect workers safety, it's also going to affect the safety of our roads. I ask for an 'aye' vote."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition. The question is, 'Shall the House concur in Senate Amendment #1 to House Bill 1676?' This is final action. 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? Mr. Clerk, take the record. On this question, there are 115 Members voting 'yes', 0 voting 'no' and 0 voting 'present'. And the House does concur to Senate Amendment #1 to House Bill 1676. And this Bill having received a Constitutional Majority is hereby declared passed. Representative Andrea Moore, House Bill 1732."

Moore, A.: "Thank you, Mr. Chairman (sic-Speaker), Ladies and Gentlemen of the House. I move to concur with Senate Amendment #1 to House Bill 1732. As you know, this is the Children's Health Insurance Act. It improves enrollment for Kid Care. This Amendment requires DPA to develop procedures to allow community providers and schools to assist in enrolling children in the Kid Care Program."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition the question is, Representative Black has a question."

Black: "Thank you. Don't cover up my light, Mr. Speaker. Will the Sponsor yield?"

Speaker Hartke: "She indicates she will."

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

52nd Legislative Day

May 17, 1999

Black: "Reluctantly?"

Speaker Hartke: "No, happily."

Black: "Representative, I'm just curious as to, enabling schools to sign up children for the Kids Care Program, did anybody in the Senate ask the State Board of Education or any school group as to how this would be done? And at what time, utilizing what resources?"

Moore, A.: "Well, as you know, this Bill was amended in the Senate and the original intent of the Bill that went over was to use existing programs where all of the information, the same information that can be used for the enrollment, that we were going to use as existing programs to facilitate and increase the enrollment of Kid Care. That same information is available through these different areas. And this Amendment actually was suggested by the Department of Public Aid."

Black: "Well, I'm just curious. I, many, many, many years ago I taught school. And there was always time in the homeroom period. We did everything, signing up kids for insurance, checking health records, selling lunch tickets, milk, collecting milk money. You know, I just view this, I don't have any problem with it but I just view it as another administrative burden on schools. And one of these days, I'd just like to kind of tell schools that what we really want you to do, is to teach them to read, and to write and to do math rather than be the social agency for every program of state government. I was just curious, has the State Board of Education even been consulted about this latest service that schools are going to provide?"

Moore, A.: "Actually, the State Board of Education did not sign in, in opposition to this Amendment. And this is something that the schools can do if they wish to. And I'm very

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

52nd Legislative Day

May 17, 1999

hopeful that they will. Because it's a very worthwhile thing for them to do; getting kids enrolled in this program is going to be good for the students at school, but it's not a mandate."

Black: "So, it's permissive?"

Moore, A.: "Yes."

Black: "Okay."

Moore, A.: "The eligibility requirements for this also match the school lunch program that they're already required to do federally. So, as I say, that we are trying to utilize areas where we already have the information, in order to facilitate a increase in the registration for Kid Care."

Black: "Okay. Fine, thank you very much."

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

Moore, A.: "Thank you. As you all know, we all have been searching for ways to increase the enrollment in Kid Care, which is a very worthwhile insurance program for low-income children. I would encourage an 'aye' vote."

Speaker Hartke: "The question is, 'Shall the House concur in Senate Amendment #1 to House Bill 1732? This is final action. All those in favor will signify by voting 'aye'; those opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 115 Members voting 'yes', 0 Members voting 'no' and 0 voting question..., 0 voting 'present'. And the House does concur in Senate Amendment #1 to House Bill 1732. And this Bill having received a Constitutional Majority is hereby declared passed. House Bill 1759, Representative Zickus."

Zickus: "Thank you, Mr. Speaker. This provides that domestic battery or a violation of an order of protection is a Class

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

52nd Legislative Day

May 17, 1999

IV felony if the defendant has any prior conviction for aggravated battery; stalking, aggravated stalking, unlawful restraint or aggravated unlawful restraint when any of these offenses have been committed against the family or household member. It expands a list of offenses committed against a family member, which serve as a prior offense in order to increase the subsequent domestic battery from a misdemeanor to a felony. And this was legislation that was proposed and worked on with the DuPage County State's Attorney. And I move to concur."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition. The question is, 'Shall the House concur in Senate Amendment #1 to House Bill 1759?' This is final action. All those in favor signify by voting 'aye'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there were 115 Members voting 'yes', 0 voting 'no' and 0 voting 'present'. And the House does concur to Senate Amendment #1 to House Bill 1759. And this Bill having received a Constitutional Majority is hereby declared passed. For what reason does the Gentleman from McHenry, Mr. Skinner, seek recognition?"

