

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

114th Legislative Day

April 12, 1994

Speaker McPike: "The House will come to order. The House will come to order. Please, please, we've never had this many Members here at one time. The House will come to order. The Chaplain for today is Reverend Gary McCants of the Allen Chapel African Methodist Episcopal Church in Alton, Illinois."

Reverend Gary McCants: "It is comforting to look into Your word which says, 'if any of you lack wisdom, let him ask of God, who gives to all liberally and without reproach, and it will be given to him'. May we pray. Oh, Lord, God, You underscored in Your word how appropriate it is, and it was, that Solomon, having the choice of asking anything he wished, sought wisdom rather than silver or gold. Now as we approach Your throne this day, we often feel very unlike Solomon. We sometimes are too inclined to seek a shortcut to solutions to the problems which face State Government. Too quick to suppose easy answers are forthcoming, knowing all the while that the issues we face are usually much too complex for such ease. But, we remain encouraged to believe, in fact that if we ask in faith for wisdom, nothing doubting, You will grant our request to achieve our desired goals for the people of this state. Today our prayer is for wisdom, sufficient for today, wisdom for our conversations, and our deliberations, wisdom for our decisions, and wisdom for showing our love, and concern for our fellow man. We believe You will freely give us that wisdom as we request it. For these, and many other blessings we pray in Thy dear Sons' name. Amen."

Speaker McPike: "We'll be led in the Pledge of Allegiance by Representative Hawkins."

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

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

114th Legislative Day

April 12, 1994

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

Speaker McPike: "Roll Call for Attendance. Mr. Kubik."

Kubik: "The Republican Members are all here, Mr. Speaker."

Speaker McPike: "Thank you. Representative Currie."

Currie: "Thank you, Speaker. Representative Monique Davis is excused today, because of the death of her brother."

Speaker McPike: "Thank you. Mr. Ryder."

Ryder: "Mr. Speaker, I was wondering if I could be joined on the retirement Resolution for Mr. Rossi, since we now discover what you're going to do after you retire from the General Assembly. He was a good Clerk. I thought he did a pretty good job, but obviously..."

Speaker McPike: "This is not a bad job."

Ryder: "Well, obviously if Tony can handle it, it's not bad at all. So, put me on the retirement Resolution, will you, and when you do come back next year as Assistant Clerk, we'll be happy to have you."

Speaker McPike: "Tony...take the record. One hundred and sixteen Members answering the roll call, a quorum is present. Representative Brunsvold."

Brunsvold: "Mr. Speaker, can I make an announcement?"

Speaker McPike: "Yes."

Brunsvold: "Just to let everyone know on the Elementary and Secondary Education Committee, we will meet at 9:00 a.m. tomorrow instead of 8:00 a.m., 9:00 a.m., Education Committee in the morning."

Speaker McPike: "Mr. Black."

Black: "Yes, thank you very much, Mr. Speaker. May I make an announcement?"

Speaker McPike: "Yes."

Black: "Can we get this picture taken in a hurry, because Lou

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

114th Legislative Day

April 12, 1994

Henson wants his coat back from Representative Clayton, by 1:00."

Speaker McPike: "Mr. Lang."

Lang: "Thank you, Mr. Speaker. I would like to announce that the Judiciary I Committee will meet at 8:00 a.m. tomorrow; not 9:00 a.m., but 8:00 a.m. The Members on the Judiciary Committee, who show up on time will have coffee purchased by the Chairman, I'm sure that's a thrill for all of you."

Speaker McPike: "Representative Phelps."

Phelps: "Thank you, Mr. Speaker. While we're making announcements, the Health Care Committee will meet at 8:00 a.m., but also the Subcommittee on Illinois Response to National Health Care reform will be at 7:30. We downstaters get up early and do the milking, so we'll be there at 7:30."

Speaker McPike: "Representative Lang, we are reminded that it was Roscoe Cunningham that used to furnish everyone with orange juice and donuts. So, coffee is not really fair. Orange juice and donuts. I can't tell who's seeking recognition, because I'm not back here. Representative Hartke."

Hartke: "Thank you very much, Mr. Speaker. Transportation Committee will start promptly at 2:00 p.m., and I would urge my Members to be there so that we can, we can conduct our business of the Transportation Committee."

Speaker McPike: "Mr. Novak."

Novak: "Yes, Mr. Speaker, the Committee on Energy and Environment will meet at 4:00 p.m. tomorrow on the House floor. Thank you."

Speaker McPike: "Representative Bugielski."

Bugielski: "Thank you, Mr. Speaker. Just to let the Members of the Executive Committee know that our room has been changed. The Executive committee will be meeting in Room

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

114th Legislative Day

April 12, 1994

118 tomorrow. Room 118 instead of Room 114. Thank you."

Speaker McPike: "All right, we're prepared to take the picture. So, Non-Legislators should leave the floor; anyone that has not been asked to be in this picture should leave the floor."

Doug Chadwick: "We're just about ready to do the panoramic picture. If I could have the Members clear their desks as much as possible, move your microphones down and to your left as far as they can go, the way they were this morning when you came in, and we should be ready in just a few moments here. For those of you who haven't seen this happen before, it takes about a minute and a half for the camera to go around. It will have a bright light on it like a T.V. camera, and so just like a T.V. camera it will be blinding you right when you need to be composed and arranged for the picture. You'll be in the photograph for about a half a second, it's pretty hard to determine the exact half second, so you need to hold pretty still. Do we have everyone here, yet? Okay, are we ready to shoot, then? Are we ready to shoot right now, Tony, Mr. Rossi? Okay, I guess we'll need to have the Members not be talking on the telephone, or at least not looking like they're talking on the telephone, and I need to climb up on the chair here so I can start the camera. Okay."

Speaker McPike: "Representative Currie, in the Chair."

Speaker Currie: "Page 18 of the Calendar, on the Consideration Postponed. Senate Bill 1037, Representative Capparelli. Representative Capparelli asks leave to return Senate Bill 1037 to the Order of Second Reading for purpose of Amendment. Does Representative Capparelli have leave? Representative Capparelli has leave. The Bill is on Second Reading. Clerk, are there any Amendments filed?"

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

114th Legislative Day

April 12, 1994

Clerk Rossi: "Floor Amendment #18, offered by Representative Capparelli."

Speaker Currie: "Representative Capparelli."

Capparelli: "Thank you, Madam Speaker. Really this is a technical Amendment, requested by a..."

Speaker Currie: "Just a moment, just a moment. All right, Representative Capparelli. The Amendment is being distributed. Representative Capparelli, please."

Capparelli: "Thank you. Amendment #18 is really a technical Amendment requested by attorneys for the banks providing short-term financing to the Illinois International Port Authority, provides that the district may borrow through short term notes to construct and operate certain recreational facilities on its land; allows the district to borrow funds to compete closures, filled landfill on its property. This property is only suited for development of public golf courses related to the facility. No taxpayer money will be spent for developing these facilities; district has no taxing powers whatsoever, and it's simply seeking to commercially borrow funds to complete this project. I understand this Amendment has cleared on both sides of the aisle now, and I ask for a favorable roll call."

Speaker Currie: "Representative Capparelli moves the House adopt Amendment #18 to Senate Bill 1037; on that question, is there any discussion? Seeing none, the...all in favor indicate by saying 'aye'; opposed, 'no'. In the opinion of the Chair, the 'ayes' have it. The Amendment is adopted. Are there further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Currie: "Third Reading. Representative Capparelli now asks leave to consider this Bill at this time on Third

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

114th Legislative Day

April 12, 1994

Reading. Does Representative Capparelli have leave?  
Seeing no objection, leave is given. Representative,  
Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1037, a Bill for an Act to amend the  
Revenue Act of 1939. Third Reading of the Bill."

Speaker Currie: "Representative Capparelli."

Capparelli: "Thank you, Madam Speaker. The Amendment is now the  
Bill, and I ask for a favorable roll call."

Speaker Currie: "Representative Capparelli moves passage of  
Senate Bill 1037 on Third Reading. On that Motion, is  
there any discussion? Representative Hartke."

Hartke: "Madam Speaker, I don't know, there's a lot of noise  
level out here, and I know that he explained the Amendment,  
but I have no clue what this Amendment does, and that  
becomes a Bill, I assume. So, would you ask Representative  
Capparelli to explain this, this Amendment?"

