

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

67th Legislative Day

November 16, 1999

Speaker Madigan: "The House shall come to order. The House shall come to order. The Members shall be in their chairs. Ladies and Gentlemen, we're ready to begin. We shall be led in prayer today by Rabbi Asher Lopatin, Spiritual Leader of Anshe Sholom B'Mai, Israel Congregation and Chairman of Public Relations for the Chicago Rabbinical Council. Rabbi Lopatin is the guest of Representative Feigenholtz. The guests in the gallery may wish to rise and join us for the invocation and the Pledge of Allegiance."

Rabbi Lopatin: "Your permission, I would like to share the blessing Isaac gave to his son Jacob. (Words spoken in Hebrew). Blessed are you when you come in and blessed are you when you go out. Blessed are you when you come into this House to work on the issues of those people who trust you, and blessed will you be when you leave this House to share the issues and to learn from those who trust you. God will grant a blessing in your 'grandeuries' and all your other endeavors. God will bless you in the land that God gives you. And finally, (hebrew words). Blessed are you wherever you live in the city or in the field, wherever you come from and whenever you go to, and whoever you are, the Master of all creatures and creations who loves human beings, will bless you here at home and wherever you go. Amen."

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

Currie: "Thank you, Speaker. Please let the record show that Representative Davis, Monique Davis, Representative Morrow and Representative Schoenberg are excused today."

Speaker Madigan: "Mr. Poe."

Poe: "Yeah, Mr. Speaker. Let the record show that all

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Republicans are present today."

Speaker Madigan: "Mr. Clerk, let the record reflect those excused absences. Mr. Clerk, take the record. There being 115 people responding to the Attendance Roll Call, there is a quorum present. Mr. Clerk."

Clerk Rossi: "Committee Reports. Representative Steve Davis, Chairperson from the Committee on Constitutional Officers, to which the following measures were referred, action taken on November 16, 1999, reported the same back with the following recommendation: 'be adopted' Floor Amendment #1 to House Bill 2883. Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following measures were referred, action taken on November 15, 1999, reported the same back with the following recommendation: 'Amendatory Veto Motions except approved for consideration' on House Bill 427, House Bill 1383, House Bill 1676, House Bill 1762, House Bill 1766. 'To the floor for consideration' House Resolution 270. 'To the Order of Nonconcurrency approved for consideration' Senate Bill 618. Introduction of Resolutions. House Resolution 440, offered by Representative Mautino; House Resolution 444, offered by Representative Dart; House Resolution 446, offered by Representative Erwin; House Resolution 447, offered by Representative Erwin; House Resolution 448, offered by Representative Eileen Lyons; House Resolution 456, offered by Representative Hoffman; House Joint Resolution 31, offered by Representative Gash, and House Resolution 462, offered by Representative Joe Lyons, are assigned to the Rules Committee. Introduction and First Reading of House Bills. House Bill 2925, offered by Representative Larry Woolard. A Bill for an Act to amend the Code of Civil Procedure. House Bill 2926, offered by

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Representative Garrett. A Bill for an Act to amend the Currency Exchange Act. House Bill 2927, offered by Representative Franks. A Bill for an Act to amend the Election Code. House Bill 2928, offered by Representative Franks. A Bill for an Act to amend the Property Tax Code. House Bill 2929, offered by Representative Franks. A Bill for an Act to amend the Property Tax Code. House Bill 2930, offered by Representative Pugh. A Bill for an Act to amend the Code of Criminal Procedure. House Bill 2931, offered by Representative Hoffman. A Bill for an Act to amend the School Code. House Bill 2932, offered by Representative Mautino. A Bill for an Act in relation to farmer retraining. House Bill 2933, offered by Representative Mautino. A Bill for an Act making an appropriation. House Bill 2934, offered by Representative Tim Johnson. A Bill for an Act to provide for the deposit of funds received from the settlement of litigation against tobacco companies. House Bill 2935, a Bill for an Act to amend the Illinois Farm Development Act. House Bill 2936, offered by Representative Tim Johnson. A Bill for an Act to amend the Higher Education Student Assistance Act. House Bill 2937, offered by Representative Tim Johnson. A Bill for an Act to amend the Alternate Fuels Act. House Bill 2938, offered by Representative Tim Johnson. A Bill for an Act concerning taxes. House Bill 2939, offered by Representative Tim Johnson. A Bill for an Act making an appropriation. House Bill 2940, offered by Representative Woolard. A Bill for an Act amending the School Code. First Reading of these House Bills."

Speaker Madigan: "Mr. Clerk."

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

Speaker Madigan: "Mr. Hoffman. Is Mr. Hoffman in the chamber?"

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Hoffman is in the chamber. Mr. Clerk, on the Order of House Bills - Second Reading, on page two of the Calendar, there appears House Bill 2883. What is the status of that Bill?"

Clerk Rossi: "House Bill 2883, a Bill for an Act amending the Illinois Vehicle Code. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1, offered by Speaker Madigan and Representative Hoffman, has been approved for consideration."

Speaker Madigan: "Mr. Hoffman to present the Amendment."

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This Floor Amendment #1 to House Bill 2883, is an initiative of the Highway Safety 2000 Advisory Committee that was put together by Secretary of State, Jessie White. Essentially what this would do is, it comes out of what was found after the terrible tragedy in Bourbonnais, where a semitrailer and Amtrak train had a collision which tragically killed 11 people. What was found, that the drive of that vehicle, had supervisions from various... had received supervisions from various places throughout the state. What this would do is, create a central repository whereby the circuit clerks would send the supervisions when an individual receives it, and the supervision would then be made available to local prosecuting attorneys as well as the court personnel when they're dealing with traffic matters. I would ask that this Amendment be adopted."

Speaker Madigan: "Mr. Rutherford."

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

Speaker Madigan: "Sponsor yields."

Rutherford: "Representative Hoffman, I think this is a good Amendment. There's two questions. One of them I asked in committee to kind of reemphasize here. How many... I'm

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sorry, what procedures or means are the counties going to utilize to be able to provide this into a central database for the Secretary's office in Springfield?"

Hoffman: "Well, it's my understanding, Representative, that's a good question. Currently what happens is, if there is a conviction, not a supervision, it is sent to the central repository of the Secretary of State. Those same procedures will be utilized, we're just gonna add the supervisions. So, right now, as Secretary of State White testified to, 80% of the indivi... 80% of the information as received by the Secretary of State, is done electronically. And all the larger counties in the state obviously do it that way. Twenty percent is done by hand, and we believe that after the Y2K, concerns are over with, probably a greater percentage of that will be done electronically."

Rutherford: "So, just to clarify, we're not necessarily putting a state mandate on that is going to cost any additional resource from the counties to have to implement?"

Hoffman: "I don't... the... on the Highway Safety 2000 Advisory Committee, were circuit clerks, and they said they could do this very easily, simply by changing the system they currently have."

Rutherford: "The last question I have is, recognize this is going to be additional responsibility on Secretary of White's office, how many additional head counts or FTEs are we talking that'll take to implement this program?"

Hoffman: "It's my understanding... let me just... if I could address... I'll address that, but if I could address the potential fiscal impact. There will be no fiscal impact until FY2002. And the reason is, is they were able to obtain a grant in the amount of \$356,845... \$356,845 from

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the federal government to have this implemented. And I believe that there will be eight additional... potentially eight additional employees who will have to go on board in order to carry this out. But, any state impact, will not have any impact until the year 2002, when they're estimated that it will only cost about \$218,000 in FY2002."

Rutherford: "Okay, so it's eight FTEs to implement this program in the office?"

Hoffman: "Yes."

Rutherford: "Thank you, Representative."

Hoffman: "At most. At most."

Rutherford: "At most. Great. Thank you, Representative."

Speaker Madigan: "Mr. Black."

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

Speaker Madigan: "The Sponsor yields."

Black: "Representative, I'm a little nervous about a central database. Had some really exciting experiences with the state disbursement unit over the summer. Where is this central database going to be established?"

Hoffman: "Well, what'll happen, Representative, and I agree with your concerns about the other central database. Currently, what happens is, if you are convicted of any type of traffic offense, it is currently sent to the Secretary of State. That Sec... the Secretary of State currently has computers and a system in place that collects that information. The only thing that this will do, is say if there is supervisions, that also will be sent to the Secretary of State and the current system that is currently utilized by the Secretary of State, which to my knowledge, there... I've not heard any complaints about in the past, that will be utilized and it'll just collect supervisions

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as well."

Black: "So, the hardware will be located somewhere in the Secretary of State's office? Here in Springfield, Chicago, where will that be?"

Hoffman: "It's my understanding there will be no new hardware in the Secretary of State's office, just the existing system. So, they're just going to take the existing system and allow it to collect and give out the supervision information to the various counties."

Black: "Well..."

Hoffman: "It'll be a programming change."