Skinner: "Mr. Speaker, do we ever have a Consent Calendar on Concurrence?"

Speaker Hartke: "No."

Skinner: "No one's voted 'no' yet today."

Speaker Hartke: "Yes, there has been."

Skinner: "You voted 'no'?"

Speaker Hartke: "No. On one of the pieces of legislation, there were three Members that had voted 'no'. Several times they had voted 'present'. Mr. McKeon has voted 'no' on a piece

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

52nd Legislative Day

May 17, 1999

of legislation."

Skinner: "No kidding. Well, he could do that on consent."

Speaker Hartke: "House Bill 1817, Representative Cross."

Cross: "Thank you, Mr. Speaker. This Amendment took what we did in the House where we said that anything, crime committed within a thousand feet of a nursing home would be a fact or an aggravation at the sentencing stage. The Senate limited it to the confines of the nursing home or the property surrounding it. It's not something I'm particularly fond of, but it's a start. I think it will satisfy the concern I have in the area of the nursing home I represent. At least, I hope, it's a start. And I would appreciate an 'aye' vote."

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

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

Speaker Hartke: "He indicates he will."

Black: "Representative, I don't understand the Amendment. If I commit assault and battery on the resident of a nursing home out in the yard, the penalty will be less severe than if I assault the resident of a nursing home, inside the nursing home. Is that...?"

Cross: "No. It's a fair question, Bill, but if it's, if it's in the facility or on the property of the nursing home that they own, it's the same penalty. The concern is we had initially said, if it was in a thousand feet, the Senate said we're going to eliminate the thousand feet. We're only going to include the property that they own, in addition to the facility. Some might want to construe that they've narrowed it and made it not as tough. I think we're getting to be a little nitpicky by doing that, but it is, it is limiting the scope that's covered from the

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

52nd Legislative Day

May 17, 1999

original Bill. And, but def... to answer your question again, the property surrounding the nursing home, if owned by the nursing home, would be the same, treated the same, as if it happened inside the facility."

Black: "Even though the elderly resident may be on a sidewalk that is not technically on or belongs to the nursing home. I'm, I'm just trying to get in my mind in a rural area where they, they do get out and walk a little bit. And maybe they'll walk two blocks down the street and turn around and come back. If their able. And, and it seems like we don't offer protection then. If the resident leaves the nursing home and the nursing home property, and is mugged a block and a half away from the home, the law will handle that in a different way, than if he's mugged in or on the property of the home."

Cross: "Two, Two points to that. One, once you leave the thousand feet area, it doesn't matter. But more importantly or more significantly, if you're a senior citizen and an offense is committed against you, we already have aggravated battery, because of the age. What we were trying to address, was people visiting a nursing home, you know to see someone, so it would cover not only those residents but also those coming to see it."

Black: "Okay."

Cross: "So, really, the only gap we have Bill, is ... if you go out to the parameters of the nursing home property, up to a thousand feet is where, will not be a fact or an aggravation at the sentencing stage, if an offense occurs, around... in that, in that little gap. But, as I said, if they're a senior, we already, there already is an aggravated battery offense now."

Black: "Okay. Fine. Thank you, Representative."

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

52nd Legislative Day

May 17, 1999

Speaker Hartke: "Further discussion? Representative Cross to close."

Cross: "I would've loved to have seen the original format passed the way it was, Mr. Speaker. Sometimes the Senate thinks they know better. I'm willing to take this Amendment now. I think we can live with it. It's not what I ideally would like, but I would appreciate an 'aye' vote."

Speaker Hartke: "The question is, 'Shall the House concur in Senate Amendment #1 to House Bill 1817?' This is final action. 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 Senate Amendment #1 to House Bill 1817, there are 113 Members voting 'yes', 0 voting 'no' and 0 voting 'present'. And this Bill having received a Constitutional Majority is hereby declared passed. Representative O'Connor."

