

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

71st Legislative Day

November 30, 1999

Speaker Madigan: "The House shall come to order. The House shall come to order. The House shall come to order. The Members shall be in their chairs. We shall be led in prayer today by Pastor Fred Niles of the First Presbyterian Church in Nashville. Pastor Niles is the guest of Representative Reitz. The guests in the gallery may wish to rise and join us for the invocation and the Pledge of Allegiance."

Pastor Niles: "Join me in prayer. Gracious, life-giving God, this afternoon we gather together as a governing Body called by You to serve the best interests of Your people who call themselves citizens of the State of Illinois. We ask, oh God, that You would guide us and direct us as we seek to do that which brings glory and honor to Your holy name. And, oh God, for those who are not present with us this day, those who are perhaps broken in body, in mind and in spirit, we ask, God, that they all be touched by Your amazing grace, so that they are being healed according to Your will they may soon join us again as Your faithful servants. God of the ages, we ask that You help us to work for peace at all times and in all situations. We ask that You give us courage to continue to fight against the evils of injustice and oppression. Open our eyes to Your truth. Open our ears to Your word. Open our minds to Your presence and open our hearts to Your love. In spirit of grace bring us close to You that we may be led in the paths that You have chosen for us. May Your will for our lives be evident in the decisions we make this day, and help us to put aside our own thoughts and desires so that in all things Your will may be done in us as it is in heaven. Amen."

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

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Hartke - et al: "I pledge allegiance to the flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all."

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

Currie: "Thank you, Speaker. Please let the record show that Representatives Brosnahan, Flowers and Sharp are excused today."

Speaker Madigan: "Mr. Poe."

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

Speaker Madigan: "Mr. Clerk, take the record. There being 115 Members responding to the Attendance Roll Call, there is a quorum present. Mr. Clerk."

Clerk Rossi: "Committee Reports. Representative Jeff Schoenberg, Chairperson from the Committee on Appropriations - General Services to which the following measure was referred, action taken on November 30, 1999, reported the same back with the following recommendation: 'do adopt' Floor Amendment #3 to Senate Bill 877. Representative Barbara Flynn Currie, Chairperson from the Committee on Rules to which the following measures were referred, action taken on November 30, 1999, reported the same back with the following recommendations: Amendatory Veto Accept Motions 'approved for consideration' on Senate Bill 464, Senate Bill 653, Senate Bill 845, Senate Bill 847, Senate Bill 1068; 'to the floor for consideration' Senate Bill 851 to the Order of Second Reading and Senate Bill 1003 to the Order of Second Reading. Supplemental Calendar #1 is being distributed."

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

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Mr. Winkel. Mr. Winkel, did you wish to call your Motion on Senate Bill 653? It's a Motion to accept an Amendatory Veto. It's concerned with higher education. Mr. Winkel."

Winkel: "Yes. Thank you, Mr. Speaker. Senate Bill 653 is a Bill done at the request of ISAC. It makes several technical changes. The Governor has recommended certain changes. The effect of the veto, it replaces the sunset from September 1, 1999 to September 1, 2000. It allows transfers of all SLF funds to new federal funds from August 31, 1999 to August 31, 2000. This is a technical change to bring us into compliance with federal requirements; and I have moved to accept the Governor's recommended changes and ask for a 'yes' vote."

Speaker Madigan: "The Gentleman has moved to accept the Governor's 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. This Motion will require 71 votes. Those in favor signify by voting 'yes'; those opposed by voting 'no'. This is a final action roll call. Have all voted who wish? Final action. Have all voted who wish? Seven people have not voted. Have all voted who wish? Please record yourself. Four people have not voted. Two people have not voted. Please record yourself. One person has not voted. Representative Eileen Lyons, did you wish to record yourself? Mr. Clerk, take the record. On this question there are 113 people voting 'yes', 2 people voting 'no'. This Bill having received.... This Motion having received the required Constitutional Majority the House does accept the Governor's specific recommendations for change and the Bill is hereby declared passed. Mr. John

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Turner, did you wish to call Senate Bill 845, an Act in relation to laser devices? Mr. Turner."

Turner, J.: "Thank you, Mr. Speaker. Yes, I do. I move to accept the Amendatory Veto of the Governor on this measure."

Speaker Madigan: "Did you wish to offer any explanation?"

Turner, J.: "Yes, Mr. Speaker. The Bill had a provision in it with regard to aiming a laser gun at a peace officer. Those were duplicative to another measure that passed and now is a Public Act. It did, however, retain the language with regard to aggravated assault and aggravated battery."

Speaker Madigan: "The Gentleman, Mr. Turner, moves to accept the Governor's specific recommendations for change. The Chair recognizes Mr. Cross."

Cross: "Thank you. An inquiry of the Speaker's Chair."

Speaker Madigan: "State your inquiry."

Cross: "I'm a little concerned about whether your inquiry was appropriately responded to, Mr. Speaker. Was there sufficient explanation, in the Chair's opinion, on this Bill? Because some of us are still wondering what he said. I don't know if the Chair wishes to comment, but I would like to ask the Sponsor a question."

Speaker Madigan: "Sponsor yields."

Cross: "Representative, if I'm not mistaken, really, the leader in this issue was Representative Durkin. I think he had some other Bills in the past. Are you just following him in... on this issue, or is there something different from his earlier Bills?"

Turner, J.: "No, you're correct, Representative. The genesis of this measure was with Representative Durkin. And some way I was allowed to tag along and get a part of the new law with regard to using a laser pointer."

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Cross: "You know, and it's a little loud here and I'm sure you adequately explained what the language was of the Amendatory Veto. Could you go over that one more time, Representative? Please? For those of us that missed it."

Turner, J.: "I'd be glad to, Representative. I would caution you there's an old saying, an old maxim 'That what goes around, comes around.' And a...."

Cross: "That'd be like a merry-go-round?"

Turner, J.: "Well, not like a merry-go-round. It has something to do with legislation, and when you give a fellow colleague a hard time over something that I know you intend to support, that perhaps something like that may happen to you. And also, you know, these things can kind of go awry on you...."

Cross: "Well, Representative, are you suggesting or threatening someone just because they are asking a few questions on the House Floor?"

Turner, J.: "No, I'm just glad Representative Black doesn't have his light on yet. And that's why I'm hoping that you won't ask too many more questions, cause if that light comes on this Bill could be in trouble. This Bill doesn't have anything to do with veterans. Was that your question? Absolutely nothing whatsoever."

Cross: "I wanted to make sure we didn't miss any... leave any tombstone untouched. So it doesn't deal with any veterans?"

Turner, J.: "No, it has nothing to do with veterans. I know, Representative Cross, that you've been serious with your questions, so let me once again try to explain to you. It may be difficult for you, but I think if you listen very carefully perhaps you'll get it this time around. There was some duplicative language in this Bill, and as you have

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pointed out that duplicative language was sponsored by Representative Durkin. That is now a Public Act. By this Amendatory Veto we eliminate that duplicative language but we retain that other language with regard to aggravated assault and aggravated battery. That's why the Governor vetoed it. And that's why, based upon that making logical sense, I would expect you to support my Motion."

Cross: "Well, Representative, just so we get the... make the record perfectly clear, how would you describe the Governor's position on this Bill?"

Turner, J.: "I really believe, although the Governor and I haven't agreed on every single thing that's come through the General Assembly over the last few months, we usually do agree. And I think that he supports my Motion and I'm asking you to do the same thing, Representative Cross."

Cross: "Representative, what I appreciate is your sincere effort to answer the, what I think were very difficult questions. And not in a mean-spirited way, but in a way just to enlighten the chamber cause there are some that felt like you didn't answer or even really provide any adequate explanation of what this Amendatory Veto language does, John. So please don't take this in any ugly way."

Turner, J.: "Well, Representative Cross, thank you for your sincerity and I think this is becoming a kinder and more gentle chamber, and I think you are contributing to that new ambience we're all experiencing. And you've been most gracious in the way you've posed your queries to me and I appreciate the fact that you've complimented me on the way I've tried to respond."

Cross: "You're an excellent Legislator, Representative. You're doing a good job and we're real proud of you all around the state and that's a nice. We're heard a lot of good things

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about you."

Speaker Madigan: "Mr. Turner moves that the House does accept the Governor's specific recommendations for change. And on that question those in favor will signify by voting 'yes'; and those opposed by voting 'no'. Have all voted who wish? This Motion will require 71 votes. Have all voted who wish? Have all voted who wish? One person has not voted. The Clerk shall take the record. On this question, there are 115 people voting 'yes', 0 voting 'no'. This Motion having received the Constitutional Majority is hereby adopted. And the House does accept the Governor's specific recommendations for change. And the Bill is hereby declared passed. Representative Lou Jones. Representative Lou Jones. The Chair recognizes Mr. Hartke."

Hartke: "Thank you very much, Mr. Speaker. While we were gone for the last couple weeks, a monumental milestone occurred and that happened to my roommate. On November 26th at 10:00 p.m. in 1949, Representative Lou Lang was brought screaming and hollering and so forth into this world. And last Friday, we were gone, he celebrated his 50th birthday. So I'm asking you all to wish Lou a happy birthday a couple days late and join us for a cake down front. Happy birthday, Lou."

Speaker Madigan: "Mr. Winters. Is Mr. Winters in the chamber? Did you wish to call your Motion? Senate Bill 1068, Mr. Winters."

Winters: "Thank you, Mr. Speaker. I move to accept the Governor's Amendatory Veto of Senate Bill 1068."

Speaker Madigan: "The Gentleman moves to accept the Governor's recommendations for change. Did you wish to offer any explanation, Mr. Winters?"

Winters: "I'm certainly very willing to. This corrects some

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technical language. Last spring we were attempting to bring the DNR regulations into compliance with the federal regulations on the snow goose season. There's a lot of damage being done in the breeding grounds in Canada and we felt that the reduction of the snow goose population was of public interest. The Federal Government passed regulations that enhanced that harvest in Illinois. This brings the DNR into compliance. Inadvertently, the language this spring applied to other special waterfowl seasons, which was not the intent of the legislation. The Governor's amendatory language restricts this to a snow goose season only. And with that explanation I would urge the passage."