Black: "Okay. And that's what concerns me. What some people in this state fail to realize, is that there are states that are not on any kind of a computer system whatsoever. Now, we've learned that the hard way on child support checks. Now, in case there are counties who are not currently utilizing a computer database and or a software package to communicate with this central database in the Secretary of State's office, what I want to avoid is what we've already gone through. That there be 12 counties who cannot access because they're not compatible or they don't have a computer system or their software is completely different. And, so instead of being able to access it immediately, the courts, and not only the circuit clerks will be involved in this as well, but the judges are not gonna be happy if they say, 'Well, we can get this information. We'll do a check. It'll take us 90 seconds.' And of course, that doesn't happen."

Hoffman: "Yeah, that's a very good point. I think we need to bear in mind the distinction between what happened with the child support and this, is that we're not saying that the circuit clerks no longer are going to do their function."

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We're just saying that they're going to be able to access the information as... with regard to supervision. So, we're only talking about something the Secretary of State does now. This actually on a circuit clerk level, right now what has to happen is, you'll do a traffic court. And the only reason I know this is because on the Advisory Panel, there were circuit clerks. So, after a traffic court docket, what'll happen is, the circuit clerk will have to separate out the supervisions, because the Secretary of State currently does not keep that information. All right? Now, they'll be able to take all the information regarding dispositions and they'll be able to get it to the Secretary of State's office and then, it'll be kept in a central repository here in Springfield, so that local communities or local counties can access. See, the problem we have now, Representative, and you know the genesis of the Bill, is that I wouldn't know if you got a ticket in Adams County and got supervision last month, if you then get a ticket in Madison County a month later and got supervision. So, we're just saying this is a informational tool to prosecuting authorities and as well as the clerks and the local judges, and the Secretary of State. I agree with ya. The Secretary of State has assured us and assured the advisory committee that the hardware's in place. It's a very small software change that's gonna allow them to do this."

Black: "Okay... but... but rest assured, I heard all that a year ago too. From another entity. And in fact, was told that the system wouldn't be turned on if it didn't work. Well, guess what. It was turned on and it doesn't work. But... but to this issue. Are we talking about a real time instantaneous check, so that when you're in court and the



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judge... before the judge rules, or before the judge can say, 'Well, it's court supervision or my attorney says court supervision, the judge says that's fine, we have no record of your prior moving violations. Court supervision is hereby ordered.' I'm concerned that if this system takes less than real time, if it takes 24 hours then you might be in double jeopardy. And I want to avoid that. I don't want one of my constituents to get called up a day after his trial appearance and say, 'Hey, we made a mistake and the computer just found out you've already had two court supervisions in other counties, so we want you to come back in.' Now, I rely on your legal expertise. We can't do that can we?"

Hoffman: "No, that would be double jeopardy. Can't do that."

Black: "All right, so, it's gonna have to be real time?"

Hoffman: "Well, let me tell you, and I think that is an issue that needs to be addressed in the future. I can tell you what currently is the status of that in Illinois. You can be on-line with the Secretary of State's office, my understanding is, that 80% of the information now is received electronically through the Secretary of State's office. I would submit to you that I generally agree that we should have 100%, and when talking with the experts at the Secretary of State's office, they believe after the concerns of Y2K are gone with a lot of the local counties, they'll come on-line. That currently is a voluntary program. And we're not changing that, Representative. We don't want to mandate... we don't want to mandate that they do something that's gonna cost them a lot of money. So, that's a voluntary program, and if you're on-line now, you can voluntary get... get with the Secretary of State's office and accet... access the convictions immediately.

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This will say that you will also be able to get the supervisions immediately. If you are one of the 20% of the counties that aren't currently on-line, it's gonna be the same. The way you've always done it, it's still gonna be done through paperwork. So, when you access records, you're going to have to access those records through the paperwork. Now, we can... we can... I agree with you that we should be able to have a system in place where they can access electronically and they can do it easily. But, right now, we don't want to enter into the same type of problems that happened in the other instance. So, we're not mandating that they join up with this program. We're saying that's still gonna be a voluntary, but the only thing we're gonna do is provide for a central repository for the supervisions."

Black: "All right. Let me... let me zero in on two questions and then I'm through. Who has access to this database? This only gonna be the courts, or will an officer be able to access it through an in-squad... a in-police car terminal? Can the officer access the information prior to his deciding whether or not to give you a ticket? Say an officer pulls you over..."

Hoffman: "Yeah..."

Black: "...will he be able to access this central database, call up your entire history and say, 'Ho, I was gonna give this a guy a warning ticket, but no way now.'"

Hoffman: "I can tell you what current law is and it's not changing current law with regard to that. It's only adding supervisions to be able to be accessed. Current law is, law enforcement, the courts, and the circuit clerks can access the information."

Black: "Okay."

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Hoffman: "That will not change."

Black: "All right. Do you have any estimate of how many people it will take, particularly new staff, that it might take to implement this program fully?"

Hoffman: "If you could access it on the le... I want to go back to the first one, I want to make sure..."

Black: "Okay. All right."

Hoffman: "...it's clear. If you can access it on the LED System..."

Black: "Right."

Hoffman: "...then you can access it to law enforcement, could access..."

Black: "All right."

Hoffman: "...it in your scenario. Okay?"

Black: "Okay."

Hoffman: "And so, this will be all part of that. Now, I'm told it's going to take eight to get this thing up and going. A maximum of eight people within the Secretary of State's office. They have received a grant from the federal government of \$356,845 of which 208,000 is for programming, 12,000 for equipment, and 109,000 for personnel in order to get this thing up and running. And one of the things that we wanted to make sure of, Representative, so that we wouldn't run into some of the same terrible problems that I've seen you're trying to address with the child support issue, is this will not... we're giving a lead time until October 1st of the year 2000. Okay? So, first of all, this is nothing like that, but we're giving the lead time so that'll be able to be taken of. Now, with regard to the second question, when will we feel in the state budget, any type of financial... I don't know, have to pay anything out, it won't be until FY2002 because of that lead time,

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and because of the federal grant where they think that the annual personnel cost, when everything is up and running at a maximum, would be... it's estimated at \$218,000 a year to do this."

Black: "So, in your scenario, I can anticipate a year from now, asking you a question, and you should be able to tell me that the Secretary of State's office, to implement this program, has only had to increase their head count by a net total of eight people, right?"

Hoffman: "At most."

Black: "All right."

Hoffman: "A maximum of eight."

Black: "Thank you very much."

Hoffman: "We're hoping we can be done with less and as more count... and as more counties come on-line, which will probably happen after the year... after January 1st, 2000. It'll be easier, because the reason you need more people is actually to work with the paperwork that's sent in, 'cause they have to separate it out."

Black: "All right. Thank you very much. Thank you, Mr. Speaker."

Speaker Madigan: "Mr. Cross."

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

Speaker Madigan: "Sponsor yields."

Cross: "Jay, and maybe you answered this and no one... maybe we didn't all hear ya. Do insurance companies have access to this?"

Hoffman: "Under current law they won't, and under this law they won't."

Cross: "All right. Will you have an obligation under a insurance policy when they ask questions whether or not you have any criminal convictions or reported traffic offenses, will you

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have an obligation to answer yes on an insurance questionnaire?"

Hoffman: "Well, this legislation indicates... and Representative, you understand the supervision system 'cause I know both of us worked in a prosecutors office..."

Cross: "You maybe have answered these and I don't... kind of a shock to me no one heard the answers, so, I apologize if I'm asking the same questions."

Hoffman: "Yeah, no, I think it has, I'm just... to be very honest with you, I'm having trouble hearing you."

Cross: "What?"

Hoffman: "I'm having a hard time hearing you."

Cross: "I can't hear you, what'd you say?"

Hoffman: "I think you asked whether insurance... you asked whether insurance will have to access to information. Is that right?"

Cross: "Yes."

Hoffman: "Was that what you asked? And the answer is no. Right now, they don't under the supervision system, and they won't under this."

Cross: "Do they have, Jay, currently under the current system, access to convictions for traffic offenses?"

Hoffman: "Yes. It's my un..."

Cross: "Why is..."

Hoffman: "Yes, they do. I believe. Hold on. Yeah, convictions they do. But under the current system as you know, supervision, the whole idea behind it is that you kind of get a second chance. And the whole problem what we're trying to address, is so you don't get fifth and sixth and seventh chances also."

Cross: "Jay, I don't quarrel with that concept at all, my concern is, that everyone of us in this room have constituents that

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understand... or most of us have constituents that understand the concept of supervision, and quite frankly, I think we all know they get supervision so their insurance rates won't go up. We all... they do that. Let's... let's not kid about that. My concern is, if we pass this, are we setting ourselves up for that scenario, either in the future or under your legislation? I think none of us what to be associated with that, I don't think."

Hoffman: "Right, that's a very good question, and we're very specific in the law and the task force that was put together in a bipartisan manner, agreed with your concerns. And so, we're very specific that the only people that will have access to this are law enforcement, prosecutors, and the courts. And the whole reason behind that, is we want to have prosecutors as well as defenders, as well as judges, to be informed when they're making decisions regarding supervision. And it's very specific that that is the only people that will be provided access to those records."