O'Connor: "Excuse me, Mr. Speaker on the last vote, I, my key wasn't functioning and I would appreciate it if it could be a 'yes'."

Speaker Hartke: "The Journal will reflect your wishes for a 'yes' vote. House Bill 1871, Representative Hoffman."

Hoffman: "Yes, I move that we concur in Senate Amendment #1 to House Bill 1871. It's my understanding, that I can tell you about the original Bill. The original Bill just clarifies technical problems that occurred with regard to zero tolerance of bus drivers, when we in this General Assembly changed from .10 to point .08. There needed to be some technical changes just to clarify the law. This does that. In addition, there was a Senate Amendment that I believe made just some grammatical changes. We're asking that we concur in that Senate Amendment."

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

52nd Legislative Day

May 17, 1999

Speaker Hartke: "Is there any discussion? The Chair recognizes the Gentleman from Kendall, Mr. Cross."

Cross: "Representative, quite frankly we didn't understand your explanation. Could you, and maybe it's just the noise in here. I'm sure it wasn't your articulation of the issue."

Speaker Hartke: "Shhh.."

Hoffman: "Representative, I'm not sure I understood it."

Cross: "Well, that makes 59 people on the other side probably feel the same way."

Hoffman: "Basically, all this does, with regard to the Senate Amendment, is it makes some grammatical changes to the original Bill. So, I don't know why they had to do it. It didn't change. I don't think current law doesn't make any substantive changes. But, for whatever reason, the individuals across the rotunda here decided to make some grammatical changes. I have no problem with making grammatical changes because I think grammar is good. Proper grammar is good."

Cross: "Representative, who's Bill is it? Was it your Bill?"

Hoffman: "It, It, yes, it was my Bill. But, because of the fact that sometimes I do not speak correctly or write correctly, if they want to change my grammar, they can change my grammar. I don't care."

Cross: "I don't think that, that ain't right, Representative. This says it deletes everything. What?"

Hoffman: "No it ain't, it ain't, it ain't right."

Cross: "No, it ain't right. It ain't right to let the Senate change our Bills from a grammatical standpoint. Why don't we just send it back? Why don't we send them a message? 'Cause this ain't right. It ain't right, Jay."

Hoffman: "It's my understanding, Representative, ain't ain't a word."

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

52nd Legislative Day

May 17, 1999

Cross: "It ain't."

Hoffman: "No, it ain't."

Cross: "I think, you're going to have problems passing this the way it is, if you don't send it back. Send it back, Jay."

Hoffman: "I've decided to not stand up on this one. I've decided, decided just to send it right to the Governor. Slide it right out there to the Governor."

Cross: "Where's the Secretary of State on this Bill, Representative? This is an initiative of the, of the fine Secretary of State, of the State of Illinois."

Cross: "Even with these grammatical changes?"

Hoffman: "I don't think, no he ain't opposed to this, no."

Cross: "So what, the net effect is school bus drivers cannot have a blood alcohol level of more than .00?"

Hoffman: "Yeah, that was the, that was the, the intent of the original Bill. And that, that continues to be the, the original Bill. It says that, 'Essentially zero tolerance for school bus drivers', and the Amendment actually clarifies the provision that indicates that if you have over zero tolerance or over .00, your license may not be restored, or shall not be restored for three years."

Cross: "Is that an adverb or an adjective, Representative?"

Hoffman: "I think it was a conjunction."

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

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

Speaker Hartke: "He indicates he will."

Durkin: "You know, we're talking about zero tolerance but what I've heard over the past hour and a half is that, you know, we're kind of taking it from the Senate. Why don't we just take a zero tolerance attitude towards the Senate and send this right back for nonconcurrency?"

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

52nd Legislative Day

May 17, 1999

Hoffman: "Well, Representative, if you remember on your Bill, which was a nongrammatical change but a very substantive change. It really made a difference and could make a difference for the people of Illinois. We over there, we on this side of the aisle decided that it was your Bill, we would live by, by your decision and we, we along with you, folded. So, I'm asking, I'm asking you on this grammatical change to be with me and send this to the Governor."

Durkin: "Well, you also made reference to a certain conjunction with inside this Bill. What conjunction are you referencing, Sir?"

Hoffman: "The one that, the conjunction that has a specific function."

