

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

121st Legislative Day

April 27, 1994

Speaker McPike: "The House will come to order. The Chaplain for today is Reverend Dennis Wright of the Church of Nazarene in Marshall, Illinois. Reverend Wright is the guest of Representative Weaver. The guests in the balcony may wish to rise and join us for the invocation."

Reverend Dennis Wright: "Almighty, loving, heavenly Father. We come to You with assurance today, for we know that You are interested in the affairs of Your children, of Your people. We ask Lord today that upon this great assemblage You would bless and anoint these, Your servants. Remind them Lord that they have endangered a trust of the people of Illinois that is given cc these days. We ask God that You would help them to just fulfill that trust to the best of their abilities. We thank You, Lord, for the sacrifices that these men and women have made to be here, many of them away from their families, given up on their careers to serve the people of the state. We ask Lord, Your blessing on those families that they've left behind. We pray God as well that You remind them of the normity of the task that faces them. Help them Lord to realize each consideration that they have today affects the quality of life of someone, and perhaps even a continuance of a lifestyle. We ask God today that You would grant them wisdom, and discernment, and compassion, and remind them that even though they may have differences of opinion that they are all working together for the common good of humanity. We pray, Lord, that all that they do today and all that is accomplished here might be for the betterment of the people of the State of Illinois, and for the kingdom of Christ, for we ask it in His name, Amen."

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

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Stephens - 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 McPike: "Roll Call for Attendance. Democrats have no excused absences today. Representative Kubik."

Kubik: "Neither do the Republicans, Mr. Speaker."

Speaker McPike: "Thank you. Mr. Clerk, take the roll. One hundred and eighteen Members answering roll call, a quorum is present. Representative Stephens."

Stephens: "Thank you, Mr. Speaker. I'm sorry that the rules don't allow me to introduce St. Clair Christian Home School Educators Cub Scout Pack #42 that's in the gallery to the...opposite the podium. How about a welcome for them?"

Speaker McPike: "Page 53 of the Calendar, Consent Calendar, Second Reading, Second Day. Mr. Clerk, read the Bills."

Clerk Rossi: "Consent Calendar, Second Reading, Second Day. House Bill 2489, amends the Uniform Partnership Act together with Committee Amendment #1. House Bill 2535, a Bill for an Act concerning alternative fuels. House Bill 3105, amends the Casual Deficit Act. House Bill 3213, a Bill for an Act amending the Illinois Income Tax Act. House Bill 3224, a Bill for an Act in relation to women owned businesses in connection with Committee Amendment #1. House Bill 3489, a Bill for an Act amending the Illinois Income Tax Act. House Bill 3612, amends the Code of Civil Procedure. House Bill 3852, a Bill for an Act amending the County Economic Development Project Area Tax Allocation Act. House Bill 3983, a Bill for an Act amending the Counties Code. House Bill 4053, a Bill for an Act amending the Code of Criminal Procedure together with Committee Amendment #1. House Bill 4111, a Bill for an Act

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concerning investment of public funds together with Committee Amendment #1. House Bill 4132, a Bill for an Act amending the Counties Code. Second Reading of these Bills on Consent Calendar."

Speaker McPike: "Third Reading. State and Local Government, Second Reading, House Bill 2627, Representative Currie. Representative Currie. Out of the record. Representative Tim Johnson, House Bill 2704. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 2704, a Bill for an Act amending the Illinois Drainage Code. Second Reading of the Bill. No Committee Amendments."

Speaker McPike: "House Bill 2704, Mr. Clerk."

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

Speaker McPike: "Mr. Black."

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

Speaker McPike: "We're on State and Local Government, Second Reading. Mr. Black."

Black: "Floor Amendment #1 adds the following to the underlying Bill. Dealing with the consolidation and petition of a drainage district. If a county board of a county in which contiguous drainage districts are wholly situated and they wish to consolidate districts must show on their position...or petition the following: The names of the districts that the districts are contiguous and wholly situated within the county, the name of the proposed consolidated district, and the reasons, for and the advantages to be derived from, said consolidation. I'll be glad to answer any questions you have about Floor Amendment #1."

Speaker McPike: "On the 'do adopt' Motion, Representative Granberg."

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Granberg: "Thank you, Representative Black. I don't think there is any objection to this, but whose initiative is this? Is this a problem in your district, or..."

Black: "No, it's not. It comes from a district that's adjacent to mine in the immediate area, but there are evidently some problems in how drainage districts might to be able to consolidate."

Granberg: "So, there is no objection by any of the local units of government to this..."

Black: "Not to my knowledge, not to my knowledge."

Granberg: "The township officials, no one has any..."

Black: "Let's say that I've not heard from them, but I can't honestly tell you whether they're fully aware of this either."

Granberg: "Okay. All right, thank you."

Black: "All right."

Speaker McPike: "The question is, 'Shall Amendment #1 be adopted?' All in favor say 'aye'; opposed, 'no'. The 'ayes' have it, and the Amendment is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker McPike: "Third Reading. House Bill 2727, Representative Edley. Mr. Edley. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 2727, a Bill for an Act amending the Illinois Vehicle Code. Second Reading of the Bill. Amendment #1 was adopted in committee. No Motions filed. Floor Amendment #2, offered by Representative Churchill."

Speaker McPike: "Amendment #2, Representative Churchill."

Churchill: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. The underlying Bill is a Bill which requires the Secretary of State's Office to issue titles within 30 days, and if they don't, it says that the Secretary of State

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should take the title, money that was put into the fund and return it to the people who have made application. As the Bill was going through committee, I thought that what was good for one department might be good for another department, and so I have put this Amendment in for the State Treasurer's Office. And basically what it says is that the Treasurer will countersign, approve, or disapprove payment of all warrants within eight business hours, and if he fails to do so then the comptroller shall take 10% of the amount of the failed warrant and put it into the Common School Fund. So, it sounds like what's good for the Secretary of State's Office might be good for the Treasurer's Office, too, and I would ask your support for this Amendment."

Speaker McPike: "Representative Edley."

Edley: "Would you take the Bill out of the record, please."

Speaker McPike: "Yes, out of the record. Representative Currie, did you wish to call your Bill? Ms. Currie, you wish to call 2627? Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 2627, a Bill for an Act concerning county taxes. Second Reading of the Bill. Amendments #1 and 2 were adopted in committee. No Motions are filed. No Floor Amendments."

Speaker McPike: "Third Reading. House Bill 2754, Representative Novak. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 2754, a Bill for an Act concerning veterans. Second Reading of the Bill. Amendment #1 was adopted in committee. No Motions have been filed. Floor Amendment #2, offered by Representative Stephens."

Speaker McPike: "Representative Stephens."

Stephens: "Thank you, Mr. Chairman."

Speaker McPike: "Excuse me, Mr. Stephens. Just a minute."

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Representative Dart, for what reason do you rise?"

Dart: "Thank you, Mr. Speaker. A parliamentary inquiry is germaneness of this Amendment."

Speaker McPike: "What was your question? Mr. Dart."

Dart: "The question is to the germaneness of this Amendment."

Speaker McPike: "The Amendment does not amend the same Act, and it is not the same subject matter. The Amendment is not germane. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker McPike: "Third Reading. Representative Stroger, House Bill 2825. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 2825, a Bill for an Act amending the Illinois Municipal Code. Second Reading of the Bill. Amendment #1 was adopted in committee. No Motions filed. No Floor Amendments."

Speaker McPike: "Third Reading. House Bill 3187, Representative Turner. Out of the record. House Bill 3402, Representative Giglio. Read the Bill, Mr. Clerk. Out of the record. How about 3403, Mr. Giglio? Read 3403. Out of the record. Representative Blagojevich, House Bill 3468. Mr. Blagojevich. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 3468, a Bill for an Act concerning the administrative review. Second Reading of the Bill. Amendments 1 and 2 were adopted in committee. No Motions have been filed. No Floor Amendments."

Speaker McPike: "Third Reading. House Bill 3470, Representative Curran. Mr. Curran? Out of the record. Representative Deering, House Bill 3524. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 3524, a Bill for an Act amending the Illinois Vehicle Code. Second Reading of the Bill. No Committee Amendments. No Floor Amendments, but a fiscal note or been requested on the Bill."

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Speaker McPike: "Mr. Deering, Mr. Black withdraws the request for a fiscal note. Third Reading. House Bill 3540, Representative Lang. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 3540, a Bill for an Act amending the Township Code. Second Reading of the Bill. No Committee Amendments. Floor Amendment #2, offered by Representative Lang."

Speaker McPike: "Mr. Lang."

Lang: "Thank you, Mr. Speaker. This Amendment deals with the issue of township assessors and their required elements for them to be elected to office. In two counties in this state, there are elected township and elected county assessor, two counties: Cook and St. Clair. In those two counties, the elected county assessor has no prerequisites to be elected to that office, but nevertheless in the townships in those counties, they do. They have to take certain courses in assessment practice, even though in those townships in those counties, those township assessors don't do any assessing. They do a lot of work. They do a lot of important work. It's critical work in the township, but they don't do assessing. In all of the other counties of the state, those assessors do assessing, and they should have to do those requirements. They should have to take those classes. They should have to get those certifications, but in Cook County and St. Clair County, they're superfluous because those assessors do no assessing at all. The county assessor does assessing, and the county assessor doesn't have to take those classes. This Amendment would delete that requirement, just in those two counties, just in those two counties, and I would move for adoption."

Speaker McPike: "And on that Motion, Representative Hughes."

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Hughes: "A question of the Sponsor, please?"

Speaker McPike: "Yes, proceed."

Hughes: "There's been a great deal of effort toward establishing education requirements. Could you explain where this Bill is coming from and why it's necessary? There's a lot of concern out there. Beg your pardon?"

Lang: "I'm sorry, I was answering a question over here."

Hughes: "Oh."

Lang: "This comes from my reading of the law. It comes from my having been a township attorney in Cook County, previously. So, despite what you've seen in letters that have been sent to Members from the certain organizations, particularly the Township Assessors Association who has a stake in this. The fact is that those requirements in those two counties are not necessary. In nowhere in Cook County does a township assessor assess property. A township assessor does a lot of important work, but that assessor does not need to have any pre-requirements to know how to assess property, because they don't assess property. The county assessor assesses property, and the county assessor does not have to take these classes. So, why should a person who does not assess property have to take these classes? It makes no sense governmentally, in all of the other counties of the state, they should take the classes, and they do. But, let's not hold these people to take classes that are unnecessary, and what we have here in Cook and St. Clair Counties is an assessor incumbency statute. It says well, 'Don't run against the current assessor because you'll have to go out and take these classes, even though they're unnecessary'. So, let's do away with this unnecessary section of the law."

Hughes: "Thank you for answering the question. I think we need



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to be extremely cautious about removing education requirements anywhere, and I thank you for the explanation."

Speaker McPike: "Representative Pedersen."

Pedersen: "Will the Sponsor yield for a question?"

Speaker McPike: "Yes."

Pedersen: "Representative, what you're saying that, in effect, is that these educational requirements are not beneficial and helpful to assessors in Cook County, is that correct?"

Lang: "What I'm saying is, township assessors in Cook County and in St. Clair County do no assessing whatsoever. So, for them to take those classes are just about as helpful to them as them taking a class in surgery, they don't do it. They do a lot of very important work. I'm not trying to take any duties away from the township assessor. All I'm saying is, why should they take these classes, when the elected county assessor who does the assessing doesn't have to take these classes?"

Pedersen: "Well, you're saying that these courses are useless to the people who provide services in the township."

Lang: "That's, in my view they, these courses are useless, not the assessor, I want to make it clear, not the assessor, not the good work the township assessors in Cook County do, just these courses don't apply to the work they do."

Pedersen: "Don't you think that in these courses they learn about how assessments work? They have to know that, if they're going to be of service to their constituents."

Lang: "I completely disagree with you, Representative. I was a township attorney for ten years and at no time was it necessary for my township assessor to know how to assess property or know anything other than what he's already learned or what any township assessor could learn from the

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county assessor."

Pedersen: "Well, to the Amendment, Mr. Speaker. I agree in part on what the Representative is trying to do. I think we should not have to have people who have taken courses and have a CIA odor run for office, and I think that, I agree with that statewide, and not just in Cook County. However, I think the educational effort is worthwhile, and they should be required to take the courses after they're elected, which I think they can do in a reasonably short period of time. So, if we're talking about just absolutely wiping out these educational requirements, I would be opposed to the Amendment, and I recommend a 'no' vote."

Speaker McPike: "Representative Biggins."

Biggins: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise to speak against this Amendment. The township officials, the township assessors answer numerous questions from their constituents both in Cook County and downstate, and in order to answer them they have to be fluent and understand the subjects. They have to understand how to commercially appraise property, and how commercial...appraise residential properties as well. So, I speak against this Amendment. They answer thousands of requests a year, they document them, and I know they've been submitted as part of the evidence on this Bill and Amendment, and I urge everyone to vote 'no' on the Amendment."

Speaker McPike: "Representative Wyvetter Youngue."

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

Speaker McPike: "Yes."

Youngue: "Representative..."

Speaker McPike: "Representative Youngue, please speak into your microphone. Thank you."

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Younger: "Representative Lang, to the effect of this Amendment is merely to eliminate the county assessor of St Clair County."

Speaker McPike: "Representative Younger, will you please speak into you microphone so the Body can hear you."

Younger: "I've got my light on, yes. It would just mean that the county assessor of St Clair County would not have to take courses, is that correct?"

Lang: "Yes, the answer is yes. It would mean that the township assessors in St. Clair County and in Cook County would not have to take the courses. That's correct."

Younger: "Thank you very much."

Speaker McPike: "Representative Skinner."

Skinner: "Mr. Speaker, the Sponsor of this Amendment has made a marvelous argument for making the Cook County assessor have to take a test before he can get on the ballot. He has not made a very good argument for why township assessors should not have to be as qualified as Representative Bernie Pedersen and, who is a former township assessor. Somebody has got to clean up the mess that the Cook County assessor creates, and if the township assessors tell the taxpayers how to appeal their assessments, we want them to be qualified, because we want to continue to make them dangerous. I do, however, have to throw a kudo to the Sponsor of the Amendment. He is making it easier for the Republicans to find township assessor candidates in St. Clair County, because they will have to have no qualifications whatsoever, which is apparently what the Democratic candidates for township assessors in townships that he can't find candidates for have the same qualifications, none."

Speaker McPike: "Representative Murphy. Murphy."

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Murphy, M.: "I'm sorry, we can't hear over here, could you get a little order. I wanted to ask a question of the Representative, Sponsor."

Speaker McPike: "Yes, proceed, proceed."

Murphy, M.: "Hi Lou. I think the people should be paying attention about this Amendment, and I wanted the Sponsor to outline for us that these are not courses that one could take at their friendly junior college. In order to get qualified assessor, assessors, we will need qualified candidates. In order to get qualified candidates, they have a hurdle in Cook County that they must take special courses that are only open to a few. Could the Sponsor tell the rest of us about the courses, and how difficult it is to get into these courses if you want to be an assessor candidate in Cook County?"

Speaker McPike: "Mr. Lang."

Lang: "I'm sorry, I heard everything except the question. Try it again."

Murphy, M.: "How hard is it to take to get in these courses before trying to be an assessor candidate in Cook County. It is not a regular course through our local colleges, it is sort of like a private club that you have to have certain dates?"

Lang: "Not only is that true Representative, but the State Department of Revenue reimburses townships when they send people to take some of these courses, so these courses the township assessors are taking, are costing the State of Illinois money, their not costing individual townships money. Their costing up State of Illinois taxpayers money."

Murphy, M.: "And aren't they only held on a certain amount of time? It's very difficult if you were a non-assessor to

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take these courses to prepare to run for office."

Lang: "That is correct. Let me also point out why you're talking about those courses that these assessors get a stipend for taking these courses. They get a stipend. That's why the assessors don't, the township assessors are against this Bill."

Murphy: "All right, thank you, Representative."

Speaker McPike: "Mr. Wennlund."

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

Speaker McPike: "Yes."

Wennlund: "It's my understanding, Representative Lang, that the Cook County township assessors have an association, and that that association is opposed to this Amendment."

Lang: "Of course, they're opposed to the Amendment."

Wennlund: "How about the Niles township...assessors? Is he also opposed to this?"

Lang: "The Niles Township assessor is, of course, opposed to this Amendment."

Wennlund: "Is Niles Township in your district?"

Lang: "Part of my district is in Niles Township, that's correct."

Wennlund: "It's my understanding that the Cook County assessor, who is elected, is not required to take any of the...courses, correct?"

Lang: "That's also correct."

Wennlund: "So, we're going to have no one in St. Clair County, and no one in Cook County who has taken the required courses that all other assessors in Illinois are required to take."

Lang: "These people do not do assessing, Representative, they don't do brain surgery either. So, should we have them take those courses?"

Wennlund: "Thank you. To the Bill. To the Amendment, Ladies and

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Gentlemen of the House. I think that's a real dangerous precedent to remove everyone in those two counties in the State of Illinois from having any intelligence and any qualifications to do assessing in those two counties. Tax assessing is one of the most important functions. It takes place with the high property taxes, particularly in Cook County. And, to remove township assessors and also not have a county assessor that has gone through the required courses is absolutely ridiculous. Now, Mr. Speaker, pursuant to Rule 55 (c), I am joined by four or five other colleagues here, I request a record..."

Speaker McPike: "We're going to have a roll call. We're going to have a roll call. Representative Lang, to close."

Lang: "Thank you, Mr. Speaker. Sometimes I can't believe what I hear on the floor of this House. These people do not assess. To have them take courses that helps them do assessing is ludicrous. The fact that the previous Representative talks about how we need these courses to protect people, these courses were put in the statute by these assessors to protect their incumbency and to continue to get a stipend from the State of Illinois. All of us are paying these assessors to take these courses that are absolutely unnecessary. They don't need to take these courses to learn how to help somebody fill out a complaint about their assessment. They only take these courses to get your money from the State of Illinois, and to protect their re-election. Now, we're only talking about the two counties where the assessors don't do any of this work. We're not talking about the other counties. In the other counties where the assessors do the assessing, they should take these courses, that's all. That makes perfect sense to me. Please vote 'aye'."

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Speaker McPike: "The question is, 'Shall Amendment #2 be adopted?' All in favor vote 'aye'; opposed vote 'no'. Have all voted? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this Motion, there are 25 'ayes', 81 'noes'. The Motion fails. Further Amendments?"

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

Speaker McPike: "Mr. Lang. It stays on Second Reading. Representative Balanoff, 3564. Read the Bill, Mr. Clerk. Mr. Balanoff, do you want these technical Bills called? Out of the record. Representative Steczo, 3663. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 3663, a Bill for an Act amending the Illinois Vehicle Code. Second Reading of the Bill. No Committee Amendments. No Floor Amendments, but a fiscal note has been requested on the Bill."

Speaker McPike: "Mr. Steczo."

Steczko: "Thank you, Mr. Speaker. On this Bill, I would move that the Fiscal Note Act is inapplicable."

Speaker McPike: "All right, the Gentleman so moves. The question is, 'Shall the Motion be adopted?' Mr. Black."

Black: "Thank you very much. Since the Gentleman made a Motion, I would ask the Chair to grant us the right to vote on said Motion pursuant to 55 (c). I believe there is a cost to this Bill."

Speaker McPike: "All right, the question is, the Motion is, 'Is the Fiscal Note Act inapplicable?' All in favor of the Motion vote 'aye', opposed vote 'no'. Have all voted? Have all voted who wish? The Clerk will take the record. On this Motion, there are 65 'ayes' and 50 'noes', and the Motion carries. Third Reading. House Bill 3704,

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Representative Hannig. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 3704, a Bill for an Act to create the Illinois Procurement Code. Second Reading of the Bill. No Committee Amendments. Floor Amendment #1 was withdrawn. Floor Amendment #2 offered by, Representative Hannig."

Speaker McPike: "Mr. Hannig."

Hannig: "Yes, thank you, Mr. Speaker, Members of the House. This is just a clarification of how the Purchasing Act applies to the pension agencies, and I would move for its adoption."

Speaker McPike: "The question is, 'Shall Amendment #2 be adopted?' All in favor say 'aye'; opposed, 'no'. The 'ayes' have it. The Amendment's adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker McPike: "Third Reading. Representative Santiago, 3712. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 3712, a Bill for an Act amending the Vital Records Act. Second Reading of the Bill. No Committee Amendments. No Floor Amendments, but a fiscal note has been requested on the Bill."

Speaker McPike: "Representative Santiago."

Santiago: "Third Reading."

Speaker McPike: "Well, there's a fiscal note request."

Santiago: "I move that the fiscal note is not applicable."

Speaker McPike: "Representative Black withdraws the request for a fiscal note. Third Reading. House Bill 3714, Representative Santiago. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 3714, a Bill for an Act amending the Counties Code. Second Reading of the Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Santiago."



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Speaker McPike: "Representative Santiago."

Santiago: "Yes, Floor Amendment #1 raises the fees from \$3 to \$5."

Speaker McPike: "The question is, 'Shall Amendment #1 be adopted?' And on that, Mr. Black."

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

Speaker McPike: "Yes."

Black: "Representative, what does this Amendment do to the underlying fee increase that the Bill calls for?"

Santiago: "I did away with the other language in the Bill, and all it does is just raises the fee from \$3 to \$5."

Black: "But, does it mandate that the county must, the county board must charge the higher fee?"

Santiago: "No, it says, if you read the first line there, it says the county board of any county may provide."

Black: "Okay, so, in other words, by this Amendment you're taking out that dictate that the county board would have to charge the higher fee?"

Santiago: "Right, you're correct."

Black: "In other words the county can't impose the higher fee, unless they pass an ordinance."

Santiago: "Right."

Black: "I think that makes eminent good sense. I congratulate you on an outstanding Amendment."

Speaker McPike: "The question is, 'Shall Amendment #1 be adopted?' All those in favor say 'aye'; opposed, 'no'. The 'ayes' have it, and the Amendment is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker McPike: "Third Reading. House Bill 3716, Representative Santiago. Read the Bill, Mr. Clerk."

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Clerk Rossi: "House Bill 3716, a Bill for an Act concerning the recording of instruments. Second Reading of the Bill. No Committee Amendments. No Floor Amendments, but a fiscal note has been requested on the Bill."

Speaker McPike: "The request for a fiscal note is withdrawn. Third Reading. Representative Hannig, 3743. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 3743, a Bill for an Act amending the Public Officer Prohibited Activities Act. Second Reading of the Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Wennlund."

Speaker McPike: "Mr. Wennlund. He withdraws the Amendment. Further Amendments?"

Clerk Rossi: "Floor Amendment #2, offered by Representative Hannig."

Speaker McPike: "Mr. Hannig."

Hannig: "Yes, thank you, Mr. Speaker, Members of the House. This is the Amendment that the committee requested that restricts the number of people who could serve on these county boards or village trustees, and I'd move for the adoption of the Amendment."

Speaker McPike: "The question is, 'Shall Amendment #2 be adopted?' Representative Black."

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

Speaker McPike: "Yes."

Black: "Representative, I'm not sure what you're trying to accomplish here. There's a current law that prohibits the people from serving on more than one elected board. Isn't that correct, and that's how you understand it?"

Hannig: "Yes, Representative, the underlying problem in my district is in a small community. We have a Gentleman who

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was on the township board, the village board, he was elected to the county board, he was asked to resign in order to be in compliance with the current law. He in turn then...they couldn't find a replacement for him, so he asked me to draft a Bill to try to deal with that problem. We did, and the committee asked that we make this applicable to only small communities. So, the Amendment would only make it, would only allow this dual servings to exist in communities of under 1,000 and counties of under 50,000. So, we're talking about very small downstate communities with this Amendment."

Black: "Well, I can appreciate that, but wouldn't this Amendment then allow somebody to be a paid member of a county board, a city council, and/or a township board?"

Hannig: "Within just townships?"

Black: "I mean I realize you don't have a large pool to draw from. Do we really want people to serve on three or four elected boards drawing perhaps a stipend from each board?"

Hannig: "Representative, might I suggest that we accept the Amendment at this point and debate the underlying Bill, perhaps tomorrow or another day."

Black: "Yes, I would appreciate that."

Hannig: "So, this is just the Amendment at this point, that restricts this to the small town."

Black: "Your right, I'm sorry. Thank you. Thank you very much, Mr. Speaker."

Speaker McPike: "All right, on the Amendment, the question is, 'Shall the Amendment be adopted?' All in favor say 'aye'; opposed, 'no'. The 'ayes' have it, and the Amendment is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker McPike: "Third Reading. Representative Granberg, 3978."

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Read the Bill, Mr. Clerk. Read the Bill."

Clerk Rossi: "House Bill 3978, a Bill for an Act concerning title insurance regulation. Second Reading of the Bill. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments."

Speaker McPike: "Third Reading. Representative Phelan. Mr. Phelan. Representative Blagojevich, 4174. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 4174, a Bill for an Act amending the Counties Code. Second Reading of the Bill. No Committee Amendments. No Floor Amendments, but a fiscal note's been requested on the Bill."

Speaker McPike: "Mr. Blagojevich."

Blagojevich: "Mr. Speaker, thank you. I would move that the fiscal note is inapplicable."