Cross: "I... and Jay, you may have answered all this earlier, and I apologize, but... it seems to me to be an unbelievable bureaucratic nightmare, potential nightmare. Do we have... does anybody have any idea how many court supervisions are given out statewide on an annual basis?"

Hoffman: "No, because they're not reported. Okay?"

Cross: "Don't we know how many tickets are issued? Isn't there a way to track that with figuring out how many tickets are issued and the disposition of those tickets? If we're really gonna do this... and Jay, I'm not pointing a finger at you, but if we're going to do this the correct way, couldn't we go back and see the number of tickets issued and then find out what their dispositions are or have

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been?"

Hoffman: "Well, the task force have met. I'm sure there was testimony generally, but Tom, I don't know if there's any information regarding number of tickets because the various law enforcement entities we have in this state. I mean, you know how it's set up. We have the State Police, we have all these local police. I don't know that there's a central repository that says 'X' amount of tickets have been issued. I think the Secretary of State could probably tell you how many convictions there are, I don't remember that."

Cross: "I would think... don't you think all the Clerks' Offices would have the information of the number of tickets issued?"

Hoffman: "You're probably right, yeah."

Cross: "And I..."

Hoffman: "But, let me tell you, I think the genesis of the question is, aren't we setting up a huge bureaucratic nightmare? The answer I think is, 'no'. Because currently what we do, and what the Secretary of State tells us they do, and that's why it's so cheap to put this into place, is currently they receive all the convictions, okay? So, if you're a county clerk, what you do is, after traffic court is done, you have to separate the convictions from the supervisions, all right? What we're saying... and then send only the convictions to the Secretary of State's Office. What we're saying now is, the county clerk won't have to separate that out. They can just forward it up to the Secretary of State's Office, and now, they will maintain not only the convictions, but also the supervisions, so that law enforcement throughout the state will be informed of a person's prior driving history."

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Cross: "What's gonna keep I think I know the answer, what's gonna keep a states attorney's office or a police officer from now starting now writing warning tickets or doing some type of deferred prosecution to avoid this tracking system. I don't know if there's anything under your Bill. And maybe you don't intend to."

Hoffman: "I don't see the reason to avoid it. 'Cause we're not... this Bill does not limit supervision. What the Bill does is, it allows for prosecutors and law enforcement to be informed prior to... and the courts, prior to giving out supervision. The biggest problem that was found in the Advisory Task Force, is, 'hey, we don't have the people in the court system informed as to what the history of an individual is'."

Cross: "I guess... just, Jay, on another note, and I... once again, I know what you're trying to do, but... and I prosecute for some local municipalities, and what the judges do as a general rule when defendants come up, is they put them under oath and they say, 'Have you had any tickets in the last year? Have you had any supervision?' Now, I understand that there are people that outright lie to the court, and if they do, then they are capable of being charged with perjury. I think, generally speaking, most people have enough respect and fear of the court system that tell the truth. And I just want... and my fear is, that we're... notwithstanding everything you've said, is that we're creating a bigger bureaucracy or potential bureaucracy, when we really have a pretty minimal problem to begin with. And I... wouldn't you agree that all we have to do is put people under oath?"

Hoffman: "Well, I wish... I wish it was that simple, but the reality is, in many parts of the state what's done there



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doesn't happen, and there's nothing legally that requires you to do that. I don't believe that we're increasing the bureaucracy at all. What it seems that we're doing are, I think that everybody who has... who has... and you know, has worked in the system, sometimes a guy comes in front of you and you really wonder, you know, well, he's from Adams County. Now, what's his record like in Adams County? He may have had three supervisions in the last three years, in Adams, McHenry, and Lake County, and now he's down in Calhoun County, and they wouldn't have any way of knowing about it because it's not reported centrally. So, what we're trying to do is, just allow people to be informed. If the state's attorney and the judge still doesn't want to access that, and still doesn't want to take it into account, I guess that's their prerogative. I think they're going to utilize it if it's made available.

Cross: "Let me just ask, I guess, a couple more questions. I want to make sure this... and this again is kind of the reality of the world. A lot of municipalities... tickets get issued and they utilize that money to... you know, it's a revenue source. Will your Bill, in any way, take any money away from municipalities on traffic tickets or is this all gonna be a... every... if there's any additional cost, and I know you disagree with me, if there's any... will that be absorbed by the Circuit Clerk's Office of each county?"

Hoffman: "There will... other than what we outlined at the cost of the Secretary of State's office, we don't believe that there will be any additional cost. As a matter of fact, the circuit clerks that are on the nonelectronic system, we believe there's going to be a savings because they will not have to weed out the supervisions from the convictions.

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They'll be able to just send them up. And there were circuit clerks that were on this advisory committee, they didn't believe that it was going to be an added burden. Now, I guess there could be some circuit clerks who would disagree, but I don't believe that they do."

Cross: "Does this apply to all traffic offenses, Jay, under the Vehicle Code? I mean... and I asked, I'm talking about truck violations, park..."

Hoffman: "I think it's only just the same violations of under which convictions are reported. Okay?"

Cross: "So..."

Hoffman: "So, I guess there's some nonmoving violations that convictions are not reported. Supervision would not be reported then either."

Cross: "All right."

Hoffman: "And I should note, that some supervisions are required to be reported now, such as DUIs and things like that."

Cross: "Right."

Hoffman: "So, what we saying is, 'Clerks, you no longer have to separate those.'"

Cross: "All right. Thanks..."

Hoffman: "Excuse me. Separate the ones that are not reported from the ones that are reported. It'll be easier for them."

Cross: "Do you know, and I hate... I just thought about this as I'm asking you questions, when a local municipality... as the village attorney prosecutor as opposed to the state's attorneys office, does it still fall on the clerk's office to report everything, those dispositions? Does it still fall on the clerk's office to report all those dispositions to the Secretary of State or is there some burden... and I'm not... Jay, I don't know the answer, I'm not trying to

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trick you or anything..."

Hoffman: "Do you remember, like third year of law school, trial advocacy? They said, 'Never ask a question that you don't know the answer to?'"

Cross: "I don't the answer to it, and that's why... I just want to make sure we're not putting the burden on municip..."

Hoffman: "And especially, don't ask a question that the Sponsor doesn't know the answer to."

Cross: "Well... my sense is, that it doesn't put a burden... any other burden on the municipality..."

Hoffman: "The reason..."

Cross: "...it's all on the clerk."

Hoffman: "Yeah, the reason I don't... I don't think... the reason I'm not sure how to answer that, is you recall that we passed, and I think you support it and I support it, these local court systems that now can be set up. Now, I don't think that those are necessarily for moving violations. If they're for moving violations, it's my understanding the circuit clerk is still the... for moving violations, it's still the entity that it has to come through. And I think there's some legal opinions on that. But if it's for nonmoving, such as ordinance violations, that we..."

Cross: "Right."

Hoffman: "...that we set up these local courts..."

Cross: "Right."

Hoffman: "...I don't think this addresses that at all. So, there wouldn't be an additional burden on local... you're asking if there's municipal county..."

Cross: "Well, I..."

Hoffman: "Municipal city courts."

Cross: "You represent the Village of St. Louis, a bad example, but... and you have a local ordinance on traffic tickets,

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will the speeding tickets under... that are written under the local ordinance be reported to the Secretary of State under sup... if they get supervision? 'Cause I think there are a lot municipalities that prosecute on their own. And I don't know the answer."

Hoffman: "It's my understanding that municipal violations are not reported now and they wouldn't be under this. We haven't changed that at all. But, having said that, the 'P' ticket issue, they're calling them 'P' ticket issues. We call them Ordinance Violations, OVs."

Cross: "That's what we do in our areas."

Hoffman: "Yeah. That will not... this will not change that at all. This is not meant to address it. I think maybe here in the General Assembly we're going to have to address it, at some point."

Cross: "I think you're gonna miss out on a lot of tickets if you don't address it."

Hoffman: "Yeah, and I think we are going to have to address that later. I think that's in court right now, and if I remember correctly, the advisory committee essentially made the decision that we're gonna let that play out and see what happens."

Cross: "Do you remember, Jay, several years ago we passed that Bill that made it a violation to drive your golf cart, I think from senior home to senior home, would that apply under this Bill? If you got a..."

Hoffman: "Yea..."

Cross: "...if you got a supervision for driving your golf cart improperly?"

Hoffman: "Was that... yeah, I do recall that. It depends if you're driving it without a license or not I believe."

Cross: "So, if you get supervision it would apply?"

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Hoffman: "I don't think it would apply. I don't think that's a reportable offense."

Cross: "What about also... and one final question, you know those little Barbie jeeps that we talked about last spring? My six-year-old daughter is driving that on the street and gets a ticket, will that supervision have to be reported?"