Durkin: "So a function of a conjunction is what we're getting at. I know what you're getting at now. To the Bill, Mr. Speaker. I think we've had, we've heard enough. And I think a lot of must, we, we, we got to stand up to the Senate once in awhile. Those guys over there they may be a little bit, little bit older, but I don't exactly agree they are a little bit wiser as well. So why don't we send them a little message and I would ask that if this Sponsor will agree with us to send it back and not concur I would ask all of us to follow instead."

Speaker Hartke: "Representative Hoffman to close."

Hoffman: "Well, I appreciate the, I appreciate the advice from the other side of the aisle. Obviously I take, I take the issue of zero tolerance of bus drivers very seriously. I don't, think that this is, this is asking too much to make the grammatical error, or grammatical changes on this Bill and subsequently I ask that, that you vote 'aye'."

Speaker Hartke: "The question is, 'Shall the House concur in Senate Amendment #1 to House Bill 1871?' This is final

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

52nd Legislative Day

May 17, 1999

action. 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 this question, there are 115 Members voting 'yes', 0 voting 'no' and 0 voting 'present'. And the House does concur in Senate Amendment #1 to House Bill 1871? And this Bill having received a Constitutional Majority is hereby declared passed. House Bill 1909, Representative Wojcik. Mr..."

Wojcik: "Thank you, Mr. Speaker and Members of the House. I move to concur with Senate Amendment #1. Senate Amend... This is the Wine Council Bill and we are going to appropriate \$500,000. The original Bill had it appropriated over a ten year span. The Amendment says we will appropriate it for five years. And it will be change it, the year from 2009 to 2004."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition. The question is, 'Shall the House concur in Senate Amendment #1 to House Bill 1909?' 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 wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there... On this question, there were 93 Members voting 'yes', 19 Members voting 'no' and 2 Members voting 'present'. And the House does concur with Senate Amendment #1 to House Bill 1909. And this Bill having received a Constitutional Majority is hereby declared passed. House Bill 1972, Representative Righter."

Righter: "Thank you, Mr. Speaker and Ladies, Gentlemen of the House. I'd like to concur in Senate Amendments 1 and 2 to House Bill 1972. Both are purely technical in nature. The

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

52nd Legislative Day

May 17, 1999

first one was requested by the Department of Natural Resources. And House Bill 1972 is an initiative of the Department of Natural Resources. The Senate Amendment 2 was submitted, requested by the Secretary of State's Office. Both of these Amendments were added on in the Senate. I would ask that the House concur in these."

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

Silva: "Speaker, I was away from my seat and on the last vote it was my intent to vote 'present'."

Speaker Hartke: "The record will so reflect your wishes. Is there any discussion on Senate Amendments on House Bill 972? Seeing that no one is seeking recognition. The question is, 'Shall the House concur in Senate Amendments #1 and 2 to House Bill 1972?' This is final action. 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? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 114 Members voting 'yes', 1 person voting 'no'. And the House does concur in Senate Amendments #1 and 2 to House Bill 1972. And this Bill having received a Constitutional Majority is hereby declared passed. Senate Bill (sic-House Bill) 2041, Representative Jones, Lou Jones."

Jones, L: "Thank you, Mr. Chairman (sic-Speaker), Members of the House. I move to concur on Senate Amendment #1 to House Bill 2041. This is an Agreed Amendment for the City of Chicago that allows the City of Chicago also to retrieve wages from Chicago Housing Auth... employees of the Chicago Housing Authority."

Speaker Hartke: "Is there any discussion? The Chair recognizes

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

52nd Legislative Day

May 17, 1999

the Gentleman from Vermilion, Representative Black."

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

Speaker Hartke: "She indicates she will."

Black: "Representative, does this apply to all public housing authorities in the state or only in the County of Cook?"

Jones, L.: "County of Cook, Chicago Housing Authority."

Black: "Okay. So, if a housing authority in downstate, for example, in Danville, wanted to utilize a wage garnishment to pay a debt, they wouldn't be able to access this law. It only would apply to the Chicago Housing Authority?"

Jones, L.: "Yes, Sir."

Black: "I'm just curious. I would think any housing authority would want to be included."

Jones, L.: "And I don't have a problem with that. Not at all. I don't have a problem with all. And that I knew we had a problem with Chicago Housing Authority, but I don't have a problem with that."