Speaker McPike: "You heard the Gentleman's Motion. All in favor of the Motion say 'aye'; opposed, 'no'. The 'ayes' have it and the Motion carries. Third Reading. .... Law, Second Reading. Representative Hoffman, 2857. That Bill's taken out of the record. All right, as the Speaker indicated, next week we are prepared to call the assault weapons Bill again, and we're on Representative Flinn's Motion on House Bill 2861; and the Motion is, having voted on the prevailing side, I move to reconsider the vote by which House Bill 2861 failed. And on that, we have a Motion by Representative Granberg. Mr. Granberg. Representative Granberg."

Granberg: "Thank you, Mr. Speaker. I move, according to the appropriate House rule, to table the Motion."

Speaker McPike: "All right, Representative Granberg moves to table the Motion to reconsider the vote by which House Bill 2861 was defeated. All in favor of Representative

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Granberg's Motion say 'aye'; opposed, 'no'. The 'noes' have it, and the Amendment...the 'noes' have it, and the Motion is defeated. Representative Wennlund has a Motion to table. The Chair will move that that Motion is now dilatory because we just heard the previous Motion to table. We are now on the Motion to reconsider the vote. Representative...Speaker Madigan, on the Motion."

Madigan: "Mr. Speaker and Ladies and Gentlemen, everyone knows what this Motion is about; everyone knows what the Bill is about. It's very simple. It's Governor Edgar's plan to ban assault weapons. We have thoroughly debated this matter on two previous occasions. I presume we'll do it again today. I would simply ask, Mr. Speaker, that we vote in favor of the Motion to reconsider an 'aye' vote."

Speaker McPike: "And on that Motion, Representative Brunsvold."

Brunsvold: "Mr. Speaker, I again would ask that you consider the Membership here. I was...rose to ask for a Roll Call Vote on Mr. Granberg's Motion and it was not recognized for that...to make that request, but so be it. This is a Motion to reconsider people, and we need to vote 'no' on this and knock this down, and let this issue go away. So, please vote 'no' to reconsider this vote."

Speaker McPike: "Yes, we will have a Roll Call Vote on this Motion. Representative Wennlund, on the Motion."

Wennlund: "Thank you, Mr. Speaker. I rose to request a Roll Call Vote, pursuant to Rule 55 (c)."

Speaker McPike: "We will have it."

Wennlund: "Thank you."

Speaker McPike: "Is there further discussion? There is no further discussion. Speaker Madigan, do you wish to close? Do you wish to close, Sir?"

Madigan: "Mr. Speaker, again simply to ask for an 'aye' vote on

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the Motion to reconsider. Thank you."

Speaker McPike: "All right, all those in favor of the Motion to reconsider vote 'aye'; opposed vote 'no'. This Motion requires 60 'aye' votes. Have all voted? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this Motion, there are 51 'ayes' and 63 'noes', and the Motion is defeated."

Speaker McPike: "Criminal Law, Second Reading. Returning to Criminal Law, Second Reading, appears House Bill 3675, Representative Lang. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 3675..."

Speaker McPike: "Proceed, Mr. Clerk. Read the Bill."

Clerk Rossi: "House Bill 3675, a Bill for an Act amending the Criminal Code of 1961. Second Reading of the Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Lang."

Speaker McPike: "Amendment #1, Representative Lang."

Lang: "Mr. Speaker, I believe I withdrew that Amendment yesterday."

Speaker McPike: "All right, that Amendment has been withdrawn. Further Amendments?"

Clerk Rossi: "Floor Amendment #2, offered by Speaker Madigan."

Speaker McPike: "Speaker Madigan."

Madigan: "Mr. Speaker and Ladies and Gentlemen, if everyone would give their attention to this Amendment, and first..."

Speaker McPike: "Yes, this is printed and distributed."

Madigan: "Are there people who don't wish to debate this. Mr. Speaker?"

Speaker McPike: "This is printed and distributed. Proceed."

Madigan: "All right. Thank you, Mr. Speaker. Mr. Speaker, if everyone would direct their attention to this Amendment and first let me reference everyone to the remarks of the

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Minority Leader on April 13, of this year, when he stated, 'The people of the State of Illinois are not interested in political games, they're interested in resolutions'; and going on he stated, 'that there is a reasonable compromise on the weaponry that has been thrown out in Illinois today in primarily our larger cities'. The gist of his comments were that there could be a compromise relative to the Governor's original position as set out by the Governor in his State-of-the-State Address before this General Assembly. I found it very interesting..."

Speaker McPike: "Representative Daniels, for what do you rise, Sir?"

Daniels: "These political shenanigans that are going on; we don't have a single copy of this Amendment that he's referring to. If, in fact, he's talking about a compromise in this, we're happy to work with him. But he stands on this House floor, abuses the process (as you did in that Chair a few moments ago in dealing with the issue on the Motions) and we want to see the Amendment. We'll be happy to discuss it, but this is too important of an issue for this man to stand on this floor and go through his political shenanigans once again. The people of Illinois..."

Speaker McPike: "All right, Mr. Clerk."

Daniels: "...expect a resolution, not this continued political talk."

Speaker McPike: "Mr. Clerk, has the Amendment been distributed?"

Clerk Rossi: "The Amendment has been distributed."

Speaker McPike: "All right. The Amendment has been distributed. Mr. Speaker, proceed."

Madigan: "Mr. Speaker, Ladies and Gentlemen. Given the earlier remarks of the Minority Leader and others on the floor of the House, given the activity of filing Amendments at the

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beginning of this legislative week by the other side of the aisle (where I believe there were close to 150 Amendments filed), I was rather surprised to learn that of the 150 Amendments filed, not one Amendment dealt with the question of assault weapons; not one of those Amendments embodied the alleged agreement among the Governor, the Mayor of Chicago, and certain legislative offices (not including my office). And so Ladies and Gentlemen, the Amendment which is now under consideration would embody the alleged agreement between the Governor, the Mayor of Chicago, and allegedly, certain Legislators. There is a difference between this Amendment and the Governor's original proposal, and of course we all understand that what's happening here is that Governor Edgar, our Leader, is really compromising against himself. So, he introduced a plan, nobody asked him to compromise, but he stood up and said, 'Okay, there's my plan. Now I want to negotiate with somebody, and I'm prepared to compromise'. So, there is a difference. In the original Bill approximately 90 weapons would be banned. You could not own these weapons. If you own them today, you'd have to give them up or render them inoperable. In this Amendment, 17 Amendments...17 weapons would be banned, outright. You couldn't own them; you'd have to render them inoperable. The remainder of the weapons originally banned in the Governor's original proposal would only be banned for future possession, plus relative to the weapons you own today you could go through a certification process so that you could retain ownership of those weapons, which is direct contravention of the testimony of the Superintendent of State Police, Mr. Terry Gainer, appointed to his position by Governor Edgar. So, stated very simply, Ladies and Gentlemen, we were unable to



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pass Edgar-I on weapons; this is Edgar-II. And, Mr. Speaker, if we could proceed to a roll call and let's see who's straightforward about this issue and who's not. Thank you."

Speaker McPike: "All right, on the...a Motion to adopt the Amendment, Representative Daniels."

Daniels: "Okay. Let's get this straight. Just a few moments ago (and you saw exactly what happened), the Chair said the Amendment had been distributed. I rose as an objection on a point of order, and the Chair then said it was distributed; only to find out that at that very moment our staff had gotten the Amendment, and it was started at the front desk here to distribute the Amendment. So, we were right in what we said; we hadn't seen it. Now, let me tell you what we're up against here. We got a man that just seems that his only one goal in life is to take on the Governor of this state and to try to defeat him for re-election. Well, the people of Illinois...the people of Illinois are not going to fall for those shenanigans because as he stands here and plays his political games, Chicago schools get worse, the Medicaid problem gets worse, your riverboats that you want aren't getting done, business reform isn't happening because the Speaker of the House has created a gridlock that this place is starting to suffer under and you know what, he and you are proud of it. We don't have a resolution of a problem that people of Illinois are asking us to do. This agreement, we haven't even had a chance to review, and let me make sure that the Members of our media understand that when we file an Amendment at the well, the first thing they do is they don't accept it, until the next day. The next thing they do is say, 'We have to send it to our technical review

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staff'. Now, we don't understand where that is. That's somewhere in the basement of this building that they sneak around the little dark corners and they get their little Amendments and they say, 'Oh Joe, what do you think about this? The Republicans have a good idea? Well, we can't consider that good idea right now because it may make them look good.' So they table our Amendment. But when their technical review staff meets and has their little secret meetings in the secret doldrums of this Capitol and then they finally come out and they decide that it's okay now to deal with the Amendment, they then say that the Amendment can be printed. But you know what? Somehow the printing mechanism in this place is slower than it was under even Speaker Ryan in 1981 and 1982, because they don't have enough of the operations staff to print the Amendments. But lo and behold, what happens when the Speaker wants to play his political games once again? Out pops an Amendment still hot from the machines that he is able to find in the Capitol, still warm as he goes...brings it forth to the people of Illinois and what does he deal with right now? 'We're going to deal with a ban on assault weapons', he says with great pride. All of the sudden, the defender of people and justice and the way of life, and this man says this is how to resolve the problem. Well, Ladies and Gentlemen, let me tell you this, the people of Illinois have had enough. They've had enough of the Democrat Majority that refuses to resolve problems, that refuses to deal with a school system that's broken, that refuses to deal with crime and ties it up in committees, that refuses to let the voice of Illinois speak. They've had enough, and they're going to stop it and they're going to realize what you're doing to them and they're going to fight hard

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and repel you at the polls in November for the actions that you're taking. Now, I for one...I for one will stand for the voice of the people to be heard in this Assembly, and I will speak loud and clear to make sure their voice is heard, not in the political shenanigans that we see going on in this place, and I'll fight for the right of each Member to have their Amendments heard. But when the process is abused by the very man that was elected by this chamber to represent the people of Illinois, when he takes advantage of the process as he does here, he ought to be repelled, he ought to be recalled, and we ought to have a new Leadership in this House, and we will have a new Leadership in this House. So, let me tell you this, let me tell you this in the clearest and strongest voice that I can, it is time to compromise this issue on assault weapons, but not this way, Mr. Speaker; not in the darkness and the doldrums of your technical review staff and your shenanigans and the way that you play this game. We'll deal with it openly, we'll deal with it in front of a vote, and we'll take it, and when we're ready to vote on it, when that compromise is here, when the people of Illinois understand what is being put in a Bill, for their benefit, we'll be there to join in that compromise, and that's what we're going to be doing."

Speaker McPike: "Once more, Mary Lou. Speaker Madigan."

Madigan: "Mr. Speaker, just two points of information: Number one, this Amendment is not concerned with the Chicago schools, it's not concerned with riverboats; it's concerned with assault weapons. Number two, it was originally drafted by your staff in the middle of the night, your staff. Let's proceed to a vote, Mr. Speaker."

Speaker McPike: "Right. Representative Churchill, on the

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Motion."

Churchill: "Not a Motion, but just to talk..."

Speaker McPike: "On the Motion. On the 'do adopt' Motion."

Churchill: "On the 'do adopt' Motion. Thank you very much, Mr.

Speaker, Ladies and Gentlemen of the House. You know, this is such a serious issue for all of us that are in this chamber because of the fact that a lot of our people back home in areas that I live in, and I know a lot...that a lot of the Members live in, have different kinds of guns, and they want to have those guns; they've had some of them for a long period of time. And the one thing that many of the Bills we've seen floating around this place does is to make many of our own constituents criminals. And so when you pop out an Amendment like this that has 20 some pages of listing of different types of guns, it's awfully difficult in the matter of a minute or two minutes to find out whether or not these guns are the same kinds of guns that are owned by a lot of your constituents. I think that this is an unfair thing to do, to try and pop it out so quickly and to give us a little time to actually sit down and try and find out whether or not this is something that is going to impact our constituents. The last thing a lot of the Members on this floor want to do is to make 5,000 or 10,000 of their own constituents criminals because of the fact that they might happen to own one of these particular guns, and there is a large list of guns in here that are excluded, exempted. It'd be nice to know that if all the guns that our constituents have, that they care about and use for proper purposes are on that list, that they should be on that list, if they're not, I think this needs more time to take a look at. I'm not saying that in the end analysis there might not be more people that can help pass

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a compromise on this floor, but what I am saying is with the limited amount of time that we've had to look at this, there's no way to know whether or not we're just making a bunch of criminals out of the very constituents who vote for us and ask us to come down here and protect their rights."

Speaker McPike: "Representative Currie."

Currie: "Thank you, Speaker and Members of the House. I think it's a simple proposition and if the people on the other side of the aisle would check with Representative Cross, who helped to draft this Amendment, and perhaps their Chief of Staff, Mr. Tristano, they'll know that this Amendment has been adequately analyzed by their own staff; in fact, was proposed by...by the Governor's people and the House Republicans several weeks ago. The material here is not new. Certainly there are people on this House floor who are going to vote against any kind of effort to ban assault-style weapons, but this is a reasonable compromise, not as strong as Governor I, measure that I was happy to support, but we've been told for the last three weeks that there are many people, who are Republican Members of this chamber, who would be happy to vote for a compromise, the compromise that we call Governor II. This is it. It's not new to you; you've seen it before. Representative Cross was one of the major draftsmen of this particular Amendment and anyone who wants to stand up on this issue, the time is now. You can't hide behind all these procedural smoke screens that people are trying to raise. It's a simple, it's a straightforward proposition; either you're for a serious effort to curb these weapons of violence or you aren't. If you are, and you told us last week and the week before that and the week before that that a lot of you

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were, now's your time, now's your chance to show us. Vote 'yes' on this Amendment."

Speaker McPike: "Representative Tom Johnson."

Johnson, Tom: "Yes, to the Amendment and to the Motion, here. Again, it's a lowly freshman's position, but I would say that the freshmen in this chamber, both on this side and on that side, ought to finally stand up and be appalled. We get a 29 page Amendment, based on somebody's word that this is identical to the language that we reviewed in the Judiciary Committee a week and a half ago, and we are supposed to go through some 200 or 300 different weapons, et cetera, and compare this in five minutes to approve this. Now we were prepared to vote on this and vote this out of the committee two weeks ago, but instead we play this game. The Speaker talks about a hundred and some Amendments being filed by the Republicans. Well, lest we forget, every criminal law Bill that came out of that committee that had a Republican name attached to it, received a 60-page Amendment by the Speaker, and it has been held up and all of these Bills that pertain to getting at violence and the serious criminals in this state have been held up on this floor while we play this game; my copy of this Amendment is still hot. Now, I'm saying as freshmen in this chamber, we can either go along with these kinds of games or at least, for crying out loud, let's sit down and be able to review this stuff; if, in fact, it is appropriate, we can take a vote on it. But this is just absolutely ridiculous, and I urge a 'no' vote on this or at least a 'present' vote until such time as we can put our heads together and read this. I did not take an Evelyn Woods speed-reading course; I don't know how many of you did. I don't know how many of you read this. Can you tell

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me this is the same Bill that was out on the floor or in committee a week or two ago? I doubt it. I urge a 'no' vote."

Speaker McPike: "Representative Andrea Moore."

Moore, Andrea: "Thank you, Mr. Speaker. I would agree with my colleague, and I know there are many Members that have not read this. This is an extremely important issue, and it's one that I would like to be able to support. I truly have not read it, and I can't really do it this quickly. I would ask the Chair to please call a ten minute recess to allow us...we can stay in our chairs but at least we can read this and be able to vote on that."

Speaker McPike: "Yes, Representative Moore, we've already been on this for 20 minutes, and we're going to be on it for at least another 20, so, that's about four times what you're requesting. Representative Olson."

Olson: "Thank...thank you, Mr. Speaker. I've spent the last 20 minutes reviewing this list of assault weapons. I own a pump shotgun, an over-and-under shotgun, a double-barrel shotgun, and I've got a single-shot shotgun. I don't see the names of my single-shot here but, heavens, people stop and think, a single-shot shotgun. I don't believe in the assault with deadly weapons that is ongoing in this country, this state, that there's a single-shot shotgun used ever for a gangbang type shooting, a drive-by shooting; it just doesn't happen. Excuse me, I've just been told I'm reading the exceptions. Mr. Speaker, Mr. Speaker, I think...I think the fact that I made a mistake and was reading the exceptions exemplifies, if anything could exemplify, what is going on here by not being given time to read the Amendment. Now, to see the difference...the exceptions, if in 20 minutes I can't

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decode that, how are we supposed to be decided in a spur of a moment. I...It exemplifies exactly what Leader Daniels was saying and what Johnson was saying; we've got to have time to review these things. To vote otherwise...it's...it just doesn't exemplify good government and good practices in this chamber."

Speaker McPike: "Representative Blagojevich."

Blagojevich: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. To me the question isn't so much the political ramifications of this legislation, and frankly it's not the procedural political activities that surround this legislation. To me the question is very simply: 'Do we live in a safer and better world if we ban these 17 assault weapons?' And it seems to me the answer is obvious. If people agree that those 17 weapons enunciated in this legislation would make for a better and a safer world, then I urge all of my colleagues to vote 'yes'. If they disagree with that proposition, then for that reason and that reason alone, they should vote accordingly. I would like to say something to the members of the National Rifle Association and to the members of the Illinois State Rifle Association. It seems to me, in fact I'm a firm subscriber to the belief that your membership, per capita, probably has more members who have been, who have served their country in the armed forces, who have sacrificed for their country in the armed forces, certainly more, per capita, than in this General Assembly in either in the House or in the Senate. And so I would ask you to take a look at these 17 weapons, and I would ask you to do for your country what you did when you served this country, and that is to sacrifice for your country again, because our community is a larger community, and while rural areas are not



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devastated by assault weapons, urban areas are. And you who have a proven record of sacrifice and service to your country can agree, I believe with us, that there are some weapons that are inherently so harmful to society that the balance sheet, when you consider the benefits to you and your pursuits in rural America, don't even out. And so I appeal to you to join us and make this sacrifice and let's forget about the political divisiveness of this and let's join together and do something about weapons that frankly are so harmful and so dangerous to society that their benefits are difficult to justify. And so let's work together, and if together if we can ban some of these weapons, we can do what President Reagan used to say, 'We can work to make this city or make this state that shining city on a hill', and frankly with 17 less assault weapons, that city will shine more. Thank you."

Speaker McPike: "Representative Hughes."

Hughes: "Thank you, Mr. Speaker. Today it's 17; tomorrow it'll be 34; the next day it'll be 112. The objective here is to vastly diminish the right of private citizens to own arms and protect themselves. This is a wedge in the door. This is not a question of banning a group of weapons that is going to have any substantial or measurably significant impact on crime in Chicago or anywhere else in the state. Again, that's a sham and a spoof. These are not the weapons that are out there on the streets creating havoc. We need to hold people accountable for their actions; responsibility, accountability; but we should not be eroding away at the liberties of individual citizens to own arms and to protect themselves."

Speaker McPike: "Representative Lang."

Lang: "Thank you, Mr. Speaker. Ladies and Gentlemen, I rise in

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support of Floor Amendment #2. Firstly, let me say that those on the other side of the aisle talking about gridlock of this process border on the ridiculous. I don't know how anybody on that side of the aisle can talk about gridlock when they've filed hundreds and hundreds and hundreds of Amendments to delay the proceedings of this House to keep us from moving legislation along. They should be ashamed of themselves for talking about gridlock; that's first. Second, as to this Amendment, it's time we did this. The...the compromise that's before us today that they complain that they've not read, they wrote; that's number one. Number two...number two, this is the same compromise that they...that people on the floor of this House last week and the week before said, 'Well, we don't need to vote on that big Edgar Bill, Mr. Speaker, we can vote on the little Edgar Bill because it's a great compromise. Let's vote on it.' Well, that's what we have before us today. Everyone that said that last week and the week before knows what's in this Amendment. This Amendment calls for the banning of certain assault weapons. The people of our state have told us, and that's not just in liberal districts, and that's not just in gun control districts, that's in every district. The people in every district of this state will applaud this Amendment, and if you want to make a political statement to the contrary, you do that. But there's no question in my mind that the people of this state want this Amendment adopted and this Bill passed, and I would recommend an 'aye' vote."

Speaker McPike: "Representative Stephens."

Stephens: "Thank you, Mr. Speaker. The...I guess we'll be talking about this issue all spring, but I have to rise in protest of the Gentleman from Cook County that inferred

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that members of the National Rifle Association that happened to have been veterans of the armed services, the implication was that they had not done enough for their country and that they should step forward one more time so that they could put a 'yes' vote on something that bans an M-1, carbine-type SP-89. A lot of people that carried those weapons into combat in previous wars have them hanging somewhere in a living room or over the mantle and even the replica, according to my reading of the Amendment, would be...would make that person who has served so faithfully in the past a criminal in the State of Illinois. Mr. Speaker and the Gentleman who spoke from Cook County, I am appalled that you would make that implication that they haven't paid enough price, and I think that if they want to keep that M-1 carbine above their mantle, that they have every right to, and that weapon will never be and has never been used in the commission of a crime, and we shouldn't make them criminals just because you think it's a bad idea that they haven't given enough for their country."

Speaker McPike: "Representative Homer."

Homer: "Thank you, Mr. Speaker. I hope that...that when the vote is cast that those who look at this Bill will not take into account all the remarks that's just made; for example, the last Gentleman talking about the M-1 carbine. There is a procedure in the Bill, as I read it, that's quite clear that a person who owns such a weapon within six months of the effective date of this Bill can apply for a certificate of ownership and be legally in possession of that M-1 carbine. The only weapons, the 17 weapons, that are outlawed under every circumstance are found at the top of page 8 of the Amendment in the first seven lines. I've looked at those 17 weapons; no one who's called my office

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in opposition to the Bill has indicated that they own any one of those 17 weapons. I don't know anybody that owns one of those, and I've never heard an argument advanced by anyone saying that any of these have a legitimate sporting purpose. They're not a M-1 carbine. The other fact that I think we need to be made aware of is the origin of this Amendment. This Amendment was offered to a Bill that was brought into the House Judiciary II Committee a couple of weeks ago called 'The Safe Neighborhoods Bill'. That was a Bill being advanced by Mayor Daley. Late into the early morning hours before that committee, Representative Cross, and perhaps others on the Republican side of that committee, negotiated an agreement by and between Governor Edgar and Mayor Daley about a compromise of what would be included in the Assault Weapon ban Bill. This is that compromise. This was included in the Amendment that was going to...in the Bill that was going to be voted on that morning; and, in fact, the Minority Spokesperson of that committee, had committed to vote for this Bill with this Amendment, as had at least three other Republicans on the committee who had read and scrutinized this Amendment. So, I'm not up...I'm not standing up to advocate that anyone vote for or against the Amendment, but I think that we ought to clear a lot of the misinformation that has been thrown out through the debate on this Bill and understand what it is we're voting for."

Speaker McPike: "Representative Weaver."

Weaver: "Thank you very much, Mr. Speaker. I...I think most people know where we stand on this, but I think we probably ought to go back to school and look once again at the U.S. Constitution. It's pretty plain. The language is there, 'the right to keep and bear arms shall not be infringed'.

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It doesn't say 'the right to keep and bear arms' applies only to this weapon or only to that weapon, it says 'the right to keep and bear arms shall not be infringed'. You know, next thing you know we're going to be talking about losing some rights or other constitutional rights like the guaranteed right of free speech. You're going to have the right to speak freely except if you're talking about Bill or Hillary or the Speaker or someone else. I think what we're doing is chipping away at our constitutional rights and we cannot and we must not compromise the Constitution. The only correct vote and the only constitutional vote is 'no'."

Speaker McPike: "Representative Dart."

Dart: "Thank you, Mr. Speaker. There has been, as Representative Homer mentioned, a lot of discussion that really has missed the point here. A previous speaker had gone on at length about how this is yet another attempt to refuse to deal with the problems that are facing this state. I dare say there probably is not one that is greater than the fact that are children are killing each other right now. Just yesterday we had a 12-year-old, who was supposed to celebrate his birthday today, who...had left his new bike which he'd been given early, at the end of the block; he went down to the end of the block to try to get his bike which he had left out and he was shot and killed. They did not catch the person yet, so they do not know the caliber of weapon, but they know it was not a handgun. And the problems in the streets of Chicago are things that I have seen before, and as a state's attorney out there, I witnessed it. And we are...there's a definite problem. This is a crisis, so someone who would sit there and go on at length that there is not a problem we're dealing with

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here, is completely out of touch with reality here. There's a major problem, and this is a solution. This is what we're talking about here. The other thing that I think ought to be crystal clear to everybody here is you have seen this before. You saw this; we all saw this together. As a matter of fact, you were the ones that drafted this. This was the Amendment that was on my Bill, back in committee, and this is the one that we had talked about and gone on and on as being the compromised version. This is the same thing that we met about...two weeks about...ago and went through in detail about what was in this thing, so anybody over there complaining about they don't know what's in it, is sadly mistaken. And furthermore, this is identical, absolutely identical, to the Bill that we had in committee, that was the Bill that you were supposed to put votes on that you didn't do, and so this was something that was pulled out of the record at that point. This is something that takes a serious step forward. You can't...you went on and on and on ad nauseam about, 'Well, we can't go with the Governor's original proposal, but we've worked hard on this compromise'. Well, let's go for that. Well, here it is. This is the compromise; this is what we had worked on, and now it's a question of whether or not you are serious about assault weapons or not; whether or not you want to do something or whether or not you want to just stop the process altogether. This...complaint about not seeing it, about not knowing what's in there, I guarantee you this is the same thing that we had talked about; this is it. You know what's in there, and this is something that will take a dramatic step forward in doing something about this major crisis we have now. So, as I said before, it's a clear-cut

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question, there's no chicanery here. We have a viable proposal to get rid of the assault weapons here. You know what's in it; you worked on it with me to put it together, so let's go ahead and vote on it and let's put all those votes you say you can do on it."