Speaker Madigan: "The Gentleman moves to accept the Governor's specific recommendations for change. The Chair recognizes Mr. Black."

Black: "Thank you, Mr. Speaker. How are you today? Will the Gentleman yield?"

Speaker Madigan: "Since I see your smiling face, I'm very well, Mr. Black."

Black: "Thank you. Thank you."

Speaker Madigan: "The Sponsor yields."

Black: "Always a pleasure to be here. Representative Winters, has the Department of Conservation taken a position on this Bill as amendatorily vetoed?"

Winters: "Yes, they've been supportive. I was just in contact with them."

Black: "Okay. So you're not aware of any sportsman's group that would have any concerns or fears about the Bill?"

Winters: "Well, the only concern is that they would have liked to have had it available for all waterfowl. Unfortunately, the federal regulations limit us to the snow goose season only."

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Black: "Okay. Have the People for the Ethical Treatment of Animals weighed in on the language?"

Winters: "I have not had any contact from them."

Black: "All right. Fine. Thank you. Thank you, Mr. Speaker."

Speaker Madigan: "Mr. Winters moves that the House do accept the Governor's specific recommendations for change. Those in favor signify by voting 'aye'; those opposed by voting 'no'. This Motion will require 71 votes. Have all voted who wish? Have all voted who wish? Have all voted who wish? Two people have not voted. 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. And this Bill is hereby declared passed. Mr. Holbrook on Senate Bill 464. Mr. Holbrook."

Holbrook: "Thank you, Mr. Speaker. I make a Motion to accept the Governor's Amendatory Veto. He's added some... an additional provision to this that ensures that the College Illinois contributions are invested with the same diligence as the standard use for our state pensions. I know of no opposition to the Bill. And it passed... this Amendment passed Senate 59 to 0 and I'd so move for it."

Speaker Madigan: "The Gentleman moves to accept the Governor's specific recommendations for change. Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? This Motion will require 71 votes. This is final action. Two people have not voted. One person has not voted. One person has not voted. Mr. Clerk, take the record. There being 115 voting 'yes', and 0 voting 'no', the Motion having received the required

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Constitutional Majority the House accepts the Governor's specific recommendations for change. And this Bill is hereby declared passed. Representative Lou Jones. Is Representative Lou Jones in the chamber? Mr. Black, did you have a Motion? Mr. Black for a Motion."

Black: "Yes, thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. With respect to House Bill 428, I would move to suspend the posting requirements so that Bill could be heard in the Pension and Personnel Committee today."

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 and the posting requirement is hereby suspended. On page 3 of the Calendar, under the Order of Total Vetoes, there appears Senate Bill 751, Mr. Hartke."

Hartke: "Thank you very much, Mr. Speaker. I hope to override the Governor's Veto on Senate Bill 751. I think he totally misunderstood this Bill. This is a Bill to assist farmers in trying to use their own land as much as possible. And when a neighbor sometimes.... Excuse me. When a neighbor sometimes refuses to trim back his fence rows and hedgerows, it costs that farmer money. And so if you have any questions I'd be more than happy to... answer them."

Speaker Madigan: "The Gentleman moves to override the Governor. The Chair recognizes Mr. Cross."

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

Speaker Madigan: "The Gentleman yields."

Cross: "Chuck, can you tell us where the Farm Bureau is now with respect to your Motion?"

Hartke: "It's my understanding that the Governor or the Farm Bureau supports my Motion to override the Governor's Veto."

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I may be wrong, but I feel I'm correct in that position. They supported the original Bill and I do believe they would also support the total override. Do you have information to the contrary?"

Cross: "What?"

Hartke: "Do you have information to the contrary?"

Cross: "No. No."

Hartke: "Okay."

Cross: "I really want to just make sure cause, quite frankly, I'm not sure anyone really followed.... I don't want to say.... Could you, and maybe you did, Chuck. It's just a little noisy in here. What was the genesis or why are we even talking about hedgerows?"

Hartke: "Hedgerows, yes. Tom, are you a farmer and familiar with what happens?"

Cross: "I represent a area that's..."

Hartke: "Well, okay."

Cross: "...pretty rural."

Hartke: "Occasionally a farmer will let their fence row grow wild. And when that happens, of course, they grow tall and they shade over certain areas of the farmland on the neighbors as well as on their own. And the root system underneath will suck the moisture out of the ground. And so many times the neighbors land, then, is affected by one... one's not keeping his hedgerows trimmed back. And so, in effect, what we're trying to do is force that farmer to keep these trimmed back so he doesn't encroach upon his neighbors."

Cross: "Chuck, does this apply statewide?"

Hartke: "Yes, it would and it could. But in certain areas of the state where hedgerows, I guess, are still used for dividing lines of fence rows or fence rows for... to keep cattle

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in. Thick shrub and multiflora rows and things like that. But... that's not the case in many of the areas like Champaign County, but there are hedgerows in those areas as well. Yes, it would apply statewide."

Cross: "But the requirement is it needs to be at least a fifth of a mile in length?"

Hartke: "Excuse me. Would you repeat the question, please?"

Cross: "Before this even applies, we have to have a fifth of a mile of row. Is that what I'm reading... am I reading that corr...."

Hartke: "I don't know. Where are you reading that?"

Cross: "It says that this Bill defines hedge fence.... As this Bill defines hedge fence; all dense rows of trees standing on property lines which exceed one-fifth of a mile in length will be subjected to being trimmed to five feet high every two years."

Hartke: "If that's what the law says, then that's what it affects."

Cross: "Not to be cute about it, and I'm looking... I'm thinking about up in our area we have a lot of land... you know, a lot of landscaping companies, especially come out as new development moves out. Are we setting up in the urban areas or the areas quasi-urban/rural where we're going to have some... force people to cut down hedges..."

Hartke: "No. No."

Cross: "...that were really not going to address your issue, what you're trying to address?"

Hartke: "No, I don't think so. I think this is going to apply to farmer to farmer and not... getting into your subdivision with ornamental plants and so forth. I don't think it's going to apply in your area at all because it would not be forced."

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Cross: "What do you mean it won't be.... I mean, if I'm in a subdivision next to a nursery and the nurseryman or woman has a row of trees on the edge of the property line that's long, that's at least a fifth of a mile in length, will they be subjected to this Bill?"

Hartke: "I maybe suppose it could, but I think that'd be the extreme. Most of those nurseries do not have ornamental shrubs and so forth that are that tall that would shade, or the root system would not develop such to encroach upon the neighbors."

Cross: "Well, who's going to make that decision? Can I come by as a neighbor, as a subdivision association and cut down the trees on my own?"

Hartke: "I do believe that in every township we have fence judges."

Cross: "I didn't hear you."

Hartke: "I think in every township we have the ability to have fence judges. Are you familiar with that part of township law?"

Cross: "No."

Hartke: "Fence judges are appointed by the trustees of the township and they will go out to determine where the fence line is and the violation in the fence row or fence line."

Cross: "What about.... Does every township have a fence judge?"

Hartke: "Not every township has one and not every township needs one. But it's available for townships to appoint fence judges if that case should come to pass."

Cross: "Would this give the municipality the authority to come by and just trim a set of trees because they, under your Bill, because they think they are..."

Hartke: "I don't think so, no."

Cross: "...you know, become problematic, why not?"

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Hartke: "Why would a municipality want to trim those? I think it would be more the case just the opposite. The... if the municipality had trees growing on it and it was impeding upon the farmer who is trying to grow crops on the other side of the fence, that would be the individual that would be doing the major complaint."

Cross: "Who, Chuck, who's going to be responsible for the cost of cutting down the trees?"

Hartke: "That'd be the landowner where the trees are located. As you look at your...."

Cross: "Can't that get costly?"

Hartke: "Pardon."

Cross: "Can't that be pretty expensive?"

Hartke: "Yes, it can be, but so can the loss of crops to the farmer who is trying to grow crops on his land if he is impeded by the roots sucking the moisture and the shade is keeping him from growing that crop. Tom, a tree will shade as well as suck the moisture out in the root system approximately 45 feet from a tree or the fence line. An acre of ground is 33 feet wide and a quarter of a mile long. So, therefore, one and a half acres of ground and every 40 acre length could be lost because of a huge overgrowth of a hedgerow. And so what this is doing is allowing the farmer who is being encroached upon by a neighbor's hedgerow to force him to cut that down..."

Cross: "I understand..."

Hartke: "...and allow him to use his own land."

Cross: "I understand the farmer's situation, it makes a lot of sense."

Hartke: "Okay."

Cross: "My concern is you get into urban areas where... like where I live. We have a lot of growth and it's... it's a

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kind... a little bit of both, that I think there's some potential for some abuse here. And I don't know why we didn't limit it to..."

Hartke: "Well, I..."

Cross: "...to primarily rural areas."

Hartke: "I think you're... I really think you're grasping for straws to protect the Governor's Veto, but I don't think that's going to happen. I'm not sure that you're being totally genuine."

Cross: "I am being very genuine because I'm thinking about the scenario. As I said earlier, with a nursery right next to a subdivision and that subdivision all of a sudden says, 'I don't like the fact that... I don't like those trees. I want them cut down.' And there's nothing that prevents that, those trees from being cut down, you just go to your law."

Hartke: "Yeah, these trees would have to be... planted right on the fence line. Correct?"

Cross: "I'm talking about the, you know, right on the fence line, a fifth of a mile long, they're over five feet. We have to go in and tell that nursery they have to cut all their trees down."

Hartke: "Yeah, but, Tom, in all honesty very few nurseries would have that tall a tree on their fence line and that'd be the first ones to move. It could happen, yes. I guess everything can. But you know we can't make a law that's going to make everybody happy everyday here in this General Assembly. Ninety-nine percent of the problem, no, ninety-nine point ninety-nine percent of that problem is out in the country, not next to your nurseries, which you're talking about. And I'm not sure..."