Hoffman: "Well, I would hope that your municipality or your local prosecutor would not be lenient enough to give her supervision."

Cross: "Thank you."

Speaker Madigan: "John Turner."

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

Speaker Madigan: "Sponsor yields."

Turner, J.: "Hi, Jay."

Hoffman: "Representative, how are you?"

Turner, J.: "Just fine. Thank you, Representative. Representative, just to follow up a little bit on what Representative Cross was alluding to, you're certain that there's not gonna be any additional cost involved if this becomes law?"

Hoffman: "No, there will. There will... we outlined the cost to the Secretary of State. But, we're getting a federal grant of \$356,000. And then John, in FY2002 will be the first time... FY2002 will be the first time that we will have to, in a General Assembly, provide funding in order to staff this, and they estimate it's gonna cost an additional \$218,000. Now, if other local circuit clerks come on-line, it will be less. Because it's easier just to do it by computer."

Turner, J.: "Well, you know, Representative, we've been here many years, obviously, and we've seen these kinds of things happen before, where we have new reporting requirements."

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And I know what's gonna happen because I've seen it, is that what this eventually, maybe it's gonna be 2002 maybe 2003, is gonna end up in the circuit clerks coming back to us and asking us to authorize them to increase fees at the local level to be added on an already, a high-fine schedule, and already a schedule where we have excessive fees added onto offenses. Don't you see that being a problem? Don't you see this end up being a fee increase down the road?"

Hoffman: "No."

Turner, J.: "Why not? Could you represent to the General Assembly today that we won't be back here, two or three years, asking for a fee increase..."

Hoffman: "I..."

Turner, J.: "...to be..."

Hoffman: "I can't talk for all the circuit clerks, okay? But it's my understanding from the circuit clerks I have talked to about this, as well as the ones that served on the bipartisan Highway Safety 2000 Advisory Committee, that they believe that it will be very easy and even easier for them to not have to separate the supervisions out when they are reporting it to the Secretary of State's Office. As you know now, certain supervisions are reported. If you get a DUI and get supervision, that is reported and is kept in a central repository here at the Secretary of State's Office. Convictions are reported. Right now, there's a mechanism in place that the circuit clerk has to remove the other supervisions. They won't have to do that now. They'll be able to change the... if they do it electronically, they tell me that the \$365,000 that we're talking about putting in place for the federal grant, will implement that. If they don't do it electronically, if they do it by hand,

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it'll even be easier, because then they can just send all of the dispositions without having to by hand, go through and take out the supervisions."

Turner, J.: "Okay. For legislative intent then, when as I predict, we're back here in two or three years, and the circuit clerks are asking us to authorize them to put another fee in the Circuit Clerk Statute, for legislative intent, it's not your purpose to ever support that because it's not needed and the representation is today that this will not ever, at any point, result in a fee increase and that is a fee added on to the fine at the local level?"

Hoffman: "That is my intent for this purpose of adding supervisions, to reporting, yes."

Turner, J.: "Okay. One other area that I'd like to explore."

Hoffman: "I guess that is not my intent for any fee increase at all. I just wanted to make it clear."

Turner, J.: "Your purpose I take it... or the Secretary's purpose I take it, for reporting the supervision in a centralized system like this, is so that a supervision record will be available to either a prosecutor or a court in any county in the State of Illinois?"

Hoffman: "Yes."

Turner, J.: "And does it flow logically from that then, as if someone has received court supervision, that it would be the intent of the Secretary of State, that that person who has received court supervision in one county, would not then be eligible to receive court supervision in another county, and that's why you're making this data available to a court in another county..."

Hoffman: "So we..."

Turner, J.: "...from where the original offense may have occurred?"

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Hoffman: "Right, we discussed that issue, Representative, in the advisory committee. And basically, we believe that state's attorneys are elected, judges are elected, they have to answer to the public. Law enforcement officials are public servants, and we're going to leave that decision up to the purview of the local courts and the local prosecutors. And that's where it belongs I think in the State of Illinois. I'd think you'd agree with me on that."

Turner, J.: "I think it's already there. How does this change that? It's still within the purview of the courts. It's still within the purview of the prosecutor. You're not changing that at all are you?"

Hoffman: "The only way it changes, is allows them to make informed decisions."

Turner, J.: "Well, it gives them more information with regard to the record of the individual who stands before the court, does it not?"

Hoffman: "And that's the intent of this legislation."

Turner, J.: "Well, presumably, if this person has received court supervision before, then it would be less likely that this individual would obtain court supervision the second or third time around. Is that not true? Otherwise, what would be the purpose of giving this information to the courts?"

Hoffman: "So that the local law enforcement communities could make that decision."

Turner, J.: "Well, local law enforcement already makes the decision, right? I think we've made that clear and they're gonna continue to make the decision. What you wanna do is get the record of the individual in front of the court. That record will show if they've had court supervision before, and therefore, not be eligible for court



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supervision the second or third time around, correct?"

Hoffman: "The court and the prosecutor. We would like..."

Turner, J.: "The court..."

Hoffman: "Yeah, not just the court."

Turner, J.: "Well, the Secretary of State clearly does not want someone then who has received court supervision, for example, in Madison County for speeding, who then may get a speeding charge in say Logan County, the Secretary wouldn't want the person to get court supervision for a second time within 30 days if they have an offense in Logan County. Is that the intent of the statute and is that the intent of the Secretary of State?"

Hoffman: "Well, I can't speak for the intent of the Secretary of State, I can speak..."

Turner, J.: "Well, this is his Bill isn't it?"

Hoffman: "Well, I can speak for the intent of this Bill, and my legislative intent is to allow the prosecutor in Logan County to make an informed decision based on the individual's prior actions as to whether that prosecutor and that judge, just like they do now, should recommend or give supervision. It's not my intent to take away the authority of local law enforcement, to take away the authority of the judiciary, and to take away... as you were a pros... a former state's attorney, take away your authority to make decisions with regard to recommendations with regards to sentencing."

Turner, J.: "Well, I guess if you're providing the court and the prosecutor with more information about the record of the individual, you expect the prosecutor or the court to take it into consideration, the prior record, do you not? And if you're taking into consideration the prior record, clearly, a prior record is not a factor in mitigation, it's

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a factor in aggravation, right?"

Hoffman: "Absolutely."

Turner, J.: "All right, well if it's a factor in aggravation, it's my understanding then, it would be your intent, that a person who has received court supervision, wouldn't be eligible to get court supervision again, within a reasonable amount of time. Isn't that not right? I mean, is that correct?"

Hoffman: "Well, I don't wanna... I am not here trying to tread on the authority of the judiciary. I am not here trying to tread on the authority of the prosecutor. I am saying that I believe that this General Assembly should go on record and say that we need to make available the past record of individuals who are arrested in Logan County for speeding or other type of traffic offenses. And if you look at what happened with regard to the fatal crash in Bourbonnais, the individual who some would say caused that crash, that driving the tractor-trailer truck, had supervisions in various counties in this state. My point to you is, I think that the prosecutors who are duly elected, if they would have been aware of all of the prior supervisions, the likelihood of that individual having his license because he got supervision, the likelihood of him losing his license would have been heightened, because he would have had three moving violations in a year, and as you know, you lose your license as a result of that."

Turner, J.: "Well exactly. That's... you're making the point. That's what I'm trying to suggest. By putting within this centralized system, the fact that somebody's had supervision before, you don't intend them to have it again. And I would presume that is what the Secretary of State of Illinois desires, is it not?"

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Hoffman: "Well, I'm not going to stand here and say if a guy... if a person got supervision, he should never be eligible for supervision again I don't believe that. Okay? And I don't think you do either. But..."

Turner, J.: "I think we passed that law for DUI offenders just about a year and a half ago."

Hoffman: "Well, for DUI offenders, I'm not saying that that's not correct. What I'm saying is, if a person was going five miles over the speed limit, got court supervision, all right, and he got it in St. Clair County and then went to Logan County, got another speeding ticket. I'm saying you as a prosecutor should know that. Now you may decide to give him supervision and that's your prerogative, and I would have no quarrel with you giving him supervision if he's only going five miles over the speed limit again, and it's six months later, okay? That's up to you as an elected official, as a local prosecutor. And I have stood on the floor of this House and stood with you on many occasions, Representative, making sure that the purview of the local prosecutor is protected. And I'm standing with you here with you again today saying that."

Turner, J.: "This has absolutely nothing to do with the purview of the local prosecutor. It doesn't add any authority to what the local prosecutor can do. It doesn't subtract any authority from what the local prosecutor can do."

Hoffman: "That's been my point. I think that's the point I've been trying to make."

Turner, J.: "Well, I think by the example you just gave, it's your intention if someone has supervision, has received it in the past, that that should be a factor in aggravation as to whether they get it again, right?"

Hoffman: "Well the Bill... what you talked about..."

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Turner, J.: "No... can you..."