Speaker McPike: "Representative Daniels."

Daniels: "Mr. Speaker, a point of order. Unfortunately, the Gentleman has misrepresented the truth. The Gentleman has stated that this Amendment was the compromise that they had agreed to, and he knows better than that. The point of order is this, that the Amendment that is filed was, in fact, the one that was drafted to his Bill, but not the one that was agreed upon between the participants in that meeting, and the reason it was filed was because they agreed there was not enough time in order to complete the written agreement and they wanted to get the Bill out of committee. The Gentleman was in that meeting with Representative Cross and Representative Johnson and knew that there was another part of the compromise that is not in this Amendment, and that's the problem in doing what is being done, because this is a very difficult issue. And I am very sorry to have to say that the Gentleman has misrepresented what the truth is, and Representative Cross will refer to that if you recognize him."

Speaker McPike: "Representative Dart. I believe Mr. Daniels rose on a point of personal privilege and not on a point of order because he didn't make a point of order; but on a point of personal privilege, Representative Dart."

Dart: "Thank you, Mr. Speaker. Let's make this thing crystal clear. There was nothing missing from this; this is what you put together. This is it. This is it. This is what you came to me with and said, 'This is what we want in your

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Bill'. Not you personally; you know what we're talking about here. You know what we're talking about here. You know exactly what we're talking about, and this is what you came to me with and said, 'This is the compromised version that we've worked out with the Governor and this is what we are going to vote on'. And this is what you said we were going to go ahead with. There was nothing missing. This is exactly it. It's a question of whether or not we want to get serious about it, and if you want to keep playing the games, go ahead."

Speaker McPike: "Representative Cross."

Cross: "Mr. Speaker, thank you very much. Unfortunately, I have not had time to read this Amendment that was just presented a few moments ago. Pardon me? I...29 pages, and I will try to get through it in just a moment. It appears to be somewhat similar, and it may be identical, to the Bill that was in that committee, the morning of Judiciary II. The reason we did not vote on this Amendment that morning is because there weren't sufficient votes. There still is work that needs to be done on this Bill. Wherever you are in this position, it's a difficult issue, it's a difficult position, and it's difficult for many of us. I am not going to vote for this Amendment, nor am I going to vote for this Bill. There still needs to be a lot of work done, and people from...whether you're with the NRA or you're not with the NRA, or you're pro-gun or you're anti-gun, this is a very, very difficult issue, and we have not reached a point of compromise yet. This is not the Bill, and we still need to work on it, and until that time comes, I cannot vote for this Bill. I hope we come up with a Bill that's one of compromise, and I hope we come up with it this Session, but we're not there yet. Thank you very



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much."

Speaker McPike: "Representative Steczo."

Steczko: "Thank you, Mr. Speaker, Members of the House. I rise in support of this Amendment, and I think that it's appropriate that sometimes we put this issue in perspective. Those of us who serve here sometimes have a difficult time trying to determine whether our constituency might be in favor or opposed to issues as important as this. Those of us from Cook County, however, have...have something realistic we can look at, in terms of an advisory referendum that was just on the ballot six weeks ago. And what that advisory referendum showed was across Cook County, both in the City of Chicago and in the suburbs, there was widespread support for doing something to get rid of assault weapons. So, it behooves us, those of us in particular who just had our constituents have an opportunity to tell us to say, 'Yes, now's the time; we really need to act on this question'. And it's ironic, too, Mr. Speaker, that over the course of the last couple months, support for this issue has come from places we never dreamed. Having had a discussion about education issues with one of the teachers groups, just a couple weeks ago, and had them come to me and say, 'By the way, we also felt we should tell you that our group for the first time ever has said we now favor doing something about assault weapons because guns are starting to permeate the classrooms, of all things'. In addition to that, groups that are statewide; for instance, this morning, just this morning, by a two to one vote, the Illinois Association of County Officials, that do represent Democrats and Republicans statewide, voted two to one for this type of a Bill. So, I think the...the public in the State of

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Illinois now is demanding that we take action and do something. This is the time for us to be able to do it on a very moderate proposal, and I would encourage a 'yes' vote."

Speaker McPike: "Representative Tim Johnson."

Johnson, Tim: "You know, the problem around here is, the problem with government is that we all work ourselves into a position of...of making a proposal that on its face is outrageous and then everybody says, 'Well, let's compromise'. I'm not for any compromise. I'm not for any form of gun control because we don't need it in this state and we don't need it in this country. All the rhetoric to the contrary, notwithstanding, if you look at the reality of this Bill or any Bills like them that take legitimate hunting items, legitimate collectors items, and legitimate items of self-defense from the law-abiding citizens, violates the Second Amendment, violates the Fourteenth Amendment, violates the Illinois Constitution. We don't have to work ourselves into a position of compromise because this is an issue that we don't have to compromise on. These weapons that are being flagged as 'assault weapons' are rarely, if ever used, they're used less than pillows in terms of terms of destruction; they're not a menace to society. We don't need a compromise. We don't need gun control. We don't need...the nose of a camel under the tent because it's the first form of stripping people of their rights. I said before, we have selective constitutional rights in this country. All the people over here are talking about the First Amendment rights of free speech and free assembly, the Fourteenth Amendment rights of due process and equal protection in search and seizure, and all the various counterpart rights in the Illinois

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Constitution, those are protected and they should be. But somehow the right to bear arms, the Second Amendment, the Fourteenth Amendment in the Illinois Constitution are all thrown out the window in this 'spirit of compromise for a non-existent problem'. The real problem is addressing the problem of crime. If people use firearms in the course of the commission of a felony, in the course of the commission of a serious criminal offense, or any criminal offense, they ought to be punished accordingly. We need to change the law in that regard. Let's do it, but let's don't use the word 'compromise'; let's don't use the word 'assault weapons' to guise and veil what is an absolute attempt at gun control. It's unconstitutional. It's bad public policy, and we don't need to do it in any form, period."

Speaker McPike: "Representative Edley."

Edley: "Thank you, Mr. Chairman, Ladies and Gentlemen of the General Assembly. Let's cut through some of the rhetoric here. A couple of months ago Governor Edgar got up and read a poll and found out that people wanted to ban assault weapons; and this being an election year, he decided he was going to get on the right side of that issue. Now, I've been criticized before for not supporting Governor Edgar, but in this instance I do support him; I support this initiative. And while possibly this Bill won't be the final...final language, I think that as this Session winds to a close, it's important to move legislation through the process. But what is amazing to me is I've been here for four years and I have never seen Governor Edgar work for anything that has proposed. His legislative lobbyists who are over on the other side of the aisle with their arms crossed. Where's Jim on assault weapons? Public...publicly he says he's opposed to assault weapons."

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Well, where is his legion of legislative liaisons plying the aisles over there. You don't see them. I can't imagine that my colleagues on the other side of the aisle would end up voting against their own Amendment. What kind of credibility will they have on anything they propose? I would urge an 'aye' vote. I'm willing to give the Governor this issue, this campaign issue, and what is this, a trial balloon? I think it's time to...to shoot it down and pass it out of the House and move on into the Senate and let the Governor work with his good friend on the other side of the aisle, Pate...Pate Philips."

Speaker McPike: "Representative Skinner."

Skinner: "Wonder if the...I wonder if the Sponsor would yield for a question or two?"

Speaker McPike: "Yes, the Sponsor will yield. Speaker Madigan."

Skinner: "Is this proposal similar to the assault weapon ban in New Jersey?"

Madigan: "I do not know."

Skinner: "Well, it's the most comprehensive..."

Madigan: "Mr. Skinner, if I could... Mr. Skinner, if I could explain. As I said earlier, this is not my proposal. This is the proposal that was put together by a combination of Jim Reilly from the Governor's Office, Mike Tristano from your office, and certain Republican Legislators, and it is my understanding that the work was done during the middle of the night. Now, that's what I know about it."

Skinner: "Well, I hold in my hand the first monthly newsletter from the Midwest Legislative Conference that's based in Lombard, an affiliate of the Council of State Governments, and it asked the question, 'Assault Weapons: Does banning help them?' And it talks about the New Jersey experience and indicates that...it concludes that the bans have little

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effect on crime. New Jersey, apparently, requires an annual report on assault weapons, which shows the guns are almost never used in crimes of any sort. Of...of 410 murders in New Jersey in 1991, assault weapons were involved in five. Of 22,726 armed robberies, these guns were used in 47. Now, California passed an assault gun ban about four years ago, and since that time 61,760 assault weapons were registered. One report estimates that this is fewer than one in six guns in the state; which means 5/6 of the guns' owners are disobeying California law. Of the 22,540 murders in the United States in 1992, there are no statistics from the FBI on how many times assault weapons were involved. From 1986 to 1990, a total of 1,088 assault weapons were traced to murders; roughly one in 60. Now if we're really interested in crime, assault weapons are not where it's at. In fact, laws to ban assault weapons actually have set off rushes to buy these firearms in California and Connecticut. Indeed, one of my neighbors, who I never would have suspected of wanting to own a gun, told me before the primary election, 'Well, if those guys are going to ban it, I'm sure going to buy one'. In New Jersey, there was one effect that was measurable, however. Since the ban was enacted in 1990 (now remember, this is according to the Council of State Governments), memberships in the New Jersey chapter of the NRA increased from 4,000 to 12,000. I look at the other side of the aisle, and in 1776 most of them would have been patriots; most of them would have been the liberals of the day, and yet very few of them, most of them would have been the liberals, they would have been the revolutionaries in 1776. They're the ones that don't trust authority, and yet they are the ones that are saying we should trust government with the guns.

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Not one revolutionary in 1776 would have been dumb enough to give his guns to the government. That's why the Second Amendment is there, and that's why this Bill should be defeated."

Speaker McPike: "Representative Brunsvold."

Brunsvold: "Thank...thank you. Is Mr. Dart going to answer questions?"

Speaker McPike: "Speaker Madigan will or Mr. Dart, whoever you wish to ask. Who do you wish to ask?"

Brunsvold: "Mr. Dart."

Speaker McPike: "Yes. Yes, he will yield."

Brunsvold: "Representative Dart, in my district as I go around talking to constituents and talking to people here in Springfield and talking to police chiefs and talking to school people and talking to county officials, I found out one thing: They know almost nothing about this Bill. They hear assault weapons and all of sudden it's like AIDS, 'I'm against AIDS; I'm against assault weapons', but they know almost zero about the Bill. Example here: Mr. Dart, do you own a revolver?"

Dart: "No."

Brunsvold: "Why don't you own a revolver?"

Dart: "I just don't own one."

Brunsvold: "Is it against the law in Chicago to own a revolver?"

Dart: "Well, it's against the law to register one, yeah."

Brunsvold: "It's against the law to register one, which means it's against the law to have a gun in Chicago."

Dart: "Unless I had owned the gun before the law went into effect."

Brunsvold: "What's the..."

Dart: "There's a grandfather clause, in that just like this one."

Brunsvold: "What's the biggest killer of people in Chicago?"

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Dart: "Well, it depends on whose stats around here; some people made it sound like it was pillows and..."

Brunsvold: "Six hundred and some people are killed with what?"

Dart: "With guns."

Brunsvold: "With revolvers, with pistols. Yet, it's against the law in Chicago to have a pistol. Is it working, Mr. Dart?"

Dart: "What? The..."

Brunsvold: "The handgun ban. Is it working?"

Dart: "Well, it...the according to the superintendent of the Chicago Police Department it is working better than it would be if we didn't have that."

Brunsvold: "All right, do you have an assault weapon ban in Chicago?"

Dart: "No, but we have...you know, while..."

Brunsvold: "I was told you have an assault weapon ban."

Dart: "We have similar to Cook County."

Brunsvold: "Cook County, and Cook County has an assault weapon ban, also. Is it working?"

Dart: "It's a recent law. I don't know if we've had a chance to find out..."

Brunsvold: "Three guns have been handed in; that's all, three guns. The problem I've got, Mr. Dart, is why are you asking me to do this? Why is Mayor Daley asking us downstaters to have an assault weapon ban when his don't even work in Chicago?"

Dart: "This isn't Mayor Daley's initiative; it was the Governor's, actually."

Brunsvold: "Well, the closing statements last week on this Bill were that Mayor Daley wants this."

Dart: "Well, if Mayor Daley..."

Brunsvold: "And I'm going to tell Mayor Daley, I don't want this."

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Dart: "Mayor Daley has an...Mayor Daley has an elaborate crime package that deals with numerous things and this was one of the components that was actually not the focal point."

Brunsvold: "If Chicago wants a handgun ban, if they want an assault weapon ban, fine, that's a different situation. I can see that. I agree with that. I guess I...I as the Chairman of the Sportsmen's Caucus and downstaters, we haven't been consulted on any of these agreements. We're outside someplace out of this loop, on coming together with an agreement. Thank you, Mr. Dart. To the Bill, Mr. Speaker. How many people on this floor saw a show last week on ABC called 'Are We Scaring Ourselves to Death?' How many people saw that show? Is crime up? No, it's down. Is violent crime up? No, it's down. It went through an analogy of a lot of situations, facts used by the FBI which are not true, that crime is up and actually it's down. And now we want to come with assault weapon Bills, and the word 'assault weapon' again is a buzz word, and it's not going to work. This morning on Today show, Washington, D.C., doing forensic work and they're finding out one thing: That very few people are using the same gun to kill everybody with, in the murders in Washington, D.C.; a very few people are using the same gun to do the murders; not a whole bunch of different guns, not rifles, M-1s, or AR-15s; handguns being used to kill people. That's what's going on. So, let's not scare ourselves to death. Chicago has a handgun ban. Cook County has a ban. I really don't want a ban. If we want to ban some trash guns, as I said before, the Federal House just passed out a Bill with a list of guns on it, and I'd like to see that list but I don't think I would be totally objectionable to that list. Let's work on that list, and let's vote 'no' on this Amendment."



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Speaker McPike: "Representative Mulligan."

Mulligan: "As a freshman Legislator, I sat here fearing to get up because I'm in the Minority; and if I speak against this, perhaps there's a Bill or two that I'd like to get out that may not get out. But I think one of the things that I think we need to consider here is the background of why people actually use guns. I think it's because they feel they can abuse power, and what's happening here is we're demonstrating them...to them that abusing power is okay, and so what do we show the young people of this country? We show them that in order for them to get what they want, they take a gun and they shoot people. And who are the role models here? We have an elected official on our side that got up and read the Bill rather quickly, and the staff laughed at him. He's elected by 90,000 to 100,000 people in the State of Illinois. They're not elected. Why would they laugh at him because he only had two minutes to read the Bill? Why do we show people that abusing power and not doing the right thing is the right thing to do in this world, and so that if you want to get what you want, you take a gun and you go and you shoot somebody. I don't think that has anything to do with outlawing guns. I'm more than prepared because I feel my district is behind doing something like this to vote for an Amendment like this. But I really think that it's something that's so important and so important to what's going on in this country that it deserves more than politics. It deserves a real discussion, and it deserves to be looked at. And if we set that kind of example for the young people of our country to abuse power, then we're getting what we ask for here."

Speaker McPike: "Representative Granberg."

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Granberg: "Thank you, Mr. Speaker. On a point of personal privilege. One of the previous speakers addressed our technical review staff; and although they do deserve recognition, I'm not sure if that's the kind of recognition they were seeking. These people come down here, they work very hard, they were thrown into the process, they're underpaid, they're overworked (like all of our staff people are), they don't have secret meetings, they're not in the basement. They had drafted an Amendment which is based on yours, and they're on the fourth floor right up here, and for everybody's knowledge, there'll be another secret meeting tonight, so everybody's invited. Thank you."

Speaker McPike: "Representative Biggins."

Biggins: "Thank you, Mr. Speaker. We all know the reason that people commit crimes, with or without guns, and that is they know (1) they probably won't get caught; and (2) they won't be punished if they are caught. And the prime example of the lunacy of the Illinois criminal justice system is occurring this week where we have a convicted mass murderer in the City of Chicago who's due to be executed next month, putting on an art show this month. Now that is absolutely absurd. The problem is not the guns, it's what the people do. That mass murderer, I don't believe, used a weapon in any of the twenty some murders he's been accused and convicted of doing. So, I am voting 'no' and urge a 'no' vote on this Amendment."

Speaker McPike: "Representative Lou Jones."

Jones, Lou: "Thank you, Mr. Speaker and Members in the House. I stand in support of the Amendment. I've heard of several speakers from the other side of the aisle. One Lady mentioned that the guns, the assault weapons that was in this Bill are not the assault weapons in the street. I beg

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to differ for you...with you. Nine of the guns that are in this Bill I have actually saw them myself; in fact, two weeks ago Monday, this past Monday, when Henry Sisnaros was in the City of Chicago at 4800 South on Michigan, that Sunday Night he went with the Chicago Police Department through CHA and they brought 13 assault weapons to that meeting in which the President of the United States called into the CHA. Now I'm here to tell you, you do not need assault weapons to hunt a rabbit. I live in a district that's crime-ridden, and I'm here to tell you that just like you're out here to protect your constituents from taking their rights away from them, what about the rights of the victims of the assault weapons? In Jud. II last...last Thursday in Jud II, a NRA official testified on behalf of transferring a 13-year-old to be tried as an adult, but then he lobbied against the banning of an assault weapon which that 13-year-old probably would have had. I'm here to tell you that I stand here for the rights of my constituents, and those guns are in the streets. I am not asking anyone to ban handguns or anything. I'm talking about assault weapons; an Uzi that is on this list, and I'm here to tell you, I'm here to tell all of you, God forbid if the rabbit ever gets a hold of the Uzi."

Speaker McPike: "Representative Black."

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

Speaker McPike: "Yes. Did you want to ask Mr. Dart a question or did you want to ask Speaker Madigan a question?"

Black: "It makes no difference to me; whoever would like to answer the question."

Speaker McPike: "All right."

Black: "The question that I'm...the answer that I'm seeking,

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having now read the Amendment, it states very clearly that if you own one of these effected firearms that after the effective date of the legislation, you must surrender that firearm. And my question is, 'Will you be compensated for the loss of your property...'

Speaker McPike: "Representative..."

Black: "...if it was acquired legally through legal means prior to the implementation of this law?"

Speaker McPike: "Representative Dart. Mr. Dart."

Dart: "I...I'm wondering if the speaker can direct me to the page you're looking at?"

Black: "I'm sorry, what?"

Dart: "The...if you can direct me to the page you're looking at."

Black: "Well, it starts on page 6. I..."

Dart: "Oh, okay."

Black: "...would have thought you would have had this memorized by now. It starts on page 6."

Dart: "Actually...actually I do."

Black: "...and it comes up with a firearms review committee, which is an ominous sounding title, but anyway, it's clear that after the effective date of this legislation, you would have to, anyone who owns one of these firearms listed in this Amendment, would have to surrender that firearm or else you could become a felon."

Dart: "Correct."

Black: "My question to you is, 'I see nothing in the Bill dealing with compensation for governments' appropriation of your property.'"

Dart: "Okay. The...the mechanism here is that the individual shall make the weapon inoperable as opposed to receiving compensation, and then they continue to possess it but then it's no longer an operable weapon."

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Black: "But if...if the owner chooses to not risk being a convicted felon simply because he or she now possesses a gun that a benevolent government has said now is illegal, so they want to turn in this firearm, so as not to endanger becoming a felon, will they be compensated for the loss of their property?"

Dart: "This...this is the State Police rules that they operate under, and they are not compensated. If they wish to turn in their weapon and turn that over to the authorities, they can do that; if they want to make it inoperable, then they'd be able to keep it."

Black: "Okay. Well, thank you very much, Representative, and Mr. Speaker and Ladies and Gentlemen of the House, to the Amendment. I think if you read it very carefully and try to do away with some of the emotion and the rhetoric that we've heard, I firmly believe that you are allowing government to appropriate your property that you acquired legally, through legal means and the legal dollars that you earned, you will allow government to take that property from you without compensation of any kind. Now, you can argue all of the other constitutional provisions from now until the sun goes down, but I don't believe you can ever escape the constitutional difficulty. Read the Bill of Rights about confiscating a person's property (don't give me the Drug Forfeiture Law), I'm talking about a persons' property acquired legally through legal means, through their choice of how they spend their money. And I believe if you read this Amendment (and don't tell me that the state police will so rule), you are violating your constitutional right to own property because it will be confiscated or you could very well become a felon, having never so much as a jaywalking ticket in your life. If you

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fail to render the firearm inoperative or turn it in, and there is no mention of remuneration whatsoever, and I know why there's no mention of remuneration for your property, some of these weapons have a value far in excess of \$1,000. And if I might, Mr. Speaker, in summation, a previous speaker talked about gridlock and who files more Amendments to Bills and what for and why for and who cares and so forth and so on, let me just review some figures with you I think are accurate. There were 1,202 Bills introduced in this chamber this Session by Democrats; 589 Bills introduced in this chamber by Republicans. At the current time, 126 Democrat-sponsored Bills are still in the Rules Committee; 126 out of 1,202. Out of our 589 Bills, 283 were not allowed out of the Rules Committee, which you control. And you wonder, as I said yesterday, why we have to file Amendments, I don't like this process. I'm the one that has to stand here hour after hour on my flat feet. If you would allow us the privilege and the fairness and the equity of assigning our Bills to substantive committee, where we could get a fair hearing, we wouldn't have to file 100 or 150 Amendments. But not only is the Bill that you have on the board now questionable as to its fairness and constitutionality, the very process by which we have to file Amendments reflects your inherent unfairness, inequity, and abuse of power that I don't think any of you on that side of the aisle can take justifiable pride in."

Speaker McPike: "Representative Lindner."

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

Speaker McPike: "Yes."

Lindner: "I have a question of Representative Dart. I have been sitting here reading the list of weapons, and I, not knowing weapons that well, still have no idea what these

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weapons are. Can you tell me, in the past year, looking at this list of weapons that you want to ban, how many times they have been used in the commission of a crime, either in Chicago or in the State of Illinois?"

Dart: "Well, I do not have the statistics in front of me, but one thing I think ought to be made crystal clear here, is that one of the points that constantly was being harped on in one of the myriad of conversations we've had here is the number of people that have actually been murdered with these weapons. See, I think the thing is a lot of people are losing perspective of here is that although we only have about 800, 900 murders last year in Chicago, we had 14,000 people shot with guns. More often than not when someone's shot with a gun, we don't recover the weapons; we don't know what it is. So quite often we're left to rely on our gang specialists, our tact units and stuff like that, to let us know what is on the streets and what's being used. Chicago Police Department, the tact unit...the gang unit, they're the ones telling us this is the stuff that they're using."

Lindner: "I think that that's a very important question to ask, if these have been used in the commission of a crime or, you know, if these are collectors items and other weapons that are costing \$3,000 to \$5,000 and that aren't being used in the commission of a crime. That's what we're trying to do with the ban is to stop crime, and that to me is the only question that we should be asking about these weapons."

Dart: "And these were the ones that in consultation with the director of the state police and the like, have determined these are the ones that are...the ones causing the problems out there. We didn't make these up; they didn't come out

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of a catalog or a phone book. These are the ones that are out there causing problems. If you look in the back, we've listed, what is it, about eight, nine pages of Bills which are legal, which are the ones that we're saying, 'Fine, FOID card and you own them'. These are the ones that we've highlighted because these are the ones that the experts have told us are the ones that are causing the problems."

Lindner: "Representative, can you get me the statistics on these weapons?"

Dart: "I'll attempt to get a hold of the director of the state police and get those statistics to you."

Lindner: "Thank you."

Speaker McPike: "Well, we've now been on this Bill for 61 minutes. Speaker Madigan, to close."

Madigan: "Mr. Speaker..."

Speaker McPike: "Well, excuse me. Mr. Walsh, your light was not on but I will recognize you. Mr. Walsh."

Walsh: "Thank you, Mr. Speaker. While we all wait for Netsch I, I would like to commend the Governor for his sincere efforts to do something about crime in the State of Illinois. I think he has, with introducing these Bills and with proposing these Bills, is serious about what I think is probably the number one issue for all of us throughout the State of Illinois, and that's crime. What I don't approve of, and I'm going to support this Bill as I supported Edgar I, but what I don't approve of and I don't think any of us should approve of, is playing this out in front of the press, with amending Bills that are on Second Reading. Why don't we do with this Bill like we do with all of our Bills and have them go before the committee, go before the hearings in the committee, where we can seriously debate this issue. I'm going to support the



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Sponsor of this Bill, but I would hope after it fails, which I expect it probably will, that we can really get serious about this issue and hopefully come up with a Bill that will sincerely curb the crime in the State of Illinois and particularly in the City of Chicago. Thank you."

Speaker McPike: "Speaker Madigan, to close."