Black: "Okay. All right. Well, I, I was just curious, I, I, I just happened to see that the Amendment narrowed it to Chicago. I don't have a problem with it, but I have a hunch that other housing authorities are going to come back in a year and say, that's a way for us to collect money too. So..."

Jones, L.: "And I don't have a problem with that. I would support that."

Black: "Okay. Fine. All right. Thank you."

Speaker Hartke: "Further discussion? Representative Jones to close."

Jones, L.: "I just ask for a favorable vote. This is an Agreed Amendment. This is between Chicago Housing and the City of

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

52nd Legislative Day

May 17, 1999

Chicago."

Speaker Hartke: "The question is, 'Shall the House concur in Senate Amendment #1 to House Bill 2041?' This is final action. 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? Mr. Clerk, take the record. On this question, there are 115 Members voting 'yes', 0 voting 'no' and 0 voting 'present'. And the House does concur with Senate Amendment #1 to House Bill 2041. And this Bill having received a Constitutional Majority is hereby declared passed. Ladies and Gentlemen, could I have your attention please? We're very proud today to have the Sound Celebration Chorus. Members of the Sweet Adelines International. They have been chartered in Springfield, in the Springfield area since 1953. The Springfield Chorus represents more than 33,000 worldwide, who are members of the Sweet Adelines, the largest women's Adelines singing organization in the world. Ladies, you're on. Mr. Clerk, what is the status of Senate Bill 659?"

Clerk Bolin: "Senate Bill 659 is on the Order of Senate Bills Third Reading."

Speaker Hartke: "Move that Bill back to the Second Reading for the purposes of an Amendment at the request of the Sponsor. House Bill 368, Representative Saviano. Out of the record. Supplemental House Calendar #1 appears House Bill 2085, Representative Reitz. Representative Reitz."

Reitz: "Thank you, Mr. Speaker, Lady and Gentlemen of the House. House Bill 2085, Senate Amendment #1 simply adds a fine in for the illegal use of slow-moving vehicles. And I'd appreciate your assistance in concurring with the Senate Amendment."

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

52nd Legislative Day

May 17, 1999

Speaker Hartke: "Is there any discussion? The Chair recognizes a Gentleman from Vermilion, Representative Black."

Black: "Yeah, thank you very much, Mr. Speaker. Would the Sponsor yield?"

Speaker Hartke: "He indic... he indicates he will."

Black: "Representative, can you explain to me why Senate Amendment #1 was added to the Bill? In all due respect to the Senate Sponsor, that makes absolutely no sense to me whatsoever."

Reitz: "The explanation that was given to me, Representative, is that a slow-moving vehicle... I'm very fortunate to have the Senate Sponsor with me. Oh no, you weren't, this ain't your Bill."

Black: "No, I don't think so. His name isn't on it."

Reitz: "This, okay, wrong Bill. The explanation was given to me, was that people are using slow moving vehicle signs on mail boxes and things of that nature that are stationary and the Farm Bureau has asked them to, along with other people, asked them to put a fine in there to allow that to... Right now they can, there's a provision in there where they can, they can write someone up, but it simply does not have a monetary fine amount in there."

Black: "If, if you'll take a look, the analysis says, that the Senate Amendment says that you, if you display a slow-moving emblem on any vehicle other than a specified vehicle, i.e. I assume that means implement of husbandry, you're going to be fined. Well what, what on earth vehicle would you put the slow-moving emblem on? You're sure not going to put it on the back of any Legislator's car. What vehicle are you going to put it on?"

Reitz: "The intent was not for a vehicle, it was for actually stationary objects. As I said, such as a mailbox, is the

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

52nd Legislative Day

May 17, 1999

explanation that was given to me."

Black: "Okay. I'm trying to see if I can find the Senate Amendment in here. The actual language. Do, do you have it?"

Reitz: "Yes, the actual language says, 'That a violation of', it just adds, 'that a violation of this subsection is a petty offense punishable by a fine of \$25 for the first offense and \$75 for the second or subsequent offense within one year of the first offense.'"

Black: "Okay. So it, it isn't if you display it on another vehicle, it's if you, a stationary object like a mailbox, like you said a mailbox, or a driveway marker..."

Reitz: "Exactly, a mailbox, yes. Yeah, it apparently it..."