Hoffman: "...aggravation and mitigation. Hold it. The Bill doesn't address that. Now, I would hope, I would hope, that a state's attorney sees a person's prior record, is going to make a determination as to whether he should be eligible for supervision, whether he's gonna recommend supervision again. I would hope that's the whole purpose of the Bill, is to provide information to local authorities."

Turner, J.: "What is the policy of the Secretary of State and whether someone should receive court supervision more than once, let's say, within a 60-day period, for speeding.?"

Hoffman: "I don't know what the policy of the Secretary of State is with regard to that. I don't know."

Turner, J.: "Have you discussed with your colleagues, and I... our colleagues... now and again, might get a speeding ticket, correct? And a lot of times they're gonna want court supervision, correct? In fact, most times they're gonna want court supervision. And let's say they have the unfortunate circumstances where they get another speeding ticket, say 45-60 days later, leaving Legislative Session in Springfield. Now, when they get that second one, your colleagues need to understand this, when they get that second speeding ticket under this Bill, then the prosecutor and the court will know that that Legislator has received court supervision 45 days earlier. Is that not correct if this Bill passes?"

Hoffman: "Yes."

Turner, J.: "And it would, therefore, since they have already received court supervision within 45 days, meaning it would be less likely that they could get court supervision for that second offense. You surely would have to agree with

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that would you not?"

Hoffman: "That would be up to the local authorities."

Turner, J.: "Well, I think you know, you've quoted the statute, or at least not verbatim, but have suggested that you're familiar with supervision statute."

Isn't it true you can only receive court supervision if the court makes a specific finding that it is not likely that the perpetrator will commit the crime again?"

Hoffman: "I lost you. I'm sorry, I didn't hear..."

Turner, J.: "You lost me? What is the standard for court supervision? For a court to give court supervision?"

Hoffman: "Well, maybe you can answer that. Yo..."

Turner, J.: "I just did. I asked you if what I..."

Hoffman: "No... I..."

Turner, J.: "...quoted was correct, and that is if the court must make a spec..."

Hoffman: "John, John, somebody was talking in my ear, I didn't hear what you said. That's my point, I didn't hear ya. You can repeat it, that would be great."

Turner, J.: "Okay. I believe that the standard is, that the court must make a specific finding that the perpetrator is not likely to commit the offense again. Now, if the perpetrator has committed that offense twice within 45 days, I don't believe it is reasonable for the court to make such a finding. Do you agree with that?"

Hoffman: "Well, John... Representative Turner, I think if you want to introduce legislation that says you get one supervision in six months, or you get one supervision in 45 days, or one supervision in a year, well, let's debate it. But this Bill here is an informational guide so that local prosecutors can make a decision and local courts can make a

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decision. That's all the Bill does. In order to attempt to avoid the type of situation where one court in one county doesn't know what happened in another court in another county. That's all this Bill does, and I think it's a reasonable approach, particularly in light of what happened in Bourbonnais."

Turner, J.: "Representative, I respect... I frankly don't understand why you feel like it would be improper for you to admit on the record that the idea is to supply information to the court and the prosecutor so that it is not likely someone who receives supervision for speeding, will again get supervision for speeding within a reasonable amount of time thereafter. Why are you so reluctant to state that? That is the purpose of this legislation, to supply that information so that doesn't occur, isn't it?"

Hoffman: "Representative, I'm not reluctant to state it, but you're asking me hypothetical questions. I'm telling you what the Bill does. And what the practical affect of the Bill is in each local county, in each county of this state, is essentially going to be up to the local courts as well as the local state's attorney. And I'm just telling you the facts. Now, it's my intent that if a person who has a similar type of record that this gentleman who was driving the tractor-trailer truck that caused this accident, that guy shouldn't have gotten additional supervision. Period. He shouldn't have. And I think you would agree with that. But he was able to utilize the system because there was a lack of information. And that's what this Bill is designed to address. I don't have any problem with admitting that what this is designed to do, is to stop that type of occurrence. That's the whole intent of it. Absolutely."

Turner, J.: "Well, I agree with you. The person should not have

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had court supervision, but the fallacy of your Bill, as you've already indicated, it doesn't mandate that they cannot get court supervision again, and you won't even say in the record that that's your intent. That's my problem with this."

Hoffman: "No, no, no, no."

Turner, J.: "Why not just state it? There's nothing wrong with being against someone getting court supervision on more than one occasion, within a reasonable amount of time. Why can't you just say that? And why can't you just say that that is the policy of the Secretary of State of Illinois?"

Hoffman: "Because I don't know what the policy is of the Secretary of State of Illinois with regard to that. I can tell ya, and the reason I am answering the way I am answering, is the Highway Safety 2000 Advisory Committee, which was a bipartisan committee made up of some Representatives, some Senators, as well as individuals from throughout the state, made the decision and the intent of this Bill and this provision, was exactly what I am stating. That's where this Bill came from, okay? And I don't want to talk out of school and tell you that is was anything more or anything less than what the advisory committee recommended and that's what they recommended."

Turner, J.: "I think the Speaker's off the phone now. He's probably gonna shut my mike off. Thank you for answering my questions."

Speaker Madigan: "Mr. Durkin."

Durkin: "Thank you, Mr. Speaker. Will the Sponsor yield for a brief question?"

Speaker Madigan: "Sponsor yields."

Durkin: "Hi, Jay. Jay, on page 15 of the Amendment, let me just read this to you. It says, 'The clerk of the court shall

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forward to the Secretary of State, either on paper or in electronic format, a form prescribed by the Secretary, records of the disposition of the court supervision.' Is there a requirement... if it's in here, that there has to be some type of certification process by the clerk of the court, to verify that this is one of the offenses which are... which you have listed that should be reported? I don't see it in here. All I'm saying is, that when the clerk receives the supervision... the order from the court, do they certify that this is a proper offense which should be reported to the Secretary of State? 'Cause under A(2), we have a number of classifications which do not have to be passed along. And my concern is, is that there's going to court clerks, while a lot of them are very efficient, some of them may find some type of traffic violation that automatically sends supervision. And they're gonna send that along to the Secretary of State's Office and it shouldn't be. And it's gonna show up as supervisions on their record. So, I don't see where there's any requirement that there has to be certification by the circuit clerk that this is one of the offenses which... enumerated offenses which should be passed along to the Secretary of State."

Hoffman: "If you have to report a conviction, the way it's written and the way... and where it's contained in the entire context of the current law, if you have to report a conviction, you have to report supervision. So if it was just like now, circuit clerks have to report convictions. If they would have had to report the conviction, they now will have to report the supervision, also."

Durkin: "But, what I'm saying is, is there any mechanism in here which requires the circuit clerk to certify that this



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offense is one of the proper offenses that should be reported to the Secretary of State's Office, because we have made certain types of... we've excluded the number of different moving violations which you can get court supervision. So, by requiring the circuit clerk to certify that this is one of the proper... one of the enumerated offenses, I think it's going to... I think avoid some problems which we may have, where we have clerks who may be sloppy and they're automatically gonna see an order of supervision and they're gonna send it along."

Hoffman: "I think the same problem and the same argument could be made currently for the issue of convictions. Okay? If... so... right now, I think it's page 10 or 11 of the Bill, there's certain enumerated offenses that don't have to be reported, okay? And those do not have to be reported. If they are convictions today, they don't have to be reported. The only thing that this Bill does, it doesn't change all that. We don't add anything additional as far as the offenses. All we do is we say if you have to report the conviction, which you have to do today, and you have to report the supervision. So, I guess my point to you is, if your argument is that this would heighten the possibility of circuit clerks making mistakes, I guess, you could make that argument today with regard to convictions, which would be a bigger problem than reporting a supervision, as far as the affect of an indi... on an individual long term. You understand what I'm saying?"

Durkin: "Exactly, but sometimes I think the... because of past practices, that we should allow things to continue. But I think in this situation, I wish there was some type of language which would require that circuit clerk to... anything that certifies that they have at least examined

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whatever the order is to ensure that this is one of the enumerated offenses which must be passed along to the Secretary of State's Office, because we're giving them a lot of power. We're allowing these guys to... Secretary of State to put information on a computer which is going to have people charged with Class A misdemeanors for driving under a suspended license."

Hoffman: "Yeah, Representative, the problem is, is I don't know the answer as to whether it has to be certified now for convictions. If the answer is 'no', this doesn't change that. If the answers is 'yes', this doesn't change that. So, if it has to be certified for convictions, it'll have to be certified for supervisions. If it doesn't have to be certified for convictions, it doesn't have to be certified for convictions (sic-supervisions)."

Durkin: "... that's like I made the point... I see what you're see what you're saying and I just..."

Hoffman: "Well, I... that..."

Durkin: "Well... well exactly..."

Hoffman: "Do you see what I'm saying?"