Madigan: "Mr. Speaker and Ladies and Gentlemen, let me just ask that all of us not make this more difficult or more complicated than it has to be. We know what the basic question is, 'Shall we take action in the General Assembly which some would argue is in violation of the Federal Constitution?' Many of us feel that notwithstanding the language of the Federal Constitution, notwithstanding the very good intent of the framers of the Federal Constitution, that the time has come in the development of our society that action must be taken by our government to curtail the availability of weapons. I can understand some of you who represent areas of the state where crime is not the problem that it is in the urban areas of Illinois. I can understand some of you who represent these areas and feel sincerely that the people in your district ought to be able to have weapons in their homes because the police are simply too far away. The police will not have time to get to those homes or those farmhomes in time to prevent the commission of a crime. All of that is understandable. But please, please understand, we're not talking about handguns, we're not talking about small weapons, we're only dealing with weapons which in anybody's judgment do not belong in the hands of civilians. If you believe so strongly in the language of the Federal Constitution, if you believe so strongly that your constituents ought to be able to defend themselves because the police are so far

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away, that's one thing. But please have the courage to recognize that these are weapons that were made only to kill people, only to kill people, not to hunt for sport. And as Representative Jones from Chicago has explained, it's not a fantasy that these weapons are on the streets, they really are, and they ought to be banned and we ought to act on that today. And I would ask an 'aye' vote, Mr. Speaker."

Speaker McPike: "All right, the question is, 'Shall Amendment #2 be adopted?' All those in favor vote 'aye'; opposed vote 'no'. Have all voted? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this...on this Motion, Speaker Madigan."

Madigan: "Simply to announce, Mr. Speaker, that in light of the comments of several Members during debate, that this Bill will be left on the Order of Second Reading; and for those of you who spoke about further Amendments and further changes, the Bill is there, it's available. Please work real hard with your ideas and let's try and pass this Bill to the Senate. Thank you."

Speaker McPike: "On this Motion, there are 50 'ayes' and 65 'noes'. Amendment #2 is defeated. Representative Daniels."

Daniels: "Mr. Speaker, we will take the Speaker up on his offer. As a matter of fact, I would request now that the people he assigned go to the Governor's Office and meet with Jim Reilly, the Chief of Staff, and work on what the compromise really was, not what they're trying to pretend that it was, and that meeting should take place immediately so we can truly put in writing what the actual compromise was. And just as an observance, what has happened here is the action of the Speaker may cause this whole issue to lose because

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he's losing votes, as you saw by this Amendment. So let's go down right now and I will assign Representative Johnson and Cross to meet in the Governor's Office with Jim Reilly, right now and work on this compromise."

Speaker McPike: "State Operations, Second Reading, House Bill 2685, Representative McAfee. Read the Bill, Mr. Clerk. Representative Tim Johnson, for what reason do you rise?"

Johnson, Tim: "I really rise for the purpose of brief introduction. Thank you for the courtesy of the House. I have with me,."

Speaker McPike: "I thought you were going to refuse to go to the Governor's Office."

Johnson, Tim: "That was Tom Johnson, is going to go down and work on a compromise. Representative Tim Johnson is working on no compromise on anything on this issue, but that's not why I'm rising. I have with me a distinguished guest, Mr. Chapin Rose, who is the University of Illinois, Urbana-Champaign campus elected U of I Board of Trustees Student Member. There is also one elected from the University of Illinois, Chicago campus. He's down to observe the procedure today. I would like everyone else to join me and welcome Mr. Rose to the chamber."

Speaker McPike: "House Bill 2685, Representative McAfee. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 2685, a Bill for an Act in relation to the operation of mines. Second Reading of the Bill. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments."

Speaker McPike: "Third Reading. Representative Morrow, 2729. Charles Morrow. Out of the record. Representative Turner, 3114. Read the Bill, Mr. Clerk. Out of the record? Out of the record. Representative Currie, 3193. Read the

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Bill, Mr. Clerk."

Clerk Rossi: "House Bill 3193, a Bill for an Act relating to conservation rights. Second Reading of the Bill. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments."

Speaker McPike: "Third Reading. Representative Ostenburg, 3320. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 3320, a Bill for an Act amending the Illinois Public Aid Code. Second Reading of the Bill. No Committee Amendments. No Floor Amendments."

Speaker McPike: "Third Reading. House Bill 3400, Representative Phelps. David Phelps. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 3400, a Bill concerning health care. Second Reading of the Bill."

Speaker McPike: "Out of the record. Representative Davis, 3427. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 3427, a Bill for an Act in relation to work performed under certain state contracts. Second Reading of the Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Stephens."

Speaker McPike: "Representative Stephens withdraws the Amendment. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker McPike: "Third Reading. House Bill 3629, Representative Santiago, Santiago. State Operations, Third Reading. State Operations, Third Reading, appears House Bill 2692, Representative Erwin. Representative Erwin. Where is the Lady? Out of the record. Representative Prussing, House Bill 2733. Representative Prussing. Representative Sheehy, 2838. House Bill 2838, Mr. Clerk, read the Bill. This is Third Reading. Do you want to call the Bill? Representative Moseley, House Bill 3014. Mr. Clerk, read

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the Bill."

Clerk Rossi: "House Bill 3014, a Bill for an Act amending the Uniformed Peace Officers Disciplinary Act. Third Reading of the Bill."

Speaker McPike: "Representative, Moseley."

Moseley: "Thank you, Mr. Speaker. This Bill, quite frankly, just includes a number of the Members of the Secretary of State's police force, their sergeants, their lieutenants under the Uniformed Disciplinary Act. What happened previously, several years ago, when the Disciplinary Act went into effect these people were left out. They do not have a Bill of Rights, and so it was felt that it would be good to include them under these provisions. It does not have a fiscal impact. It simply extends a Bill of Rights under disciplinary action to a certain class of police officers within a Secretary of State's Office. The Secretary of State's Office showed no objection in committee, and has shown no objection to me, but it is supported by the Fraternal Order of Police, and I ask for a favorable roll call."

Speaker McPike: "Representative Black, on a 'do pass' Motion."

Black: "Thank you very much, Mr. Speaker. I do not rise in opposition of the Bill. An inquiry of the Chair. The Calendar states that a judicial note was filed on this Bill, we don't have a copy, you see...does the Clerk can we have a copy?"

Speaker McPike: "Yes...Mr. Clerk do you have a copy of judicial note? We don't keep those up here, Mr. Black. You know they're kept upstairs."

Black: "Okay, I was curious to what it said. That's fine. We stand in support of the Bill."

Speaker McPike: "All right the question is, 'Shall House Bill

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3014 pass?' All those in favor vote 'aye'; opposed, 'no'. Have all voted? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this Motion, there are 117 'ayes' and no 'nays'. House Bill 3014, having received the Constitutional Majority, is hereby declared passed. Representative Erwin, would you like to call 2692? Out of the record. Representative Novak, House Bill 3133. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 3133."

Speaker McPike: "Out of the record. Representative Dart, House Bill 3257. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 3257, a Bill for an Act concerning adoption proceedings. Third Reading of the Bill."

Speaker McPike: "Did you read the Bill, Mr. Clerk?"

Clerk Rossi: "The Bill was read."

Speaker McPike: "Mr. Dart."

Dart: "Thank you, Mr. Speaker and Members of the Assembly. House Bill 3257 deals with the Adoption Act. And it attempts to put the adoption cases on a priority so we can get children out through the system and ensure that once they are in the system that orders attempting to intervene into the Adoption Act itself...we would put a firm time limit on that. And I move for its passage."

Speaker McPike: "And on that, Representative Skinner."

Skinner: "I wonder if the Gentleman could share with us the change in the law?"

Speaker McPike: "Yes, please."

Dart: "The change in the law is basically a... put into statute that these type of cases would receive priority on court call. Then you're asking to me explain it, so I'm explaining it to you. And the other part of it is it also puts into it that the statute will be strictly construed so

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that the timeframes that are presently in statute are adhered too, and the petition for relief has a specific time limit on it so that the adoptions once they are finalized cannot be reopened down the road and tear a child away from the environment they're in."

Skinner: "I was hoping you would give the number of days or weeks or months that perhaps a father who was having a falling out with the mother, and the mother concealed the child's birth from the father would have to assert his parental rights to having his child."

Dart: "Well, the part as far as relinquishing and signing off on the petition and relinquishing all those, this is not affected by that. This deals with once all the formalities have been taken care of, we have set strict timeframes in there so that things cannot be reopened...similar, a lot of this was initiated because of the Debours case in Michigan."

Skinner: "All right, so were are going to strictly construe whatever law we have...that exists now?"

Dart: "Yes, Because we have some courts in Cook County have not been really following the law."

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

Speaker Steczo: "The Chair recognizes Representative Biggert. Representative Biggert."

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

Speaker Steczo: "He indicates he will."

Biggert: "I'm sorry, Representative Dart, but I could not hear your answer, the reason for this Bill?"

Dart: "A lot of this Representative, was brought about by the events that occurred in Michigan with the Debours case, where the child was taken away from the parents it had been with for ages. And this is to put into...it really is not

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making major changes but what it is saying is that we are putting in bold letters that we are not going to play around with the timeframes that we have set in statute and that for adoption cases, we want to put them on an accelerated hearing so that we can have those receive a priority."

Biggert: "Has the court been apprised of this? Do they have any problems?"

Dart: "None whatsoever. This is actually the CBA is...voted on and actually is one of the people pushing this."

Biggert: "Thank you. To the Bill. This Bill passed out of the Judiciary I Committee on a vote of 12 to nothing, and I think it's a good Bill and urge support."

Speaker Steczo: "Is there any further discussion? There being none, Representative Dart, to close."

Dart: "I would just urge support in this measure."

Speaker Steczo: "The Gentleman has moved for the passage of House Bill 3257. The question is, 'Shall this Bill pass?' All those in favor will signify by voting 'aye'; those opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 117 voting 'yes' none voting 'no', none voting 'present'. The House Bill 3257, having received the required Constitutional Majority, is hereby declared passed. House Bill 3435, Representative McPike. Mr. Clerk, please read the Bill."

Clerk Rossi: "House Bill 3435, a Bill for an Act that amends the General Obligation Bond Act. Third Reading of the Bill."

Speaker Steczo: "Representative McPike."

McPike: "Thank you, Mr. Speaker. This is annual Jail (soc-G.O.) Bond Bill. It's a vehicle Bill at this point. I would hope that Senator Maitland would pick it up in the Senate



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and it would be used eventually for Governor's bond request. So I would ask all Members to support this."

Speaker Steczo: "The Gentleman has moved for the passage of House Bill 3435. On that question, is there any discussion? The Chair recognizes Representative Black."

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

Speaker Steczo: "He indicates he will."

Black: "Representative, I remember this in past years. But what basically are we going to do with this? What does it become, the bond instrument?"

McPike: "Yes, it usually does. I have put this in for 12 straight years now. It's either this Bill or a Senate Bill that is picked as a vehicle, so, actually, I don't care which one. As you know, we do need a vehicle Bill come the end of May or the end of June or the end of July or whenever we get out of here. We need a Bill for our...the Governor's Bond program and this is it."

Black: "We certainly appreciate your help. And we certainly would most interested in knowing what might be in store for this vehicle Bill. But I'm afraid to ask, so thank you."

McPike: "Are you going to support the Bill? You won't support my Bill? I'll tell you what I'll do. If you'll support this Bill I will remove myself as Sponsor and I will make Representative Ron Stephens the Chief sponsor of the Bill. I'll make Representative Stephens right now can be the Chief Sponsor of the Bill and if gets your support, Mr. Black, it will go out of here with 118 votes. How's that? Representative Stephens, would you like to take over sponsorship of this Bill? I'll do anything, Mr. Black, just to get some help on this."

Speaker Steczo: "Representative Stephens."

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Stephens: "Yes."

Speaker Steczo: "Stephens, Yes what?"

Stephens: "Yes, I want sponsorship of the Bill. Thank you very much."

McPike: "Would someone from the Clerk's well bring down a slip so that I can sign it. I will remove myself as Chief Sponsor and put Mr. Stephens, on it. Mr. Stephens, would you present the Bill, please?"

Speaker Steczo: "The Chair recognizes Representative Stephens."

Stephens: "Take it out of the record."

McPike: "Well, I guess I won't sign that slip, Mr. Stephens. I thought you were actually going to try to help the Governor with his bond program. So I was serious about offering you the sponsorship of the Bill. Well then, I move for the passage of the Bill, Mr. Speaker."

Speaker Steczo: "The Gentleman moves for the passage of House Bill 35. (sic-3435). There being no further discussion, the question is, 'Shall this Bill pass?' All those in favor signify by voting 'aye'; those opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 75 voting 'yes' and 35 voting 'no', two voting 'present'; and House Bill 3435, having received the required Constitutional Majority, is hereby declared passed. On the Order of State Government, State Operations, Third Reading, appears House Bill 3436, Representative McPike."

Clerk McLennand: "House Bill 3436, a Bill for an Act that amends the Build Illinois Bond Act. Third Reading of this Bill."

Speaker Steczo: "Representative McPike."

McPike: "Thank you, Mr. Speaker. This is identical to the previous Bill except this is for build Illinois bonds."

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It's a vehicle Bill, and I would move for its passage."

Speaker Steczo: "The Gentleman has moved for the passage of House Bill 3436. On that question, is there any discussion? There being none, the question is, 'Shall this Bill pass?' All those in favor will signify by voting 'aye'; those opposed by voting 'no'. The voting is open. Representative Black."

Black: "Thank you very much, Mr. Speaker. To explain my vote. I voted 'yes' on 3435, because I thought the Sponsor made a very reasonable proposal. I may take him up on that yet. I have to vote 'no' on this one."

Speaker Steczo: "Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 66 voting 'yes', 48 voting 'no' and 2 voting 'present'; and House Bill 3436, having received the required Constitutional Majority, is hereby declared passed. Going back up to the top of the order, the Chair missed two Bills. On State Operations, Third Reading, appears House Bill 2692, Representative Erwin. Mr. Clerk, please read the Bill."

Clerk McLennand: "House Bill 2692, a Bill for an Act that amends the Higher Education Student Assistance Act. Third Reading of this Bill. Representative Erwin."

Erwin: "Thank you, Mr. Speaker. House Bill 2692 will increase the maximum award in the monetary award program, from \$3,500 to \$3,800 for full-time students and from \$1,750 to \$1,900 for part-time students. This is a recommendation from the Board of Higher Education. The maximum award has not been increased since FY '90, and I would encourage a favorable roll call."

Speaker Steczo: "The Lady has moved for the passage of House Bill 2692. On that question, is there any discussion? The Chair recognizes Representative Weaver."

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Weaver: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This Bill received quite a bit of discussion in committee and I think you need to be aware that this increase in the maximum award from \$3,500 to \$3,800 will benefit primarily private schools in the State of Illinois. All but one of state-supported universities will not receive any of this money. Simply because their tuition rates are currently below the maximum level, so this increase will not impact them in a positive manner. Only the University of Illinois and the private schools in the State of Illinois will benefit from this increase, so I think perhaps, maybe we ought to wait a year and reconsider this issue in 1994. Thank you."

Speaker Steczo: "Representative Parke."

Parke: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Will the Sponsor of this Bill yield for a question? Representative Erwin, how much money is this going to cost the taxpayers of Illinois?"

Erwin: "Representative, the Governor has budgeted \$9.2 million, and it is in his budget, in his budget recommendation."

Parke: "Representative Erwin, how much will this cost the taxpayers of Illinois?"

Erwin: "Well taxpayers of Illinois, working families and their students who pay income taxes and sales taxes in this state who have not received an increase in the monetary award program since FY '90, so this year to assist students in attending both public and private universities in this state the Governor has wisely chosen to increase his appropriation for the Board of Higher Education for it, rather the Illinois Student Assistance Commission by \$9.2 million."

Parke: "So, it's an increase in the line item from last year of

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\$9 million?"

Erwin: "Yes, Representative, that's correct.

Parke: "And you say that's a budgeted item?"

Erwin: "It is a budgeted item, yes."

Speaker Steczo: "Representative John Dunn."

Dunn: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I rise in support of this legislation. It should be pointed out that it has been the policy of the State of Illinois to recognize diversity in education at the post-high school level among our colleges and universities in the State of Illinois. And to the extent, this legislation does, in fact, provide for increased assistance to the private colleges and universities of the State of Illinois, it is a furtherance of the recognition of this long-standing policy and an effort to adjust the awards which have been made in connection with that policy for increasing costs to enable our private colleges and universities in this state to remain afloat, to continue to provide good quality education, and to provide diversity, which is one of the great strengths of the State of Illinois, and that is to provide...to avoid being monolithic in our educational process. So, this is wise policy. I commend the Governor for including it in his budget, and I think we should all rise in support of this legislation, no matter what college or university may be in our district or nearby; because, ultimately, this legislation will be of assistance to everyone in the State of Illinois. I recommend and urge an 'aye' vote on this legislation."

Speaker Steczo: "The Chair recognizes Representative Moseley."

Moseley: "Thank you, Mr. Speaker. I rise in support of this measure as well. In addition to the items that

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Representative Dunn pointed out already so eloquently, I want to remind the Members that this is an authorization Bill. But the actual figures the actual amount that the taxpayers will be giving to the students of Illinois is \$30 million, and in that figure the majority of that amount will be to cover tuition increases at the other state universities, so you're seeing only one small part of the pie. This is a measure that is brought to us by the Illinois Student Assistance Commission who have been serving over 100,000 students in the State of Illinois for the past several years. So, what you're seeing here is a \$9 million piece of an actual \$30 million increase. There is a good deal of money going to those students that are state schools but this will also help students in private colleges. Several years ago we decided that there was not enough room on our state schools to handle everyone in this state, so we opened up the doors to allow monetary award programs for the private school students. It has been working very well. We have great number of leaders that have come from these institutions. I myself am a graduate of a private institution in Illinois and ask for your favorable consideration."

Speaker Steczo: "The Chair recognizes Representative Ostenburg."

Ostenburg: "Thank you, Mr. Chairman and Ladies and Gentlemen of the House. I normally am one who supports every measure for higher education that comes before us, but this is one that I do not see as being in the interest of higher education and there are a lot of reasons that I say that. Let me start by saying that I also am a graduate of a private university. I understand well the costs that are associated there but we are already are pumping so many public dollars in the private university and colleges in

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our state at a time when there is less and less money being available for the public schools. In addition to that, part of the reason for this increase is the fact that the University of Illinois increased its tuition far beyond the recommendation of the Board of Higher Education this past year. The increase in tuition of the University of Illinois requires now that a base of \$3,800 be available, and I think we need to send a message to the University of Illinois and to other governing boards that are engaged in runaway costs being passed on to students, that enough is enough. With one hand they increase the tuition with the other hand they come to us and ask us to put more money into the scholarship fund. It's not working. It's a dog chasing its tail and we have to bring a stop to this. I urge you to vote 'no' on this measure."

Speaker Steczo: "The Chair recognizes Representative Cowlshaw."

Cowlshaw: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of House Bill 2692. I think it's important not only to recognize to recognize that we have not provided any increase in the maximum monetary award program grant for the past five consecutive years, but I think it's also important to look at this in percentage terms. In fiscal year 1994, the \$3,500 maximum award represents only 32% of the mean weighted tuition and fees at private higher education institutions. This percentage has been declining since the late 1970's when the MAP maximum award covered 55% of tuition and fees at private institutions, as recently as fiscal year 91 and its master plan for higher education the Illinois Board Of Higher Education reaffirmed its policy goal of funding the MAP maximum award at 65% of mean weighted tuition and fees at private institutions. If we

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pass this legislation we will still be only at the level of between 32% and 35% of what it cost the students to attend these institutions. I think this is long overdue and I think that the students who do not go to public universities deserve our help. They deserve our help no matter where they choose to go to school. Thank you, Mr. Speaker."

Speaker Steczo: "The Chair recognizes Representative Black."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. I rise in support of this Bill. There have been some excellent points made. There is no question about that. But if we are to increase financial aid to those schools that many of us would like to do, we can't do that by lowering the monetary award program grant. If we want to send a message to the University of Illinois, there are ways to do that but why would we want to penalize the student, the student who is enrolled and has to worry about paying his or her tuition and fees next year? We don't send a message to the University of Illinois by penalizing that student. We have ways to get the attention of the University of the University of Illinois. We have ways to increase what we are able to offer to our students at Eastern and Illinois State and particularly our community colleges. But I don't see how we can do that by failing to raise the monetary award program basic grant level for the fifth, excuse for me the sixth consecutive year. So Ladies and Gentlemen of the House, no matter what our personal agendas might be, I would hope that we have enough of you in here who would not penalize the student for whatever problems we perceive or have with the institution that they might be attending. Let's not penalized today's students who count on this money for their college education,



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because we don't like the way the university or a particular university is being run. And if we want to visit the participation of private schools in the MAP Program, then let's do that, but let's not take our frustrations out on a Bill that has bipartisan support and helps kids from the northern to the southern to the eastern to the western boundaries of this state. This is a good Bill, a reasonable Bill, it is not a partisan issue. I urge you to vote 'yes'."

Speaker Steczo: "The Chair recognizes Representative Prussing."

Prussing: "Thank you, Mr. Speaker and Members of the House. I rise in support of this Bill. I agree with Representative Black. The message has been sent to the University of Illinois which is that the state is not going to provide adequate funding. That is the only reason that the tuition has been increased and I agree we cannot punish the students for our lapse in funding. Thank you."

Speaker Steczo: "Is there any further discussion? There being none, Representative Erwin, to close."

Erwin: "Thank you, Mr. Speaker. I'm not sure I can add any more to some fine points that were brought out in this discussion. I feel very strongly that we've waited now five years for an increase in this program. There are many students that have difficulty making ends meet, and I urge your favorable vote. Thank you."

Speaker Steczo: "The Lady has moved for the passage of House Bill 2692. The question is, 'Shall this Bill pass?' All those in favor will signify by voting 'aye'; those opposed by voting 'no'. The voting is open. The Chair recognizes Representative Lindner to explain her vote."

Lindner: "I just wanted you to record me on HB 3435 as a 'no' vote."

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Speaker Steczo: "The transcript, Representative, will so reflect.

Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 100 voting 'yes', 7 voting 'no' and 7 voting 'present'. House Bill 2692, having received the required Constitutional Majority, is hereby declared passed. On the Order of State Operations, Third Reading, appears House Bill 2733, Representative Prussing."

Clerk McLennand: "House Bill 2733, a Bill for an Act concerning collegiate license plates. Third Reading of this Bill."

Speaker Steczo: "Mr. Clerk, please read the Bill."

Clerk McLennand: "I already did."

Speaker Steczo: "Representative Prussing."

Prussing: "House Bill 2733, is to provide scholarship money to the public universities and colleges in Illinois by selling license plates so that someone who buys a plate for that college will know that the extra money is going for a scholarship at that institution. And I urge you to support this Bill."

Speaker Steczo: "The Lady has moved for the passage of House Bill 2733. On that question, is there any discussion? There being none...the Chair recognizes Representative Black."

Black: "Thank you very much, Mr. Speaker. Just a quick question of the Sponsor if she would?"

Speaker Steczo: "Proceed, Mr. Black."

Black: "Forgive me, Representative, I think I know the answer to this. But it's only State of Illinois schools correct?"

Prussing: "Correct."

Black: "Anyone who orders a Michigan plate is out of luck."

Prussing: "True."

Black: "And the Gentleman over there to your left hollering about Notre Dame is also out of luck, correct?"

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Notre Dame is also out of luck, correct?"

Prussing: "This is correct."

Black: "I won't even mention that, but thank you very much."

Speaker Steczo: "The question is, 'Shall this Bill pass?' All those in favor will signify by voting 'aye'; opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question there are 109 voting 'yes', 7 voting 'no', none voting 'present'. The House Bill 2733, having received the required Constitutional Majority, is hereby declared passed. On the Order of State Operations, Third Reading, appears House Bill 3741, Representative Rotello."

Clerk McLennand: "House Bill 3741."

Speaker Steczo: "Mr. Rotello, out of the record. House Bill 3924, Representative McPike. Mr. Clerk, please read the... Representative McPike, the Chair recognizes Representative McPike."

McPike: "Mr. Speaker, I would like to have leave to return this Bill to Second Reading."

Speaker Steczo: "The Gentleman asks leave to bring House Bill 3924 back to the Order of Second Reading. Is there any objection? There being no objection, leave is granted. Mr. Clerk, any Amendments?"

Clerk McLennand: "Floor Amendment #1, offered by Representative Bugielski."

Speaker Steczo: "The Chair recognizes Representative Bugielski, on Amendment #1."

Bugielski: "Thank you, Mr. Speaker. Amendment #1 is a technical Amendment which removes the statutory reference to the Technical Evaluation Committee. It's just a technical correction."

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Speaker Steczo: "The Gentleman has offered Amendment #1. On that question, is there any discussion? The Chair recognizes Representative Black."

Black: "I'm sorry, I was going to ask if the Amendment had been printed and distributed. But we have it, I'm sorry."

Speaker Steczo: "Okay, any further discussion? There being none, the question is, 'Shall the Amendment be adopted?' All those in favor will signify by saying 'aye'; those opposed by saying 'no'. In the opinion of the Chair, the 'ayes' have it. The Amendment is adopted. Mr. Clerk, any further Amendments?"

Clerk McLennand: "Floor Amendment #2, offered by Representative Bugielski."

Speaker Steczo: "The Chair recognizes Representative Bugielski on Amendment #2."

Bugielski: "Thank you, Mr. Speaker. Amendment #2 changes the responsibility for administrating the small business surity bond guarantee program, form the IFFA to the Department of Commerce and Community Affairs. DCCA has the funds that can be used for this program and IFFA currently has no staff with the necessary expertise to administer the program. DCCA would be able to operate the program through the use of the financial intermediary as authorized by the existing law, and I understand that this was spoke on both sides of the aisle, and there was an agreement on this."