Black: "Okay. I, and the only reason I ask you Representative, I'm a, as you known I'm a Cosponsor of the Bill. And I think it's a great Bill and I could not figure out the Senate Amendment."

Reitz: "Right. Okay, that's what it was. It's not in relation to vehicles. It just, it allows them the, the ability now to make it a petty offense."

Black: "Well, I, I, know Representative Brunsvold wanted to add a slow-moving vehicle sign to vehicles that got into the left lane. That's always been a pet peeve of his. And I just wanted to make sure he wasn't trying to pull a fast one on us. So the underlying Bill, the underlying Bill still relates to implements of husbandry and how those implements should be lighted and reflectorized."

Reitz: "Nope. Nope. Just mailboxes that are in the left lane." Exactly."

Black: "And the Senate Amendment doesn't do anything to dilute or diminish what we're trying to accomplish."

Reitz: "Correct."

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

52nd Legislative Day

May 17, 1999

Black: "Fine. That's, that's, I appreciate get..., straightening me out on that. Thank you very much."

Reitz: "You're welcome."

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

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

Speaker Hartke: "He indicates he will."

Turner, J.: "Representative, just a follow-up on what Bill Black just noted. As I read the language that the Senate added, it speaks to Section (d). And Section (d) does refer to a vehicle and I think if you read the Amendment along with Section (d) which was referred to, in the Amendment, the point that Representative Black has just made, is a valid one in that if the emblem is placed upon a vehicle other than a slow-moving vehicle, then it would be a violation. Am I reading that incorrectly?"

Reitz: "That was not the intent. I'm looking at this now."

Turner, J.: "I understand it's not the intent, but I'm talking about the language itself. Because it does appear to me that if..."

Reitz.: "Well, yes, and it, and you're exactly right. It would be for any slow-moving vehicle that probably is not, would not pertain to that. But I think the, the intent of this Amendment is more so in, in the second part of that. It says, 'nor displayed in any manner other than described in the above paragraphs.' As I said..."

Turner, J.: "Yes."

Reitz, J.: "... the intent is, is for stationary objects, more so than, but it, it, and referring to Section (d), it would be using it on vehicles that are not determined to be a slow moving vehicle."

Turner, J.: "So you believe that the intent that you're

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

52nd Legislative Day

May 17, 1999

expressing on the floor today would override the specific language? Because it does appear... the specific language would mean that, if it's placed upon a vehicle other than a slow-moving vehicle, there would be a violation, which was, which is the point that Representative Black made."

Reitz: "That, yes, I, I believe, I think it would and that's the representatives from Farm Bureau feel that it would. More so on the second part, as I said, on the, any other man... 'displayed in any manner other than those described above.'"

Turner, J.: "All right, all right. The answer to my inquiry was, in it, you think the intent would override the specific language?"

Reitz: "Yes."

Turner, J.: "All right, thank you."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition. The question is, 'Shall the House concur with Senate Amendment #1 to House Bill 2085?' This is final action. 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? Mr. Clerk, take the record. On this question, there are 115 Members voting 'yes', 0 voting 'no' and 0 voting 'present'. And the House does concur with Senate Amendment #1 to House Bill 2085. And this Bill having received a Constitutional Majority is hereby declared passed. House Bill 2308, Representative Mitchell."

Mitchell, J.: "Thank you, Mr. Speaker. I move to concur with Senate Amendment #1 to House Bill 2308. This Amendment basically, narrows the, the scope of the hospital detachment, makes it more specific for a particular hospital district. This Amendment says, 'A petition signed

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

52nd Legislative Day

May 17, 1999

by at least 5% of the voters from a territory who proposed detachment, if the territory to be detached was added to the district by annexation. And the value of the property to be detached, constitutes less than 25% of the total value of the taxable property in the district.' Senator Sieben worked with the Hospital Association to come up with this Amendment and they earned support. I'd be happy to answer any questions."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House concur in Senate Amendment #1 to House Bill 2308?' This is final action. 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? Mr. Clerk, take the record. On this question, there are 115 Members voting 'yes', 0 Members voting 'no' and 0 voting 'present'. And the House does concur with the Senate Amendment #1 to House Bill 2308. And this Bill having received a Constitutional Majority is hereby declared passed. Senate Bill 2605, Representative Winters."