Cross: "All right."

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Hartke: "...that will be a real problem."

Cross: "All right, thanks."

Speaker Madigan: "Mr. Black."

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

Speaker Madigan: "Sponsor yields."

Black: "Representative Hartke, forgive me if I go over plowed ground. No pun intended. I was outside...."

Hartke: "No trees grow on plowed ground."

Black: "I was outside talking to some people."

Hartke: "Okay, let's not go there."

Black: "My only concern is I read... as I reread the Bill after we got the Governor's Message, it seems as if we may be opening up something that we may not want to get into. I understand the problems with a hedge fence out in the rural areas. My uncle's farm had a hedge fence years ago. I remember it well. But I also, Chuck, and where I live, in my home in the City of Danville, years and years ago my wife and I planted a series of, I don't remember what they were called. They turned out to be a very fast growing chinese elm and it was suppose to be a privacy hedge. Well, I could not keep those rascals trimmed. I mean, they would literally grow four feet in a growing season. And I was ending up trying to trim them off a ten foot step ladder and it was just a mess. So I finally just got the chain saw and cut the things down. Best thing I ever did. And as I read the Governor's language in his Amendatory Veto, all I want to be reasonably comfortable with is that we're not going to get into neighborhood disputes in city areas where somebody plants a privacy hedge and lets the thing grow to eight or nine or ten feet. And a couple of neighbors say, 'We... we don't like that. Either trim it

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or get rid of it.' I understand the background from the farmers point of view, but I want to make sure that we're not going to get into some real neighborhood spats on what is a privacy, i.e. hedge fence, inside a city limit. I don't know if you can put my mind at ease or whether we're opening up that box and there's no way around it."

Hartke: "I guess my only comment is, you know, good fences make good neighbors."

Black: "Not always."

Hartke: "You remember that poem?"

Black: "Yes, I do."

Hartke: "Not always, but I mean... but in this situation if the fence does get out of hand. I can see there may be some dispute, but there may be a dispute on the size of a wood fence being built between neighbors as well. So, you know, more often than not I don't think this is going to happen. I don't... I don't...."

Black: "Okay. Chuck, if a...."

Hartke: "But I'm... I appreciate your concern. It could be. But like I told Mr. Cross, I think that, you know, what we're trying to solve here is a problem that is inherent out in the agricultural area and I think this will solve that problem ninety-nine point ninety-nine percent of the time."

Black: "Chuck, is there, and I'm not an attorney and I know you're not either, but bear with me for a second. There's no way that someone could use this law if it's enacted. Let's say that a city prohibits, as many cities do, they will limit by zoning or ordinance the kind of fence you can have. And let's say that a city says you cannot have a privet hedge or a hedge fence. We don't allow that. Would there be any way that this law could be construed then to overrule a city's ordinance on what constitutes a fence?"

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Hartke: "I'm not an attorney either and I don't know the answer to that question, Bill. But I... I don't know."

Black: "Yeah, I don't either."

Hartke: "I really don't and I've got to be honest with you, I don't know about that."

Black: "And unfortunately, Representative, when we need an attorney on the floor, you look around and they're all eating cake. When we don't need an attorney they're all up speaking."

Hartke: "But I would suggest to you...."

Black: "That did get the attention of at least two attorneys on your side of the aisle, by the way."

Hartke: "I would suggest to you that Senator Maitland in the Senate argument and the reason for the legislation was attorneys were using the Hedge Fence Act as a dividing fence for livestock, as a defense to not force the farmer to cut down this fence. He says, well, I may use it some day for my livestock. But that's fine, but... so that's why he is seeking a change in the Bill. And I agreed to pick it up as a... as the House Sponsor because I thought it was good solid legislation by Senator Maitland."

Black: "Fine. Representative, thank you very much for your indulgence. Thank you, Mr. Speaker."

Speaker Madigan: "Mr. John Turner."

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

Speaker Madigan: "The Sponsor yields."

Turner, J.: "Representative, I know I supported your measure when it first came.... Excuse me?"

Hartke: "Are you an attorney?"

Turner, J.: "Oh, no. No. I'm here today as a Legislator and besides that, attorneys don't necessarily fair so well in this chamber. School teachers can kind of hand it to you

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from time to time as we found out last week. But what is the purpose for putting a new definition of hedge fence into the statute?"

Hartke: "Well, it was my understanding that Senator Maitland put this in to negate the idea of the dividing fence as a means for livestock. And so this is now... the new definition is suppose to change that, I guess, to make it shrubs or whatever, to allow this piece of legislation to go through."

Turner, J.: "Well, I'm looking at the statute...."

Hartke: "Besides the law case in the..."

Turner, J.: "Excuse me?"

Hartke: "In our analysis there's a law case, or a court case that was, that we recognized anyway as the reason the change for the definition."

Turner, J.: "Okay. Well, what I'm getting at is what problem is this going to address if we put this definition into our statutory scheme?"

Hartke: "I guess it's going to fix the problem of answering the questions between neighbors on how to trim back this, this hedgerow. John, I'm sure you understand what the problem is and what we're trying to solve."

Turner, J.: "I honestly don't. I'm not sure what problem you're trying to get at. That's why I'm asking the question. Obviously, I live in an area where we still have hedgerows and I can't say that I've ever seen one farmer force another farmer to trim a hedgerow. I've seen them do so together, but I'm trying to figure out what we're doing here. I intend to support you if, indeed, this is addressing a concern that needs to be addressed."

Hartke: "Okay. Let me explain a problem to you. You've got two farmers, each have forty acres laying next to each other.

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They have a common boundary between them. A hedgerow grows up between them and gets quite tall. Forty, thirty, forty feet tall. The roots below those trees are just as huge as the foliage above. As you try to plant corn or soybeans on either side of the fence row, one may be using his for a pasture, maybe, whatever. But the guy that's trying to plant corn, if he plants up to his fence line the roots and that are underground and so forth, sap the moisture out and the shade from above actually causes the corn not to produce ears of corn. It will do that for lack of moisture, sunshine and everything that's necessary. In that case, why you're depriving that farmer of an acre and a half minimum of his land, simply because you're allowing a hedgerow to grow. Now he, as you face the other man's property, your property is to the right, your neighbor is to the left. You may cut down your hedgerow but you're still going to lose some land. Now, if you had three or four people bordering you and all of them had fence... had hedgerows, you could lose up to five to six acres of your forty acres to non-production simply because of these hedgerows. This would give the ability of the farmer who wants that hedgerow trimmed back so that he could use all of his land, a right to go in and have those hedges to be trimmed back to where they're not shading his property."

Turner, J.: "Okay. I appreciate that and I think that is a good idea and something we need to do, but I'm just curious. I'm looking at the Fence Act where it talks about hedgerows. It occurs to me or appears to me, I should say, that at Section 130/3 that this right is already there in the statute. That is to trim hedgerows. And I'm just curious how this definition fixes the problem you're talking about."

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Hartke: "Well, you know, I'm not an attorney or whatever. I picked this up from the Senate. The Senate thought this would and I do believe Senator Maitland is quite genuinely... genuine in his attempt to do so. The Senate did override the Governor's Veto and so I'm willing to agree with the Senate that this is the proper action, that we should be taking it. It's in line with what the Senator wants to do."

Turner, J.: "Right. And I don't want to make a big deal out of nothing, either, although this seems to be somewhat... controversial. But I want to ask you and maybe you can ask one of the staffers there with you. But in looking at this Fence Act, particularly... under 130/3 where it says, 'The provisions of this Section shall not apply to any hedge fence protecting either an orchard, building, or windbreak. Nor shall the provisions of this Section apply to any such fence for the preservation of wildlife and protection against soil erosion.' I just read that verbatim out of the statute. Does this definition being put into the statutory scheme change that provision of law to any effect whatsoever?"

Hartke: "Okay. Representative Turner, my staff tells me that this just changes wherever the word 'hedge fence' is in the current statute, which would change that. It clarifies what that means. This does not, in my opinion, now, change that... portions which were protected under the... or exemptions that you gave under the current law."

Turner, J.: "It does or does not change that?"

Hartke: "It would not change that."

Turner, J.: "It would not change that. "

Hartke: "Yes."

Turner, J.: "So there still then would not be any requirement for

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a farmer to trim a hedge that is there for the protection of... against erosion or the protection of wildlife, or if it separates buildings or an orchard or if it's a windbreak."

Hartke: "Or possibly ornamentals, which Bill was talking about. Ornamental shrubs, possibly. I don't know."

Turner, J.: "All right. The Farm Bureau supports your Bill, does it not?"

Hartke: "I have not... I have not heard from the Farm Bureau, whether they're supporting this override. I do know that the Farm Bureau supported the position of the Bill in its original form, and I don't see why they would have changed if I try to keep it in its original form."

Turner, J.: "Well, you view this measure then as something that farmers generally would be supportive of?"

Hartke: "I think that farmers in general would be in support of this legislation, yes."

Turner, J.: "Okay, Representative Hoffman has been yelling something at me over there. Could you ask him perhaps, what he wants and maybe I can address that before I shut off the mike here?"

Hartke: "Well, he thought that you had used a double negative in your verbiage."

Turner, J.: "A double negative?"

Hartke: "Yes."

Turner, J.: "All right. I 'm sorry, Representative, you caught me."

Speaker Madigan: "Mr. Durkin."

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

Speaker Madigan: "The Sponsor yields."

Durkin: "Representative, right now up in... at least up in the northern part of Illinois there is a lot of private

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landowners who contract on a regular basis with a landscaping company to do certain amount of projects on a yearly basis. Is this Bill going to preempt those existing contracts and require them to go above and beyond what they originally had agreed to when that contract was created? To go above and beyond and have to trim, the way I read it, have to start trimming trees which are...."