Speaker Steczo: "Representative Bugielski has moved for the adoption of Amendment #2. On that question, is there any discussion? There being none, all those in favor of the adoption of the Amendment will signify by saying 'aye'; those opposed by saying 'no'. The 'ayes' have it. The Amendment's adopted. Mr. Clerk, any further Amendments?"

Clerk McLennand: "No further Amendments."

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witnesses in his or her behalf; and to have a speedy public trial by an impartial jury of the county in which the offense is alleged to have been committed. SCHEDULE This Constitutional Amendment takes effect upon approval by the electors of this State. Third Reading of House Joint Resolution Constitutional Amendment 26."

Speaker Steczo: "The Chair recognizes Representative Dart."

Dart: "Thank you, Mr. Speaker and Members of the Assembly. This Constitutional Amendment is something that came about as a result of the recent Supreme Court decision which struck down our child shield statute. It was a decision that was written with strong dissent, and the reasoning of which has some questions to it. This Constitutional Amendment would cure the problems of the Supreme Court found in our present scheme, and allow...so that we could utilize the Child Shield Statute. The Child Shield Statute just to make everybody aware, allows for children who have been raped to testify via closed circuit television into a courtroom. It is something that is a tool that is of the utmost importance to the prosecution of these types of cases, especially when you're dealing with smaller children, and unless we make this constitutional change these cases, not only would they not be allowed to utilize this but more importantly the cases that have utilized this so far are all going to be struck down and those cases are going to have to be tried over again. So I would move for the passage of this."

Speaker Steczo: "The Gentleman has moved for the adoption of House Joint Resolution Constitutional Amendment 26. On that question is there any discussion? The Chair recognizes Representative Homer."

Homer: "Thank you, Mr. Speaker. This is an important

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Speaker Steczo: "Third Reading. On State Operations, Second Reading, appears House Bill 3114, Representative Turner. Mr. Clerk, please read the Bill."

Clerk McLennand: "House Bill 3114, a Bill for an Act that amends certain Acts in relation to the Mortgage Insurance Fund. Second Reading of this Bill. No Committee Amendments. No Floor Amendments. A fiscal note has been requested on the Bill."

Speaker Steczo: "Mr. Turner, out of the record. Mr. Turner, out of the record. The Bill will be held on Second Reading until the fiscal note has been provided. Mr. Black, on State Operations, Third Reading, appears House Joint Resolution Constitutional Amendment #26. Mr. Dart. Mr. Clerk, please read the Resolution a third time."

Clerk McLennand: "HOUSE JOINT RESOLUTION CONSTITUTIONAL AMENDMENT #26 WHEREAS, The Illinois Supreme Court struck down the Child Shield Law in its decision in People v. Fitzpatrick, Docket No. 74768, on February 17, 1994, and this amendment is intended to reverse that decision; therefore, 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 8 of Article I of the Illinois Constitution as follows: ARTICLE I BILL OF RIGHTS SECTION 8. RIGHTS AFTER INDICTMENT In criminal prosecutions, the accused shall have the right to appear and defend in person and by counsel; to demand the nature and cause of the accusation and have a copy thereof; to be confronted with the witnesses against him or her and to have process to compel the attendance of

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Constitutional Amendment. That resulted from a Illinois Supreme Court case, that struck down a conviction of a grandfather who molested his children, because the state had used a statute, the Child Shield Law that we passed a couple of years ago, to allow the abused children to testify by video camera, in the presence of the defence lawyer, but outside the presences of the defendant. The U.S. Supreme Court has ruled on a similar statute that it is constitutional by virtue of the United States Supreme Court. But because the state has in its...in our constitution, the language 'face to face', the Illinois Supreme Court felt compelled to strike it down. All this does is put the Illinois Constitution on the same plane as the United States Constitution, so as to protect children of sexual abuse, who are allowed to testify by video camera outside the presences of the defendant. I would urge strong support for the Constitutional Amendment."

Speaker Steczo: "Is there any further discussion? The Chair recognizes Representative Tom Johnson."

Johnson, Tom: "Yes, I rise in strong support of this Constitutional Amendment, also. I think obviously it's very necessary. We had also put in the same Amendment in committee. Hindsight being what it is, and in light of all that's occurred on this floor, I'm not very happy..."

Speaker Steczo: "Representative Johnson, continue please."

Johnson, Tom: "I'm very happy to see this out under a Democrat sponsored Amendment, and I join in this today because had it been Republican we probably would not see it up there. So I urge a strong vote for this."

Speaker Steczo: "Representative Lindner."

Lindner: "Yes, thank you, Mr. Speaker, I rise in support of this Constitutional Amendment. Also I heard from many people in

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my district who work in child advocacy centers and this is very important Amendment, and I urge the support of all. Thank you."

Speaker Steczo: "There being no further discussion, the question is, 'Shall House Joint Resolution Constitutional Amendment 26 be adopted?' All those in favor will signify by voting 'aye'; those opposed by voting 'no'. The question requires 71 votes for passage. Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question there are 117 voting 'yes', and none voting 'no', none voting 'present', and the House does adopt House Joint Resolution Constitutional Amendment #26. On the Order of Consumer Protection, Third Reading, appears House Bill 2794, Representative Woolard. Mr. Woolard. Mr. Clerk, please read the Bill."

Clerk McLennand: "House Bill 2794, a Bill for an Act that amends the Animal Control Act. Third Reading of this Bill."

Speaker Steczo: "The Chair recognizes Representative Woolard. Representative Woolard, please."

Woolard: "Thank you, Mr. Speaker. I think we have probably one of the most significant pieces of legislation that will appear before this Body today, before us. What we are really talking about is expanding the markets of the agri-business industry in this state. And we really have the opportunity to delve into some new areas, and I'm very proud to have a Co-Sponsor on a issue such as this as important as it is, as Representative Ryder. I know that there are others in the Body who have great reason to be very supportive of this issue. The Majority Spokesman has spoken to me on numerous occasions and has said he would like to be a participant and wanted to be the second Chief-Sponsor and I told him that that position was already



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taken. So as we proceed down the lines of looking for ways to expanding the industry that has provided such a great economic base for the State of Illinois, we have identified that there are some flightless birds, some large flightless birds, who are in jeopardy. And what this Bill does it protects the interest of this great cash crop that the farmers of this great state have available to them, and it says that if they're harassed by a dog that they shall have equal access to the law that other farm interests animals have today. The ratite's time has come and I believe that we should stand in unison for the benefit of not only the economy of this great state, but the interest of the historical value that the farmer has played. And I encourage each and every one of you to join us in support of this great legislation."

Speaker Steczo: "The Gentleman has moved for the passage of House Bill 2794. On that question, is there any discussion? The Chair recognizes Representative McPike."

McPike: "Well thank you, Mr. Speaker. I am often amazed at some of the laws that are on the books in Illinois, and when I read this for the first time, I was actually shocked that this was a law in the state. But I have been accused of disliking farmers and it is certainly not true, it's certainly not true. Because there is a farmer in my district, but I had no idea how much farmers hated dogs until I saw this law that's on our books. I wonder if the Sponsor would yield for a question or two?"

Speaker Steczo: "McPike, he indicates that he will."

McPike: "Representative Woolard, according to this Bill, a farmer may pursue and kill a dog, now is there any limitations on how far he could pursue this dog? I mean could he pursue it a block or a half a mile or two miles? Is there any

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limitations in this as to how far he can pursue this poor dog?"

Woolard: "Very definitely, there is extreme limitations that are placed on many farmers throughout this state. And I think if you look in the city, Mr. Representative, you will also find that there are varying degrees of conditions that these individuals have, and probably the farmers...."

McPike: "Where in the Bill does it put in any limitations? The Bill is only five lines long, and the finishing says...it ends by saying the farmer may pursue and kill such dog. And I don't see any limitations in there. I don't see any limitation on how far he can pursue the dog. I want to know, secondly, if there is any limitation on how he can kill this poor dog."

Woolard: "I think we need to address the first question, first. I really believe that it's imperative that each and every one of us recognize that there are different people who have different abilities. And the ability of the farmer being in great condition, probably would be able to pursue the dog a lot greater distance than a farmer that was in lesser condition. So the limitations would be based on the ability of that person who was in pursuit."

McPike: "All right, so is there any limitation on how the farmer who can kill this dog? I presume the farmer can shoot the dog. I presume the farmer can chop him up with a machete. I presume he can beat him to death with a ball bat. I want to know if he can set him on fire, could he kill him that way?"

Woolard: "Mr. Speaker, I'm really taking exception with the type of questioning I'm receiving because I truly believe that this is not pertinent to the Bill, as we have presented it.....this is not new law we are talking about; this is

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existing law."

McPike: "I know, but I've never seen this law before and I did not even know what a ratite was until I saw this. I want to know if there are any limitations as to how this farmer can kill this poor dog? Any limitations? Or can he kill him any way he wishes? I don't see a limitations in the Bill. I presumed there would be, but I could not find a limitation, so I presume there is none. And next in the Bill, it says that the owner of this poor dead dog is now liable for all damages caused by the dog, worrying the ratites...all damage s caused by the dog, worrying the ratites. Now, I'd like to know, who do you see to determine how much this ratite has been worried. Do you see an ostrich psychiatrist? Who determines how much damages there are from the worrying this ratite?"

Woolard: "I think that very definitely you have brought up a good point, and I know that in southern Illinois that the shrink that we have available, for looking into animal control, and animal interests are very limited. Probably in the metropolitan area where you live there would be some very quality individuals, that you could get answers for questions such as this. Now I would defer to my comrade who is a Co-Sponsor to assist in answering some of these technical questions since he has so much more ability to articulate these kinds of answers."

McPike: "Thank you very much. To the Bill. It's my understanding from reading the Bill, is that if I buy my six year old daughter a puppy for her birthday, and the little puppy cocker spaniel wanders across the road and starts worrying this ratite, now this ratite is a huge animal that stands about ten feet tall, and can run about 70 miles an hour, but my little daughter's puppy is

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worrying the ratite. Out comes this farmer chasing this little puppy, he chases him out of the farm. He chases him across the street. He chases him into my house and there's my little baby holding her puppy, and the farmer grabs this puppy away from her and beats the dog to death right in my kitchen. Yes, yes, now that's how much farmers hate dogs. I don't know if I'm just against...I think we should repeal this whole law. I can't believe that people in this state hate puppies that much."

Speaker Steczo: "Representative Black."

Black: "Thank you very much, Mr. Speaker. I don't know what we are going to do down here when that farmer that lives in Representative McPike's district dies, but be that as it may, will the Sponsor yield?"

Speaker Steczo: "He thinks he indicates he does."

Black: "Thank you. Is this pronounced ratites?"

Woolard: "There are those who live in certain parts of the state who call it ratites, but really ratites, I think would be..."

Black: "Are ratites traded on the board of trade?"

Woolard: "Very definitely."

Black: "Like frozen ratite bellies, on the futures market."

Woolard: "Have any of you heard of Podunk, Illinois?"

Black: "Watch it now, getting personal now."

Woolard: "Podunk is located in my district."

Black: "In that case, it's all right."

Woolard: "It's just a little ways past another community that's called Dogpound."

Black: "I have a ratite farmer in my district. That's true."

Woolard: "I have several."

Black: "I think the Majority Leader referred to it as an ostrich or something. We refer to it as an emu, it's as an emu,

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right?"

Woolard: "There are two different animals,..."

Black: "There are emu and emirs, but I don't think that they are the same. This is indeed a problem. I have the solution to your problem. Now I'm going to support your Bill, because I know Representative Ryder came over and...I had no idea it was such a serious problem in Jersey County, until he came over and asked me to support this Bill. Literally dogs are running ratites up and down the highway in this district. We had several hundred incidences of automobile-ratites collisions, I think in Jersey County, but whatever. I would offer a compromise to you, Representative. You and I are familiar with the Animal Control Act correct?"

Woolard: "Very definitely."

Black: "Now if I can get the Speaker to put House Bill 2467, which is my Arming the Animal Control Officers Bill, on a special order, then we know how we are going to take care of this. We are going to have the animal control officers armed and ready to go after these dogs that might the worry or harass the ratites. By the way what do we do with ratites?"

Woolard: "You know probably this is the real bottom line. And I think that the industry recognizes the fact that this may be the most quality food product that will be raised in the State of Illinois in the very near future. The food, the meat that comes from the ratites industry, not only has the quality protein necessary for a great meat product, but it will be readily available in the very near future and it will be a very major industry in this state. And we have to afford them the same kind of protection that we do our cattle and horses, sheep, goats, et cetera, that we do for

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the other farm animals..."

Black: "In fact, isn't ratite meat very low in fat?"

Woolard: "Yes, very definitely, one of the most healthy foods going..."

Black: "As I recall they lay rather large eggs. Ratites..."

Woolard: "Not as large as you are holding in your hands, but quite large, yes."

Black: "I was looking over at Terry Deering and I was having a hard time with the... They are big eggs and I think they are low in fat and cholesterol too."

Woolard: "Very big eggs."

Black: "So, really rather than a agricultural issue, knowing how the esteemed Majority Leader feels about agricultural issues, we might really want to move this to an Order of Economic Development, and run it right out of here."

Woolard: "In all fairness, it is a very necessary economic interest issue."

Black: "I know, believe it or not, there is a guy who raises these in the new part of my district. The only thing I think we have to answer when it goes over to the Senate, we will have to work with Senator Philip on the question about how do we know when a ratite is worried. You and I can answer that but we will have to work with Senator Philip on that. So, I rise in support of your Bill, but I need your help on 2467, so we can enforce the provisions of your Bill. A little log rolling here if I might, but, Mr. Speaker, to the Bill. While many people would not know a ratite from a cocker spaniel, nothing personal, Mr. Majority Leader, this is in fact a good Bill. And just because we can have fun with what the title is, for those of you who don't know a ratite, you would call it an ostrich or an emu. Down my way we just call it a great big

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bird that can't fly. And so we laugh, but it is a speciality crop. There will be market for it, and since some of you won't support us on ethanol maybe at least you will support us on ratite meat. So vote 'yes'."

Speaker Steczo: "Is there any further discussion? The Chair recognizes Representative Blagojevich."

Blagojevich: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Will the Sponsor yield for one question?"

Speaker Steczo: "He indicates he will."

Blagojevich: "Representative Woolard, can you just tell us what this present law covers, the other animals that are involved, that have this protection?"

Woolard: "At the present time the chasing worrying, wounding injuring or killing of sheep, goats, cattle, horses, mules, poultry, and swine is in the Bill now. All we are doing is adding one more word, that being 'ratites'."

Blagojevich: "Thank you, Representative Woolard. To the Bill. I think it's about time that Members of this House show some political courage, pull our heads out of the sand and recognize that ratites have rights and that we ought to extend the same rights to ratites as we extend to swine. And so I urge a 'yes' vote. Thank you."

Speaker Steczo: "Representative Lawfer."

Lawfer: "Will the Sponsor yield for a question?"

Speaker Steczo: "He indicates he will."

Lawfer: "Representative Woolard, in the response to the Animal Control Act that refers to dogs, but I believe that it also refers in definition to any member of the canine family. Is that correct?"

Woolard: "I'm sure you are correct. I don't have that portion of the law right here in front of me, yes."

Lawfer: "In other words then, any member of the canine not only

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could be not only Representative McPike's cocker spaniel that may acquire but it would also include coyotes, that fit in the canine family. So not only are we talking about dogs but we could be talking about canines that are covered by this law, and of course they are already covered. It's just an expansion of the law. I think it's a good Law...Bill and I urge support of that."

Speaker Steczo: "Representative Olson."

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

Speaker Steczo: "He indicates he will."

Olson: "Representative Woolard, Representative McPike was questioning you about shooting the dog. What...if the dogs could be shot and what kind of weapons could be used in that effect...and I did not quite get your answer but it raised some thoughts in my mind relative to the debate here on the floor about an hour ago when I got very confused about assault weapons and those that were exempt. Do you think it will make much difference to the dog whether it's an exempt weapon or one of those assault weapons?"

Woolard: "If its a successful kill, I'm sure it won't be on the dogs mind very long." Olson: "Thank you."

Speaker Steczo: "Representative Novak."

Novak: "Yes, Mr. Speaker. I just have one question for the Sponsor."

Speaker Steczo: "Please proceed, Mr. Novak."

Novak: "Representative Woolard, you indicated that this bird sometime down the road will be a marketable product in Illinois, correct?"

Woolard: "Very definitely, already is."

Novak: "All right, well my question is that...I mean, will the entire bird be edible other than the feathers?"

Woolard: "I'm reasonably sure that there would be certain parts



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of the bird that would be a lot greater delicacy than others, but yes, I think the entirety of bird would be edible such as a chicken or turkey or other poultry items."

Novak: "So we can expect that certain parts of bovine, excuse me, certain parts of turkeys, and so we can conclude that maybe ratites oysters will be marketed in the State Of Illinois?"

Woolard: "That's a very large subject that you have there, but yes, I'm reasonably sure that that would be..."

Speaker Steczo: "The Chair recognizes Representative Maureen Murphy. Representative Maureen Murphy."

Murphy, M.: "All right, thank you very much. In the committee that this came before there was a few questions. While I know it flew out of committee, no pun intended, I must bring up the name of Representative Margy Parcels, former Representative, who did a have few questions about those domestic dogs whose instinct would have them go after these ratites, and about the responsibilities of the owners of ratites to keep their ratites safe. One part that we were not sure on, even though we had an 'aye' vote as you know, Representative, was regarding chasing down these dogs to their homes and the timeliness. If it was Representative McPike's cocker spaniel and you thought it was but you had no proof, two days later after the ratites was attacked could you just go and shoot that cocker spaniel, on a guess that it could have been him? The part about going to their home and shooting them is really a quandry to us. Could you clear up about seeking out and searching, domesticated dogs?"

Woolard: "This law would not supersede any of the other laws that are on the books of this great state. The ability to proceed after a dog after the fact and say that that was the responsible party without proof, would subject that

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person who was doing the pursuing to the consequences of many other laws of this land. So there would have to be positive, definite proof, that that was the individual dog and not one that just looked like that dog, that had committed the crime, and I think without reservation the farmers of this great state would be very cautious in a pursuit of a dog that they were not sure was guilty."

Murphy: "All right, thank you, Representative."

Speaker Steczo: "Representative Granberg."

Granberg: "Representative Woolard, one quick question. If Representative Brunsvold owned a ratite and a dog bothered his ratite, could Representative Brunsvold take his assault weapon and kill that dog?"

Woolard: "I'm reasonably sure that the responsible person that Representative Brunsvold is that if he thought it was necessary to punish the dog with the ultimate consequence, that he would do it with the best available pursuit weapon that he had. I'm not sure just exactly what that would be and I'm not sure just exactly what he owns. But if he owned, and if it was legal, there would be nothing to keep him from using it."

Granberg: "If he was in Singapore, could he cane the dog?"

Woolard: "I'm sorry I did not hear that question."

Granberg: "Could he cane the dog? Cane."

Woolard: "Well in this great state that we live, I think that would be cruel and unusual punishment, and I doubt he would do that because I have all the respect in the world for Representative Brunsvold."

Granberg: "Thank you."

Speaker Steczo: "Representative Wennlund."

Wennlund: "Thank you, Mr. Speaker. Since Legislatures don't have the same protection in this Bill as ratites, I move the

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previous question."

Speaker Steczko: "Mr. Wennlund, there is no need to do so. Is there any further discussion? There being none, the Chair recognizes Representative Ryder to close."

Ryder: "Mr. Speaker, if we could have some order here. Mr. Speaker, I stand in support of this Bill and its a sad day in this Legislature. It's a sad day when the Majority Leader stands, the Majority Leader, the man who I have always looked to for equal rights, protection under rights, the man who has stood and passed legislation that protects sheep and goats and cattle and horses and mules, swine and even poultry, and that man wishes to deny those equal rights of protection. It is a sad day indeed, and I'm very distressed, and then, and then to mention the name of his beloved daughter and her attack dog, he has no idea. I mean these animals are called bird brains for a reasons, that when that attack dog would come out an molest and otherwise harass this utterly indefensible, defenseless, animal, that's only purpose on earth is to lower your cholesterol count, and to suggest that somehow that animal is somehow unworthy of the protections of the laws of this State Of Illinois, and I'm agast. It is truly a sad day, a sad day for this state, a sad day for the semi-retired farmer that resides in Representative McPike's district, who probably is investing in ratites futures at this very moment. This is a Bill whose time has come. And to the one ratite farmer in my district, I'm there to be counted. I'm there to stand up for these dumb and defenseless birds, so when the attack dogs of the is world come out there, that's where we stand. I ask for an affirmative vote."

Speaker Steczko: "The Gentleman has moved for the passage of House Bill 2794. The question is, 'Shall this Bill pass?' All

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those in favor will signify by voting 'aye'; those opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Please record Representative Schoenberg as 'aye'. Have all voted who wish? Mr. Clerk, please take the record. On this question there are 106 voting 'yes', 7 voting 'no', 5 voting 'present'. House Bill 2794, having received the required Constitutional Majority, is hereby declared passed. On the Order of Consumer Protection, Third Reading, appears House Bill 3437, Representative Burke, Mr. Burke, 3437. Mr. Clerk, please read the Bill."

Clerk McLennand: "House Bill 3437, a Bill for an Act concerning the regulation of rental purchase agreements. Third Reading of this House Bill."

Speaker Steczo: "Representative Burke."

Burke: "Thank you, Speaker. This Bill, as amended, provides that persons who enter into retail purchase agreements have the right to reinstate the rental agreement when that person fails to make payments under certain conditions and that the consumer has paid less than 60% of the total amount to be paid to require ownership and furthermore requires that the companies identify the actual cost of the item on the product in the establishment. And I ask for your favorable consideration."

Speaker Steczo: "The Gentleman has moved for the passage of House Bill 3437. On that question is there any discussion? The Chair recognizes Representative Black."

Black: "Thank you very much, Mr. Speaker. An inquiry of the Chair. The Amendment to the Bill, is this a Committee Amendment? This is Committee Amendment #1. And this Bill has nothing to do with rental property, landlord tenant. It has to do with stores that will rent you a television

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set or a living room suite, or something of that sort, correct? I did not hear his answer."

Speaker Steczo: "Mr. Burke."

Burke: "Yes, in response to the question, these businesses are commonly referred to as to 'rent to own'."

Black: "Okay, so it has nothing to do with real estate?"

Burke: "No, none whatsoever."

Black: "Okay, thank you very much."

Speaker Steczo: "The Chair recognizes Representative Pedersen."

Pedersen: "Thank you. Mr. Speaker and Ladies and Gentlemen of the House. I'm a spokesman on the committee, the businessmen in this...that were affected by this Bill agreed to the changes on that Amendment, and so it passed out readily. So I urge the support of the Bill."

Speaker Steczo: "Is there any further discussion? There being none, the question is, 'Shall this Bill pass?' All those will signify by voting 'aye'; those opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question there are 117 voting 'yes', none voting 'no', none voting 'present'. House Bill 3437, having received the required Constitutional Majority, is hereby declared passed. On the Order of Transportation, Second Reading, appears House Bill 2573, Representative Giolitto. Representative Giolitto. Mr. Clerk, please read the Bill."

CLerk McLennand: "House Bill 2573 has been read a second time previously. No Committee Amendments. Floor Amendment #1 was withdrawn. Floor Amendment #2, offered by Representative Giolitto."

Speaker Steczo: "The Chair recognizes Representative Giolitto, on Amendment #2."

Giolitto: "Yes, the Amendment is an exemption for any pickup

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trucks that are being used for any kind of agriculture."

Speaker Steczo: "The Lady has moved for the adoption for Amendment #2. On that question, is there any discussion? There being none, all those in favor...Representative Black."

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

Speaker Steczo: "She indicates she will."

Black: "Representative, how are we to determine in a rural district like mine, what is going to classify as a pickup truck used for agricultural related purposes? How do you distinguish that? What's a pickup truck and pickup truck for agricultural related?"

Giolitto: "Representative Black, this was the language suggested or agreed to by the Farm Bureau."

Black: "Well, that's all well and good, but there is no farm plate on a pickup truck. So, I could argue if I'm going to use my pickup to haul a bag of lawn fertilizer to my house, I'm going to call it an ag-related pickup truck. I don't oppose your Amendment. I very much appreciate what you're trying to do with the Amendment. I just wonder if the Amendment doesn't further confuse the issue, rather than perhaps exempt some people that obviously we would like to exempt. I'm sure that this Amendment does that."

Giolitto: "We appreciate that. That's why we gave the Farm Bureau every opportunity to work with us on this. And I think that in most cases it will be very apparent."

Black: "Well okay, I do appreciate the fact that you are trying to address some issues that were brought up in committee. I won't stand in opposition of the Amendment, I think the Amendment is still confusing, but I appreciate the fact that you have tried to address some concerns that we had."

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Thank you."

Speaker Steczo: "Any further discussions? Representative Stephens."

Stephens: "Thank you, Mr. Speaker. This is a good Amendment to a bad Bill. And to Representative Black, I would tell you that if you're taking your pickup truck to the grocery store that would be an agricultural related purpose. If you're doing just about anything in a pick up truck in Illinois, we could somehow relate it to agriculture, because it's the main industry of the state, and those of us downstate ought to rise in support of this Amendment, and then we ought to beat the Bill."

Speaker Steczo: "Is there any further discussion? There being none, Representative Giolitto to close."

Giolitto: "Thank you very much, for your comments, Representative Black and we will take any additional Amendments into account that you might want to recommend."