Winters: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I move to concur to Senate Amendment #1 of House Bill 2605. It deals with the River-Friendly Farmer...Rivers-Friendly Farmer Act and has the implementation by the Local Soil and Water Conservation Districts rather than the Department of Agriculture. Some technical changes on how we deal with soil losses. Move it's adoption."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition. The question is, 'Shall the House conser...concur in Senate Amendment #1 to House Bill 2605?' This is final action. All those in favor will

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

52nd Legislative Day

May 17, 1999

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 this question, there are 111 Members voting 'yes', 4 people voting 'no' and 0 voting 'present'. And the House does concur with Senate Amendment #1 to House Bill 2605. And this Bill having received a Constitutional Majority is hereby declared passed. House Bill 2616, Representative Moffitt."

Moffitt: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I move to concur with Senate Amendment #1 to House Bill 2616. In Senate Amendment #1, amends the definition of unsolicited electronic e-mail or advertisements to include mail addressed to a recipient with whom the initiator does not have a prior or existing business or personal relationship. Currently, it only applies to those that, there is an ongoing business relationship. So it simply expands it. I'd be happy to answer any questions."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House concur in Senate Amendment #1 to House Bill 2616?' This is final action. 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 wish? There are still 3 people that have not recorded themselves. Have all voted who wish? Jack McGuire. Would you like to vote, Mr. McGuire? Mr. Clerk, take the record. On this question there are 115 Members voting 'yes', 0 voting 'no' and 0 voting 'present'. And the House does concur to Senate Amendment #1 to House Bill 2616. And this Bill having received a Constitutional Majority is hereby declared passed. House Bill 2631, Representative Smith."

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

52nd Legislative Day

May 17, 1999

Smith: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I move to concur with Senate Amendment #1 which basically, just corrects two additional dates on the underlying Bill that we had missed in drafting the legislation. Again this is purely technical cleanup to the Dry Cleaner Environmental Response Trust Fund Act, which we passed a couple of years ago. And this will enable the Act to be fully implemented."

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

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

Speaker Hartke: "He indicates he will."

Black: "Representative, is it, is it, it would be accurate to say that this Act was brought to us by the industry. They've asked for it. They pay the fee. They realize they have some work to do. So it isn't like we're imposing something on the industry that they don't want. In fact, this is the industry's initiative... that's a fair statement, isn't it?"

Smith: "Yes, that's absolutely correct."

Black: "Now, in saying that, I'm trying to be fair to people, you know, as I watch people wander around the floor telling some people that there's a fee in here. There isn't anything, there isn't anything secret about it. Obviously, you could probably find a small dry cleaning operation who doesn't like it. But, the bottom line is, this is an industry initiative and the vast, the vast majority of those who are members of the association, favor it and asked us to do it. Correct?"

Smith: "That is right, Representative Black. And again this legislation does not enact the fee. This, all this Bill

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

52nd Legislative Day

May 17, 1999

does is..."

Black: "That's correct."

Smith: "...is, is change the dates."

Black: "That's right. I, I just wanted to make that sure because some people think we're trying to hide a fee in here. The fee has already been established. And this is a fund that the industry has asked for to make certain environment changes. I think it's good public policy and I hope that we can get an 'aye' vote. Thank you, Mr. Speaker."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House concur in Senate Amendment #1 to House Bill 2631?' This is final action. 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 this question, there are 83 Members voting 'yes', 31 Members voting 'no', 1 Member voting 'present'. And the House does concur with Senate Amendment #1 to House Bill 2631. And this Bill having received a Constitutional Majority is hereby declared passed. Senate Bill 2644,(sic-House Bill) Representative Mulligan."

Mulligan: "Thank you, Mr. Speaker, Ladies and Gentlemen of the Body. Senate Amendment #1 eliminated much of what the Department of Professional Regulation had in one of their Bills. So, because they were con... worried about the single subject issue and they picked one subject and it just amends several different practice Acts, Dietetic Nutrition Services Practice Act, Environmental Health Practice Act, Physical Therapy, Interior Design, and what it does is it changes the way fees are set and goes to rule. The reason they're doing this for the most part is

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

52nd Legislative Day

May 17, 1999

that there's much, too much money in the funds and by rule they can lower the fee rather than raise it or continue charging the same amount when there's an excess of money in the particular group's fund."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition the question is, 'Shall the House concur in Senate Amendment #1 to House Bill 2644?' This is final action. 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 wish? Mr. Clerk, take the record. On this question, there are 76 Members voting 'yes', 37 Members voting 'no' and 2 Members 'voting present'. And the House does concur with Senate Amendment #1 to House Bill 2644. And this Bill having received a Constitutional Majority is hereby declared passed. Senate Bill (sic-House Bill) 2645, Representative Mulligan."