Speaker Currie: "Representative Capparelli, do you want to give  
it one more whirl? Could we have some order in the  
chamber, please, so Representative Hartke can hear  
Representative Capparelli's explanation. Perhaps the rest  
of you would like to know what's in this Bill before you  
vote as well. Representative Capparelli."

Capparelli: "The Bill allows the port authority to borrow funds  
to compete closures for landfill that is not good for  
anything else, and they're asking for a short-term loan to  
complete their golf course. No taxpayers money is  
involved."

Speaker Currie: "Further discussion? Representative Black."

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

Speaker Currie: "Indicates he will."

Black: "Representative, I think it's important that you point

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

114th Legislative Day

April 12, 1994

out, there's no public money involved in this whatsoever, is that right?"

Speaker Currie: "Representative Capparelli."

Black: "Yeah, he answered. Thank you very much, Madam Speaker, Ladies and Gentlemen of the House. To the Amendment, it's my understanding that we have an agreed Amendment here, it's simply letting a port authority go to the private sector and borrow money, and for the life of me I can't figure out why anybody would be opposed to that. This isn't a raid on the treasury. It isn't going to cost the taxpayers. I think it's an outstanding Amendment, and I stand with the Gentleman and urge a favorable vote."

Speaker Currie: "Further discussion? Representative Wennlund."

Wennlund: "Thank you, Madam Speaker. Would the... inquiry of the Clerk, please. Would you tell us the status of Amendments 1-17?"

Speaker Currie: "Clerk."

Clerk Rossi: "Committee Amendment #1 and Floor Amendments #11-17 are on the... have been adopted, and are on the Bill. Floor Amendment #2-10, they have all been withdrawn."

Speaker Currie: "But Representative, I believe Amendment #18 deleted everything after the enacting clause. Representative Wennlund."

Wennlund: "Yes, Speaker, it's my understanding that Amendment #18 deleted all substance of the Bill, and is the only thing that remains?"

Speaker Currie: "Yes."

Wennlund: "Thank you very much."

Speaker Currie: "Further discussion? Representative Kubik."

Kubik: "Thank you, Madam Speaker. You know there's an awful lot of activity on the floor of the House. I was wondering if the Sponsor would yield?"

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

114th Legislative Day

April 12, 1994

Speaker Currie: "The Sponsor indicates he will yield.  
Representative Capparelli."

Kubik: "With all this...with all this confusion, what,  
Representative, what does this Bill do? I mean, I'm not  
quite sure that I even follow what's going on here, because  
theres so much confusion."

Speaker Currie: "Could we have some order? Representative Kubik,  
we've already had Representative Capparelli describe this  
Bill three times. Could we have some order, so that  
Representative Kubik can now understand what Representative  
Capparelli has to say."

Capparelli: "It allows the port authority, to borrow money for  
the projects they have started. The golf course, they have  
no taxing powers whatsoever right now. So what they're  
seeking is again a short-term borrowing, from the banks to  
complete some of the things they have started in  
recreational facility on land that can't be used for  
nothing else."

Kubik: "What board is asking to borrow the money, I'm sorry,  
which, what group, what board?"

Capparelli: "The International Port of; of the Illinois  
International Port Authority."

Kubik: "Thank you, Madam Speaker."

Speaker Currie: "Further discussion? Representative Tom Johnson."

Johnson, Tom: "Yes, will the Speaker yield?"

Speaker Currie: "He indicates he will."

Johnson, Tom: "This is a, how much are they being enabled to  
borrow here, and what happens in the event there were a  
default...?"

Capparelli: "I understand at the most, at the most \$10 million."

Johnson, Tom: "Okay, and if there is a default, are any of the  
general revenue funds of the State of Illinois subject



STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

114th Legislative Day

April 12, 1994

to..."

Capparelli: "No, no general revenue funds, or no tax money."

Johnson, Tom: "What would be the security for these borrowings?"

Capparelli: "I understand it's private banks that want to back them up on this."

Johnson, Tom: "Thank you."

Speaker Currie: "Further discussion? Seeing none, Representative Capparelli, to close. Representative Capparelli has moved passage of Senate Bill 1037. All in favor vote 'aye', opposed vote 'no'. Voting is open. Have all voted who wish? Representative Schoenberg, 'aye'. Have all voted who wish? The Clerk will take... Representative Flowers votes 'aye'; Flowers, 'aye'. Representative Ostenburg, 'aye'. Have all voted who wish? The Clerk will take the record. On this measure there are 112 voting 'yes', none voting 'no', and the House, the House does pass Senate Bill 1037. Yes, right, sorry. Senate Bill 1037, having received the required Constitutional Majority, is hereby declared passed. Representative Homer, for what reason do you rise?"

Homer: "Yes, I...thank you, personal privilege. I'd like to introduce in the gallery on the left hand side, Calvin Coolidge Middle School in Peoria, with their teacher Susan Gersnech."

Speaker Currie: "In violation of the rules, we welcome the Calvin Coolidge Middle School from Peoria. Representative Saltsman, for an announcement."

Saltsman: "Yes, thank you, Madam Chairman. The House on Labor and Commerce Committee has been cancelled this afternoon, with the Chairman being absent, and no one in town to testify, and it's been agreed to with the Minority Spokesman on the Republican side of the aisle. The House

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

114th Legislative Day

April 12, 1994

Committee on Labor and Commerce will be cancelled this afternoon."

Speaker Currie: "The Chair is not prepared soon to adjourn. We are going to do some Second Readings, starting very shortly. So, hang in. On the special Order of Civil Law, Second Reading, appears House Bill 2650, Representative Flowers. Representative Flowers. Representative Flowers is not at her post. We will move on to House Bill 2657, Representative Black. Clerk, read the Bill."

Clerk Rossi: "House Bill 2657, a Bill for an Act to amend the Illinois Marriage and Dissolution of Marriage Act. Second Reading of the Bill. No Committee Amendments. No Floor Amendments."

Speaker Currie: "Third Reading. On the Order of Civil Law, Second Reading, appears House Bill 2865, Representative Black. Clerk, read the Bill."

Clerk Rossi: "House Bill 2865, a Bill for an Act to amend Acts in relation to vital records. Second Reading of the Bill. No Committee Amendments. No Floor Amendments."

Speaker Currie: "Third Reading. On the same order, appears House Bill 2866, Representative Lang. Representative Lang. Out of the record. The next Bill on that order, House Bill 3365, Representative Lindner. Out of the record. On the special order of call, Consumer Protection, Second Reading, appears House Bill 2794, Representative Woolard. Representative Woolard. Representative Woolard, do you want the Bill called? Clerk, read the Bill."

Clerk Rossi: "House Bill 2794, a Bill for an Act amending the Animal Control Act. Second Reading of the Bill. No Committee Amendments. No Floor Amendments."

Speaker Currie: "Third Reading. On the special order of call, Education, Second Reading, appears House Bill 504,

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

114th Legislative Day

April 12, 1994

Representative Brunsvold. Representative Brunsvold.  
Representative Brunsvold, are you here? Most of these  
Bills are yours, Sir. On the special order of call  
Education, Second Reading, appears House Bill 2692,  
Representative Erwin. Representative Erwin.  
Representative Erwin. Representative Erwin. Do you wish  
to call your Bill? Clerk, read the Bill."

Clerk Rossi: "House Bill 2692, a Bill for an Act amending the  
Higher Education Student Assistance Act. Second Reading of  
the Bill. No Committee Amendments. No Floor Amendments."

Speaker Currie: "Third Reading. On the special order of call  
Education, Second Reading, appears House Bill 2846,  
Representative Black. Representative Black, are you ready  
with that Bill? Out of the record. Representative  
Brunsvold. Representative Brunsvold, are you ready with  
House Bill 504, or all of your good Bills, out of the  
record, okay. On the same special order, appears House  
Bill 3449, Representative Rotello. Representative Rotello.  
Do you want this Bill called? Out of the record. How  
about House Bill 3452? Representative Rotello, are you  
ready for that Bill to be called? Out of the record.  
Representative Sheehy, on House Bill 3457. Second Reading,  
the Order of Education. Representative Sheehy, do you want  
the Bill called? Clerk, read the Bill."