Speaker Steczo: "The Lady has moved for the adoption of Amendment #2. All those in favor will signify by saying 'aye'; those opposed by saying 'no'. The ayes have it. The Amendments adopted. Mr. Clerk, any further Amendments?"

Clerk McLennand: "No further Amendments."

Speaker Steczo: "Third Reading. On the Order of Transportation. Second Reading, appears House Bill 3814, Representative Gash. Representative Gash. Out of the record. On the Second Order of Banking, Second Reading, appears House Bill 2962, Representative Kotlarz. Mr. Kotlarz. Mr. Clerk, please read the Bill."

Clerk McLennand: "House Bill 2962, a Bill for an Act concerning the dissemination of credit information. The Bill has been read a second time previously. No Committee Amendments. Floor Amendment #1 has been adopted. Floor Amendment #2,

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offered by Representative Kotlarz."

Speaker Steczo: "The Chair recognizes Representative Kotlarz on Amendment #2."

Kotlarz: "I would ask passage, Mr. Speaker."

Speaker Steczo: "Proceed Representative."

Kotlarz: "I request passage."

Speaker Steczo: "The Gentleman has moved for adoption of Amendment #2. On that question, is there any discussion? There being none, all those in favor of the adoption will signify by saying 'aye'; those opposed by saying 'no'. The 'ayes' have it. The Amendment's adopted. Mr. Clerk, any further Amendments?"

Clerk McLennand: "No further Amendments."

Speaker Steczo: "Third Reading. On the Order of Banking Second Reading, appears House Bill 3798, Representative Santiago. Mr. Clerk, out of the record. On the Order of Civil Law, appears House Bill 2428, Representative Lang. Out of the record. Back to Banking, on the Order of Banking, Third Reading, appears House Bill 3329, Representative Flinn. Out of the record. House Bill 3611, Representative Deering. Mr. Clerk, please read the Bill."

Clerk McLennand: "House Bill 3611, a Bill for an Act that amends the Illinois Banking Act. Third Reading of this House Bill."

Speaker Steczo: "The Chair recognizes Representative Deering."

Deering: "Thank you, Mr. Speaker, Members, Ladies and Gentlemen of the House. What this Bill does is gives the small community banks the same options to look over a possible hostile take-over, over their operation that presently is in the banking laws that cover the much larger banks. This just gives them a due process, according to the state laws to allow them to look at how they can protect themselves,



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if it's a good buy out or if it's good for their investors.

I will attempt to answer any questions."

Speaker Steczko: "The Gentleman has moved for the passage of House Bill 3611. On that question, is there any discussion? There being none, the question is, 'Shall this Bill pass?' Those in favor will signify by voting 'aye'; those opposed by voting 'no'. Voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 110 voting 'yes', none voting 'no', 5 voting 'present'. House Bill 3611, having received the required Constitutional Majority, is hereby declared passed. On the Order of Civil Law, Second Reading, appears House Bill 2681, Representative Hoeft. Mr. Clerk, please read the Bill."

Clerk McLennand: "House Bill 2681, a Bill for an Act that amends a Mechanics Lien Act. Second Reading of the Bill. Amendment #1 was adopted in committee. No Motions filed. Floor Amendment #2, offered by Representative Hoeft."

Speaker Steczko: "The Chair recognizes Representative Hoeft on Amendment #2."

Hoeft: "Thank you, Mr. Speaker. The committee met after the Bill was passed through for a compromise and the Amendment is a compromise that the committee came up with, and I would ask for its passage."

Speaker Steczko: "The Gentleman moves for the adoption of Amendment #2. On that question, is there any discussion? There being none, all those in favor of the adoption of the Amendment will signify by... Representative Biggert."

Biggert: "Thank you, Mr. Speaker. I would like to ask what the Amendment does?"

Speaker Steczko: "Representative Hoeft."

Hoeft: "The Amendment allows, well, the actual wording says that,

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this preemption of value is rebuttable proof. So it allows evidence of the value of a product to be brought into court and it allows both parties to debate that."

Biggert: "Right. Representative, you also mentioned that this was a compromise. Who compromised, or who was involved in this Amendment?"

Hoeft: "There were four individuals who met. It was in committee anyone who wanted to. It was announced when they would be there. There was a...two members of the construction industry and two members of the financial community that was there."

Biggert: "All right, I'm sorry...could you repeat who was involved?"

Hoeft: "The Lumbermans Association was there, a construction worker was there, a construction industry worker was there, the title companies were there, and one of the other financial institutions was there."

Biggert: "And they all agreed to this Amendment?"

Hoeft: "They worked on this compromise. There was not a lot of agreement, but they said that this was the best that they could come up with."

Biggert: "All right, thank you."

Speaker Steczo: "Mr. Hoeft, could take this Bill out of the record temporarily and come to the well for a second? We have a question to ask of you. Thanks. Out of the record, Mr. Clerk. On the Order of Civil Law, Second Reading, appears House Bill 3079, Representative Capparelli. Mr. Clerk, please read the Bill."

Clerk McLennand: "House Bill 3079, a Bill for an Act to create the Uniformed TOD Security Registration Act. Second Reading of this Bill. Amendment #1 was adopted in committee. No Floor Amendments."

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Speaker Steczo: "Third Reading. House Bill 3332, Representative Flinn. Out of the record. House Bill 3353, Representative Schakowsky. Clerk, please read the Bill."

Clerk McLennand: "House Bill 3353, a Bill for an Act in relation to family mediation. Second Reading... the Bill has been read a second time previously. No Committee Amendments. Floor Amendment #1, offered by Representative Schakowsky."

Speaker Steczo: "The Chair recognizes Representative Schakowsky."

Schakowsky: "Thank you, Speaker. Amendment #1 makes changes that were at the request of the legal services community and the mediation council of Illinois. This came out of committee on an agreed Bill list and this Amendment takes into consideration some of their concerns. I move the adoption of Amendment #1."

Speaker Steczo: "The Lady has moved for the adoption of Amendment #1. On that question, is there any discussion? The Chair recognizes Representative Wennlund. Mr. Wennlund."

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

Speaker Steczo: "She indicates she will."

Wennlund: "Can you tell us what concerns are taken care of by the Amendment? You mentioned that the Amendment was to take care of somebody's concerns. Could you tell us what those concerns were and how they're taken care of in this Amendment?"

Schakowsky: "Well, actually the Amendment becomes the Bill and there were just a lot of little things. I can tell what the Bill does right now."

Wennlund: "Yes, if you can."

Schakowsky: "Okay, well what the legislation does is provides that a judicial circuit may elect to establish a program to provide mediation services, and then defines that, it provides for the qualification and appointment of

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mediators, the duty of mediators, the circumstances under which mediation shall be waived, modified or terminated. The appointment of family service officers, safety consideration, costs, reports, and the the creation of an advisory committee."

Wennlund: "Who pays for the cost of the mediator?"

Schakowsky: "I'm sorry I could not hear you."

Wennlund: "Who pays the cost or salary of the mediator?"

Schakowsky: "You know, I'm sorry, Representative, I'm actually not sure. Oh, wait, the cost of mediation is generally absorbed by those seeking mediation in all counties, with the exception of Cook, where the county provides services to all parties at no cost. Those parties who are unable to pay are accepted on a sliding scale or pro bono basis by the mediator."

Wennlund: "It does not compel parties to dissolution of marriage with a child involved to vote for mediation, prior to the time they go through court proceedings?"

Schakowsky: "It does not."

Wennlund: "It does not, okay, thank you very much."

Speaker Steczo: "Representative Biggert."

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

Speaker Steczo: "She indicates she will."

Biggert: "Representative, as for as the issue of confidentiality in this process, has your Amendment changed that at all?"

Schakowsky: "I'm not sure if the Amendment changed the original confidentiality procedures. It does clarify confidentiality and mediation from the existing Act, I know that. But I'm not sure from the Amendment...From the original Bill."

Biggert: "Thank you."

Speaker Steczo: "Representative Roskam."

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Roskam: "Thank you, Mr. Speaker Ladies and Gentlemen of the House. Representative, as I mentioned a couple of minutes ago, to you at your desk. I just want to put you on notice that some of the Dupage County Bar Association, Members of the Family Law Committee have some concerns about the underlying Bill. I'll get a copy of Floor Amendment #1 to them, but as to the underlying Bill and these are some of the issues that Representative Biggert was addressing, they perceive it as unenforceable, costly without funding provisions and adversely affecting the collection of child support. They are also concerned about the confidentiality issue, and the needs of current domestic violence programs in other counties. So if we can, you know...as as Dupage, Representative, I'm interested in their perspective, and I'm sure you are, too. I'll get a copy of Amendment #2 to them for their review, and hopefully have some more subsequent discussions with you. Thank you."

Speaker Steczo: "Is there any further discussion? There being none, all those in favor of the adoption of the Amendment will signify by saying 'aye'; those opposed by saying 'no'. The 'ayes' have it. The Amendment's adopted. Mr. Clerk, any further Amendments?"

Clerk McLennand: "No further Amendments."

Speaker Steczo: "Third Reading. On the Order of Civil Law, Second Reading, appears House Bill 3539, Representative John Dunn. Out of the record. House Bill 3674, Representative Lang. Out of the record. Going back to a Bill we had taken out of the record, the Chair would like to call House Bill 2681, Representative Hoeft."

Clerk McLennand: "House Bill 2681, a Bill for an Act that amends the Mechanics Lien Act. Second Reading of the Bill. No Committee Amendments. Floor Amendment #1, offered by

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Representative Hoeft."

Speaker Steczo: "The Chair recognizes Representative Hoeft."

Hoeft: "We have been through this, the same discussion that was the only Floor Amendment. I would ask for a favorable vote, please."

Speaker Steczo: "The Gentleman has moved for the adoption of Amendment #1. On that question, is there any discussion? There being none, all those in favor of the adoption of the Amendment will signify by saying 'aye'; those opposed by saying 'no'. The 'ayes' have it. The Amendment's adopted. Mr. Clerk, any further Amendments?"

Clerk McLennand: "No further Amendments."

Speaker Steczo: "On the Order of Civil Law, Second Reading, appears House Bill 3752, Representative Schoenberg. Out of the record. House Bill 3789, Representative Dunn. Mr. Schoenberg did you wish to call House Bill 3752? Mr. Clerk, please read the Bill."

Clerk McLennand: "House Bill 3752, a Bill for an Act concerning the issuance of licenses and child support. The Bill has been read a second time previously. No Committee Amendments. No Floor Amendments. A fiscal note has been requested."

Speaker Steczo: "Mr. Clerk, has that note been filed?"

Clerk McLennand: "Note has not been filed."

Speaker Steczo: "Representative Schoenberg."

Schoenberg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I just wish to remind the Members that with respect to the revocation of licenses that it's my intention to establish legislative intent, that we are not talking about drivers licenses, that was a request specifically made by the Secretary of State. But, rather we're talking about professional licenses. Thank you."

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Speaker Steczo: "Representative Wennlund."

Wennlund: "There are no Amendments filed?"

Speaker Steczo: "No Amendments, Mr. Wennlund, but there has been a fiscal note requested."

Wennlund: "Will the Sponsor yield?"

Speaker Steczo: "He indicates he will."

Wennlund: "Is it your intention to file an Amendment to clarify the issue with respect to the fact that you did not intend to include drivers licenses..."

Schoenberg: "I made that...Sir, I made that commitment not only in committee but to a representative of the Secretary of State's Office and when that is available then I will change it to do so. I do want to be extremely explicit in this matter, yes."

Wennlund: "Okay. Thank you."

Speaker Steczo: "Representative Biggert. Please proceed, Representative."

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

Speaker Steczo: "He indicates he will."

Biggert: "That really was what I wanted to ask for the insurance because in the committee it was, it was noted that you had worked. In the committee it was noted that you would work with the Professional Regulation and the Secretary of State and that is still your intention."

Schoenberg: "That is correct."

Biggert: "Thank you."

Speaker Steczo: "Mr. Schoenberg, your Bill will be held on Second Reading until a fiscal note is provided. On the Order of Civil Law, Second Reading, appears House Bill 3793, Representative Dunn. Representative...House Bill 3795, Representative Dunn. House Bill 3897, Representative Hoffman. Out of the record. House Bill 3898,

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Representative Hoffman. Out of the record. House Bill 3935, Representative Dart. Out of the record. House Bill 3936, Representative Dart. Out of the record. House Bill 4034, Representative McAfee. Mr. Clerk, please read the Bill."

Clerk McLennand: "House Bill 4034, a Bill for an Act to amend the Instruments Regarding Adopted Children Act. Second Reading of this Bill. No Committee Amendments. Floor Amendment #1, offered by Representative McAfee."

Speaker Steczo: "The Chair recognizes Representative McAfee."

McAfee: "Thank you, Mr. Speaker. The Amendment is a technical Amendment proposed by the Corporate Fiduciaries Association. It just places the language down one section into Section B-1, and I know of no opposition."

Speaker Steczo: "The Gentleman has moved for the adoption of Amendment #1. On that question, is there any discussion? There being none, all those in favor of the adoption of the Amendment will signify by saying 'aye'; those opposed by saying 'no'. The 'ayes' have it, and the Amendment is adopted. Mr. Clerk, any further Amendments?"

Clerk McLennand: "No further Amendments."

Speaker Steczo: "Third Reading. On the Order of Civil Law, Second Reading, appears House Bill 4192, Representative Blagojevich. Mr. Blagojevich. Out of the record. Mr. Clerk. On the Order of Civil Law, Third Reading, appears House Bill 3433, Representative Granberg. Mr. Granberg. Mr. Clerk, please read the Bill. (House Bill) 2433."

Clerk McLennand: "House Bill 2433, a Bill for an Act to amend the Code of Civil Procedure. Third Reading of this Bill."

Speaker Steczo: "The Chair recognizes Representative Granberg."

Granberg: "Thank you, Mr. Speaker. House Bill 2433 is merely clean up language in the Mechanics Lien Act. I don't



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believe there's any controversy, Garnishment Act. I don't believe there's any controversy and no formal opposition."

Speaker Steczo: "The Gentleman has moved for the passage of House Bill 2433. On that question, is there any discussion? The Chair recognizes Representative Wennlund."

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

Speaker Steczo: "He indicates he will."

Wennlund: "All right, frankly, I kind of missed that explanation, Representative Granberg."

Granberg: "Representative, when we have our, we have our expert staff person coming over to talk to you right now, for a secret meeting."

Wennlund: "Amendment #2 did become the Bill, didn't it?"

Granberg: "Correct. That it says by the wages and salaries that are not exempt from the judgment or attachment order that is issued."

Wennlund: "Okay. It's just basically strictly clean-up language of the Garnishment Act. Thank you very much. I rise in support of your Bill."

Granberg: "Thank you."

Speaker Steczo: "Is there any further discussion? There being none, the question is, 'Shall this pass?' All those in favor will signify by voting 'aye'; those opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 116 voting 'yes', none voting 'no', 2 voting 'present'. House Bill 2433, having received the required Constitutional Majority, is hereby declared passed. On the Order of Civil Law, Third Reading, appears House Bill 2650, Representative Flowers. Out of the record. House Bill 2809, Representative von Bergen-Wessels. Mr. Clerk, please read the Bill."

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Clerk McLennand: "House Bill 2809, a Bill for an Act that amends the Probate Act of 1975. Third Reading of this House Bill."

Speaker Steczko: "The Chair recognizes Representative von Bergen-Wessels."

von Bergen-Wessels: "Thank you, Mr. Speaker. House Bill 2809 would prevent, 2809 would prevent a parent who has willfully neglected or failed to perform any duty of support owed to the parent's minor or dependent child from receiving any property or other interests, should that child pass away. The Bill also prohibits a parent from receiving any property or other interests if the parent has willfully deserted the minor or dependent child. The property or interest would pass as if the parent had predeceased the child. This Bill is in a response to a situation in Rhode Island is contained in the law of 14 other states; simply says that love is more important than money, and if you're a deadbeat parent you're not going to profit from your child's death, and I would urge your favorable support."

Speaker Steczko: "The Lady has moved for the passage of House Bill 2809. On that question, is there any discussion? The Chair recognizes Representative Wennlund."

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

Speaker Steczko: "She indicates she will."

Wennlund: "How does the Bill, you said that it keeps deadbeat parents from inheriting. How are deadbeats defined in your legislation?"

von Bergen-Wessels: "The definition would be one who was willfully neglected or failed to perform any duty of support or who has willfully deserted the minor child. Representative I..."

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Wennlund: "Yes."

von Bergen-Wessels: "I might add that there was discussion in committee with the Bar Association. We have tried to contact them repeatedly, asked them they had suggestions for a more explicit language, and after repeated phone calls, they still never came forward with any more suggestions for explicit language, and I would assume if this still concerns them, that they could work on that over in the Senate."

Wennlund: "It's my understanding that the state, Illinois State Bar Association is opposed to your legislation?"

von Bergen-Wessels: "No, my understanding in committee they did not say that they were opposed, they wanted some clearer definition of willfully deserted. Was Mr. Downs, we called him several times, he promised to bring over some language that he would like to see added in the Bill. He never fulfilled that promise; we called again, and he never brought over any language. So, I think that we should pass this Bill out, and if there are some improvements in the language that they would like to make that could be addressed in the Senate."

Wennlund: "The language in the Bill, Representative, provides that, that any parent who has willfully neglected or failed to perform any duty of support. Is that..."

von Bergen-Wessels: "For a year preceding the death of a child."

Wennlund: "Any duty of support?"

von Bergen-Wessels: "For a year preceding the death of a child."

Wennlund: "Does that mean, does that...is that limited solely to somebody who is under a court order, or court ordered obligation to pay child support, or does it include, or could it include any other duty of support, whatever that may be."

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von Bergen-Wessels: "My understanding would be that it would include...a duty of support would be something that had been established by the court."

Wennlund: "And, would the, does it only apply when the minor's a minor? In other words, after the minor reaches the age of majority, can't that minor leave the property in a will to a parent, who might neglect them at some point for one year?"

von Bergen-Wessels: "If the child would choose to do that when they reach the age of majority, they would be able to do that."

Wennlund: "So, does this change the Statute of the Dissent and Distribution, as to who can and who can not inherit, and in what manner of inheritance to take place when there is no will."

von Bergen-Wessels: "Certainly to the extent that you have a parent that had not fulfilled their duty of support or had deserted that child."

Wennlund: "And, who makes that determination?"

von Bergen-Wessels: "I beg your pardon?"

Wennlund: "Who will make the determination whether or not a parent neglected to perform any duty of support?"

von Bergen-Wessels: "I would imagine that it would operate the same as it has in New York, which has had this law since the 1940's and I would presume that that would be the probate court."

Wennlund: "And, this is the law in the State of New York."

von Bergen-Wessels: "It's been a law in the State of New York since approximately the 1940's. It exists in Pennsylvania and many other states under similar legislation on the Uniform Probate Act."

Wennlund: "How have...this is a provision in the, a suggestion of

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the..."

von Bergen-Wessels: "The Uniform Probate Act contains something similar, not this particular language, but something very similar, that affects much of the same end and that we're trying to reach here. This 2809 language is patterned on part of our code that exists having to do with persons who caused the death of another. That's what we used as the pattern of some of this language, in Pennsylvania and New York law."

Wennlund: "I'm sorry with the level of noise in the House, I didn't hear your last statement. Would you repeat that please?"

von Bergen-Wessels: "Okay, much of the language in this Bill, okay, is patterned on New York, Pennsylvania, and a provision in our code now having to do with persons who have caused a death of another. It was a compilation of those three things where we formed the language."

Wennlund: "And, who brought this suggestion to you? Can you tell us what's the genesis of this?"

von Bergen-Wessels: "The genesis of this was a rather publicized case in Rhode Island, where a child was in a bad car accident, and there was wrongful death suit, so there was a substantial amount of money in this child's estate, and a father having paid no support, not having even seen his child for over ten years then came back and said, 'I want a chunk of this estate.'"

Wennlund: "Okay, thank you very much."

von Bergen-Wessels: "Thank you."

Speaker Steczo: "Is there any further discussion? The Chair recognizes Representative Biggert."

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

Speaker Steczo: "She indicates that she will."

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Biggert: "Representative von Bergen-Wessels, I know that this Bill passed out of committee, but it was my understanding that there would be...worked on with the Bar Association. I have some concerns that they have not really gotten back to you, and I can understand that you're frustrated because of this, the time constraint, and I certainly would agree with you that on the, the intent of the Bill and what you're trying to do. But, I do have some concerns with passing out something which I think is not, is clearly explicit to amend the probate Act, and I would hope that before this Bill passes that we could have some support of the Bar Association. So I would have to vote against this Bill at this time. Do you think that you could take this back and try and contact them?"

von Bergen-Wessels: "Representative, I've tried for two weeks. We have left calls; told them this is important; if you have proposed language please get it to us. Time and time again, I mean we're pushing deadline now, and if they feel that that is needed I would presume that they would be willing to work when this goes over to the Senate and get that in, and I would have no objections to that, but after repeated calls and getting absolutely no response to them. I have to assume that their concerns were not all that great."

Biggert: "Well, maybe you've been talking to the wrong person, that..."

von Bergen-Wessels: "Representative, we called the office of the Gentleman who spoke in committee."

Biggert: "All right, thank you."

Speaker Steczo: "Representative Lang. Mr. Lang."

Lang: "Thank you, Mr. Speaker. I just want to rise in support of the Lady's Bill. It's a good Bill. She's worked hard, and

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talked to everybody that wanted to talk to her to try to resolve whatever issues are remaining. If there are still issues remaining, so be it, but it's a good Bill, deserves the pass on its merits, on its own, and I would recommend an 'aye' vote."

Speaker Steczo: "Is there any further discussion? There being none, the Chair recognizes Representative von Bergen-Wessels, to close."

von Bergen-Wessels: "Thank you, Mr. Speaker. I do believe this is needed legislation, language similar to the language in this Bill is in 14 other states. There has been very little litigation in New York that has had this Bill since 1941. As Representative Lou Lang says, I've tried to work with anybody that had a concern about this Bill, and to address those concerns. I've, we're pushing deadlines now. It's a good Bill. Let's get it out. Let's get it over to the Senate and if there are some fine tuning that has to be done, let's allow it to be done over there. Thank you."

Speaker Steczo: "The Lady has moved for the passage of House Bill 2809. The question is, 'Shall this Bill pass?' All those in favor will signify by voting 'aye'; those opposed by voting 'no'. Voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 103 voting 'yes', 8 voting 'no', 3 voting 'present'; and this Bill, having received the required Constitutional Majority, is hereby declared passed. On the Order of Civil Law, Third Reading, appears House Bill 2849, Representative Burke. Representative Giolitto."

Giolitto: "I vote 'yes' on that last Bill."

Speaker Steczo: "The transcript Representative will so reflect that you intended to vote 'yes'."

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Giolitto: "Thank you very much."

Speaker Steczo: "On the Order of Civil Law, Third Reading, appears House Bill 3061, Representative Granberg. Out of the record. House Bill 3094, Representative Dart. Mr. Clerk, please read the Bill."

Clerk McLennand: "House Bill 3094, a Bill for an Act that amends the Illinois Vehicle Code. Third Reading of this House Bill."

Speaker Steczo: "The Chair recognizes Representative Dart."

Dart: "Thank you, Mr. Speaker, Members of the Assembly. House Bill 3094 is an initiative of the State's Attorneys Association, and it is something in which, passed out in committee unanimously. What it attempts to do is it deals with the DUI Code in regards to withdrawing of blood from individuals involved in drunk driving. The reality has proven that the statute and, on the books right now does not work in reality. We had numerous medical personnel testifying to that effect and this makes the changes that try to make it accommodate with reality, and I move for the passage of this Bill."

Speaker Steczo: "The Gentleman has moved for the passage of House Bill 3094. On that question, is there any discussion? The Chair recognizes Representative Wennlund."

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

Speaker Steczo: "He indicates he will."

Wennlund: "Yes, Representative Dart. It's my understanding that it expands the number of people who would be permitted to draw blood, to form a blood alcohol test?"

Dart: "Yes, the people that are included now are expanded to our certified paramedics, and the reason being is that with the volatility of the blood-alcohol level, the quicker it's taken, the better it is for analyzing what the person's



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blood count was at the time of the accident. And the present law was not clear on that subject, and so by allowing paramedics to do it, we can actually find out basically at the time of the accident what the blood alcohol level content was in the persons body, as opposed to when they get to the hospital and the tests have shown, they fluctuate greatly the longer you wait. So, that was the primary motivation for that."

Wennlund: "So, so in an ambulance on the way from an accident a paramedic could draw blood?"

Dart: "Correct."

Wennlund: "But if there were, if there were no, no accident involved."

Dart: "This requires that the probable cause is that there was an accident, and that there was probable cause that drunk driving was involved here."

Wennlund: "Okay, so there has to have been an accident involved in, to allow a paramedic to be able to make that blood withdrawal?"

Dart: "Yes, and that's why the paramedics would be involved in the first place. The reason the person would be in there."

Wennlund: "I'm sorry I don't see in the Bill where, where it's limited to that situation, Representative."

Dart: "Well, that is, I mean for all the people that are listed here comes under the statute of it for, for proceedings arising under the arrest for an offense as defined in 11501, which is the DUI statute. It pertains, it refers back to the statute itself dealing with DUIs and it does not change anything different in regards to that. It just adds an additional person who may do it. So, it's the same thing right now, and the reason it was changed was because the public health rules and regulations don't pertain to

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this and don't cover the certified paramedics right now."