Mulligan: "This also is a, thank you, Mr. Speaker. This also is a Bill initiated by the Department of Professional Regulation. What the Senate did, is they took out language from the original Bill to conform with the purpose of the original Bill, which changed where the Landscape Architectural Fund went into a General Professions Dedicated Fund. But then later on in the Bill, it talked about money deposited in the arch... Landscape Architectures Administration and Investigative Fund that was no longer pertinent. So what this Amendment does, is it conforms the legislation to be correct with the current changes in the Bill."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House concur in Senate Amendment #1 to House Bill 2645?' All

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

52nd Legislative Day

May 17, 1999

those in fa... This is final action. 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 this question, there are 81 Members voting 'yes', 33 Members voting 'no' and 0 voting 'present'. And the House does concur in Senate Amendment #1 to House Bill 2645. And this Bill having received a Constitutional Majority is hereby declared passed. House Bill 2724, Representative Tenhouse."

Tenhouse: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I would ask the House would concur with Senate Amendment #1 to House Bill 2724. This is, really came about through request of Representative Giglio, had some concerns that were legitimately brought up here in the Illinois House that were addressed in the Senate Amendment. Provides that a contractor with a contract for public work of any kind costing over 5,000 must provide a bond to the state and provides that if the contract is for emergency repairs, the contractor may furnish proof of payment for all labor materials apparatus, fixtures, machinery in lieu of the required bond. I would ask for concurrence with Senate Amendment #1."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition the question is, 'Shall the House concur in Senate Amendment #1 to House Bill 2724?' This is final action. All those in favor signify by saying 'aye', 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? Mr. Clerk, take the record. On this question, there are 114 Members voting 'yes', 0 voting 'no' and 0 voting 'present'. And the House does

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

52nd Legislative Day

May 17, 1999

conclure...concur in Senate Amendment #1 to House Bill 2744, 2724. And this Bill having received a Constitutional Majority is hereby declared passed. Mr. Clerk, Committee Announcements."

Clerk Rossi: "Committee Announcement. The following Committee's will meet on Tuesday, May 18th at 11 a.m., the Children in Youth Committee in Room D-1; at 11 a.m. the Environment and Energy Committee in Room 114; at 11 a.m., the Higher Education Committee in Room 118; at 11 a.m., the Judiciary I Civil Law Committee in Room C-1; at 11:30 a.m., the Human Services Committee in Room 118, at 11:30 a.m., the Judiciary II Criminal Law Committee in D-1; at 11:30 a.m., the Local Government Committee in Room C-1; and at 11:30 a.m., the Registration and Regulation Committee in Room 114."

Speaker Hartke: "Further announcements? Representative Morrow now moves that the House stand adjourned until the hour of noon on May 18th, allowing perfunctory time for the Clerk. All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the House does stand adjourned until noon, May 18th. Representative Woolard."

Woolard: "Mr. Speaker, I think there's some real confusion. We had the Supplemental posting of some committee meetings tomorrow. There were some that were originally scheduled in the Calendar. Education will meet at 8:30 a.m., Room 114 as posted."

Speaker Hartke: "Committee Schedule is on the back of the orange bulletin."

Clerk Rossi: "The House Perfunctory Session will come to order. Introduction of Resolutions. House Resolution 303, offered by Representative Julie Curry; House Resolution 304,

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

52nd Legislative Day

May 17, 1999

offered by Representative Erwin; House Joint Resolution 24, offered by Representative Kosel; and House Joint Resolution #25, offered by Representative Parke, are assigned to the Rules Committee. Senate Bill Second Reading, to be held on the Order of Second Reading. Senate Bill 574, a Bill for an Act in relation to capital litigation. Second Reading of this Senate Bill. There being be no further business, the House Perfunctory Session stands adjourned."