Clerk Rossi: "House Bill 3457, a Bill for an Act to amend the  
School Code. Second Reading of the Bill. No Committee  
Amendments. No Floor Amendments."

Speaker Currie: "Third Reading. Continuing on orders of special  
call, Criminal Law, Second Reading, House Bill 2856.  
Representative Hoffman. Clerk, read the Bill."

Clerk Rossi: "House Bill 2856, a Bill for an Act to amend the  
Criminal Code of 1961. Second Reading of the Bill."

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

114th Legislative Day

April 12, 1994

Amendment #1 was adopted in committee. No Motions filed. Floor Amendment #1, offered by, Floor Amendment #2, offered by Speaker Madigan."

Speaker Currie: "Speaker Madigan."

Madigan: "Madam Speaker, this Amendment would create the Police Protection Enhancement Distributive Fund. It would provide a program of providing state money to local governments for the hiring of local police, and it would provide further, that the moneys from the fund shall be used for payments to counties and municipalities based upon their respective populations, identical to the local government distributive fund. The local governments must deposit the money in a segregated account, and to be used solely for paying compensation to new, permanent, and probationary police officers. This is designed, quite obviously, to help the local governments in our states, the ones which are responsible for local law enforcement, to more effectively fight crime, and I think that is something that all of us should be doing; fighting crime, and providing for an increase police presence. I would move for adoption of the Amendment."

Speaker Currie: "Speaker Madigan moves adoption of House, Amendment #2 to House Bill 2856; and on that Motion, is there any discussion? Representative Wennlund."

Wennlund: "Thank you, Madam Speaker. If I could have some quiet. It's unfortunate that with the amount of noise on the floor of this House chamber."

Speaker Currie: "Could we again have some order. Look how long it took us to do that last Bill because no one was paying attention. Let's have a little order. Representative Wennlund."

Wennlund: "Thank you, Madam Speaker. Will the Sponsor yield?"

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

114th Legislative Day

April 12, 1994

Speaker Currie: "He indicates he will."

Wennlund: "Speaker Madigan, unfortunately, as a result of the noise on the floor of this chamber, I was unable to hear your explanation of the Amendment, and would ask that you, again describe what this Amendment does, and how the program is funded."

Speaker Currie: "Speaker Madigan."

Madigan: "Mr. Wennlund, as I said earlier this would create the Police Protection, Enhancement Distributive Fund. One point seven, 9% of the states income tax, and 1.81% of the state sales tax, estimated funding for FY' 95, would be \$200 million dollars; FY'96, \$206 million, FY '97 \$210 million. This Amendment will provide for the local governments to be able to hire over 6,000 new police officers statewide."

Wennlund: "And, how will these moneys be distributed to municipalities throughout the state?"

Madigan: "The money from the funds shall be used for payments to counties and municipalities based upon their respective populations, identical to the local government distributive fund, per capita."

Wennlund: "Excuse me, can we have some order on the House floor. It's very difficult to hear, and I don't where all the ..."

Madigan: "Could you help Mr. Wennlund understand this, Madam Speaker?"

Speaker Currie: "First of all, could we have some order, and Representative Wennlund did you understand the question? A per capita formula was the answer to the question."

Wennlund: "Thank you very much, Speaker. This money that's being designated out of state sales tax revenues, and out of state income tax revenues, which will approximately \$200 million by 1995. What, what programs will be cut as a

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

114th Legislative Day

April 12, 1994

result of the designation of this percentage of revenues?  
What's impacted, out of an already tight state budget?"

Madigan: "The Governors second borrowing plan would be impacted. The second borrowing plan, not the first, but, the Governors second borrowing plan would be impacted, and so there might be a need to borrow more money to pay for this in the next budget."

Wennlund: "So, if this were to become law, it would require the state to go out and, and issue additional bonds to fund this program?"

Madigan: "See, Mr. Wennlund, when the Governor came into present his budget, he told us about a unique opportunity to restructure state debt. What he didn't tell us was that he was revoking and rescinding his earlier statement of about three years ago when he said he wanted to throw away the credit cards, because in reality he wants to bring them back. And, I'm preparing for the Governor a little credit card, an American Express credit card with his picture in the center of the credit card, that I can take to my next meeting with the Governor, because he does want to bring the credit cards back. And, all I'm saying is that for his second borrowing program, not the first, because the first is under the Casual Deficit Act. The second, which is the unique opportunity to restructure state debt, which translated, means we're going to take a two year vacation from paying the principal on our debt, would have to be adjusted somewhat to accommodate this program."

Speaker Currie: "Representative Wennlund, have you finished?"

Wennlund: "Thank you very much, Mr. Speaker. Thank you, Madam Speaker."

Speaker Currie: "Further discussion? If not, Speaker Madigan do you wish to close, or do you think that everybody has a

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

114th Legislative Day

April 12, 1994

pretty good idea what this is about?"

Madigan: "Just to ask for a vote for more police."

Speaker Currie: "Speaker Madigan moves adoption of Amendment #2 to House Bill 2856; and on that question, all in favor indicate by voting 'aye'; all opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this Amendment, there are, on the Motion, there are 114 voting 'aye', none voting 'no', and the Amendment is adopted. Further Amendments?"

Clerk Rossi: "Floor Amendment #3, offered by Representative Hoffman."

Speaker Currie: "Representative Hoffman."

Hoffman: "Thank you Madam Speaker, Ladies and Gentlemen of the House. This proposal would essentially amend, what they call the 'three strikes and you're out' provision, in state law. Essentially what it would say is it would add some enumerated felonies, which presently don't exist, and the present 'three strikes and you're out' legislation would add second-degree murder, vehicular hijacking, aggravated criminal sexual abuse, and aggravated kidnapping which would make you eligible for a lifetime in prison. It would also add a discretionary function to the 'three strikes and you're out' provision, indicating if two of these felonies, and serious felonies are committed that the judge may give you life in prison. I think that this is a provision whose time has come in Illinois. I think that the public is crying out to ensure that these violent criminals are kept off our streets, and kept off our streets forever. I ask for an 'aye' vote."

Speaker Currie: "Representative Hoffman moves 'do adopt' on Amendment #3 to House Bill 2856, and on that Motion is there any discussion? Representative Black."

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

114th Legislative Day

April 12, 1994

Black: "Thank you very much, Madam Speaker. I just got a copy of this Amendment from our analyst within the last 30 seconds. Has this Amendment been printed and distributed on the floor?"

Speaker Currie: "The Clerk informs the Chair that it has been."

Black: "Okay. Will the Sponsor yield?"

Speaker Currie: "He indicates he will."

Black: "All right. Representative, I assume that what you're doing with this Amendment, and if you'll bear with me while I can read along here. You're amending the law that was passed in 1978. I think at that time we didn't have a nice sound bite. I think it was called the Habitual Criminal Act in 1978, and we currently have 92 people in the Department of Corrections serving a life term, sentenced under the, what you would call, 'three strikes and you're out'. So, I assume that the purpose of your Amendment is to amend the law that we already have on the books."

Hoffman: "Yes, it also adds some additional provisions, to it."

Black: "All right, that is what I would like to focus on, and I, I'm sure you went over this, but I was trying to find the Amendment and read it. Can you give me just a thumbnail sketch of all of those offenses that would fall under this particular Amendment?"

Hoffman: "The previous law that you were talking about, the Habitual Criminals Acts, specifically indicated the Class Acts felonies at criminal sexual assault, that could be eligible for the 'three strikes and you're out'. This would add as mandatory second-degree murder, vehicular hijacking, aggravated criminal sexual abuse, and aggravated kidnapping. And that would be mandatory under the 'three strikes and you're in' provision. Specifically, in addition to that, an agreed Amendment which I believe was



STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

114th Legislative Day

April 12, 1994

agreed to in committee, that this Amendment would go on on the floor, indicated that, that we would also allow a discretionary provision for the judge, with regards to 'three strikes and you're out'. If three felonies committed and two of them are the, one of the serious, serious offenses."

Black: "All right, let me ask you this. What would happen if one of these felonies was committed while the subject was a juvenile? Is that going to be expunged or is that going to be part of the record?"