Wennlund: "So, it doesn't change the law with respect to whether or not a test is proper, blood is properly drawn. It merely adds in a category of people who are allowed to take the test which could later be used as evidence at the trial?"

Dart: "Correct, in this section here we're referring to, that's exactly what we're talking about just adding the certified paramedic to it."

Wennlund: "Thank you very much."

Speaker Steczo: "Is there any further discussion? The Chair recognizes Representative Tom Johnson."

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

Speaker Steczo: "He indicates he will."

Johnson, Tom: "Representative Dart, I don't have the Bill in front of me, but just a couple of questions. If, in terms of chain of evidence, right now if a paramedic takes it or a nurse or whatever, don't these people have to come in and testify, and is this going to create any problems with any of these groups?"

Dart: "No, actually you know, that reality of the situation was the two people that were the main proponents of this pushing it were both the hospital personnel and the States Attorney's office in conjunction with law enforcement because the way the statute was made, being an interpreter right now, actually if the, to the little, literal reading of this would require the doctors being there and certain people where this would elevate that requirement, so..."

Johnson, Tom: "Okay, the Bill has that provision and they will not have to be in to testify, like a paramedic or something, and ambulance, are they going to have to come in and testify..."

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Dart: "Well, the defense attorney could still subpoena the, the paramedic if he wishes, that's regardless of it, if they want to subpoena the paramedics so they can say you know, that he didn't draw it properly or he didn't draw it at the scene, and so on, so he's going to have that ability to do it anyways, but in the normal case where a lot of it's going to be done by stipulation this would probably make it easier to do it. And as I said, the key with the paramedic situation is to get the blood sooner, relatively closer to the time of the accident."

Johnson, Tom: "Well, I'm just concerned if it's going to take another group of people off the streets or whatever, and jeopardize any of those services."

Dart: "No, the way that I, the medical personnel I talked to on it say that would not be the case and actually as far as the medical personnel were concerned, they felt this would actually alleviate some of the problems they're facing right now in regards to like business records, exceptions."

Johnson, Tom: "Okay, thank you."

Speaker Steczo: "Is there any further discussion? There being none, the Chair recognizes Representative Dart to close."

Dart: "Thank you, Mr. Speaker. I would just move for the passage of this Bill."

Speaker Steczo: "The Gentleman moves for the passage of House Bill 3094. The question is, 'Shall this Bill pass?' All those in favor will signify by voting 'aye'; those opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 117 voting 'yes', none voting 'no' and none voting 'present'. House Bill 3094, having received the required Constitutional Majority, is hereby declared passed. On the

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Order of Civil Law, Third Reading, appears House Bill 2849, Representative Burke. Mr. Clerk, please read the Bill."

Clerk Rossi: "House Bill 2849, a Bill for an Act concerning motor vehicle theft. Third Reading of the Bill."

Speaker Steczo: "The Chair recognizes Representative Burke."

Burke: "Thank you, Speaker. House Bill 2849 simply requires owners of automobile repair stations to, in the event of the theft of a particular vehicle, identify the theft to the local police authority and to notify the owner of the vehicle, and I'd be happy to answer any questions."

Speaker Steczo: "The Gentleman has moved for the passage of House Bill 2849. On that question is, there any discussion? There being none, the question is, 'Shall this Bill pass?' All those in favor signify by voting 'aye'; those opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question there are 117 voting 'yes', none voting 'no', none voting 'present'. House Bill 2849, having received the required Constitutional Majority, is hereby declared passed. On the Order of Civil Law, Third Reading, appears House Bill 3167, Representative Kaszak. Mr. Clerk, please read the Bill."

Clerk Rossi: "House Bill 3167, a Bill for an Act amending the Illinois Marriage and Dissolution of Marriage Act. Third Reading of this House Bill."

Speaker Steczo: "The Chair recognizes Representative Kaszak."

Kaszak: "Thank you, Mr. Speaker. This Bill deals with a problem that developed in a recent court decision affecting the ability of party, a party to dissolution of marriage to receive an award of attorney's fees. You know the current law provides that the final decree can allow for recovery of attorney's fees based on the relative, economic

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positions of the parties in situations where an individual or a party to a dissolution action, does not have any money to retain an attorney. They are placed in a position where they have to obtain a pro-bono attorney or proceed prose. One of the problems that develops is that in at least one court case an individual was not allowed to recover attorney's fees even though they appropriately would have gotten them under most circumstances, because the judge felt that some how he wasn't, or she wasn't given the ability to award attorney's fees if the party had not, had not actually paid a member or paid an attorney. So, what this would do would be allow for that kind of recovery, again based on the normal procedures that are allowed for a recovery of attorney's fees. This proceeded through Judiciary Committee. I believe it was...the vote was unanimous and I would welcome support of everyone on this on Third Reading. Thank you."

Speaker Steczo: "The Lady has moved for the passage of House Bill 3167. On that question, is there any discussion? The Chair recognizes Representative Wennlund."

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

Speaker Steczo: "She indicates that she will."

Wennlund: "Can you tell us what Committee Amendment #1 did, and how that came about?"

Kaszak: "I believe that Committee Amendment #1 was just rephrasing the language to be a little clearer. I really can't tell you. I don't have it right in front of me, but I believe it was just to clarify the intent."

Wennlund: "In...does the legislation, as amended, change the circumstances under which a court would order someone to pay the other party's legal fees?"

Kaszak: "Absolutely not. It merely deals with the situation

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where a person is unable to pay a retainer fee to an attorney, and proceeds that the pro-bono fee arrangement with an attorney and allows the pro-bono attorney then to recover the fees which is a way that we could encourage attorneys to represent the people on a pro-bono basis, and also provides additional funding for legal service attorneys."

Wennlund: "Great, I think it's a good idea. Thank you very much."

Speaker Steczo: "The Chair recognizes Representative Skinner."

Skinner: "If the, if the person in the suit represented by the pro-bono attorney is capable of getting a job or has a job, why would that person not be able to pay for the attorney fees?"

Kaszak: "Representative Skinner, I think there are many reasons that result in individuals being unable to have enough money to retain an attorney. What this deals with is precise situations where a person has no money to retain an attorney either obtains a private attorney, assistance of a private attorney on a pro-bono basis, or gets the assistance of legal services attorney, and it allows if they meet the normal circumstances for granting or awarding attorneys fees, allows that attorney to stand on an equal footing with people who are paid in that recovery process."

Skinner: "What if the spouse or soon to be ex-spouse in question is capable of having a job and earning money, but refuses to?"

Kaszak: "I believe that is part of the judicial review of whether or not a person is entitled to an award of attorney's fees. This does not expand the ability of people to get attorney's fees in an actual dissolution. What it does is say, that if you didn't pay your lawyer because you don't

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have the money you can stand on an equal footing to everyone else in the judicial consideration of the appropriateness of the merits of whether or not somebody should be getting attorney's fees or not."

Skinner: "So, if you refuse to get a job and you can con some job, some judge into giving you a pro-bono lawyer, if you win, your ex-spouse gets to pay his fees plus your fees?"

Kaszak: "The Bill, and I will repeat this again. The Bill does not change the current law, as it relates to the ability of a person to recover attorney's fees, except that it puts the person who does not have any money to get an attorney or has a pro-bono attorney puts them in equal footing to be able to recover fees along with everybody else based on the judges' determination."

Skinner: "Well, I have a letter in my files from somewhere down in Representative Ryder's neck of the woods where his constituent refused to get a job, absolutely, positively refused to even though she was capable and able. And in this case, I sense that the ex-spouse or soon to be ex-spouse would have to pay his expenses plus his soon to be ex-wife's expenses. That sound unfair to me."

Kaszak: "I can tell you, Representative Skinner, that if a person doesn't, is capable of getting an attorney I'm sure that it is and is capable of getting a job, I'm sure that's something that the judge would consider in making his or her determination."

Skinner: "Well, you've got more faith in the judiciary than I do."

Kaszak: "I'm a lawyer."

Skinner: "Well, then it figures."

Speaker Steczo: "The Chair recognizes Representative Lang."

Lang: "Thank you, Mr. Speaker. I simply rise in favor of the

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Lady's Bill. We had a thorough examination of this Bill in the Judiciary Committee, and it's a good Bill. It simply says that if you have a pro-bono attorney and the court would have awarded attorney's fees if it was not a pro-bono attorney that the fees should be awarded to the pro-bono attorney, and that will enable more people to offer to be pro-bono attorneys. It will enable more people to avail themselves of the legal system, and it will create a more level playing field for our litigants in these types of cases. It's a good Bill. I would suggest an 'aye' vote."

Speaker Steczo: "Is there any further discussion? The Chair recognizes Representative Biggert."

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

Speaker Steczo: "She indicates that she will."

Biggert: "Thank you. I have just one question. In my notes I have that the Illinois State Bar Association would support, are you checking on that? Have you contacted them?"

Kaszak: "It's my understanding that there's no objection to this. I've not been contacted by anyone. I believe the people at the legal services group have made contact with them and they have, they have not raised any objection to me."

Biggert: "Okay, thank you."

Kaszak: "Thank you."

Speaker Steczo: "Is there any further discussion? There being none, Representative Kaszak to close."

Kaszak: "I ask your support. Thank you."

Speaker Steczo: "The Lady has moved for the passage of House Bill 3167. The question is, 'Shall this Bill pass?' All those in favor will signify by saying 'aye', by voting 'aye'; all those opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 114



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voting 'yes', none voting 'no', 2 voting 'present', and House Bill 3167, having received the required Constitutional Majority, is hereby declared passed. On the Order of Civil Law, Third Reading, appears House Bill 3181, Representative Currie. Out of the record. House Bill 3278, Representative Schakowsky. Mr. Clerk, please read the Bill."

Clerk Rossi: "House Bill 3278, a Bill for an Act amending the Illinois Parentage Act of 1984. Third Reading of this House Bill."

Speaker Steczo: "The Chair recognizes Representative Schakowsky."

Schakowsky: "Thank you, Speaker and Ladies and Gentlemen of the House. This Bill deals with the ability of the state to collect child support by allowing for the administrative establishment of paternity rather than having to go to court to establish paternity. This legislation was really drafted by the Department of Public Aid. Similar legislation had bipartisan support in the Senate. It puts us in conformity with federal requirements to, to allow for the voluntary establishment of paternity and will enable Illinois to increase the collection of child support, and I urge the passage of this legislation."

Speaker Steczo: "The Lady has moved for the passage of House Bill 3278; and on that question, is there any discussion? The Chair recognizes the Gentleman from Will, Representative Wennlund."

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

Speaker Steczo: "She indicates she will."

Wennlund: "Your, Floor Amendment #2 has been withdrawn, is that correct? So, it's just Floor Amendment #1 that actually becomes the Bill now?"

Schakowsky: "As it turns out they were exactly the same. I

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hadn't realized that that was the case, yes."

Wennlund: "How does this work on a voluntary manner? Is it only voluntary?"

Schakowsky: "It enables the voluntary establishment of paternity, let me find the language in the Bill. I'm sorry I'm looking for that. It will provide an opportunity for the child's mother and natural father to sign a verified petition to establish a parent and child relationship by consent of the parties in accordance with Section 6 of the Illinois Parentage Act of 1984, and a proposed parentage order establishing the existence of the father and child relationship and reserving the issues of child support, medical support, health insurance coverage, retroactive support in payment of birth expenses and et cetera, but it allows them to sign verified petition."

Wennlund: "So, so it's voluntary, but in the event that they do volunteer for this administrative proceeding to determine parentage, they're bound by it?"

Schakowsky: "Yes, Representative."

Wennlund: "Okay, thank you very much."

Speaker Steczo: "The Chair recognizes Representative Skinner."

Skinner: "Representative, why don't you just put this on the birth certificate?"

Schakowsky: "This is, it's later on there's, dad steps forward and says that he wants to do what's right, except his role as parent, this would allow for that to occur."

Skinner: "Well, my understanding is that the time when a father is most likely to recognize, and be willing to say that he is the father of a child is when he first sees the child in the hospital. It would seem to me that to accomplish your goal more fully then it should be put on the birth certificate, and if a notary, if a notarization is

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necessary, the signatures ahead, you know, make it a little longer."

Schakowsky: "This Bill does actually address that, at the time of birth and requires hospitals and birthing whatever to do that, but this also enables the procedures so people can avoid a court process at a later time."

Skinner: "Well, it addresses it, but it ignores the birth certificate. The birth certificate is a permanent document that can be, can be found generations later, and what this approach, I'm sure is approved by the Department of Public Health does is ignore the birth certificate which is the easiest document that's there. The birth certificate could be, could be changed to incorporate all the information that you have in your little certificate and solve the problem it seems to me."

Schakowsky: "Well, actually after the paternity is established, that information does get transferred to the birth certificate so it will be put on the birth certificate, I was just informed by the Department of Public Health."

Skinner: "Well, of course, there will be no signature on the birth certificate because there are no hard copies of birth certificates any more. It's all electronic."

Speaker Steczo: "Further discussion? The Chair recognizes Representative Biggert."

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

Speaker Steczo: "She indicates she will."

Biggert: "Thank you. Representative Schakowsky, in the committee hearing there was the concern over the brochures that were to be developed by the, and that has been taken out of this Amendment so that there is no cost as far as that's concerned." Schakowsky: "No."

Biggert: "Thank you very much."

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Speaker Steczo: "The Chair recognizes Representative Mulligan."

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

Speaker Steczo: "She indicates she will."

Mulligan: "Representative Schakowsky, what happens if a man comes forward on reliance of the mother and signs and says that he is the father, and then at some later date finds out that he is not the father. What process does he have to disavow the parentage?"

Schakowsky: "Well, Representative, I'm not an attorney and I don't know what would happen now under, those...that could happen now under the circumstances, and I don't think that would change whatever would happen now if that were the case."

Mulligan: "There is no mechanism in the Bill in case that should happen? I have a case in my district right now that has gone to the court of appeals on this issue."

Schakowsky: "Well, I guess this would be no different than were he listed on the birth certificate as father and later found out that he wasn't, the same procedure would apply, and I don't know what that is, and that is not addressed in this Bill because current law, I guess, would address that."

Mulligan: "I see, so this would just allow him to do it without a blood test, and to say, 'I am the father.'"

Schakowsky: "Correct."

Mulligan: "Thank you."

Schakowsky: "Well, I mean, there is a process here, it just means that you don't have to go to court."

Speaker Steczo: "Is there any further discussion? There being none, the Chair recognizes Representative Schakowsky to close."

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Schakowsky: "I just urge an 'aye' vote on House Bill 3278."

Speaker Steczo: "The Lady has moved for the passage of House Bill 3278. The question is, 'Shall this Bill pass?' All those in favor will signify by voting 'aye'; those opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 113 voting 'yes', none voting 'no', none voting 'present'. House Bill 3278, having received the required Constitutional Majority...Mr. Lang."

Lang: "I wish to be recorded 'aye' on that Bill, Mr. Speaker."

Speaker Steczo: "Please record Mr. Lang as 'aye'. On this question, there are 114 voting 'yes'. Mr. Turner, 'aye'. Anybody else? Last call! One hundred and fifteen voting 'aye', none voting 'no', none voting 'present'. House Bill 3278, having received the required Constitutional Majority, is hereby declared passed. On the Order of Civil Law, Third Reading, appears House Bill 3325, Representative Wojcik. Mr. Clerk, please read the Bill."

Clerk Rossi: "House Bill 3325, a Bill for an Act amending the Illinois Domestic Violence Act. Third Reading of this House Bill."

Speaker Steczo: "The Chair recognizes Representative Wojcik."

Wojcik: "Thank you Mr. Speaker, Members of the House. (Foreign Language) House Bill 3325 prohibits schools from disclosing protected child's records to respondents after entry of order of protection. The purpose of this Bill is to protect the children in case of a divorce, and so not allowing the parent to get the records. I ask for its favorable passage."

Speaker Steczo: "The Lady has moved for the passage of House Bill 3325. On that question, is there any discussion? The

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Chair recognizes Representative Granberg."

Granberg: "Would the Lady yield?"

Speaker Steczo: "She indicates she will."

Granberg: "If I remember correctly, in the original Bill there was no discretion, it shall, they may not allow a respondent access to those records, and then you put the Amendment on, Amendment #1, and that is still the case either a public or private school, nor its employees shall allow a respondent access, so, there is no discretion, right?"

Wojcik: "That's correct."

Granberg: "Okay, fine, thank you."

Speaker Steczo: "Is there any further discussion? The Chair recognizes Representative Skinner."

Skinner: "Representative, we wouldn't want to think this might happen but it is conceivable that a false order of protection could be issued because the person that the order is going against does not have to be notified before the order of protection is issued, that is there is no due process for the non-custodial parent. Don't you think there ought to be some way a non-custodial parent could in keep touch with his kids or her kids if they can rebutt the premise of the order of protection?"

Wojcik: "Representative, I guess there has been a problem, and that is the reason that this legislation has been presented. In this area that your referring to I would say that if there could be do process or someone stating in writing perhaps they could look at it and get the information."

Skinner: "Well, I see no loophole in your Bill. What you're saying is if an order of protection is issued against a non-custodial parent there is no opportunity whatsoever

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they will ever be able to learn about their schools...their children's education."

Wojcik: "Well, I don't think the word ever is..."

Skinner: "As long as the order of protection is in existence."

Wojcik: "Correct, you could go back and get a change of order."

Skinner: "Thank you."

Wojcik: "Yes, Sir."

Speaker Steczo: "Is there any further discussion? There being none, the Chair recognizes Representative Wojcik to close."

Wojcik: "I think we've heard the Bill, Mr. Speaker, and I just urge its favorable passage."

Speaker Steczo: "The Lady moves for the passage of House Bill 3325. The question is, 'Shall this Bill pass?' All those in favor will signify by voting 'aye'; those opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 117 voting 'yes', none voting 'no', 1 voting 'present'; and House Bill 3325, having received the required Constitutional Majority, is hereby declared passed. Moving to the Order of Government Operation, Second Reading, appears House Bill 4096, Representative Ryder. Mr. Clerk, please read the Bill."

Clerk Rossi: "House Bill 4096, a Bill for an Act concerning the regulations of financial entities. Second Reading of the Bill. No Committee Amendments. No Floor Amendments."

Speaker Steczo: "Third Reading. On the Order of Civil Law, Third Reading, appears House Bill 3345, Representative Hartke. Mr. Clerk, please read the Bill."

Clerk Rossi: "House Bill 3345, a Bill for an Act amending the Liquor Control Act of 1934. Third Reading of this House Bill."

Speaker Steczo: "The Chair recognizes Representative Hartke."

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Hartke: "Thank you very much, Mr. Speaker, Members of the House.

The purpose of this Bill is to require beer distributors to service each retail outlet within their geographic area regardless of its size or its network. In other words, beer distributors are required to directly service each liquor store or tavern in their geographic region even if the bar sells just one bottle of beer per month. I would appreciate your support for this legislation, and I'd be happy to answer any questions."

Speaker Steczo: "The Gentleman has moved for the passage of House Bill 3345. On that question, is there any discussion? There being none, the question is, 'Shall this Bill pass?' All those in favor signify by voting 'aye'; those opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 112 voting 'yes', 1 voting 'no', 4 voting 'present', and House Bill 3345, having received the required Constitutional Majority, is hereby declared passed. On the Order of Civil Law, Third Reading, appears House Bill 3346, Representative Mautino. Mr. Mautino. Out of the record. House Bill 3354, Representative Currie. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 3354, a Bill for an Act amending the Illinois Marriage and Dissolution of Marriage Act. Third Reading of this House Bill."

Speaker Steczo: "The Chair recognizes Representative Currie."

Currie: "Thank you, Speaker, Members of the House. This proposal comes from the Citizens Council on Women, and essentially it provides a move in terms of removal of minor children from Illinois, changes definition from, to relocation when the move is a permanent...relocation if it's outside of the



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state, if it's more than 90 miles, and if the move is for 60 days or longer. In addition, the Bill clarifies the use of temporary orders in respect to modifications of custody. We made a change in that section last year but did not apply that, that change to modifications under a temporary order. The Bill also has the support of the Legal Services Support Center and the Coalition Against Domestic Violence. I'd be happy to answer your questions and would appreciate your support for the Bill."

Speaker Steczo: "The Lady has moved for the passage of House Bill 3354. On that question, is there any discussion? The Chair recognizes Representative Cross."

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

Speaker Steczo: "She indicates she will."

Cross: "Representative, in looking through the Bill, it appears that we are no longer following the requirement of the best interest when the two parents make a decision on their own to enter into an order, is that, am I reading the language correctly?"

Currie: "Would you repeat the question? I don't think so."

Cross: "Well, is the intent of this language to no longer take into an account the best interest of the child?"

Currie: "No, no, not at all. All it is, trying to do is to establish what counts as relocation in terms of an agreement between the parties and in respect to, to custody. So, I mean the language of the Bills is, if you look at page 2, Section (d), in determining the best interest of the child or children and then is listed a set of factors. So, the best interest of the child continues to govern."

Cross: "In looking in paragraph (b), it indicates a party may relocate without obtaining permission of the court. Is

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that in conflict with paragraph (d)?"

Currie: "Are you talking about paragraph (c)?"

Cross: "No, I'm talking about paragraph (b) on page..."

Currie: "Paragraph (b) on page 1?"

Cross: "Page 1. First sentence. A party may relocate without obtaining permission of the court."

Currie: "Yes, but then if you look at what the definition of relocation is, you'll see that it is limited to situations where the relocation is not far distant."

Cross: "Is not what?"

Currie: "Far distant. So, what we're trying to do here is to...in a situation where the parties have agreed to custody and there may in fact be a distance of many miles between the two parties, somewhere within the state, what we're saying here is that if there is a relocation that is within 90 miles that, that does not necessarily automatically trigger a new court hearing."

Cross: "What if the 90 miles involves the party leaving the State of Illinois? What is the situation then, and I'm asking it in..."

Currie: "Doesn't require permission."

Cross: "It does not require permission from the court. What about from a jurisdictional standpoint, which court retains jurisdiction when the party leaves the State of Illinois?"

Currie: "I think the Illinois courts would still have jurisdiction, because the Illinois courts would be the only courts wherein the custody order is, has been made. So, there would be no new activity in the court of another state in the Illinois order would still prevail."

Cross: "But, getting back to the best interest then anything within 90 miles, we do not take into account the best interest of the child?"

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Currie: "It would still be in the best interest of the child. The point here is often people move, not far distant from wherever they've been in relation to one another, and to anytime there is a move within 90 miles to say this does not automatically by itself trigger a new determination, is really just to keep the courts from being overly clogged and recognize that in many situations there's that much distance between the parties before the first move gets made."

Cross: "I appreciate the clogging of the court or trying to alleviate that, but isn't the purpose of this section of the code to protect the best interest of the child, whether it is 90 miles or it's 290 miles?"

Currie: "Well, right now you know that they can, of course, move the custodial parents can move anywhere within the state, never mind if it's 400 miles from Cairo to, to the upper tip, and they can do that without any kind of court hearing, so in a sense, this is a narrowing of that opportunity."

Cross: "Once again, but what also happens in the situation in your case, where you could be leaving the State of Illinois, is that, do you agree to that?"

Currie: "That's right, but it's pretty clear to me that the jurisdiction would remain with the Illinois courts. We have a lot of border areas, Indiana, right next door to Chicago, St. Louis right across the river from Alton, and so forth."

Cross: "My understanding also, in the current law is that if someone leaves the State of Illinois, and many instances, or in some instances the court can require the posting of bond. Is that the case in this particular piece of legislation you have? The bond just assuring that they

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would return if there was a disagreement."

Currie: "Well, I'm sure they could if they were, if they were in court on that issue, if someone wants to take the other party...if there's no agreement between the parents of course, then that would trigger court action and I assume that the court could make that a requirement of permitting the re-location."

Cross: "I, thought I read it here that the bond is not required in this situation, it seems, that's a concern. If you could point out where, where it addresses that."

Currie: "I don't seen anything, I'm sorry, I don't see anything here at all about bond, but I would assume that a court could make that a condition, a precondition of permission to relocate."

Cross: "So, the problem once again, I guess is where we have just an agreement between the parties and not court approval, then the court will not, may not require bond, and that's...In that situation with just an agreement, bond will not be applied is that correct?"

Currie: "I'm not aware that it won't be. I don't see any reference to bond in this language. What I do see is that if there is disagreement between the parties between the parents about the relocation that will trigger a court hearing, the court will make the determination based on the best interest of the child and I would think, you may know better than I, that I would think that the court might be able to require the posting of a bond as a pre-condition for granting the request to relocate."

Cross: "What happens in the event that we have a couple that's getting along and then, and the move takes place and six weeks from now, we're no longer getting along. What is the remedy there for the, for the party that had agreed?"

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Currie: "Well, I imagine it's the same requirement that applies under current law. That is, you can have a custody decision, a custody agreement between the parents regardless of whether it's a question of moving one place or another, and if one of the parties, to that agreement becomes dissatisfied then the ordinary rules about the opportunity to come back to court and ask for modification would apply, and that same rule would apply in this situation."

Cross: "So this statute that you've, that's before us now would not prohibit a party returning with a petition to modify, is that correct?"

Currie: "Sorry, I missed the last part of your question."

Cross: "Your language would not preclude someone from returning to court with a petition to modify in event they're no longer getting along."

Currie: "Right, under whatever, whatever triggers apply generally in custody decisions."