Hartke: "Would you... would you please repeat all of that? I'm having a hard time following you."

Durkin: "Okay. What I'm saying is, right now there's a lot of people; there are private landowners, either individuals or commercial landowners, who contract out with landscaping companies on an annual basis to do a certain amount of landscaping type of activities. Is this Bill going to preempt that... those contracts and require them to go above and beyond what is already re... what they've already contracted to?"

Hartke: "I would suggest they write a new contract then."

Durkin: "Well, that would at least mean a...."

Hartke: "A good business for lawyers, to rewrite those contracts."

Durkin: "Well, what I can see is that, well, we're getting... we've had this problem last year where we have impaired the rights, the state has gone in and they've impaired the rights to private party, their ability to contract. And we're inserting terms that are into contracts which is something which, under the contracts clause, we're not really allowed to do. And that's my only concern, is that we're going to go in and we're going to tell landscapers and the private landowners that what you... what you've contracted before, you're going to have to do some other things. We're inserting terms into... by forcing this

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language... putting this language into the statutes require them to go above and beyond what's required presently under their agreements."

Hartke: "Mr. Durkin, we're changing three lines in the statute. We're not... we're not addressing contracts."

Durkin: "No, that's not true. But the fact is...."

Hartke: "We're not... changing relationship between contractor and landowner, what we're doing is changing three lines in the statute clarifying a definition."

Durkin: "And I understand that, but I believe this does apply to not just state supported state land, this applies to private property as well. Correct?"

Hartke: "Mr. Durkin, I've got to apologize. It's so loud in here."

Durkin: "I understand."

Hartke: "I really, really can't understand..."

Durkin: "Okay."

Hartke: "...where you're coming from."

Durkin: "What I'm saying, that this Bill is going to apply to private landowners. Correct? It does apply to private landowners?"

Hartke: "Yes. Yes, as much as it always has."

Durkin: "Okay. Well, that's my only concern. I might want to ask some more questions, but I just believe that what we're doing is that when there is, when you have large commercial industry which hire out people to do certain landscaping types of techniques, and we're going to insert terms into the statute which require these people to go above and beyond what they had previously contracted to, then we get into the problem where we have interfered with their right to contract some of the contract's clause."

Speaker Madigan: "Representative Andrea Moore."

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Moore, A.: "Thank you, Mr. Speaker. To the Bill. Though I respect what the Representative is trying to accomplish with this override, I do believe once again, this kind of legislation that is simply put doesn't really work for the whole state. The things that seem to be hedgerows to a farming community are privacy barriers and screening from traffic areas, and really are things of value in the more densely populated urban areas. And so I really think that the definition or at least the restriction of what you're proposing, Representative, needs to be... needs further work. I cannot speak for what would work as far as a hedgerow in the agricultural area. But I do know that if these restrictions are placed up in the area where I am or anywhere on the north shore, there will be some difficulties with it. Because clearly, we have rows of landscaping along the perimeter of properties and some of these properties are in fact an acre. They will cause some difficulty and so I don't think this Bill works across the state. And so if you could find a way to restrict it to your area, that might work better. But as it stands, I think it's not wise to override the Governor's Veto. Thank you."

Speaker Madigan: "Mr. Winters. Mr. Winters."

Winters: "I need.... Thank you. Thank you, Mr. Speaker. Representative Hartke, I'm a little concerned with this Bill. I know I initially supported it, but reading the definition it appears to be very broadly drawn. The scenario that you put forward for the need for this Bill was that a farmer will lose crop production on his side of a boundary fence or a tree line. Doesn't he have the right, at this point, at his own expense, to clear that land up to the fence line, straight overhead. In fact,

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that, I believe, is the action I've taken at several times on adjoining fences where I can clean over limbs that extend over my field, brush that starts to grow up. At my own expense I can clean to the fence line. I've therefore cleaned half that fence row. It's not going to do me any good to force the entire thing to be cleaned and then pay half the expense. If I can do half of the work that affects me directly at my own expense, there's no gain to me, why can't we exist with that existing law that allows you to go up to your own fence line?"

Hartke: "Apparently, Senator Maitland's constituent had a... problem with that and a court of law decided that his desires were not satisfied. And so that's why Senator Maitland had this piece of legislation to change the law, the definition of the word 'hedge fence' came to being. Now you're absolutely correct, the farmer has the right to trim those trees or whatever, to whatever height perpendicular with the fence line. However, one of the things that you're not addressing is the root system that's going underneath."

Winters: "I'm sorry, I missed the very last part of that statement."

Hartke: "You're.... There's no way to get the root system cut underneath the ground."

Winters: "Well, I think a simple sub-soiling or a deep chisel-plowing along the fence row will tear up any roots. You may have to work at it a year or two to get back to where the... you're at your fence row. But I think you have really have used a canon here in a place where a sharpshooter might work. I don't really want to dismantle this Bill limb for limb, but I think that's what it deserves. There are places... I drive along Interstate 90

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on the way to Chicago, and one farmer along there has his farm surrounded with walnut trees. He's decided that that's the most profitable use of his interstate frontage and other property lines. One foot inside the fence he grows a walnut tree. Now under this Bill I would assume that that's relatively dense. He's packing as many trees as he can in that linear area. It certainly exceeds a fifth of a mile. If you go in and try to lop off every tree at five feet, he may have very nice walnut veneer logs, but they're only five feet tall. And that's probably not going to match what he's desiring to do. If any of the tree limbs grow over the fence, they can be lopped off by the neighbor. If roots are growing under, again, they can be removed. The most critical area for an agronomic crop is the top two feet. If he works that ground up, destroys the roots in that top two feet, he can certainly farm to just about as close to the fence as he would desire without impacting on a neighbor. I think it's... this is a Bill that overreaches. It may have a great goal but it overreaches. And some of the consequences to the citizens of Illinois may be much more dire than you pictured on the way to passage. I think we really need to root out the problem, but this may not be the answer to it. Thank you."

Speaker Madigan: "Mr. Bost."

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

Hartke: "No."

Speaker Madigan: "Sponsor yields."

Bost: "Representative Hartke, in your earlier debate you talked about a fence judge. A fence viewer. But the fence viewer, what is their actual job?"

Hartke: "Mr. Bost. They really don't have anything to do with this. Determine fence lines."

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Bost: "My concern, and there was a concern from this side of the aisle as well, and not a concern, and I originally supported the Bill. Suppose we have a large corporate farm that comes in and there's been established fence rows between property owners and there's been... not been a problem. But under the way this legislation is now being set up, someone could come in, be a large corporate farm, you have a small farmer trying to make it. He doesn't see a problem with the fence row but then this corporate farm would come in, cut the fence row and then give him half the bill, which might be that... enough money to possibly cause him so much, this financial strain, that he can't possibly handle crops the next year. Is that not a concern with this as well. I didn't see this before and someone brought it up."

Hartke: "I imagine that's possible."

Bost: "To the Bill. I think the intention is very good of the Bill and I think it's something we can come back and work on and try to figure out how to cure this problem. But I think as broad as this is, there are many concerns even in the rural and in the farm communities that we're not seeing with the change on this. And I'm going to probably, well, I will be supporting the Governor's override on this or veto on this."

Speaker Madigan: "Mr. Lawfer."

Lawfer: "Thank you, Mr. Chairman. Representative Hartke, would you yield for a question?"

Speaker Madigan: "The Sponsor yields."

Hartke: "Sure."

Lawfer: "I know you're well familiar with the fence law in that regard, and a lot of my questions have been answered. But would this in any way change the way that the fence viewers

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could view what is a legal fence?"

Hartke: "Fence viewers determine where the property line is."

Lawfer: "They can also determine what is a legal fence."

Hartke: "I believe you're correct, yes."

Lawfer: "So that... you know that could either be a hedgerow, it could be a one strand electric fence."

Hartke: "We're changing the definition of what a hedgerow is, yes."

Lawfer: "Okay. But, now, one further thing."

Hartke: "That if the fence that is there that they're viewing applies to that definition, that would be their duty to determine..."

Lawfer: "They could determine that that hedge was a fence?"

Hartke: "Yes."

Lawfer: "Now, I think the question was asked earlier in regards to soil conservation in that regard, and so, and you said that would be exempt? A hedgerow or a row that was planted for soil conservation or wind erosion?"

Hartke: "There are exemptions, there are exemptions in the Act as Mr. Turner read them. I was not aware of those, but those would be exemptions currently in the Act. And, so, we're not changing any of those exemptions. What we're changing is the definition..."

Lawfer: "Okay. But...."

Hartke: "...of hedgerow."

Lawfer: "Say that then that would be up for an individual in a dispute either by the fence viewers or by a court to determine whether the purpose of that fence would be...."

Hartke: "The fence viewer, Ron, the fence viewer would have to familiarize him with a definition of what is a hedgerow, a fence row, a whatever. They would have to.... So that they can make a determine on whether it is a fence or a

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property line or whatever they're asked to judge."

Lawfer: "Thank you, very much, Representative Hartke. To the Bill. The fence law was written many many years ago by the State of Illinois. I think it's been a document that has served its purpose very well. And I think that in its present form, without being amended, will continue to serve its purpose. So I would support the Governor on this one. Thank you."

Speaker Madigan: "Mr. Moffitt."

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

Speaker Madigan: "Sponsor yields."

Moffitt: "Representative, you've mentioned Farm Bureau and you've told us that you believe that they are supporting your actions, is what you've led us to believe."

Hartke: "Yes. Do you have information to the contrary?"

Moffitt: "No, but I just.... Another association that took a stand on this was the Beef Association. They haven't been mentioned. Are they supporting your actions?"

Hartke: "I have no information to believe whether they're supporting me or not. But they did sign on as being supportive of the original Act. So, therefore, I'm assuming that they would be supportive of my attempt to totally override the Governor's Veto."

Moffitt: "It is your belief that they support your actions today?"

Hartke: "Yes."