Hoffman: "It would have to be a conviction, not a delinquency adjudication. Now, under the other provisions of the law, some of these felonies, they could be tried, they could possibly be tried as an adult. If the juveniles tried as an adult under other parts of the present law in the State of Illinois it would be considered a conviction."

Black: "Well, I think that's what we need to focus on. Many of these crimes are being convicted, being committed by people who fall under the provy of the Juvenile Court Act. For example, a recent shooting in Chicago, I heard on the way over that they arrested a 15-year-old for that shooting. Now, if that 15- year-old is not tried as an adult, then this really doesn't have any bearing on the Juvenile Court Act then does it?"

Hoffman: "Well, Representative, that in my mind I have other pieces of legislation that hopefully will address the problem that you are looking at. I have other legislation, that hopefully will be heard in front of committee, that specifically indicates that if a juvenile commits a crime, a felony with a gun, he would be tried as an adult. If that were to pass, and, and it were one of the enumerated, and he was convicted as an adult under that piece of

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

114th Legislative Day

April 12, 1994

legislation, and it was one of the enumerated felonies in here, then this would apply. However, presently, under this law, this is attempting to address the situation of adults, and if a juvenile is convicted as an adult, of course, it would apply."

Black: "Okay, now, in legislation that you will be sponsoring, will you abolish the Juvenile Court Act, and try to restructure it or nothing that dramatic?"

Hoffman: "I don't believe it's that, it totally gets rid of the Juvenile Court Act, no."

Black: "Will you, will you be advancing legislation that will lower the age of criminal culpability?"

Hoffman: "Yes. Of course, there, four offenses that are committed with a, with a firearm."

Black: "With a firearm, all right. That perhaps makes imminent good sense. I appreciate your patience, Representative, thank you very much."

Hoffman: "Thank you, Representative."

Speaker Currie: "Further discussion? Representative Tom Johnson."

Johnson, Tom: "Yes, Representative, if I may, will you yield? Is, I guess, I'm just curious. Why do we pick three convictions, 'three strikes and you're out?' Why is it not 'one strike and you're out', or 'two strikes and you're out'? Why did you happen to pick three? Is there some.."

Hoffman: "Well this is amending the current law, and let me tell you something. If it was up to me, and, you know Representative, cause, as you know we sit together and I think we worked very well together on the Judiciary II Committee. You know that if you're convicted of a very serious offense, under that specific provision of that offense, you could get life in prison, in certain

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

114th Legislative Day

April 12, 1994

instances. So, that, this doesn't change that at all. What this does say that in some instances you can also be found as an habitual criminal and be sentenced under this provision, in addition to the previous offense. So, this in no way is affecting our current legislation when it comes to the provisions in order to be sentenced under for instance, the murder statute, or under the Class X felony statute, or under the armed violence statute. This simply says, in certain instances, this individual could be viewed as a habitual criminal. I, like you, Representative, believe that in certain instances, people should be in life in prison with one, one, with one offense. And, that is taken care of in our current criminal statute. This is just in addition to that, we could be found a habitual criminal."

Johnson, Tom: "The other question that I have for you on this is, these deal principally with violent offenses, and so on, but what about the issue where somebody has been charged with one of these subject offenses in a prior case, and, in fact, that case has been plea bargained down to something that is not covered with this? We get a plea of guilty on that to move it through the system. Now, in a sense that person is getting four bites at the apple, and if you have a good attorney, you're going to get five or six bites at the apple, right?"

Hoffman: "Well, I don't, I would hope not. I understand the system like you do. I think that we have to, we have to look at the convictions. I don't think that constitutionally we can say if you're charged with a certain offense, that this kicks in, and the reason is, is we all have a right to a defense, and I don't think that anyone wants to argue with that, and whether states

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

114th Legislative Day

April 12, 1994

attorneys in this state are doing their job, or are plea bargaining too often, is I think something that needs to be, needs to be addressed on a different day. This specifically has to do with convictions, or I don't think that it will pass constitutional muster."

Johnson, Tom: "Thank you."

Speaker Currie: "Further discussion? Representative Lang."

Lang: "Thank you, Madam Speaker. Will the Sponsor yield?"

Speaker Currie: "He indicates he will."

Lang: "I want to make sure I understand the definition of vehicular hijacking. Can you tell me what that is?"

Hoffman: "We're looking that up, Representative. I believe that we passed it last year, and it's essentially when you, I think a person has to be in the car, and when you forcibly take that car away from that person."

Lang: "So, vehicular hijacking is not just the stealing of a car."

Hoffman: "No, no, no."

Lang: "There's violence involved."

Hoffman: "Yes."

Lang: "Because there's been some questions among the Members here that perhaps the legislation would be going too far it merely talks about non-violent crimes, but all of the crimes that you specified in Amendment #3 are violent crimes, is that correct?"

Hoffman: "Yes, and that's the intent of the legislation to make it violent felonies. We're talking about three of them."

Lang: "Thank you."

Speaker Currie: "Further discussion? Representative Moffitt."

Moffitt: "Thank you, Speaker. I just rise in support of this Amendment. I commend the Representative on sponsoring it. On the issue of crime, I have surveyed the police

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

114th Legislative Day

April 12, 1994

departments, and sheriffs in my district, and they're strongly in favor of enhanced penalties as the way to address crime, and I think this is a movement in the right direction. So, I'm in full support of it."

Speaker Currie: "Further discussion? Representative Pugh."

Pugh: "I had a couple of questions, Representative Hoffman."

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

Pugh: "First of all, are there any statistics that reflect that enhanced penalties act as a deterrent to crime?"

Hoffman: "Well, Representative, what we're talking about here, I would assume that there are some, I don't have them at hand. I think what we're talking about here is habitual criminals who have committed three violent felonies, and I think that there becomes a point..."

Pugh: "My question was.."

Hoffman: "I don't know Representative."

Pugh: "Okay. The other question is, this the same piece of legislation that we killed in Committee?" Hoffman: "No. This passed committee 12 votes to two, with two voting 'present ', and then this, my Bill did, and then this is an Amendment, as per the discussion in committee."

Pugh: "And the Amendment, the Amendment does what?"

Hoffman: "It essentially, it essentially does two things: Number one it expands the present 'three strikes and you're out' legislation by adding second-degree murder, aggravated kidnapping, aggravated battery of a child, vehicular hijacking, aggravated robbery, robbery of a victim 60 years of age or older, or physically handicapped, and then aggravated battery of a senior citizen. It also says that, allows the judge discretion in certain instances. When these, when these, when there are three felonies, and two of them are of this violent nature."

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

114th Legislative Day

April 12, 1994

Pugh: "And, that differs from the current statutes that are on the books now?"

Hoffman: "The current statutes only says that the 'three strikes and you're out' provisions apply if it is classified as a Class X felony."

Pugh: "Thank you."

Speaker Currie: "Representative Giglio, in the Chair."

Speaker Giglio: "Representative Martinez."

Martinez: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I, too stand in solid support of this piece of legislation, and I commend the Sponsor, and that's the main reason I'm standing right now, but I would like to add that I would like to be added...the record to reflect that I would have supported Amendment #2 also. If the noise level hadn't been as high as it is."

Speaker Giglio: "Thank you, Representative Martinez. Mr. Clerk, let the Gentlemans request be noted. Representative Hoffman, to close."

Hoffman: "Yes, Mr. Speaker, Ladies and Gentlemen of the House. Basically I'd believe that this provision is something that needs to be passed in Illinois to address the violent crime situation, and I ask for an 'aye' vote."

Speaker Giglio: "All those in favor of the Amendment signify by saying 'aye'; opposed, 'nay'. In the opinion of the Chair, the 'ayes' have it, and the Amendment is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments, but a judicial note has been requested on the Bill."

Speaker Giglio: "All right, the Bill will remain on the order of Second Reading. All right, on the Order of Environmental Natural Resources, appears House Bill 3241, Hannig. Representative Hannig. Out of the record. All right, on

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

114th Legislative Day

April 12, 1994

the order of Higher Education, Second Reading, appears House Bill 3028, Representative Moseley. Representative Moseley in the chamber. Are you ready on 3028? Clerk informs the Chair that this is on the First Legislative day, and we'll have to hold it another day. On the Order of Human Services, Representative McAfee in the chamber? Out of the record. Professional Regulations, Second Reading, appears House Bill 2926, Representative Lou Jones. Representative Jones you have two Bills. Would you like to call these Bills? House Bill 2926, Mr. Clerk."