Durkin: "I think that sometimes you know, we see things and you know over the years, and they don't exactly work out the way they should, but I think in this situation, the way I look at it, I think... I'm gonna support your Bill. But I think that... I would... hopefully, you'll give that some thought and maybe we can put some of that language in there."

Hoffman: "What I'll do... what I'll do..."

Durkin: "'Cause I think it would... it would... the process would work smoother and I think there would it would avoid some unnecessary types of problems in the future for people who should not have this type of supervisory order entered into

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their driver's abstract information by the Secretary of State."

Hoffman: "What I will do is, I will check with the Secretary of State's driver's division. I'll find out what the status is now and I'll work with you to try and correct that, if that is indeed the case."

Speaker Madigan: "Mr. Hoffman to close."

Hoffman: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I think this has been debated, it's on Second Reading. I just ask that Floor Amendment #1 be adopted to House Bill 2883."

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

Clerk Rossi: "No further Amendments. A fiscal note and a state mandates note have been requested on the Bill. The fiscal note was filed. The state mandates note has not been filed."

Speaker Madigan: "So, the Bill shall remain on the Order of Second Reading. Mr. Clerk. Mr. Clerk. Mr. Clerk. Mr. Clerk, what's the status of this Bill?"

Clerk Rossi: "This Bill has been read a second time and is being held on the Order..."

Speaker Madigan: "Fine."

Clerk Rossi: "...of House Bills - Second Reading."

Speaker Madigan: "The Clerk for the purpose of an announcement."

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

Speaker Madigan: "Mr. Black, do you wish to call your... Mr. Black. On Supplemental Calendar #1, on the Order of

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Amendatory Veto Motions, there appears House Bill 1383. Do you wish to call that Motion?"

Black: "Yes, Mr. Speaker."

Speaker Madigan: "Mr. Black."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 1383 is a Bill that we've worked on both sides of the aisle. It's had bipartisan support for about the last nine years. It sets up a... what we hope to be in about three years, a seamless 9-1-1 System for cellular phone calls throughout the State of Illinois. The Governor's Amendatory Veto simply moves back the effective date of the Bill, and calls for some public hearings. I don't think that substantially alters the Bill at all. All of the emergency providers, the State Police, the Sheriff's Association, the 9-1-1 Association, the National Emergency Number Association, are all in favor of the Bill, and don't change their opinion with the Governor's Amendatory Veto. It's for that reason that I would move that we accept the Governor's amendatory language on House Bill 1383."

Speaker Madigan: "Mr. Hartke."

Hartke: "Would the Sponsor yield?"

Speaker Madigan: "Sponsor yields."

Hartke: "Representative Black, would you refresh my memory on what was the effective date of the Bill, and this moves this it back you said, three years?"

Black: "Hang on, let me see if I can find the veto message."

Hartke: "Okay."

Black: "Sorry Chuck, I should have had this and didn't. Delays implementation of the wireless 9-1-1 System by six months. From January 1 of 2000 to July 1 of 2000."

Hartke: "So, it'll go into effect a little later but it is still

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on-line and that's really the only thing the Governor did other than..."

Black: "Yeah, the underlying language of the Bill that sets up the surcharge for the equipment, who specifies who will answer in those counties who do not have a 9-1-1 System. In other words, the basic mechanics of the Bill are intact. And I think the Governor was probably wise to say, 'It's gonna take you longer than 2 1/2 months to implement this. Let's move it to July 1. Let's have some public hearings around the state to make sure we're all on the same page.' And I have no problem with that. After nine years of work on the Bill, with Democrats and Republicans both working on it, I can certainly... I have no problem with the six month delay."

Hartke: "You know, it might have been wise if the Governor had held back the child support for six months until we got everything squared away."

Black: "Well, the only thing I can remember, and I've listened to that tape a thousand times, if the system doesn't work, we won't turn it on. So, I'm not sure what happened there."

Hartke: "Okay. Thank you."

Speaker Madigan: "Mr. Lang."

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen. I stand in strong support of the Gentleman's Motion. Cellular 9-1-1 is overdue. We should have passed this a year ago when we had it before us. The Governor's changes are certainly acceptable to the providers of the 9-1-1 service. They've been calling me and I've been talking to them and they're very satisfied with the Bill as it is now. We ought to move very rapidly to pass this to protect people on the roads of Illinois."

Speaker Madigan: "Mr. Black to close."

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Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. This Bill got over a hundred votes last spring. The Governor's amendatory language does not change the basic mechanics of the Bill. I urge an 'aye' vote."

Speaker Madigan: "The question is, 'Shall the House accept the Governor's specific recommendations for change with respect to this Bill?' This is final action. Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 110 people voting 'yes', 5 voting 'no'. This Motion having received the required Constitutional Majority, the House accepts the Governor's specific recommendations for change regarding this Bill. And the Bill is declared passed. Mr. Lyons, on House Bill 427."

Lyons, J.: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House of Representatives. I'm moving to accept the Governor's amendatory veto language in House Bill 427 which is something that I think that most people on the floor are very familiar with. We discussed it at length last year, the Assisted Living and Share Housing Act. Basically, the amendatory changes will delay the rule-making authority and the appointment of the advisory committee until January 1, 2001, which coincides with the implementation of the Bill on the same date. Has no significant impact. It also changes the appointment powers to the committees from the Director of Public Health and the Director of the Department of Aging and gives it to the Governor, which again, has no significant impact on the Bill itself. And last but not least, it does state that, 'an employee of a

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health care agency... prohibits an employee of a home health care agency from providing services to residents residing in assisted living or shared housing establishment that has common ownership with the agency.' Now the impact of this has to be read in the context of that entire Section, which guarantees a resident the right to select the health care provider of their choice. So, the amendatory language will effectively prohibit an assisted living establishment from mandating that that resident use a home health care agency affiliated with the management of the assisted living establishment. Therefore, I would hope that everybody would once again support this legislation that's been around here for three years. All parties that were agreeable to this Bill in the spring, are still on board with this thing, which is over 30 that are in support of this thing, another five or six who have no opposition to the change in languages, and they are at least neutral on this. And I would recommend an 'aye' vote to accept the Amendatory Veto."

Speaker Madigan: "You've all heard the Gentleman's Motion. There being no discussion, the question is, 'Shall the House accept the Governor's specific recommendations for change with respect to this Bill?' This is final action. This Motion will require 60 votes. Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 114 people voting 'yes', 0 voting 'no'. This Motion having received the required Constitutional Majority, the House accepts the Governor's specific recommendations for change regarding this Bill, and the Bill is hereby declared passed. Mr. Lyons, do you wish to

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call House Bill 1676?"

Lyons: "Yes, Speaker. If you'll bear with me for one minute here. House Bill 1676 is a Bill that was initiated by the Illinois Transportation Association in conjunction with support from different governmental agencies affected by it, including the State Police, the Illinois Department of Transportation. The Governor again has made some amendatory language changes in this Bill. Basically, it keeps the intent of the original Bill. It was a cleanup intent by the trucking industry to put liability to the extent, not only on the drivers who are carrying the loads but on the actual owners of the equipment. Primarily, steamship line owners and railroad line owners of the equipment. And the Governor's made some changes on this to extend the implementation date of this legislation, so that in the event the Federal Government does basically use some of the language that we initiated here in Illinois, at the federal level there'd be time for that to take precedent to things that we are doing. So it delays the implementation of this thing until July 1st as opposed to January 1st. And, I would ask everybody's acceptance on this Amendatory Veto, also."

Speaker Madigan: "You've all heard the Gentleman's Motion. There being no discussion, the question is, 'Shall the House accept the Governor's specific recommendations for change with respect to this Bill?' This is final action, and the the Motion will require 60 votes. Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 115 people voting 'yes', 0 voting 'no'. The Motion having received the required Constitutional



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Majority, the House accepts the Governor's specific recommendation for change regarding this Bill, and the Bill is hereby declared passed. Mr. Hultgren. Excuse me. Mr. Clerk, for the purpose of an announcement."

Clerk Bolin: "Committee reports. Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following legislative measures were referred, action taken on November 16, 1999, reported the same back with the following recommendation: 'direct floor consideration' for House Bill 709 approved for consideration postponed."

Speaker Madigan: "Mr. Hultgren. Mr. Hultgren in the chamber? Mr. Winkel. Do you wish to call your Motion on House Bill 1766? Mr. Winkel."

Winkel: "Thank you, Mr. Speaker. House Bill 1766 creates a matching grant program for community colleges. The Governor has suggested a technical change that clarifies that the matching fund grant is subject to appropriations. I ask that we accept the Governor's recommended changes, since so moved."

Speaker Madigan: "The Gentleman moves that the House accept the Governor's Amendment and accept the Motion. Is there any discussion? Being no discussion, the question is, 'Shall this Motion be adopted?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. This is final action. The Motion will require 71 votes. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 115 people voting 'yes', 0 voting 'no'. This Motion having received the required Constitutional Majority, the House accepts the Governor's specific recommendations for change regarding this Bill, and the Bill is hereby declared passed. Mr. Hannig in the chamber? Mr. Hannig. Mr.