Moffitt: "What about if there's a property owner.... This would impact existing large hedge, right? I mean, a hedgerow that's been there for years, now there's a problem or a dispute. So it's we're not talking just about new hedgerows that go in, but we're...."

Hartke: "No, we're talking about old fence rows that have been

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growing for years and have grown out of control. They're thirty, forty, fifty feet wide, fifty foot tall and they're actually out of control. And they're causing...."

Moffitt: "That someone would have to trim now?"

Hartke: "Yes."

Moffitt: "Okay."

Hartke: "And someone has just failed totally to trim them back and this is causing a problem and hardship upon the adjoining landowner."

Moffitt: "Would the person who has no interest in trimming the hedge. You know, if it was up to them they wouldn't, but the adjoining owner's forcing the issue. And the way the law reads, you can have someone cut it and then bill that other owner."

Hartke: "That's true."

Moffitt: "Would that owner have the option of hiring who they want or doing the work themselves?"

Hartke: "I don't know. I don't think there's anything in this Act, no. In plain words, would the guy who's paying the bill have a choice of the contractor to do the job?"

Moffitt: "Or do it himself."

Hartke: "I don't.... That has nothing to do with this Bill, but I don't think so. Cause you're forcing...."

Moffitt: "You would think he could."

Hartke: "Cause you're forcing the bill upon him."

Moffitt: "I mean, I think it's important that a property owner who really didn't want the hedge trimmed, would have some say on who did the work and who the contrac... or if he did it himself, then he'd have that option."

Hartke: "That's not the case now, Don. And we're not talking about it in this legislation at all. You might want to address that with some new legislation."

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Moffitt: "This wouldn't change that issue."

Hartke: "But we're not changing that at all."

Moffitt: "Representative, I thank you for answering those questions."

Speaker Madigan: "Mr. Hartke to close."

Hartke: "Well, thank you very much. I did not anticipate this much of a discussion on this very simple, in my mind, piece of legislation trying to solve a problem we have in rural Illinois with overgrown hedgerows and trying to put neighbors in a position where they should be able to get along with some legal sense behind it. I would appreciate very much an override of the Governor's Veto. And if it doesn't fail to happen, we'll look at it and we'll try to get together with Senator Maitland and do something next year. But I think the simple answer is, are 71 votes overriding the Governor's Veto would greatly be appreciated. Thank you very much."

Speaker Madigan: "The question is, 'Shall the Bill pass, the veto of the Governor notwithstanding?' The Motion requires 71 votes. 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? Four people have not voted. One person. Mr. Clerk, take the record. On this question, there are 24 'yes', 89 'no'. The Motion fails. Mr. Parke, did you wish to call your Motion on Senate Bill 794? Mr. Parke."

Parke: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I move to override the Motion of the Governor. The reason is that I think there's a mistake in understanding this. I believe, as all of us here, that when someone has a DUI that they ought to pay the consequences of their action. That, in fact, whatever the court decides that

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guilty person has to do, ought to pay that, whether it's a suspension of license or whatever. I think there's a misunderstanding on this Motion by the Governor that we feel... I feel, as the Senate Sponsor, Senator Petka and the majority of the Senate, that when that person who's been accused of a crime and has paid its dues, their dues, and then may not understand by virtue of the court that even though that they have paid their summary suspension time, that they ought not to be driving. And some people may be confused when they get the notice from the Secretary of State's Office to pay the fine of the Clerk of the Court. And they may send that money in presuming that they have fulfilled their obligation and may then drive. When that happens under current law, they are eligible for a Class A misdemeanor. That means it's up to one year in jail and a \$2,500 fine or a minimum of seven days jail or 20... 240 hours of public service. Now I think that after this person has had their license suspended, has done that, has sent their money in and then presumes that they have fulfilled their commitment for the crime that they've been accused and convicted of, that they then can drive. We... I... I and the Sponsor in the Senate, feel that this is too much of a suspension to put them in... guilty of a Class A. Now, if they drive without a driver's license in their possession, they oughta be fined like anyone else. That is absolutely correct. But we believe that this is way beyond the intent of the law. And I stand ready to answer any questions anyone may have. Mr. Speaker, I'm prepared to answer any questions."

Speaker Madigan: "The Gentleman moves to override the Governor's Veto and he's offered himself for questions. Unfortunately, Mr. Parke, no questions. So... Ah ha, Mr.

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Black."

Black: "Mr. Speaker, will the Sponsor yield?"

Speaker Madigan: "Sponsor yields."

Black: "Representative, does the Mothers Against Drunk Driving stand in opposition to your Motion to Override?"

Parke: "I'm not sure. I've received nothing from them, but I have heard, through conversation with others, that they are now in opposition though... "

Black: "Yes."

Parke: "...up until... up until recently, they did not have a position on the Bill. And... and I've heard that they think that this enhances DUIs and I... I don't understand that at all."

Black: "Okay. I..."

Parke: "If you could explain to the Body why..."

Black: "I did talk to Brad Fralick, who's the executive director of MADD, and they do stand in opposition to overriding the Governor's Veto. As best I can explain it, if you allow someone to drive who's not in physical possession of their driver's license, and they are then pulled over and given a ticket. As your Bill would mandate a \$75 ticket. There is a legitimate question as to whether that individual then can go back to court and go back to the original suspension date so that the clock is past ticking, he pays his fine, he's eligible to drive. Whereas, in effect, under the existing law, when he's driving without physical possession of his or her license, the penalty is much more severe. And... and I think all that MADD and others who support their agenda are concerned about is that with simply a fine for driving while the license is still technically... oh, not technically, under the law it's still suspended, that you will encourage some of these people to shop around for

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a judge who will agree with the intent of your Bill and say, 'Well, this should have been straightened out and the suspension was over with on October 1st.' So the gentleman pays his fine and he walks. And I... think the fear is that unfortunately there are those who will ignore the law, see that it is a way around it, will drive even though they know they do not have a valid driver's license, be willing to pay the fine, or hopefully get their attorney to find a judge who would agree with them, go into court, pay a simple fine and then continue to drive. Whereas, the original intent of the law is very clear; you are not eligible to drive until you have physical possession of your license. And if you have not paid your fee, or if we haven't been able to process it in a timely fashion, then you're not supposed to drive. And I think, their fear is with this Bill you're sending some of these people a signal that, 'Hot dog. I've done everything I've... done everything I'm supposed to do. I may or may not send in my reinstatement fee, but either way, I can drive. And if I get caught, it's a simple fine. I may get court supervision on the fine. It may not even show up.' And so you could have a problem drinker driving without physical possession of a license who could even escape a secondary ticket if he can convince the judge to give him or her supervision. I... And I really think that that's... and I may be wrong. I hope I have boiled down the gist of what Mr. Fralick was telling me, correctly, with apologies to you and others, if I haven't. But I... think that's their fear and I... can understand that fear. I... can understand why they might be a little bit reluctant to go along with this... Bill. So, I mean, if you want to respond to that, I'd be more than happy to answer that.

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And, Mr. Speaker, if I could, in the absence of a response I would like time to close on my position on the Bill, with your permission."

Parke: "Mr. Speaker, I don't understand that last statement. How would he have..."

Speaker Madigan: "I didn't hear it either."

Parke: "...any right to close on my Bill?"

Speaker Madigan: "Mr. Black, I didn't hear your question."

Black: "To the Bill."

Speaker Madigan: "To the Bill."

Black: "Now... All right. Look. Mr. Speaker and Ladies and Gentlemen of the House, with all due respect to my seatmate, I didn't vote for this Bill last year in committee. I didn't vote for this Bill on the floor. Now, if you stop and look what this Bill is saying. If you want to side with someone who's been convicted of DUI, you go right ahead and do that. I've got a couple of parents in my district that would like to talk to you, who have lost their children to someone who thinks they should drive after a DUI. And in both cases that I'm thinking of, and Representative Johnson was instrumental in closing the loophole in one. In both of these cases where people were killed, neither of these people had physical possession of a driver's license. They were not supposed to be driving. Now, along comes a Bill that says, 'Well, if you've satisfied all of the technical requirements of your suspension but you haven't paid your fee, which may be as much as \$250, if you haven't paid the fee, that's okay you can go ahead and drive.' Now, you know better than that. You don't have your driver's license in your possession. Now you should be taught that in the Rules of the Road when you're 16. You don't have physical possession of that

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driver's license, you are not supposed to be driving. But along comes this Bill that says, 'Well, if... you've done all the things you're supposed to do under your suspension and they haven't processed the payment or maybe the check got lost in the mail, that's always a good excuse, it's okay. Go ahead and drive anyway.' Well, I don't want to explain that to any parent in my district on how that might have happened, because you know who they're gonna call. If they get into a wreck and they kill someone's spouse, a child, a loved one in your district and then they find out that they're driving without a driver's license, it was in fact suspended for DUI, not returned to them, but this law says they can drive anyway because it's a technicality. Well, you might want to answer that question, I don't. I think a 'no' vote is applicable."

Speaker Madigan: "John Turner. John Turner."

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

Speaker Madigan: "The Sponsor yields."

Turner, J.: "Representative, I thought I understood the Bill. But after just listening to the last speaker, I'm not sure that I'm following it, I guess. Who is the Sponsor of this Bill in the Senate?"

Speaker Madigan: "Mr. Parke?"

Parke: "Representative, it was Senator Petka."

Turner, J.: "Senator Petka. What's his background?"

Parke: "He's an attorney. Works on lots of cases..."

Turner, J.: "For... Sta... Former... Former state's attorney..."

Parke: "...former state's attorney."

Turner, J.: "All right. Is a... he's not going soft on DUI or something, is he, by sponsoring this Bill?"

Turner, J.: "Not at all. What he's trying to do is bring some fairness to those people who have fulfilled the commitment

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of which the court has put upon them."

Turner, J.: "All right. As I understand it, the Bill speaks only to a suspension period, a statutory summary suspension. Is that correct?"

Parke: "That is correct."