Clerk Rossi: "House Bill 2926, a Bill for an Act to amend the Child Care Act of 1969. No Committee Amendments. No Floor Amendments."

Speaker Giglio: "Third Reading. House Bill 2927. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 2927, a Bill for an Act amending the Illinois Dental Practice Act. Second Reading of the Bill. No Committee Amendments. No Floor Amendments."

Speaker Giglio: "Third Reading. Representative Steczo, 2928. Out of the record. Representative Hoffman, on 3271. Representative Hoffman, 3271. Out of the record. On the Order of Local Government, Second Reading, appears House Bill 2719, Representative Schoenberg. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 2719, a Bill for an Act to amend the Civil Administrative Code of Illinois. Second Reading of the Bill. No Committee Amendments. No Floor Amendments."

Speaker Giglio: "Third Reading. Representative Black, are you seeking recognition, Sir?"

Black: "Hello, yes I am. Thank you very much, Mr. Speaker. I was just curious. Were on the third special order of call here in the last five minutes, and all of the Republican

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

114th Legislative Day

April 12, 1994

sponsored Bills on the last three calls have been skipped. I just wondered if that was just an oversight or perhaps your bifocals are fogged up."

Speaker Giglio: "Well, maybe mine are a little bit. I'll, I'll clean them up a little bit."

Black: "I was concerned about that. If you need some help, I'll mark some of those Bills and come up and talk with you in a moment or two."

Speaker Giglio: "All right, that's fine. Representative Hoffman, on House Bill 3042, 3042. Out of the record. On page 20 under Constitutional Amendments, Second Reading, House Joint Resolution Constitutional Amendment #31. Are there any Amendments filed, Mr. Clerk? Read the Constitutional Amendment."

Clerk Rossi: "House Joint Resolution Constitutional Amendment #31, offered by Speaker Madigan. BE IT RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-EIGHTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, That there shall be submitted to the electors of the State for adoption or rejection at the general election next occurring at least 6 months after the adoption of this resolution a proposition to amend Section 11 of Article VI of the Illinois Constitution as follows: ARTICLE VI THE JUDICIARY SECTION 11. ELIGIBILITY FOR OFFICE No person shall be eligible to be a Judge or Associate Judge unless that person he is a United States citizen, a licensed attorney-at-law of this State for at least 10 years before his or her term begins, and a resident of the unit which selects him or her. No change in the boundaries of a unit shall affect the tenure in office of a Judge or Associate Judge incumbent at the time of such change. SCHEDULE This Constitutional Amendment takes effect upon approval by the



STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

114th Legislative Day

April 12, 1994

electors of this State.

Speaker Giglio: "Any Amendments?"

Clerk Rossi: "Floor Amendment #1, offered by Representative Granberg."

Speaker Giglio: "Representative Granberg."

Granberg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Floor Amendment #1 merely allows sitting judges to retain that position. It would be grandfathered in, and would be not immediately impacted by the constitutional Amendment. So, if you are a sitting judge, you would not have to vacate the office. It would simply allow for the grandfathering and in of, those judges currently in that position, and I would be happy to answer any questions."

Speaker Giglio: "Any discussion? The Gentleman from Vermilion, Representative Black."

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

Speaker Giglio: "Proceed."

Black: "Floor Amendment #1, been printed and distributed?"

Speaker Giglio: "Yes, it has."

Black: "I see. Will the Sponsor of the Amendment yield?"

Speaker Giglio: "He indicates he will."

Black: "Representative, if you're filing an Amendment to grandfather a sitting judge, then wouldn't an Amendment also be in order to grandfather an attorney who had been licensed at the bar, say in the State of Indiana for 20 years, who then moves to Illinois, and because of a vacancy in that circuit, or because of his or her particular interest in the, serving on the bench, would want to seek that judgeship, even though he or she hadn't necessarily been licensed to practice law in Illinois for ten years."

Granberg: "Yes Representative, that Amendment would be in order."

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

114th Legislative Day

April 12, 1994

You would have to be licensed to practice in Illinois."

Black: "Well, in other words it seems to me that if a, if a distinguished Member of the Supreme Court of Indiana, or Ohio, or Michigan suddenly was in a position to move to Illinois, and wanted to run for a vacant seat in a circuit, or an Appellate level, he or she would be prohibited from doing so, until they had been licensed and practiced in Illinois for ten years. That doesn't seem to make any sense to me."

Granberg: "Well, perhaps Representative, our standards are much more stringent, and we want the best judges, not those from Indiana."

Black: "That goes without saying. I think the underlying theme of this Bill is certainly stringent control of who might be able to run for the bench, that wouldn't be your intent, would it?"

Granberg: "Absolutely not. Those jurists from Indiana might move to Danville, but we, and take a seat, want to take a seat there, but we think that they should have the high standards, they should be licensed to practice in Illinois."

Black: "Well, I, and we certainly welcome any and all people from the great State of Indiana moving to Danville, love to have them, but I... to the Amendment, Mr. Speaker, Ladies and Gentlemen of the House. This is an interesting Constitutional Amendment. I noticed that it got out of a very difficult committee without a descending vote, but I would look at this very carefully, and I see the Chicago Bar Association as a supporter, and the Illinois Trial Lawyers Association is a proponent of this Bill. But, I think you are limiting the ability, in fact, some would say the right of anyone licensed to practice law in the State

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

114th Legislative Day

April 12, 1994

of Illinois from seeking a position as judge or associate judge. I'm not sure that this is what some people would want to do, particularly in the northern part of the state, where how judges are selected has been quite a matter of some concern up there for many years. So, if you vote to accept this Amendment, I think you are simply narrowing someones ability to seek the office of a judgeship in your county. I won't call for a Roll Call Vote. We'll revisit this on Third Reading, but I think you should take a very close look at this, particularly those of you who live in the City of Chicago, who have had some very serious concerns with about how judges are selected to be on the ballot in the City of Chicago. It would seem to me that this Amendment and in fact, the underlying Constitutional Amendment would severely limit your choices."

Speaker Giglio: "Representative Kubik."

Kubik: "Would the Sponsor yield for a question?"

Speaker Giglio: "He indicates he will."

Kubik: "Representative Granberg, most of the discussion surrounding the genesis of this Amendment has occurred in Cook County. My question is, is this Amendment a statewide, I guess statewide in application."

Granberg: "Yes, Representative it is. In fact, this Amendment was recommended by the Illinois State Bar Association."

Kubik: "Could you, and I guess, I don't know if you're in a position to explain, but could you explain to me, so, in a sense, what we're saying is that, you know the whole, the issue was that certain people running for office as judges didn't have enough experience, and it, I find it curious that it is the Bar Association that decides how much experience is appropriate. Even given the fact, that to be a Supreme Court Justice of the United States of America,

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

114th Legislative Day

April 12, 1994

you do not have to be a lawyer. So, we have decided, of course, that in our, cloak rooms and what not, what should be a level of experience. But, be that as it may, what this Bill would do, as I understand it, with your Amendment, is that if one of those individuals who was elected in the last election, who didn't have sufficient experience in the eyes of the Bar Association, they would be grandfathered in under this legislation, is that not correct?"

Granberg: "That is correct, Representative."

Kubik: "So, it's a question of getting under the door in an appropriate amount of time, and then we, the experience factor doesn't mean much, I take it."

Granberg: "Representative, I don't think that's quite the point. The point is that we should look to the experience of people to be judges. Now, I don't think it's appropriate for us to disenfranchise the voters, who recently elected these people in the last election. That would, but not be fair to the people who put them in that office. That is the intent of the Amendment."