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Hannig, on Supplemental Calendar #1, on the Order of Nonconcurrency, there appears Senate Bill 618, where you are the House Sponsor. Mr. Hannig."

Hannig: "Yes, thank you, Mr. Speaker and Members of the House. I move that the House not concur in... the House refuse to recede, excuse me, on the Amendments to Senate Bill 618 and that a Conference Committee be established."

Speaker Madigan: "You've all heard the Gentleman's Motion. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it, the Motion is adopted. Mr. Lyons. Mr. Joe Lyons. Is the Gentleman in the chamber? Mr. Biggins in the chamber? Mr. Joe Lyons. Mr. Lyons, on the Supplemental Calendar #1, under the Order of Motions in Writing, there appears House Resolution 444. Mr. Lyons. Mr. Lyons."

Lyons, J.: "One moment, Speaker. Speaker, we're moving to suspend the posting requirements on House Resolution 444."

Speaker Madigan: "The Gentleman moves to suspend the posting requirements. You've all heard the Motion. Those in favor say 'aye'... Mr. Black."

Black: "Thank you... thank you very much, Mr. Speaker. Inquiry of the Chair."

Speaker Madigan: "State your inquiry."

Black: "There are additional Motions in Writing on the Calendar on this Order. Is it your intent to move to those as well?"

Lyons, J.: "Representative Black, I..."

Black: "Believe it's on page 6."

Lyons, J.: "Bill, I think we have the entire docket of information to be talked about. House Resolution 444 also..."

Black: "I just was curious whether you wanted to do it in two separate Motions or whether you want to... cause there's

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also a Motion in Writing on page 6 in the Calendar, on the same subject matter, same committee. I don't know whether you can do it in one Motion or whether you have to do it in two."

Speaker Madigan: "Mr. Black, we're gonna do two Motions."

Black: "Thank you. All right."

Speaker Madigan: "Okay. So, right now, we're on Supplement Calendar #1, a Motion on House Resolution 444 and 456 and 462. So, the Gentleman moves to suspend the posting requirement. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Motion is adopted and the posting requirements are suspended. Now, on the Regular Calendar, on page 6, under the Order of Motions in Writing, there appears House Bill 2903. Mr. Joseph Lyons."

Lyons, J.: "Yes, Speaker, I move to suspend posting notification for House Bill 2903. And let me read the rest of it here, Speaker. Excuse me. House Bill 2903, 2920, 2921, and 2922. Representative Black and Moffitt, I think this covers everybody."

Speaker Madigan: "All right. So, you've all heard the Motion. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it, the Motion is adopted. And then on the same Order, Senate Bill 1144 by Mr. Biggins. Mr. Biggins."

Biggins: "Thank you, Mr. Speaker. I would also move... pursuant to Rule 25, to suspend the posting requirements in relation to Senate Bill 1144, which is assigned to the Revenue Committee."

Speaker Madigan: "You've all heard the Gentleman's Motion. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Motion is adopted. Mr. Hultgren. Mr. Hultgren on House Bill 1762."

Hultgren: "Mr. Speaker, I would make a Motion to accept the

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Governor's AV."

Speaker Madigan: "The Gentleman moves to accept the Governor's specific recommendations for change. Is there any discussion? There being no discussion, the question is, 'Shall the House accept the Governor's specific recommendations for change with respect to this Bill?' This is final action and this will require 71 votes. Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 115 people voting 'yes', 0 voting 'no'. The Motion having received the required Constitutional Majority, the House accepts the Governor's specific recommendations for change regarding this Bill, and the Bill is hereby declared passed. On page four of the Calendar, on the Order of Total Veto Motions, there appears House Bill 523. Mr. Mautino. Gentleman indicates he does not wish to call the Motion. On the same Order, there appears House Bill 1165, Mr. Hoffman. Mr. Jay Hoffman. On House Bill 1165, concerned with fire department promotions. Do you wish to move to override? Gentleman indicates he does not want to call the Motion. Representative Hamos. Would Representative Hamos be in the chamber? Representative Michael Smith. Mike Smith. On House Bill 1261. Do you wish to move to override the Governor?"

Smith: "Thank you, Mr. Speaker. I do wish to move to override the Governor's veto on this legislation. Unfortunately, was a miscommunication with the Governor's office and their understanding that this legislation was covered in another Bill and that was not accurate information. The Governor to my information... to my knowledge supports the override of this Veto."

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Speaker Madigan: "You've all heard the Gentleman's Motion. Mr. Black."

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

Speaker Madigan: "Sponsor yields."

Black: "Representative, the only difficulty I have with the Bill, and the reason I didn't... well, let me get to the issue. Is in fact, if you... you're changing how these housing units will be valued for the purposes of property taxation, correct?"

Smith: "We're establishing a uniform method for their valuation."

Black: "And I suppose, obviously it makes good sense that you would want the valuation to be lowered, not increased, correct?"

Smith: "Well, that wasn't my goal. I think what we're trying to do is, is provide a system that some counties are using, but not all counties are. I'm sure that would be the goal of some of the property owners."

Black: "All right. I guess... some local officials have contacted me, and if you could set my mind at ease, perhaps I could set theirs at ease. And I see their point. Anytime we set up a system, whereby a particular type of housing unit will be valued at less than market value, let's say, then you would shift the property tax burden to someone, say a private developer of Section 8 housing or low-income apartments, let's say, then that property tax burden most generally on a local level, would then shift to the private sector. In other words, the landlord or the developer may come into the county assessor and say, 'You know, you've raised the assessed value on my property 15%, and it appears to me you did that because you had to lower the value of the subsidized housing by a similar amount.'

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And so, what do we tell people? We say, well, you're further... you're giving an additional subsidy to a low income housing unit over and above the subsidies they already receive and then transferring some of the property tax liability to those private developers who have been trying to meet this need for a number of years."

Smith: "I'm not sure I can properly answer that, Representative Black. I think the community hopefully would have made a decision that they desired this type of housing project, and that there was a need for it for residents in their community. The intent is not to shift the property tax burden, but the expense in constructing a facility like this, obviously, you know, cannot be met by the rent revenues that are generated."

Black: "All right, if I read the analysis correctly, this does not apply to Cook County."

Smith: "That's right, because actually..."

Black: "Because of the way they classify property, correct?"

Smith: "Well, they asked to be exempted even though, technically, they're exempted anyway because this federal designation from HUD, does not apply in urban areas."

Black: "Okay. Can you give me any kind of scenario... I'm inclined to vote for the Bill. I did last time, but I don't want to go home and explain to a private developer... I'm having trouble focusing on what kind of valuation are we talking about, fair market value less 10%, less than fair market value, rental value, capitalization cost? I mean, I don't want to sit here six months from now and have a private developer tell me, 'You know, I can't compete. You've given these people such a tremendous property tax break, that I can't compete in the marketplace anymore. So, I'm not gonna build anymore apartments, and

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furthermore, I'm gonna sell the ones I have.' Which in rural areas, as you know, we're hard pressed to find anybody to invest private capital in affordable housing or apartments, and I just want some reasonable assurance that this isn't going to further depress the private capital from trying to meet needs that we have in rural areas on affordable housing projects."

Smith: "Well, that... that certainly is not my intent, Representative Black, and you're right, this does establish a valuation at fair market value of what the productivity is of that housing unit."

Black: "Would this not set up a scenario where a developer who thought he was going to make a decent return on his or her investment, and that's the way our process works. I certainly don't have any problem with the profit motive. My only fear is, that the way this Bill is written, if I'm a developer and I'm getting into this, and I find it is not going the way I thought it would or should, I'm not recognizing nor realizing the return on investment that I had anticipated, it might be to my advantage to let the property deteriorate, to let vacancies go unfilled, so that I could go to the county assessor and say, 'You gotta lower the property tax assessment on this thing by a quarter of a million dollars, 40% of the units are vacant. I've had to lower the rent.' So, I'm trying to make sure we don't get into a scenario where local school districts, city government, those services that rely on the property tax dollar, aren't gonna come back to us in a year and say, 'I know it wasn't your intent, but you've set up something here that has made a serious impact on local revenue.'"

Smith: "And actually, Representative Black, I think what would be more likely to happen is that the rents would be raised

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causing hardship on the people that we're trying to help, you know, in the beginning, low-income families and individuals."

Black: "Well, and I think when you brought this Bill up, and by the way, the veto message is not correct. You will agree that this is not a duplicative Bill, and so, I think there's a lot of people that just assume we've already passed an identical Bill, and this is a free vote, and that anything... but that's not the case. This is not a free vote. This is a little different Bill, it isn't duplicative of a Bill already signed. I think it's a good Bill, Representative, but I would hope that if it doesn't work the way you think it's gonna work, that you'd be willing to come back here, if we have to in a year or two, if our local assessors and our local officials find that it is having an opposite effect, and driving down the assessed value of these projects. I would hope we would revisit that, you'd be willing to revisit that, if it's necessary to do so."