Turner, J.: "And a person that is placed on statutory summary suspension has a period of time where they're not allowed to drive, is that correct?"

Parke: "That is correct, also."

Turner, J.: "And your Bill doesn't change that suspension time whatsoever, does it?"

Parke: "Not at all."

Turner, J.: "As I understand your Bill, it looks like it's fairly simple if you read it. I mean it's only a couple lines. All it says is that at the conclusion of whatever that suspension time was, as assigned by the court or by the Secretary of State, that when that has been successfully completed, that that would be then logically the termination of the suspension period. Is that right?"

Parke: "That is correct."

Turner, J.: "All right. Where... The Chicago Bar Association actually had brought this Bill to somebody's attention, is that correct?"

Parke: "I believe it's the Illinois State Bar Association."

Turner, J.: "It is the Illinois State Bar Association."

Parke: "Yes."

Turner, J.: "And the Illinois State Bar Association is supporting this because... have they viewed the way the law currently is written as being unfair and unjust to penalize someone who's completed suspension period, but maybe forgot to pay a fee or were failed to be notified that a fee was due. Is that why they were supportive of this?"

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Parke: "That is correct. I mean, everybody involved except for the perpetrator feels that when they are... have a DUI, that they should pay the fine. I'm... and that they should serve the suspension. Everybody agrees with that. This is after this is all done and they've sent their money in. They then presume they've fulfilled the obligations of being found guilty. And that's where the problem is. They feel it's unfair that they presume that they've done everything their suppose to and now, they're arrested for driving without a driver's license, which they ought to be, even though they're confused doesn't make any difference, there's... they still have a fine. And they should, according to this Bill, pay up to \$500; that's the maximum that the judge can put on 'em. And if it's a repeat offender, it could be even a larger amount and could be more severe. No one denies the right of the court to suspend their license. It's the effect of afterwards."

Turner, J.: "Okay. And as I understand it, when I look at this, if someone has received a statutory summary suspension, successfully completes that time period without any problems, but either because of a failure of notice or a failure to pay a fee reinstatement, they get a ticket for driving, that they would be charged with a Class A misdemeanor for again driving while license is suspended. Is that correct?"

Parke: "That is correct."

Turner, J.: "And would that also not, in spite of the fact that they may have completed a period of supervision or probation and not driven for the statutory time, would that not also mean that they would again be suspended from driving for a full year or at least for the full term that was originally assigned to them?"

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Parke: "That's right."

Turner, J.: "Did you say, that's correct?"

Parke: "That is correct."

Turner, J.: "And you said that the Illinois State Bar Association was supportive of this measure?"

Parke: "They... According to my notes that they're the ones that asked Senator Petka to carry the Bill for them."

Turner, J.: "Now it's my understanding, as well, they're... that the Fourth District Appellate Court has adopted a ruling which was not followed by the Second District consistent with what you're trying to do statutorily today. Is that also correct?"

Parke: "That is correct."

Turner, J.: "And essentially what the courts have said and what you're trying to do here and what the Illinois State Bar Association is saying, is that a fairer way to deal with this would be to penalize the person who for whatever reason did not pay the reinstatement fee by giving them a fine. Is that correct? And isn't it..."

Parke: "That is correct."

Turner, J.: "That is correct and it's correct because essentially the crime they're committing, if they for some reason fail to pay the fee but had completed the summary suspension period, essentially, the crime they're committing is driving with an invalid license. Isn't that correct?"

Parke: "That is correct."

Turner, J.: "And wouldn't that be fair to charge them with an invalid license conviction or charge, which would be a fine only versus up to one year in jail for simply failing to pay a fee?"

Parke: "That is correct and that's part of the problem. Everyone of us has gotten phone calls from somebody who's had their

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driver's license suspended and can't get to work. And after they've paid the... their suspension of their license, they then want to be able to go to work or to move on with their lives after they have fulfilled the commitments of the court."

Turner, J.: "Well, I don't know. I suppose you don't know who wrote the opinion for the Fourth District Appellate Court in People v. Garbo?"

Parke: "No."

Turner, J.: "Let's see. They're not included in any of the language or any of the analysis? Well, Representative, I... To the Bill. I don't really think anybody's listening, anyway, but let me just say a couple words. All right. I think you're on the right track, here. It's common sense. It makes absolutely no sense if we're gonna take a viewpoint of trying to be fair, trying to mete out appropriate justice making the penalty fit the crime, to do anything other than what Senator Petka is trying to do and what you're trying to do here. You're not trying to excuse driving under the influence. You're not trying to excuse driving while license is suspended, if someone is charged with that. All you're trying to do is simply say with this logical, fair, common sense piece of legislation is that if someone has been suspended and if that suspension time has run and if they're driving because of the failure to pay a fee, then they're guilty of the crime of driving with an invalid license. They're not guilty of a Class A misdemeanor subject to going to jail for up to 364 days and subject to having their driver's license suspended for a whole another year. I know there's been a political spin put on it; that if you don't vote against your Motion that you're for some reason supporting driving under the

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influence of alcohol. It doesn't make any sense, but if somebody's afraid of a mailer... and so... afraid... And so if they're afraid of that, won't try to do what's right because of that fear, then I guess you should vote against Terry Parke's Motion. But Terry Parke's Motion makes absolutely, perfect sense, as recognized by Senator Petka, as recognized by the General Assembly when it came through here in the spring, as recognized by the Fourth District Appellate Court. And so I would encourage everyone to support the Motion although I doubt, Representative, I have to be honest with you, that you're probably gonna have any luck on this. But thank you for trying."

Speaker Madigan: "Mr. Parke to close."

Parke: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Let's not get emotion involved in this. We all know the war stories and horror stories of DUI and its consequences on people who drive under the influence and the people that they have accidents with. That is not the issue. The issue here is the Fourth Appellate District Court reached a decision that said that this is the answer to a problem. This brings fairness to it. It's a matter of having the... consequences handle the verdict of the court. Ladies and Gentlemen, I ask that you vote 'yes' on this Motion. It is common sense and it ought to be passed."

Speaker Madigan: "The Gentleman moves to override the Governor. The question is, 'Shall the Bill pass, the veto of the Governor notwithstanding.? This Motion requires 71 votes. 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

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are 7 'ayes', 108 people voting 'no'. The Motion fails.
Senate Bill 1141, Mr. Lang."

Lang: "Thank you, Mr. Speaker. I move to override the Total Veto of the Governor on Senate Bill 1141. This Bill would prohibit a municipality from constructing their own cable television system for a fee, unless they've taken it to referendum. There's a purpose for this. The cable TV provider that has a contract with that municipality has spent hundreds of thousands, maybe millions of dollars putting the system together. With the agreement of the municipality, for the municipality to then go into competition with that cable provider without taking it to referendum, seems to be the wrong way to go. This Bill passed here by a strong vote, previously. It passed the Senate by a strong vote and was overridden by a strong vote, and I would ask your support on my Override Motion."

Speaker Madigan: "The Gentleman moves to override the Governor. The Chair recognizes Mr. Black."

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

Speaker Madigan: "Sponsor yields."

Black: "Representative, under electric deregulation, in about 18 months municipalities may be negotiating with an alternative electric supplier for their street lamps, their municipal and city owned buildings. Would it be your intent to come back and say to every municipality in the State of Illinois, 'If you want to change your electric service provider under deregulation, you have to have a referendum to do so?'"

Lang: "No."

Black: "You wouldn't have them do so under that, right?"

Lang: "You asked me if I was going to come back and ask for that."

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The answer is no."

Black: "Okay. All right. When the Federal Government, Judge Green, broke up the old AT&T or 'Ma Bell' System as we new it years ago, and we got into telephone competition. And we could argue whether that was good or bad or whatever. Many cities now buy the... a... their own switchboard, their own wiring and their own phones from any number of providers that are out there in the telecommunication business now. Would it be.... Do you think municipalities should have to have a referendum if they want to change their municipal phone service?"

Lang: "That's not what this Bill does, Representative."

Black: "Oh, in a way it does, Representative. In a way it does. Mr. Speaker, to the Bill. Ladies and Gentlemen of the House, one of the cardinal sins you can make down here is to take anything personally. And I want to tell you right now, up front, I take this Bill personally. This is the most self-serving Bill from an industry that is completely and totally unregulated and always has been. Nobody has ever been able to regulate cable TV. Now the Gentleman in his own words said he wouldn't seek a referenda if you wanted to change an electricity supplier. He wouldn't seek a referenda if you wanted to go for your own telephone system now that there's competition. But the cable business, in promoting this Bill, said that well, it'd be like any regulated industry. Come on, give me a break. They've never been regulated and they never will be. Now because of a recent federal action they may have a little more competition than they've been used to because of dish and satellites now being able to carry local broadcast channels. I want to give you a scenario as to why I take this personally. The underlying Bill, allowing a

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municipality to get into the cable TV business, came from district and it was sponsored by me in the House and by the late Senator and my good friend, Senator Woodyard in the Senate. We did this because of a meeting that was held in our district in a very small community. Less than a thousand people. The cable TV provider at that time was headquartered in my hometown of Danville. This little town is about 20 miles southwest of Danville. One day they told the people in the little community of Fairmount, Illinois that, 'if you want a service truck to come out and service because your TV doesn't work or your cable reception is poor, you have to have ten calls. We're not coming out for one call. We don't care if your grandmother can't watch the Cubs, we're only going to come out if we get ten calls.' The elected city government of that little town called the cable company and said, 'I don't think that's right. I don't think that's fair.' The cable company said, 'You've got a franchise agreement with us and that's the way it's going to be.' Well, what a way to do business. Now, as a result of the meeting that Senator Woodyard and I held in this little town, and the cable TV company was well represented, that policy was suddenly changed as if by magic. And you know why it was changed? Because the mayor of this little town of 750/800 people said, 'You know what? If you don't want to service us. If we don't have any input on channels, we don't have any input on service, we just may build our own system.' Why not? This is a contiguous community of probably twelve square blocks. They'd have volunteers. They'd have volunteer electrical workers cable up the town. They could probably have volunteer steelworkers build a tower. It's no big deal. And today, with satellite technology, it's a