Kubik: "Well, Mr. Speaker, to the Amendment. I like Representative Black, would not seek a roll call on this Amendment, but I have to tell you, I think this Amendment really captures the hypocrisy of this whole issue. I, there's nobody in this chamber who believes that we ought to elect people who are unqualified to the bench, that's not the intent of any of us in opposing us. But, what we are really doing here are setting aside a certain of arbitrary standards, set by an organization, who are not elected by public officials. The Bar Association, the last I checked would not elect it by, by anybody, but yet, they are essentially setting the standards as to how long

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

114th Legislative Day

April 12, 1994

somebody ought to serve, for, before they are a judge. And, I would submit to you, does somebody who has served as a real estate lawyer, and done nothing but real estate closings for ten years, have more experience than somebody who has been a public defender for four or six years, or a states attorney for five or six years, and doesn't have the requisite number of experience under this proposal? You know, I just, I don't buy it. I think that they have as much as experience, courtroom experience, as anybody on the block. So, what this really, this whole issue in this Amendment, and I know the Sponsor is very well-intended, and I can appreciate what he is trying to do, but, what I think he is doing is really capturing what's wrong with this whole Amendment, and that is that we are setting up arbitrary standards. I think it is fair that we ought to have an age limitation. I think it is fair that we ought to have somebody who is lives in the area for a certain amount of time, I think that's not an arbitrary or bad idea, but to have a group like the Illinois Bar, the Chicago Bar, or the Chicago Council of Lawyers say, 'well, you know ten years is just enough, and that should be the cut-off for judges.' That's what were going to do, we're going to make it into a law, bad idea. This is, we ought to work harder to fix the problem of informing voters on the candidacies of judges, rather than passing arbitrary legislation which is clearly discriminatory and I think we ought to oppose this Amendment."

Speaker Giglio: "The Gentleman from Cook, Representative Santiago."

Santiago: "Thank you, Mr. Speaker and Members of the General Assembly. I tend to agree with Representative Black, and Representative Kubik, that what makes a individual an

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

114th Legislative Day

April 12, 1994

expert, if you have 10 years, 20 years, 15 years, to say, to set up a standard 10 years, I think it's a bad idea. I know a lot of lawyers that have 15 years experience, but I will not hire them to represent me in a court case. I know doctors that have 20 years of experience, and I would not go to those doctors because I know that they are not individuals aren't going to perform a great service for me. So, and, point number two, that what this Amendment does is set back the gains of the minority community in the City of Chicago, in Cook County. That was the whole purpose when we, a couple of years back, divided the city into sub-circuits to give individuals an opportunity to elect, to elect the person of their choice, and one of the purpose of that Bill was, to try to bring minorities into the judicial process. What this is going to do, because, we do not have in the minority community, a big pool of attorneys and the same thing will happen with the woman that you're not going to see minorities on the judicial in the judicial process. So, if you're going to, what we're trying to do is set back the gains of those communities, and I think the purpose of, of this General Assembly is to give equal opportunity to any individual in the State of Illinois to run for office, for whatever office they want. Who are we to tell the electors out there that we need five years, ten years, to get elected to a public office. I urge everyone to vote 'no' on this Amendment."

Speaker Giglio: "The Lady from DuPage, Representative Biggert, Biggert, excuse me."

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

Speaker Giglio: "He indicates he will."

Biggert: "Representative Granberg, in the last primary, there were a lot of nominations. Will all of those lawyers that

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

114th Legislative Day

April 12, 1994

were elected, or placed on the ballot for November, they will be grandfathered in as well as the sitting judges now, according to your Amendment?"

Granberg: "They would be grandfathered in, Representative, if they had less than ten years experience."

Biggert: "That's because by the time the Constitutional Amendment is passed, they will of already have been elected?"

Granberg: "Correct, and if, and if we pass the Constitutional Amendment, then you would actually disenfranchise those voters who elected those people, that they would not be able to serve, so we have to make it prospective in nature."

Biggert: "Thank you."

Speaker Giglio: "Representative Lang."

Lang: "Thank you, Mr. Speaker. I'd like to get the Body back to what this Amendment is. A lot of people that have spoken, talked to the Bill, the Constitutional Amendment itself. Let's talk about Floor Amendment #1, which is before us today, and all Floor Amendment #1 does is grandfather in the judges that are in today, so that they don't have to be removed from the bench if this Constitutional Amendment goes into law. So, I rise in support of this, the people that have been elected, duly elected to date, shouldn't keep, keep their offices and I would recommend an 'aye' vote on the Amendment."

Speaker Giglio: "Representative Wennlund."

Wennlund: "Thank you, Mr. Speaker. I rose to say exactly the same thing Representative Lang said. All the Amendment does is grandfathers in those who are, just elected with less than ten years. It's a good Amendment, it cleans up and makes a better Constitutional Amendment and the underlying issue will be debated on Third Reading. This

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

114th Legislative Day

April 12, 1994

Amendment just grandfathers in, and makes a good Bill even better in fact. So, the Amendment should be adopted."

Speaker Giglio: "Representative Madigan."

Madigan: "Mr. Speaker and Ladies and Gentlemen, I think that Mr. Wennlund said it very well. The Amendment does improve the Constitutional Amendments contained in the basic Resolution, but the debate has wandered away from the Amendment onto the main Resolution, and just to take this opportunity to clarify some misunderstandings. The Illinois Constitution today sets out three requirements to serve as a judge. Number one, you must be a United States Citizen; Number two, you must be a resident of the circuit for which you're seeking the office; and number three, you have to be a licensed attorney. So, at the time of the drafting of the Constitution in 1969 and 1970, the drafters of the Constitution, as ratified by the voters in a referendum vote, determined that we would establish some minimal requirements to serve as a judge. One of those minimal requirements is that you must be a licensed attorney. The convention could of said that it would not be required that you be a licensed attorney to serve as a judge, but the convention, ratified by the voters, did establish this one minimal requirement, plus citizenship and residency, and the main Amendment would provide a fourth minimal requirement to serve as a judge, which is not only that you be a licensed attorney, but that you be doing that for ten years. In my judgment, that's reasonable, certainly it's reasonable to expect that before someone assumes the position of a judgeship where they are making life and death decisions, both in civil and criminal cases, that they have at least ten years of experience as a practitioner working first-hand with the problems that



STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

114th Legislative Day

April 12, 1994

they'll be called upon to make decisions on. So thank you, Mr. Speaker for affording me this opportunity. It was very gracious of you, and I would offer my support for Mr. Wennlund's position that we adopt this Amendment."

Speaker Giglio: "Representative Granberg, would you like to close? All those in favor of the Amendment signify by saying 'aye'; opposed, 'no'. In the opinion of the Chair, the 'aye's' have it. The Amendments adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Giglio: "Third Reading. Okay, going back to State and Local Government, Second Reading, appears House Bill 3072, Representative Capparelli. Capparelli, 3072, read the Bill."

Clerk Rossi: "House Bill 3072, a Bill for an Act to amend the Illinois Housing Development Act. Second Reading of the Bill. No Committee Amendments. No Floor Amendments."

Speaker Giglio: "Third Reading. House Bill 3073, read the Bill Mr. Clerk."

Clerk Rossi: "House Bill 3073, a Bill for an Act to amend the Illinois Housing Development Act. Second Reading of the Bill. No Committee Amendments. No Floor Amendments."

Speaker Giglio: "Third Reading. On the Order of State Operations, appears House Bill 2631, Representative Phelps. Read the Bill."

Clerk Rossi: "House Bill 2631, a Bill for an Act to amend the Fiscal Note Act. Second Reading of the Bill. Amendment #1 was adopted in Committee. No Motions filed. No Floor Amendments."

Speaker Giglio: "Third Reading. Representative Biggert. Representative Black. Representative Biggert."

Biggert: "Thank you, Mr. Speaker. Pursuant to Rule 20(k), I move

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

114th Legislative Day

April 12, 1994

to suspend the posting requirements in relation to House Bill 3633, and House Bill 3946 assigned to House Committee City and Villages."

Speaker Giglio: "You heard the Lady's Motion. All those in..."

Biggert: "And the Chairman has no objection to this Motion."

Speaker Giglio: "Representative Granberg."

Granberg: "Will the Sponsor of the Motion yield to a question. Representative we don't have a copy of the Motion in front of us, would you please explain the content of those two Bills, please?"

Biggert: "House Bill 3633 is to amend the Illinois Municipal Code, and to provide that a, a non-governing board of commission provides goods and services to municipalities, and this really is, while an elected Member of a body can provide those services, a non-governing Member can not, and it seems to be an oversight in the law. It really is a technical Amendment."

Granberg: "And, the other Bill, Representative, please?"