Smith: "I appreciate your comments, Representative Black. And again, I can just say the intent is to protect those developers, to protect the low-income individuals who would be residing in these projects and the veto message is not on point, it references another Bill that had to do with urban areas and not rural areas."

Black: "Yeah, and I think it's important that people focus on the error in what many of us have handed out to us, that it was vetoed because it was duplicative. In other words, there's already the same Bill somewhere that's been signed, and that's not the case. So, I just simply rise to tell people they should look at this, make sure that they understand that it is good for their area, and not perhaps



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the other side of that coin, and that it does not impact Cook County. Now, is it fair to say that Cook County is already covered under this in some action that we did previously? 'Cause I..."

Smith: "Actually, I think that is the legislation that the Governor's message was referring to."

Black: "That Cook County has already been addressed by previous legislation. This is largely intended for rural areas where we're really having a problem developing housing."

Smith: "That's right. Rural areas are defined by the Federal Government, the Department of Housing and Urban Development, and certain counties in the state are exempt, Cook County being one of them."

Black: "Have any local officials contacted you? Any school superintendents, township supervisors, questioning whether or not this valuation might erode their tax base? That's something that they're very, very fearful of obviously, in no growth areas, anything that erodes that tax base can have a very detrimental effect on their services. I've only heard from one or two."

Smith: "Now, that's a concern, Representative, that I think all of us have; represent districts like yours and mine. I have not heard from any local officials in my district or anywhere else."

Black: "Well, and I would think that we would have if there was a major concern. I would think we would have heard from TOI or Urban Counties Council or the Municipal League. Just one last question to satisfy my own concerns. This only involves... does this only involve new construction and not the rehab of existing units? If I want to go in and rehab a 20-year-old apartment complex, am I gonna be able to take advantage of this valuation or is it new construction

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only?"

Smith: "Well, this would apply to existing properties, you know, as well as perspective properties."

Black: "All right. I think that's the best of both worlds. I know I can identify several old apartment buildings in my district, that given the proper incentives, could be rehabbed. But, I'm not sure the market's there for new construction. So, if we can find somebody to rehabilitate a 75-year-old apartment complex, to meet contemporary standards, then that developer might get the necessary breaks to make it worthwhile, right?"

Smith: "That's possible I think, as long as it's done under Section 515."

Black: "And again, I think if we don't open that door, it something we'll need to revisit. Because in my district, and I know a lot of rural areas are the same, we have some good buildings that need to be rehabbed. New construction, because we're in a non-growth area, is a little bit shaky, because of trying to amortize that debt. But rehab, there's some real possibilities out there if we can get that done. And I appreciate your indulgence. Thank you."

Smith: "That's a good point."

Speaker Madigan: "Mr. Smith to close."

Smith: "Thank you, Mr. Speaker. Again, let me clarify for the Members, the Governor's message might be somewhat misleading. This legislation was not covered in another Bill. This is very much needed for low-income rental properties in rural areas who qualify under the Federal HUD Program, Section 15 (sic-515) housing. The Governor does support this override, and I would ask my colleagues to join with me in doing so."

Speaker Madigan: "The question is, 'Shall this Motion be

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adopted?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. This will require 71 votes. The question here is, 'Shall this Bill pass, the veto of the Governor notwithstanding?' This is final action. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 113 people voting 'yes', 0 voting 'no'. This Motion having received the required Three-fifths Majority, the Motion to override prevails, and the Bill is declared passed, notwithstanding the Governor's veto. The Chair recognizes Mr. Pugh for the point of a personal privilege."

Pugh: "Thank you, Mr. Speaker. I rise on a point of personal privilege to introduce to some and make others aware of the fact that our Recorder of Good Deeds joins us here, former Representative Eugene Moore."

Speaker Madigan: "Mr. Stroger in the chamber? Mr. Stroger. Mr. Stroger in the chamber? Acevedo."

Acevedo: "I rise on a point of personal privilege."

Speaker Madigan: "State your point."

Acevedo: "I'd like to introduce a former Member of the House and one of the alderman in my 2nd Legislative District, Alderman Ray Frias."

Speaker Madigan: "Mr. Clerk, for the purpose of an announcement."

Clerk Rossi: "The following committees will meet immediately after Session. The Child Support Enforcement Committee in Room 114 in the Capitol. The Revenue Committee in Room 118 in the Capitol. The following committees will meet tomorrow morning prior to Session. At 8:30 a.m., the Computer Technology Committee in D-1 of the Stratton Building; the Tobacco Settlement Proceeds Committee at 9 a.m. in Room 114 of the Capitol."

Speaker Madigan: "The Chair recognizes Mr. Fritchey."

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Fritchey: "Thank you, Speaker. With respect to committees, if I have everyone's attention, the Tobacco Settlement Committee will not meet tomorrow morning. There will, however, be a meeting of the Democratic Members of the committee in Room L-2 following Session today. Thank you."

Speaker Madigan: "So, Ladies and Gentlemen, there's been a change in the Clerk's announcement. The Clerk had announced that the Tobacco Settlement Committee would meet in the morning, but that meeting has been cancelled, but there will be a meeting of the Democratic Members immediately after Session. The Chair is prepared to adjourn. Mr. Skinner."

Skinner: "Mr. Speaker, as a Member of the Tobacco Settlement Committee, does this mean that the Republicans are again being left out of what's happening? You shrug your shoulders, perhaps it's true."

Speaker Madigan: "I don't plan to attend the meeting myself, Mr. Skinner. The Chair would like to announce the presence of the Lieutenant Governor of the State of Illinois, former Representative and now Lieutenant Governor, Corinne Wood. Ladies and Gentlemen, the House... the House will adjourn upon the adoption of a Death Resolution for a former Member. So, if the Members would please be in their chairs. If the Members would please be in their chairs, we shall adjourn upon the adoption of a Death Resolution of a former Member. Mr. Clerk, read the Resolution."

Clerk Rossi: "House Resolution 425, offered by Representative Shirley Jones.

WHEREAS, The members of the Illinois House of Representatives wish to extend their sincere sympathies to the family, friends, and colleagues of Fred B. Roti, former alderman of the City of Chicago and Illinois State Senator, who recently passed away; and

WHEREAS, Fred Roti was born on December 18, 1920; he was the

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ninth of 10 children born to natives of southern Italy; he was born in an apartment over a store in Chinatown, where he spent his entire life; and

WHEREAS, Fred Roti served as the 1st Ward alderman on the City Council from 1968 to 1991; he served as an Illinois State Senator in the 67th, 68th, and 69th Sessions of the General Assembly; and

WHEREAS, Fred Roti attended elementary school and high school in the City of Chicago and attended DePaul University for two years; he served in the United States Army during World War II; from December of 1942 to December of 1945 he served overseas with the Army Finance Division; Mr. Roti also held positions as the Deputy Clerk of the Circuit Court of Cook County and as Supervisor of Investments with the Department of Revenue; and

WHEREAS, Chicago Mayor Richard Daley remembers Roti "loved Chicago, and was well-liked by his colleagues; and

WHEREAS, Fred Roti is survived by a son, Bruno; his daughters, Rose Marie Marasso and Mary Ann Walz; his six grandchildren, and his two sisters; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIRST GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we mourn, along with his family, friends, and colleagues, the death of Fred Roti of Chicago, Illinois; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the family of Fred B. Roti."

Speaker Madigan: "Representative Shirley Jones."

Jones, S.: "Yes, I met Alderman Roti in 1960, when I first joined the organization during that time was the 1st Ward. And during that time, they became family to me. And right now, today, I think of all of 'em. Roti and the rest of the

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people that were doing the time with the 1st Ward. There'll never be a 1st Ward like it was before. Alderman Roti was always helping and giving people things. Any time somebody called they asked for Alderman Roti, Alderman Roti gave it to 'em. So, I would just like to say that I'm gonna miss him very, very much."

Speaker Madigan: "You've all heard the Resolution. Representative Shirley Jones moves for the adoption of the Resolution. Those in favor will signify by saying 'aye'; those opposed by saying 'no'. The 'ayes' have it, the Resolution is adopted and the House does stand adjourned until 11:00 a.m. tomorrow morning, providing perfunctory time for the Clerk."

Clerk Rossi: "House Perfunctory Session will come to order. House Bill 2941, offered by Representative Bill Mitchell. A Bill for an Act to amend the Joint Tenancy Act. House Bill 2942, offered by Representative Black. A Bill for an Act concerning police and firefighters. House Bill 2943, offered by Representative Black. A Bill for an Act concerning the demolition of unsafe buildings. House Bill 2944, offered by Representative Holbrook. A Bill for an Act to amend the School Code. House Bill 2945, offered by Representative Saviano. A Bill for an Act concerning decommissioned police firearms. First Reading of these House Bills. Being no further business, the House Perfunctory Session stands adjourned."