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lot easier than it would have been back nine years ago when I got into this. The only reason that the late Senator Woodyard and I passed this Bill is that so little communities in rural areas would have some leverage to the cable TV conglomerates to say, 'Look, we're not happy with our service. Now let's sit down and talk about it, and if we don't... if we can't come to some agreement, when our contract expires.' And I don't buy the argument that they're going to break a 20 year contract. There's a financial penalty. We all know that. But this municipality could say, 'When our contract expires we may express a desire to go in the cable business.' Now are you telling me that an elected city council of a town of eight or nine or a thousand people don't know the wishes of their citizenry. It'd be different if we were talking about Chicago. Now give me a break. What you're doing with this Bill is you're giving special treatment to one industry that has never been regulated by the Federal Government. Oh, there were some perfunctory regulations from the FCC, but they've since expired. The consumer doesn't have anywhere to go if they're unhappy with channel selection, price, availability or service. The Illinois Commerce Commission has absolutely no authority. You're telling these people in this town, 'If you're not happy with your cable TV and you want to change and go to a municipal system, you have to have a referendum.' Well, you know, I wouldn't have any problem with that if the referendum could be held in the village hall with paper ballots. That's no great expense. But keep in mind we have a consolidated election law in Illinois. The county clerk has to do this. There's tremendous expense. Ballots have to be printed for just that municipality. You can only have an election

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at certain times of the year. So we're going to spend a lot of money to decide whether a small town can go into the cable TV business. If that isn't the most self-serving special interest Bill that I've seen in my fourteen years down here, I'm hard-pressed to remember another one. If you're so... concerned about municipalities and consumers, why didn't you come here a couple of years ago and have a referenda that said, 'If a cable company sells out, there ought to be a referendum.' I don't even know who owns my cable system anymore. In 90 days in my hometown, we went from Time Warner to TCI to AT&T. In 90 days. That's how often they buy and sell cable TV companies, and if you don't like the channel arrangement, you know what they're gonna tell ya, 'Go find another supplier, bud.' Where am I gonna do that? And if I have to have a referendum, who do you think is going to spend thousands and thousands of dollars on ads on your cable TV system in opposition to the referenda? Might it be financed by the cable company? Well, I'll be darn. I think you're seeing the point I'm trying to make. If any referendum should be required, it should be a referendum on a price increase, that come in most of your towns at least twice a year. Then they'll shift channels. Channel 9 becomes Channel 4. WGN, not gonna carry WGN anymore. So, you get your old people to say, 'I gotta watch the Cubs, I gotta watch the Cubs.' 'Eh, tough, it costs too much money. We're not gonna carry it. You're not happy, go get a satellite dish.' If you'd stop and think about what this Bill does, this is the most anticonsumer, special interest Bill, I've seen since I've been down here. And, however, you want to justify your vote, that's up to you. But, I'll tell you what, if you tell people in small communities in this city... in this

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state, that by God you're gonna get stuck with your cable provider whether you want to or not, and if you're gonna change, you'll have a referendum whether you want to or not. Well, then why not do it for everything? Why not make it that way if I want to change my electric provider in 2001? Why not do it that way when I get six calls a day on changing my long distance service? If I want to change from AT&T to MCI, why don't I have to have a referendum? How far you gonna carry this to protect someone's monopoly? And I won't even quote a letter. I have a letter here I wrote the cable industry back in September, gave 'em a copy of a complaint of a son who wrote me about their 83 year old mother and father, couldn't watch television in their small town. I never even got the courtesy of a reply from the letter I sent to the cable industry. Not even the courtesy of a reply to an elected state official who is simply trying to represent people in his district. The least they could have done was to call me up and tell me to go jump in the lake. Or write me a letter and say, 'We don't have to respond to you.' Not even the courtesy of a reply. And you want to give them protected status. Well, shame on you if you do. And I've been around here long enough to know when things are on a track. This is anticonsumer. It's anti-municipality, and if you're gonna do this for the cable industry, don't be surprised if in the next two or three years, you find all kinds of industries that want the same kind of protection. Vote 'no'."

Speaker Madigan: "Mr. Skinner."

Skinner: "Mr. Speaker, I'm concerned about the unequal resources that will result into this scheme. During... or perhaps it was after the committee hearing on this Bill, which I voted

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against in committee, I asked the cable industry representative if they would limit the number of people who would campaign on their side of the referendum to the people who actually worked in the village. I did not receive a affirmative answer. So, what's gonna happen? I can give you an example, in the Village of Spring Grove, which had a referendum to kick Com Ed out, to have another electric supplier. Spring Grove is right on the state line, so it could have gone up to the Illinois... to the Wisconsin electric utility. Com Ed flooded that town with precinct workers. I mean... Representative... Mr. Speaker, it was like you're sending your organization into someone's district to make sure that your favorite candidate won the primary. Com Ed won the election, but it wasn't an even fight. And that's what's gonna happen here. You will not have an even fight with AT&T/TCI against a majority of the village board that want to switch the cable system. It seems to me, that those... the Members of the General Assembly who favor limits on campaign contributions, ought to think seriously about voting 'no' in favor of this, because what you're saying is, a corporation the size of AT&T, certainly one of the world's largest corporations, is going to have... is going to be able to put any amount of resources it wants to in this village of Representative Black's. This 700 person village. That will not be a fair fight Mr. & Mrs. and Ms. Representative. So, I would encourage you to vote 'no'."

Speaker Madigan: "Mr. Lang to close."

Lang: "Thank you, Mr. Speaker. The previous two speakers while passionate, are wrong. The... let's look at the facts and what this Bill is about. A municipality has a contract with a cable TV provider. This contract was done arms

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length. Negotiated... fees negotiated. A method of laying cable negotiated. The length of the franchise negotiated. And now this cable provider goes all over the municipality and they lay cable and they hook up hundreds of homes. And let's assume that the next day, the municipality wants to go into competition with that cable provider. That's what this Bill is about. This Bill is pro-consumer, it's not anticonsumer because if you allow municipalities to just at their whim, go into competition with these cable providers with whom they already have contracts, then these cable providers won't supply the cable. They're not gonna spend millions of dollars in some small town or village in the State of Illinois to lay cable if they think that tomorrow the municipality is going to go into competition with them. This isn't a Bill that allows for higher fees. This isn't a Bill that prohibits anything. It simply says to municipality, if they want to do this, if they're going to charge a fee for the service, they have to go to their citizens and say, 'Do you wanna do this? Do you want us to go into competition with this company?' That seems reasonable to me. Because if you don't do that, then you're saying to all of the cable TV providers in the State of Illinois, 'Better be careful, maybe you don't want this village, maybe you don't want this municipality. Maybe you shouldn't lay the cable here, maybe you shouldn't sign the contract, because you may have competition tomorrow.' This is a Bill that says that the contracts that municipalities make with cable TV providers, have to account for something. It has to mean something. So, this is a pro-consumer Bill. This will make sure there's cable television everywhere in Illinois that wants it, and it will make sure that municipalities and cable providers

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fairly, openly, and honestly, negotiate with each other when they lay out the franchise agreement. That's what this is all about. And by the way, under this proposal, a municipality that wanted to provide cable television and not charge for it, could do so. This Bill only prohibits competitive cable television, where the municipality would charge for the service. If the municipality wants to lay cable and go into competition with the cable provider and not charge its citizens for cable service, they're able to do that under this Bill. So, for all of these reasons, I think the Governor made a mistake. The previous speaker's in error. I think the House ought to affirm what it strongly did some months ago, and vote 'yes' on the Override Motion."

Speaker Madigan: "The Gentleman moves to override the Governor. The question is, 'Shall this Bill pass, the veto of the Governor notwithstanding?' This Motion requires 71 votes. 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? Three people have not voted. The Clerk shall take the record. On this question, there are 85 'yes', 30 'no'; the 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 Representative Andrea Moore."

Moore, A.: "Thank you, Mr. Speaker. I would like to make an announcement please. I want to thank all of you that attended the Conference of Women Legislators appreciation event last evening at the Sangamo Club. And also to say, that some of the dessert that we had left over, we did bring down to the House Floor. It was outstanding, so, if

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you'd like some, please help yourself. And you also should find a memo in your offices for a meeting tomorrow morning at 9 a.m., 6... yes, all of us. Room 627 in the Capitol Building. Hannah Rosenthal from the Federal Department of Human Services, is coming to talk about monies and how... and federal monies and how they work with the state monies, so, anyone interested, please attend. Thank you very much."

Speaker Madigan: "Mr. Scott."

Scott: "Thank you, Mr. Speaker. I have an announcement. We are joined by a former Senator, one of Rockford's favorite people, former Senator Joyce Holmberg is here with us today."

Speaker Madigan: "Mr. Saviano, do you wish to move your Motion on Senate Bill 812? Mr. Saviano."

Saviano: "Thank you, Mr. Speaker, Members of the House. I would move that we override the Governor's Veto on Senate Bill 812. Senate Bill 812 passed out of the House back in Spring Session, 114 to 1. Out of the Senate, 54 to 0, and the Senate has sent it over, I think it came out of there 55 to 1. After speaking to the Governor's Office and various people that were involved, we agreed that maybe there was a lack of communication and the Bill should not have been vetoed. Briefly what the Bill does, it provides that all contracts for public works projects exceeding 75,000, include a differing site condition clause. That clause would provide a practical cost saving procedure by which contractors and local governments can address cost due to unforeseen subsurface conditions. What it actually does is, puts into a system of adjudicating change orders at the end of a public works project, due to unforeseen problems with soil, once the ground is opened up by the

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contractor. This is a good government piece of legislation. Currently the Federal Government requires this language in all contracts with the state or the MWRD when there's federal money involved. We're just trying to provide some consistency. I know this is a Bill that is proponents of the underground contractors, the Associated General Contractors, Associated Society of Civil Engineers, and many, many other groups that are in favor of this legislation. So, I would move that we override the Governor's Veto on Senate Bill 812. Thank you."