Biggert: "Ah, House Bill 3946 is to amend the Water Service District Act. There is a small water district in my district that would like to go out of business, and the water will be provided by the municipality, and the law provides no means of dissolutionment."

Granberg: "Okay. Representative, I was just informed that you have witnesses here today, and the Bill was not posted. So you're trying to accommodate."

Biggert: "Well, they were supposed to come, but they did not arrive, but that was the reason for posting it now."

Granberg: "Okay, so do you need it posted today, or do you want to wait until next week?"

Biggert: "Well, I'd really like it to have it posted today, so that it can be taken care of, because it's something that

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

114th Legislative Day

April 12, 1994

is very important to my district, and I just want to make sure it will proceed through the process."

Granberg: "Okay, thank you, Representative. We, we'll try to accommodate you, so we will not object to the Motion."

Biggert: "Thank you."

Speaker Giglio: "Does the Lady have leave by the Attendance Roll Call to have these two bills posted. Hearing none, leave is granted. Posting requirements, hereby suspended it. Representative Wennlund, are you seeking recognition, Sir?"

Wennlund: "Yes, thank you, Mr. Speaker, but in all the noise, right after the picture this morning, earlier today, perhaps, I, and I've had several inquiries from Members, did I miss something where the 2:00 Committees either postponed, or canceled? There were some announcements, but it was so noisy in here a lot of the Members couldn't hear."

Speaker Giglio: "All right, the following announcements, Representative Wennlund, and those Members who, who didn't hear the request by the Committee 100. The labor Committee tomorrow has been cancelled. No Labor Committee meeting tomorrow. Education will meet tomorrow morning at 9:00, and Judiciary I will meet tomorrow morning at 8:00. Representative Lang, are you seeking recognition?"

Lang: "Thank you, Mr. Speaker. I would move to waive the posting requirements on House Joint Resolution Constitutional Amendment #35, so that it could be heard in Judiciary I tomorrow."

Speaker Giglio: "You heard the Gentlemens Motion. Does the gentleman have leave. Representative Black."

Black: "Well, thank you very much, Mr. Speaker. Before I would be willing to grant leave, could the Gentleman explain what this Constitutional Amendment does. I think I know,

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

114th Legislative Day

April 12, 1994

what the Extraordinary Majority. Could you explain that so that all the Members could hear that some may be in favor of that, some may not."

Speaker Giglio: "Representative Lang."

Lang: "This Constitutional Amendment would change the date after which we need a Sper Marity from July 1 to June 1."

Speaker Giglio: "Does the Gentleman have leave by the Attendance Roll Call? Hearing none, leave is granted. Speaker Madigan."

Madigan: "Mr. Speaker, just to announce that tomorrow around noon or shortly there after, we will call Governor Edgars plan to ban assault weapons. So, again, tomorrow about noon or shortly there after we shall call Governor Edgars plan to ban assault weapons. Thank you, Mr. Speaker."

Speaker Giglio: "The Chair would like to remind the people in the, in the House and those in the gally that tomorrow when this Bill is called that all those people only entitled to the House Floor will be allowed on the House Floor. All other people will be allowed in the galleries. Representative Lang moves that the, allowing Perfuntory time for the Clerk, that the House stands adjourned until tomorrow at the hour of noon. All those in favor signify by saying 'aye', opposed 'no'. In the opinion of the Chair, the 'ayes' have it. The House now stands adjourned until tomorrow at the hour of noon." Clerk Rossi: "Introduction - First Reading of House Bills. House Bill 4172, offered by Representative Frias, a Bill for an Act to amend the Criminal Code. House Bill 4173, offered by Representative Blagojevich, a Bill for an Act to amend the Counties Code. House Bill 4174, offered by Representative Blagojevich, a Bill for an Act to amend the Counties Code. House Bill 4175, offered by Representative McAfee, a Bill

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

114th Legislative Day

April 12, 1994

for an Act concerning driving instruction. House Bill 4176, offered by Representatives Capparelli and McAuliffe, a Bill for an Act in relation to police officer training boards. House Bill 4177, offered by Representative Olson, a Bill for an Act to amend the School Code. House Bill 4178, offered by Representative Pugh, a Bill for an Act to amend the Board of Higher Education Act. House Bill 4179, offered by Representative Tom Johnson, a Bill for an Act to amend the Property Tax Code. House Bill 4180, offered by Representative Cross, a Bill for an Act to amend the Criminal Code. House Bill 4181, offered by Representative Biggins, a Bill for an Act to amend the Criminal Code. House Bill 4182, offered by Representative Churchill, a Bill for an Act to amend the Illinois Insurance Code. House Bill 4183, offered by Representative Black, a Bill for an Act to amend the Sale of Tobacco to Minors Act. House Bill 4184, offered by Representative Ostenburg, a Bill for an Act concerning children. House Bill 4185, offered by Representative Hawkins, a Bill for an Act to amend the Counties Code. House Bill 4186, offered by Representative Pugh, a Bill for an Act to amend the School Code. House Bill 4187, offered by Representative Gash, a Bill for an Act to amend the School Code. House Bill 4188, offered by Representative Curran, a Bill for an Act to amend the Illinois Pension Code. House Bill 4189, offered by Representative Santiago, a Bill for an Act to regulate utilization review activities. House Bill 4190, offered by Representative Giolitto, a Bill for an Act to amend the Riverboat Gambling Act. House Bill 4191, offered by Representative Curran, a Bill for an Act to amend the Illinois Pension Code. House Bill 4192, offered by Representative Blagojevich, a Bill for an Act to amend the

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

114th Legislative Day

April 12, 1994

Probate Act of 1975 by adding Section 11-13. House Bill 4193, offered by Representative Krause, a Bill for an Act to amend the Hospital Licensing Act. House Bill 4194, offered by Representative Krause, a Bill for an Act to amend the Illinois Municipal Code. House Bill 4195, offered by Representative Krause, a Bill for an Act in relation to campaigns and elected officials. House Bill 4196, offered by Representative Frias, a Bill for an Act to amend the Criminal Code of 1961. House Bill 4197, offered by Representative Frias, a Bill for an Act to amend the Criminal Code of 1961. House Bill 4198, offered by Representative Frias, a Bill for an Act to amend the Criminal Code of 1961. House Bill 4199, offered by Representative Frias, a Bill for an Act to amend the School Code. House Bill 4200, offered by Representative Frias, a Bill for an Act to amend the School Code. House Bill 4201, offered by Representative Frias, a Bill for an Act to amend the School Code. House Bill 4202, offered by Representative Balanoff, a Bill for an Act to amend the Freedom of Information Act. House Bill 4203, offered by Representative Gash, a Bill for an Act to amend the Illinois Public Aid Code. House Bill 4204, offered by Representative Santiago, a Bill for an Act in relation to enforcement of the State Employment Records Act. House Bill 4205, offered by Representative Andrea Moore, a Bill for an Act to amend the Township Code. House Bill 4206, offered by Representative Lang, a Bill for an Act concerning automotive repair. House Bill 4207, offered by Representative Hawkins, a Bill for an Act to amend the Mental Health and Developmental Disabilities Code. House Bill 4208, offered by Representative Weller, a Bill for an Act to amend the Illinois Public Aid Code. House Bill 4209, offered by

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

114th Legislative Day

April 12, 1994

Representative Brunsvold, a Bill for an Act in relation to taxes imposed by local government. House Bill 4210, offered by Representative Santiago, a Bill for an Act to amend the School Code. House Bill 4211, offered by Representative Giles, a Bill for an Act in relation to beverage containers. House Bill 4212, offered Representative Deering, a Bill for an Act in relation to the sale of soft drinks. House Bill 4213, offered by Representative Flowers a bill for an Act to amend the Civil Administrative Code. House Bill 4214, offered by Representative Zickus, a Bill for an Act in relation to health care workers. House Bill 4215, offered by Representative Giles, a Bill for an Act concerning injuries. House Bill 4217, offered by Representative Capparelli, a Bill for an Act to amend the Illinois Pension Code. House Bill 4216, offered by Representative Lopez, a Bill for an Act to amend the Illinois Domestic Violence Act. Introduction and First Reading of these House Bills."

Clerk Rossi: "Introduction and First Reading of House Joint Resolution Constitutional Amendment #31, offered by Speaker Madigan. Be it RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-EIGHTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, That there shall be submitted to the electors of the State for adoption or rejection at the general election next occurring at least 6 months after the adoption of this Resolution a proposition to amend Section 11 of Article VI of the Illinois Constitution as follows: ARTICLE VI THE JUDICIARY SECTION 11. ELIGIBILITY FOR OFFICE No person shall be eligible to be a Judge or Associate Judge unless that person is a United States citizen, a licensed attorney-at-law of this State and a resident of the unit which selects him or her.

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

114th Legislative Day

April 12, 1994

After January 1, 1995 No person who is holding the office of Judge or Associate Judge on that date may be elected or appointed at as a Judge or Associate Judge unless that person has been a licensed attorney-at-law of this state for at least ten years before election or appointment. No change in the boundaries of the unit shall affect the tenure in office of a Judge or Associate Judge incumbent at the time of such change. SCHEDULE: This Constitutional Amendment takes effect upon approval by the electors of this State. Third reading, first legislative day on House Joint Resolution Constitutional Amendment #31."

Clerk Rossi: "House Joint Resolution Constitutional Amendment #35 offered by Speaker Madigan. Be it RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-EIGHTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, That there shall be submitted to the electors of the State for adoption or rejection at the general election next occurring at least 6 months after the adoption of this Resolution a proposition to amend Section 10 of Article IV of the Illinois Constitution as follows: ARTICLE IV THE LEGISLATURE SECTION 10. EFFECTIVE DATE OF LAWS:The General Assembly shall provide by law for a uniform effective date for laws passed prior to June 1 of the calendar year. The General Assembly may provide for a different effective date in any law passed prior to June 1. A bill passed after May 31 shall not become effective prior to June of the next calendar year unless the General Assembly by the vote of three-fifths of the Members elected to each house provides for an earlier effective date. First Reading of this House Joint Resolution Constitutional Amendment #35."

Clerk Rossi: "Introduction and First Reading of House Joint Resolution Constitutional Amendment #34 offered by



STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

114th Legislative Day

April 12, 1994

Representative Sheehy. Be it RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-EIGHTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that there shall be submitted to the electors of the State for adoption or rejection at the general election next occurring at least 6 months after the adoption of this Resolution a proposition to add Section 13.5 to Article IV of the Constitution as follows: ARTICLE IV THE LEGISLATURE Section 13.5 expanding gambling in municipalities the General Assembly shall not authorize the expansion of riverboat gambling, land based casino gambling, or off-track pari-mutual betting in a municipality unless approved at referendum by a majority of the voters in the municipality voting at the referendum. SCHEDULE This Amendment takes effect upon its approval by the electors of this State. Introduction and First Reading of this House Joint Resolution Constitutional Amendment."

Clerk Rossi: "Introduction and First Reading of House Bills. House Bill 4218, offered by Representative Pedersen, Bill for an Act to amend the Illinois Public Aid Code. First Reading of this House Bill."

Clerk Rossi: "Introduction and First Reading of House Bills. House Bill 4219, offered by Representative Ryder, a Bill for an Act to create the Lifetime Security Act. First Reading of this House Bill."

Clerk Rossi: "Introduction and First Reading of House Bills. House Bill 4220, offered by Representative Turner, a Bill for an Act to amend the Civil Administrative Code of Illinois. First Reading of this House Bill."

Clerk Rossi: "Introduction and First Reading of House Bills. House Bill 4221, offered by Representative Lopez, a Bill for an Act to amend the Illinois Vehicle Code. House Bill

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

114th Legislative Day

April 12, 1994

4222, offered by Representative Cross, a Bill for an Act to create Helping Schools License Plates. House Bill 4223, offered by Representative Lopez, a Bill for an Act to amend the Illinois Police Training Act. Introduction and First Reading of these House Bills. Being no further business, the House will stand adjourned until Wednesday, April 13, 1994 at the hour of 12:00 noon."

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
DAILY TRANSCRIPTION OF DEBATE INDEX

94/04/22  
14:46:47

APRIL 12, 1994

HB-2631	SECOND READING	PAGE	33
HB-2657	SECOND READING	PAGE	10
HB-2692	SECOND READING	PAGE	11
HB-2719	SECOND READING	PAGE	23
HB-2794	SECOND READING	PAGE	10
HB-2856	SECOND READING	PAGE	11
HB-2865	SECOND READING	PAGE	10
HB-2926	FIRST READING	PAGE	23
HB-2927	SECOND READING	PAGE	23
HB-3072	SECOND READING	PAGE	33
HB-3073	SECOND READING	PAGE	33
HB-3457	SECOND READING	PAGE	11
HB-3633	MOTION	PAGE	34
HB-4173	FIRST READING	PAGE	36
HB-4174	FIRST READING	PAGE	36
HB-4175	FIRST READING	PAGE	36
HB-4176	FIRST READING	PAGE	37
HB-4177	FIRST READING	PAGE	37
HB-4178	FIRST READING	PAGE	37
HB-4179	FIRST READING	PAGE	37
HB-4180	FIRST READING	PAGE	37
HB-4181	FIRST READING	PAGE	37
HB-4182	FIRST READING	PAGE	37
HB-4183	FIRST READING	PAGE	37
HB-4184	FIRST READING	PAGE	37
HB-4185	FIRST READING	PAGE	37
HB-4186	FIRST READING	PAGE	37
HB-4187	FIRST READING	PAGE	37
HB-4188	FIRST READING	PAGE	37
HB-4189	FIRST READING	PAGE	37
HB-4190	FIRST READING	PAGE	37
HB-4191	FIRST READING	PAGE	37
HB-4192	FIRST READING	PAGE	37
HB-4193	FIRST READING	PAGE	38
HB-4194	FIRST READING	PAGE	38
HB-4195	FIRST READING	PAGE	38
HB-4196	FIRST READING	PAGE	38
HB-4197	FIRST READING	PAGE	38
HB-4198	FIRST READING	PAGE	38
HB-4199	FIRST READING	PAGE	38
HB-4200	FIRST READING	PAGE	38
HB-4201	FIRST READING	PAGE	38
HB-4202	FIRST READING	PAGE	38
HB-4203	FIRST READING	PAGE	38
HB-4204	FIRST READING	PAGE	38
HB-4205	FIRST READING	PAGE	38
HB-4206	FIRST READING	PAGE	38
HB-4207	FIRST READING	PAGE	38
HB-4208	FIRST READING	PAGE	38
HB-4209	FIRST READING	PAGE	38
HB-4210	FIRST READING	PAGE	39
HB-4211	FIRST READING	PAGE	39
HB-4212	FIRST READING	PAGE	39
HB-4213	FIRST READING	PAGE	39
HB-4214	FIRST READING	PAGE	39
HB-4215	FIRST READING	PAGE	39
HB-4216	FIRST READING	PAGE	39
HB-4218	FIRST READING	PAGE	41
HB-4219	FIRST READING	PAGE	41
HB-4220	FIRST READING	PAGE	41
HB-4221	FIRST READING	PAGE	41
HB-4222	FIRST READING	PAGE	42
HB-4223	FIRST READING	PAGE	42
SB-1037	SECOND READING	PAGE	6

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
DAILY TRANSCRIPTION OF DEBATE INDEX

94/04/22  
14:46:47

APRIL 12, 1994

SB-1037 RECALLED	PAGE	5
SB-1037 THIRD READING	PAGE	6
*HJR-0031 SECOND READING	PAGE	24
*HJR-0031 THIRD READING	PAGE	39
*HJR-0034 FIRST READING	PAGE	40
*HJR-0035 FIRST READING	PAGE	40
*HJR-0035 MOTION	PAGE	35
SUBJECT MATTER		
HOUSE TO ORDER - SPEAKER MCPIKE	PAGE	1
PRAYER - REVEREND GARY MCCANTS	PAGE	1
PLEDGE	PAGE	1
ROLL CALL ATTENDANCE	PAGE	2
REPRESENTATIVE CURRIE IN THE CHAIR	PAGE	4
REPRESENTATIVE GIGLIO IN THE CHAIR	PAGE	22
PERFUNCTORY SESSION	PAGE	36
PERFUNCTORY SESSION ADJOURNED	PAGE	42