Speaker Madigan: "Representative Andrea Moore."

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

Speaker Madigan: "Sponsor yields."

Moore, A.: "Representative, I'm not sure that I understood this one provision that talks about the surface or subsurface. Does this... does this mean that if a contractor makes a bid and doesn't recognize something that's on the surface of the property, then he would have the... and his bid is awarded as the low bid, then he would have the option of going back and making some kind of change order after?"

Saviano: "Representative Moore, currently, if you're... I'm sure you're aware of the process. If a contractor bids on a project and gets the contract, and during the course of the work that is being done, some unforeseen problem arises during that period, a change order is usually requested, at which time, hopefully they would approve it at that point, but usually it's done at the end of the project, where the governmental agency or whoever may be, would adjudicate those change orders and agree on the additional money. This would set up a system up front on adjudicating those."

Moore, A.: "So, this is not intended to... I mean... I didn't read the word 'unforeseen' here, and that's the part of it

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that gave me some concern. Because some contractors go out and assess the situation and make their bid, and because they didn't actually investigate thoroughly, they haven't checked the site out as thoroughly as they should have perhaps, and so then... then there's a change... they get the low bid, but they didn't really put the work in up front, so, now you have to do a change order. I didn't read... where's the word 'unforeseen' in there?"

Saviano: "Well, it's sort of implied, because it's not really the contractor, you have to understand that. The engineers who prepare the specs, they... you know, they check for the soil. It's not up to the responsibility of the contractor at that point when he bids on the project, to know what's underground. He has to go by what the engineer... engineering company or whoever does that work and prepares the specs, they're going on the basis of those estimates, those... I wanna say, whatever..."

Moore, A.: "No known problem."

Saviano: "Right."

Moore, A.: "Right."

Saviano: "Correct."

Moore, A.: "But it does say 'surface or subsurface', so that... and I don't see the word 'unforeseen', so surface would mean anything on the top so it kind of... I'm just..."

Saviano: "Well, I've got... I've got some highlights here. It would... it says 'It provides... the DSC which is a Differing Site Condition clause', which this is. Okay? 'It provides a cost saving procedure by which contractors and local governments can address costs due to unforeseen subsurface conditions.' Until current law, contractors have no recourse if they encounter a subsurface obstruction. Okay? Now what this... the differing site

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condition clause, eliminates the need for contractors to build contingencies into their bids, which in the end, saves taxpayers money. Arbitration and... also is a factor, that can be used in the event that a local government and contractor do not agree and require contract adjustment. So, it is... it is primarily subsurface problems. Surface problems obviously, the contractor, you know, practically speaking, would be able to see what obstructions or what obstacles he's gonna encounter if it's on the surface. This is primarily subsurface, unforeseen problems that arise during the project."

Moore, A.: "And why is the Municipal League opposed? I'm just curious. Or maybe they aren't anymore."

Saviano: "Well, I... haven't heard from them since committee. They... I... have yet to hear directly from them. So, I... don't know if they are opposed or un... or not opposed."

Moore, A.: "Does Mr. Giglio know if the Municipal League is opposed?"

Saviano: "Mr. who?"

Moore, A.: "Isn't he your Sponsor? Giglio. Does that say Giglio up there?"

Saviano: "No, he knows of no opposition either."

Moore, A.: "Okay, no one's opposed to this Bill then. Okay. Thank you very much."

Saviano: "Thank you."

Speaker Madigan: "Mr. Saviano to close."

Saviano: "Thank you, Mr. Speaker. This is a pretty clear cut Bill. We did a lot of work on this Bill in the spring. We addressed the concerns of the City of Chicago, the counties, the Metropolitan Water Reclamation District. We made sure we sat down with everybody who voiced a concern and tried to work it out with them which I believe we have,

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and I would ask that we override the Governor's Veto on Senate Bill 812. Thank you."

Speaker Madigan: "The Gentleman moves to... the Gentleman moves to override the Governor. The question is, 'Shall the Bill pass, the veto of the Governor notwithstanding?' The Motion requires 71 votes. 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. There being 113 voting 'yes' and 3 voting 'no'; the Motion having received the required Three-fifths Majority, the Motion to override prevails. And the Bill is declared passed, notwithstanding the Governor's Veto. Representative Currie."

Currie: "Thank you, Speaker. Please let the record show that on the Override Motion on Senate Bill 1141, I would prefer that my vote had been recorded as 'no'."

Speaker Madigan: "On the Order of the Supplemental Calendar, Amendatory Veto Motions, is Representative Lou Jones in the chamber? Did you wish to call Senate Bill 847? Representative Lou Jones."

Jones, L.: "Thank you, Mr. Speaker and Members of the House. I move to concur with the Amendment... the Amendatory Veto of the Governor, on Senate Bill 847."

Speaker Madigan: "The Lady moves to accept the Governor's Amendment. There being no discussion, the question is, 'Shall the House... to accept the Governor's specific recommendations for change with respect to the Bill?' Now, this is final action, and the Motion 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? Have all voted who wish? One person has not voted.

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On this question, there are 116 people voting 'yes', 0 voting 'no'. The Motion having received the required Constitutional Majority the House accepts the Governor's specific recommendations for change. And the Bill is hereby declared passed. Mr. Black in the chamber? Mr. Black. On the Order of the Supplemental Calendar #1, there appears Senate Bill 851. Mr. Clerk."

Clerk Rossi: "Senate Bill 851, a Bill for an Act amending the Illinois Pension Code. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Leave the Bill on the Order of Second Reading. The Clerk for an announcement."

Clerk Rossi: "The Personnel and Pensions Committee, will meet immediately upon adjournment in Room 114, not in Room 122B. The Personnel and Pensions Committee will meet in Room 114."

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

Bost: "Thank you, Mr. Speaker. I have an announcement. Tomorrow, from 8 a.m. to noon, in the south wing on the second floor of the Capitol, there will be a legislative health fair. That's cosponsored by SIU School of Dental Medic... Dental Medicine and SIU School of Nursing, and the Office of the Governor, and you can have health screenings, and everybody's invited to attend."

Speaker Madigan: "Mr. Scott."

Scott: "Thank you, Mr. Speaker. Just want to remind the Members of the Urban Revitalization Committee, that we will be meeting immediately after adjournment, for about a half hour in Room 122B. House Urban Revitalization, Room 122B, immediately after adjournment. Thank you."

Speaker Madigan: "On page 3 of the Calendar, on the Order of

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Concurrence, there appears House Bill 2773. Mr. Black."

Black: "Thank you very much, Mr. Speaker. I move to nonconcur with the tough, hard hitting, Senate Amendment #2, 3 and 5 to House Bill 2773."

Speaker Madigan: "The Gentleman moves to nonconcur. You've all heard the Motion. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it, the Motion is adopted. The Clerk for Agreed Resolutions."

Clerk Rossi: "Agreed Resolutions. House Resolution 478, offered by Representative Dart. House Resolution 479, offered by Representative Scully. House Resolution 480, offered by Representative Scully. House Resolution 481, offered by Representative Scully. House Resolution 482, offered by Representative Scully. House Resolution 483, offered by Representative Smith. House Resolution 484, offered by Representative Myers. House Resolution 485, offered by Representative McCarthy. House Resolution 487, offered by Representative Dart. House Resolution 488, offered by Representative Dart, and House Resolution 489, offered by Representative Howard."

Speaker Madigan: "The Clerk has read the Agreed Resolutions. Representative Currie moves to adopt the Agreed Resolutions. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Agreed Resolutions are adopted. Mr. Clerk. The House is prepared to adjourn. Representative Currie moves that the House does stand adjourned until tomorrow morning, at 11 a.m., providing perfunctory time for the Clerk. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Motion is adopted. The House does stand adjourned until tomorrow morning, at 11 a.m., providing perfunctory time for the Clerk."

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Clerk Rossi: "House Perfunctory Session will come to order. Introduction of Resolutions. House Joint Resolution #36, offered by Representative Hoffman, is assigned to the Rules Committee. Introduction and First Reading of House Bills. House Bill 2968, offered by Representative Durkin, a Bill for an Act to amend the Criminal Code. House Bill 2969, offered by Representative Hannig, a Bill for an Act to amend the State Employees Group Insurance Act. House Bill 2970, offered by Representative Hartke, a Bill for an Act to amend the Surface Mine Land Conservation and Reclamation Act. House Bill 2971, offered by Representative Brunsvold, a Bill for an Act to amend the Illinois Vehicle Code. House Bill 2972, offered by Representative Lang, a Bill for an Act to amend the Illinois Vehicle Code. House Bill 2973, offered by Representative Bellock, a Bill for an Act concerning investment for college. House Bill 2974, offered by Representative Woolard, a Bill for an Act to amend the School Code. House Bill 2975, offered by Representative Woolard, a Bill for an Act to amend the School Code. House Bill 2976, offered by Representative Dale Righter, a Bill for an Act to amend the Freedom of Information Act. House Bill 2977, offered by Representative Bassi, a Bill for an Act to amend the School Code. House Bill 2978, offered by Representative Bellock, a Bill for for an Act concerning Illinois Vietnam Veterans. House Bill 2979, offered by Representative Bellock, a Bill for an Act concerning child support. House Bill 2980, offered by Representative Mautino, a Bill for an Act to amend the Illinois Insurance Code. First Reading of these House Bills. House Perfunctory Session will come to order. Committee Reports. Representative Harold Murphy, Chairperson from the Committee on Personnel and Pensions,

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to which the following measures were referred, action taken on November 30, 1999, reported the same back with the following recommendations: 'do pass Short Debate' House Bill 428. 'Do pass as amended Short Debate' House Bill 2869. There being no further business, the House Perfunctory Session stands adjourned."