Cross: "Thank you, Representative."

Currie: "Thank you."

Speaker Steczo: "Is there any further discussion? The Chair recognizes Representative Skinner."

Skinner: "What is the state of the law now if a custodial parent takes a child out of state without court permission? Is that custodial parent liable to be charged with parental abduction?"

Currie: "If it's beyond 90 miles, I'm informed that it is."

Skinner: "Right now, they have to be more than 90 miles out of the state, or after your Bill passes?"

Currie: "Currently, if you leave the state."

Skinner: "And, if I remember correctly, you are not sure that the State of Illinois retains jurisdiction over the case."

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Currie: "Sorry?"

Skinner: "I would like you to state positively that the State of Illinois retains jurisdiction over the state."

Currie: "Yes, the State of Illinois would retain jurisdiction over the case."

Skinner: "Thank you."

Speaker Steczo: "The Chair recognizes Representative Biggert."

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

Speaker Steczo: "She indicates she will."

Biggert: "Representative Currie, House Bill 1203. Is there any change from that Bill?"

Currie: "There is, I know we made a clarification with respect to a different Bill that passed last year, having to do with, having to do with the clarifications of the temporary...or actually this is not like 1203, it's, this is similar to House Bill 3261 from two years ago."

Biggert: "Could you tell me what happened to that Bill, did that pass, or is that..."

Currie: "Sorry, Representative. We did work on something similar to this last year, but this is totally different from House Bill 1203."

Biggert: "Okay. Do you recall 1203? It did pass, and it passed out of the Senate."

Currie: "It did, well it came back to us from the Senate in substantially altered form and the Bill is actually in Conference Committee status."

Biggert: "All right. So, this Bill would not affect what is happening to that Bill."

Currie: "No."

Biggert: "All right, thank you very much."

Speaker Steczo: "Representative Deering."

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

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Speaker Steczo: "She indicates she will."

Deering: "In plain English, if I and my spouse are divorced and she has custody of the kids, this makes it easier for her to take my kids out of state?"

Currie: "Right now, right now if she had custody, she could without going to court take your children any place in the State of Illinois. So, if you were living in Cairo, she could move them to Chicago. Under this Bill if there is an agreement between the parents, they would not have to go to court if the issue is moving the children within 90 miles. If there is disagreement, no matter how far or how close there would still be the opportunity for a court hearing and a court determination of the best interest of the child. So this would not make it possible for her to whip up the kids and take off with them some place far afield."

Deering: "Thank you."

Speaker Steczo: "The Chair Recognizes Representative Lindner."

Lindner: "Thank you, Mr. Chairman. Would the Sponsor yield?"

Speaker Steczo: "She indicates she will."

Lindner: "I have a couple of questions about the temporary relocation and how that fits in with a vacation, visitation schedule, and practically I can see if one party says they agree, and then at the last minute do not agree to a temporary relocation. What procedural, what procedures will there be so that somebody can get into court quickly or what have you thought about in that situation? That's the temporary relocation at the bottom of page 2."

Currie: "The Amendment, Representative, the Amendment makes sure that the standards about best interest of the child and all the factors that follow were in advertently left out of a Bill we did last year in respect temporary orders. So, the Amendment that deals with temporary custody is a technical

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Amendment these would be temporary orders. It doesn't make any change in how one deals with issues with temporary custody except to restore to that section, missing language about the standards of best interest and the factors that would apply."

Lindner: "Did you work with the Bar Association Committee on this?"

Currie: "I've not heard from them, I don't believe they were in committee."

Lindner: "All right, thank you."

Currie: "As far as I know they have not..."

Speaker Steczo: "Is there any further discussion? There being none the Chair recognizes Representative Currie to close."

Currie: "Thank you, Speaker and Members of the House. I think the right to both parents are well protected by this legislation. We may end up with less clogging of the courts if we pass this Bill, and we certainly do protect and respect the rights of both the custodial and non-custodial parent. Remember that any disagreement between those parties will trigger a hearing in court. There is no issue involving loss of a jurisdiction by the Illinois courts under this Bill. As I say, this was a Bill that was crafted by the Illinois Citizens Council on Women and has support from the Coalition Against Domestic Violence and the Legal Services Support Center. I would appreciate your 'yes' votes."

Speaker Steczo: "The Lady has moved for the passage of House Bill 3354. The question is, 'Shall this Bill pass?' All those in favor will signify by voting 'aye'; those opposed by voting 'no'. Voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 86 voting 'yes', 24



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voting 'no', 8 voting 'present'. House Bill 3354, having received the required Constitutional Majority, is hereby declared passed. On the Order of Civil Law, Third Reading, appears House Bill 3410, Representative Flowers. Mr. Clerk, please read the Bill."

Clerk McLennand: "House Bill 3410, a Bill for an Act that amends the Illinois Parentage Act of 1984. Third Reading of this House Bill."

Speaker Steczo: "The Chair recognizes Representative Flowers."

Flowers: "Mr. Speaker, Ladies and Gentlemen of the House. House Bill 3410 would add that the court shall order a new birth certificate to be issued if the father's name is not listed on the child's birth certificate, and I urge for the passage of House Bill 3410."

Speaker Steczo: "The Lady has moved for the passage of House Bill 3410. On that question, is there any discussion? The Chair recognizes Representative Biggert."

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

Speaker Steczo: "She indicates she will."

Biggert: "Representative Flowers, we had quite a bit of discussion in committee about the waiver of the fee for the birth certificate and that's still included in the Amendment that was adopted on the floor?"

Flowers: "According to the department it would cost \$20,000."

Biggert: "That's \$20,000 for all birth certificates that would be issued for one year, is that correct?"

Flowers: "I don't know specifically for the amount of time that's involved, but I'm just going by what the department gave me, the information."

Biggert: "So, this is for any, anyone that wants to add the father. If a court has found that a father, is actually the father, a new birth certificate should be issued with

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that father's name on the birth certificate, and be submitted to the mother as well as the father?"

Flowers: "Yes."

Biggert: "Thank you."

Speaker Steczo: "Is there any further discussion? The Chair recognizes Representative Black."

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

Speaker Steczo: "She indicates she will."

Black: "Representative, I, if you'll bear with me. Under this proposal, if the parentage is established, and the father's name is not listed on the birth certificate, is there any time line, I mean can parentage be established five years after, ten years after?"

Flowers: "There is no time line on this. If...whenever the parentage is established."

Black: "Okay, so in other words, if a parent shows up, and I assume in the underlying legislation that there has to be some proof in fact that this person claiming parentage is in fact a parent, right? Okay. So, if I understand this correctly, if someone who wasn't there at the time of birth and has not excepted any of the responsibility for rearing that child, later wants a birth certificate issued with his name on it, that birth certificate is issued to, I assume, that individual, correct?"

Flowers: "I'm sorry, what do you mean, anyone that was not there at the time of the birth? You mean, time of conception?"

Black: "If, no, no, no, obviously the parent is going to have to have been there at the time of conception. I think we can agree on that."

Flowers: "Right."

Black: "But the Bill said, the Bill states the father's name is

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not on the birth certificate. All right, the father shows up, let's just say four years later, wants his name on that birth certificate, your Bill will allow that, and if I understand that, the court would then have to issue the birth certificate at no cost. Is that correct?"

Flowers: "Absolutely."

Black: "And the birth certificate would be issued to whom, the child or the father?"

Flowers: "To the mother and the father."

Black: "Oh, to the mother and the father. What if the mother doesn't want the father around, does she have the right to intercede in this and doesn't want his name on the birth certificate because he took off?"

Flowers: "That is not the issue here. If the court has decided through whatever means, that he is actually the father, he is entitled to have his name on the birth certificate, he is entitled to a birth certificate."

Black: "Well, I guess you could say then that you are carrying a Bill here that is standing up for father's rights. Is that..."

Flowers: "Of course, of course, I wouldn't have it no other way."

Black: "Thank you very much, Representative. Mr. Speaker and Ladies and Gentlemen of the House, I truly hold the Sponsor of this Bill in the highest regard, and I think she's serious with what she's trying to do here, and I don't have any problem with father's rights, but if this father chose not to be involved at the time of birth, for whatever the reason, takes off, he doesn't want to assume that responsibility; he later comes back and wants to be on the birth certificate as the father and the court so orders, let me explain to you where I have the problem. This new birth certificate is issued without any cost to this

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individual. You know, in all due respect here, Representative, and I'm sorry for what I'm about to do, but you know there are times I just get tired of people who don't accept their responsibility, who refuse to accept their responsibility and later recant for whatever the reason, they can get a birth certificate issued at no cost. If I want a birth certificate for either of my children to get into college or whatever it's for an employment, I have to pay. Now, I accepted that responsibility and I'll pay the \$15. I'm just tired of people showing up four years after the fact or ten years after the fact, want a birth certificate and they don't have to pay. I know it's not a lot of money. That's not the issue. I'm just sick and tired of some people never wanting the responsibility, but for whatever the reason, want the courts to order that they get everything free, well I'm tired of it. If I have to pay \$15, by god that father that took off ought to pay \$15 too, and that's why I'm going to vote against this Bill."

Speaker Steczo: "The Chair recognizes Representative Schakowsky."

Schakowsky: "Well, that was certainly an enthusiastic speech, but it seems to me, Representative, that I don't believe that this legislation deals with the question of cost at all, and simply is, all it does is say that court will change the birth certificate if parentage is established, and really is a companion to the legislation that we passed earlier that allows for the voluntary establishment of paternity and doesn't really address the issue of costs at all. I don't know that there is anything new in here about the cost. It's a very simple bookkeeping kind of legislation that just make sure that the birth certificate is right. Is that not true, Representative?"

Speaker Steczo: "Representative Flowers is shaking her head yes,

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would you like to respond, Representative Flowers?"

Flowers: "She's absolutely correct."

Speaker Steczo: "The Chair recognizes Representative Ryder."

Ryder: "Thank you, Mr. Speaker. I draw the attention of the body to page 3 of the Bill, line 30, starting the last three words of the preceding line that says and I quote, 'and that the usual fees for the new certificate be waived, be waived.' Now, I certainly wouldn't accuse our friends on the other side of the aisle of any deliberate misrepresentations, and obviously in this situation, it's what...because I rarely read these things anyhow, you know, but on this one I just happen to read the line that said the fees are waived. So, I think that the blood pressure problem that Mr. Black had was justified and perhaps if you wanted to amend the Bill in such a way so that we're all treated fairly in this situation, and that the cost would be appropriate, we could calm down Representative Black, I always like to calm him down, he's such a nice placid sort of fellow anyhow, and as a result that we might be able to do something. But as it stands I join with my friend Brother Black indicating our opposition to somebody getting something for free, and someone else having to pay."

Speaker Steczo: "Is there any further discussion? There being none, the Chair recognizes Representative Flowers to close."

Flowers: "Mr. Speaker, one minute please?"

Speaker Steczo: "Representative Flowers."

Flowers: "Mr. Speaker, Mr. Speaker and Ladies and Gentlemen of the House. I'm very sorry for the erroneous information, Representative Ryder, that was given in regards to that Amendment. Representative Black, if you wanted a copy, it would not cost you \$15, only for the amended version would

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it cost \$15, and the money would go to the Department of Public Health, but also, also in regards to, also in regards to your concern as far as a cost factor is concerned. This Bill is a cost savings to the state because of the child support enforcement that will take place as a result of the father knowing that he is actually the father, but if there's no way or means of proving that he is the father, how could we possibly expect for him to pay child support? But, Representative Ryder and Representative Black, if it would make you happy, I would be more than happy to bring the Bill back to Second for the purpose of an Amendment to indicate that everyone, even though those who cannot afford to pay, that they have to pay. Will that make you happy Representative Ryder and Representative Black? Just do your head like this, please. Thank you. Mr. Speaker, I 'll be more than happy to hold this Bill on Second for the purpose of an Amendment if the Gentlemen... I'll hold it on Third? Hold it on Third."

Speaker Steczo: "The Lady would like the Bill taken from the record. Correct, Representative Flowers?"

Flowers: "Yes."

Speaker Steczo: "It shall be done. On the Order of Civil Law, Second Reading. The Chair would like to go back to House Bill 2681 momentarily. When this Bill was heard earlier, the Chair had announced that we adopted on the floor, Amendment #1. Further research has shown us that Amendment #1 was adopted in committee so the Amendment that was adopted on the House floor was actually Amendment #2. So, therefore, the Bill now is in the posture of being on the Order of Third Reading with Amendment #1 having been adopted in committee, Amendment #2 being adopted on the floor. Representative McPike, in the Chair."

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Speaker McPike: "House Bill 3418, Representative Hoffman. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 3418..."

Speaker McPike: "Wait a minute, wait a minute. Out of the record. Representative Hartke, 3522. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 3522, a Bill for an Act amending the Motor Vehicle Franchise Act. Third Reading of this Bill."

Speaker McPike: "Representative Hartke."

Hartke: "Thank you very much, Mr. Speaker, Members of the House. House Bill 3522 amends the Motor Vehicles Franchise Act. The reason for this legislation is the fact that the current law calls for car dealers and so forth to report any damage that has occurred to a vehicle prior to their acceptance of the car or their delivery of that car to the customer. Many car dealers are ignoring this and are subject to a violation of the law because they fail to disclose this damage that has been done to a vehicle. For example, if an automobile is delivered by transport to a dealer and let's say the mirror is cracked off or there is damage to the paint due to chip rocks or things like that. They touch up the automobile and sometimes it's very minor, yet if they do not report the damage to the customer, they are in violation of the law. So, what we hope to do is to establish a parameter on the amount of damage that can be repaired on an automobile before it is sold to avoid disclosing to the customer the damage that has been done, however, 100% warranty on the automobile is still in place. So, that is the reason for this legislation. I'd be happy to answer any questions that you might have."

Speaker McPike: "Any discussion? The question is, 'Shall this Bill pass?' All those in favor vote 'aye'; opposed vote

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'no'. Have all voted? Representative Schakowsky."

Schakowsky: "In explaining my 'no' vote, just keep in mind if there's \$1,800 in damage to a \$30,000 car you don't have to be informed that that damage has been done, if they fix up. I think this is not a good consumer Bill, and I would urge a 'no' vote."

Speaker McPike: "Have all voted? Have all voted who wish? The Clerk will take the record. On this Motion, there are 103 'ayes', 11 'noes'; and House Bill 3522, having received the required Constitutional Majority, is hereby declared passed. House Bill 3549, Representative Brunsvold. Mr. Brunsvold. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 3549, a Bill for an Act in relation to firearm shooting ranges. Third Reading of this House Bill."

Speaker McPike: "Representative Brunsvold."

Brunsvold: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, this Bill originated from a shooting reserve as a...have been located in the rural areas with little trouble, and lately as the housing developments have come out into the country, shooting ranges that have been there for a long time now are being encroached on and then people are complaining about the noise from the ranges. This Bill would give some release to the shooting ranges and the hunting clubs that have been out there, that have been established for years, and would allow them to continue to function as hunting and shooting clubs under this Act. So, I'd answer any questions. I even have Mr. Lou Lang, Representative Lou Lang's support on this Bill which is a miracle in itself. I think I'm going to be Co-Sponsor on one of his Bills. So with that, I would ask for your support and ask for an 'aye' vote on House Bill...what is



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the House Bill? (House Bill) 3549. Thank you."

Speaker McPike: "And on a 'do pass' Motion, Representative Currie."

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

Speaker McPike: "Yes."

Currie: "Representative, you suggest what we're trying to protect are the shooting ranges that have been there for years and years and residential folks have crept in and encroached upon the nearby territory. But, the way I read your Bill, it says that any, any range that was in existence by January 1, 1994 would be exempt from the provisions that now would apply with respect to noise pollution. That doesn't sound like a requirement that you've been there for years and years and that residential folks have suddenly crept in your territory."

Brunsvold: "You're going to have, you're going to have shooting ranges, Representative, that as they, you know, not many of them are being developed, you have some sporting clay ranges being developed now, you've got a lot of hunting clubs. In fact, our own state hunting areas would come under this Bill. As a shooting club develops, they have to go through normal county or zoning requirements and they would go through that process, and they would meet those guidelines. If they don't meet those guidelines, they wouldn't be established there."

Currie: "Okay, what, to the Bill if I might, Speaker. I do appreciate what the Sponsor's trying to do, but I think that exempting anyone that was in existence as of the first of this year is really not, not appropriate for us to do. There are people who may well be already there and were there before the shooting ranges came in and they ought to be protected from the noise problems that might be

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attendant to an operation like this, a very narrowly crafted exception might make sense for some ranges that preexisted residential development, but nowhere in this Bill is that distinction made, and I think it is bad public policy for us to say that these kinds of activities should not be subject to noise regulation requirements that would apply to any other kind of business or operation that could be intrusive upon the neighbors. I would hope that some of us will join me in voting 'no'."

Speaker McPike: "Representative Biggert."

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

Speaker McPike: "Yes."

Biggert: "Representative Brunsvold, I support your Bill. I have just one question on page 2, just in reading it over. I think there is a typo in it, and I have...and I don't know, would that have any affect on whether, when it's enrolled and engrossed? Would it render the Bill..."

Brunsvold: "Would you read it? What's the problem?"

Biggert: "Yes, on line 126 or line 17, whichever way you're looking at it. Is he there?"

Speaker McPike: "Representative Brunsvold, did you leave?"

Brunsvold: "Struck by my Bill."

Speaker McPike: "Let me see."

Brunsvold: "Would you read it for me? I can't find my Bill."

Biggert: "I'd be glad to. It says 'and is not subject to any action for public for private nuisance' and above on line 11 and 119 between 119 and 120 it says, 'action for public or private nuisance', it's very, it's very minor but there is, it should be 'or' instead of 'for'."

Brunsvold: "Well, let me check with LRB on that when we...if the Bill passes, and we'll see if we can correct it."

Biggert: "Thank you."

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Speaker McPike: "Mr. Brunsvold, to close."

Brunsvold: "Thank you, Mr. Speaker. This is a Bill, like the airport Bill: you move in next to an airport and then complain about the noise. That's what this is. If a housing development tried to...or a shooting club tried to move in next to a housing development, the county board would not allow that, zoning would not allow that, that would not happen. This is simply trying to protect the ones that are out there away from everything else and then getting encroached on. I would ask for your 'aye' vote."

Speaker McPike: "The question is, 'Shall House Bill 3549 pass?' All those in favor vote 'aye'; opposed vote 'no'. Have all voted? Have all voted who wish? The Clerk will take the record. On this Motion, there are 101 'ayes', 10 'noes'. House Bill 3549, having received the Constitutional Majority, is hereby declared passed. House Bill 3765, Representative Wyvetter Younge. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 3765, a Bill for an Act amending the Public Community College Act. Third Reading of this House Bill."

Speaker McPike: "Out of the record. House Bill 3800, Mr. Lang. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 3800, a Bill for an Act amending the Motor Vehicle Retail Installment Sales Act. Third Reading of this House Bill."

Speaker McPike: "Representative Lang."

Lang: "Thank you, Mr. Speaker. House Bill 3800 is clean-up language and it cleans up an Act we passed last year. We amended the Motor, Vehicle Retail Installment Sales Act to have it read relative to cosigners the same way the Illinois Retail Installment Sales Act read, and we left some language out, and all this does is place that in

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there. Its proponents are the Illinois Bankers Association, Community Bankers, the Automobile Dealers Association. There are no known opponents."

Speaker McPike: "The question is, 'Shall House Bill 3800 pass?' All in favor vote 'aye'; opposed vote 'no'. Have all voted? Have all voted who wish? The Clerk will take the record. On this Motion there are 115 'ayes', no 'nays'. House Bill 3800, having received the Constitutional Majority, is hereby declared passed. House Bill 3863, Representative Cross. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 3863, a Bill for an Act amending the Uniform Peace Officers Disciplinary Act. Third Reading of this House Bill."

Speaker McPike: "Representative Cross."

Cross: "I don't want this called. Take it out of the record, please."

Speaker McPike: "This is the only time we're going to call it."

Cross: "That's okay. Thank you. Thank you very much."

Speaker McPike: "Today. Representative Wyvetter Younge, on 3966. Representative Dart, 3981? Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 3981, a Bill for an Act amending the Adoption Act. Third Reading of this House Bill."

Speaker McPike: "Representative Dart. Representative McAfee, House Bill 4033. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 4033, a Bill for an Act amending the Trust and Trustees Act. Third Reading of this House Bill."

Speaker McPike: "Representative McAfee."

McAfee: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 4033 would clarify that a trustee of a common trust fund may also invest in mutual funds as currently provided the Act. This Bill was proposed by the Corporate Fiduciaries Association, and I know of no

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opposition, and we ask for your support."

Speaker McPike: "The question is, 'Shall House Bill 4033 pass?' All in favor vote 'aye'; opposed vote 'no'. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this Motion there are 118 'ayes' and no 'nays'. House Bill 4033, having received the Constitutional Majority, is hereby declared passed. Criminal Law, Third Reading, House Bill 2696, Representative Cross. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 2696, a Bill for an Act amending the Juvenile Court Act of 1987. Third Reading of this House Bill."

Speaker McPike: "Representative Cross."

Cross: "Mr., thank you, Mr. Speaker. This Bill eliminates cases of Juvenile Court where there's a adjudication or a fining of guilty. And in adult court there would be in three separate cases either gang offenses, weapons offenses or felony drug cases, the names would be available to the public. This is an initiative sponsored...requested by the Aurora Police Department and our city council in Aurora. It got out of committee and I don't think there was any 'no' votes and I would appreciate your support."

Speaker McPike: "The question is, 'Shall House Bill 2696 pass?' And on that, Representative Black."

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

Speaker McPike: "Yes."

Black: "Are any Amendments on this Bill?"

Speaker McPike: "Mr. Clerk?"

Clerk Rossi: "Committee Amendment #1 and Floor Amendment #2."

Black: "Floor Amendment number, I'm sorry?"

Speaker McPike: "Two."

Black: "Two, and is there a Committee Amendment?"

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Speaker McPike: "Committee Amendment #1, Floor Amendment #2."

Black: "All right, thank you."

Speaker McPike: "The question is, 'Shall this Bill pass?' All those in favor vote 'aye'; opposed vote 'no'. Have all voted? Have all voted who wish? The Clerk will take the record. On this Motion, there are 116 'ayes', no 'nays'. House Bill 2696, having received the Constitutional Majority, is hereby declared passed. House Bill 2718, Representative Parke. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 2718, a Bill for an Act amending the Juvenile Court Act. Third Reading of this House Bill."

Speaker McPike: "Representative Parke."

Parke: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 2718 amends the Juvenile Court Act to provide for automatic transfer to adult criminal prosecution of a minor at least 15 years of age charged with aggravated battery with a firearm or aggravated discharge of a firearm. What we have found continually is that in the gang members of this state turn to the youngest members at 15 or 16-years-old, hand them the guns, tell them that the y can kill somebody with them and that they'll only be handled in Juvenile Court. We're tired of it. With the amount of problems that are happening with the gangs in this state, it's time for us to show that it is necessary to be tough with these people who are using guns in the perpetration of these crimes. I would ask the Body to support 2718. Also, I found out that Speaker Madigan's Amendment #1 is on the Bill which generates the, the \$200 million that he would like to have for law enforcement officers in the State of Illinois."

Speaker McPike: "Representative Hoffman on a 'do pass' Motion."

Hoffman: "Will the Sponsor yield?"

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Speaker McPike: "Yes."

Hoffman: "Is this limited to certain offenses, Representative?"

Parke: "It's, it's involving a firearms, its ability to penalize juveniles...crimes involving firearms, so yes, specific firearms violations."

Hoffman: "Any firearm violation, is that the felony firearm violation? See, I think your Bill is limited to only a few instances, isn't that right?"

Parke: "That is correct."

Hoffman: "What are they?"

Parke: "Let's see. It would be, and I'm trying to look in the section where it is, I think it's aggravated battery and the aggravated discharge of a firearm."

Hoffman: "So, you, they would be tried as an adult if they are how old?"

Parke: "Fifteen up."

Hoffman: "For those two offenses?"

Parke: "Yes."

Hoffman: "What if they committed armed robbery?"

Parke: "Representative, I stated the two areas. I'm sure that other things could be added in there if you wish on other legislation..."

Hoffman: "The reason I'm asking is, the reason I'm asking is, I have a Bill that says that any felony offense...you commit felony offense with a firearm and you're 15, that you could be tried as an adult. What I would like, what I want ensure is that we really get to the heart of the matter. We should not limit it to just those two offenses that you've delineated. I think there are other grievous offenses that have to do with firearms that juveniles are committing where they should be tried as adults, or at least have the opportunity to be tried as an adult. My

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concern is, is that you're limited to an extent, where my Bill would go much further than that. I'm not saying that I wouldn't make vote for your Bill, I'm just saying that I think you should have it expanded."

Parke: "Representative, I appreciate your comments, but my Bill is limited to these two areas. I think that you can present your Bill as you want to, and let the Body decide on what they want to do with that. I may, there's more questions they may have on your specific type of legislation, maybe it's acceptable based on my initiative that this is acceptable, maybe yours, maybe not. So, I would say present your legislation and let the Body decide on it. I think I have a valid Bill. I would ask the Body to vote favorably I think the people in Illinois would agree with me on this. I sent a survey out in my district and over 90% of the people responded in a positive matter saying that this is something that they think is good public policy. I would venture to say, if you were to do the same thing in the majority of your districts, your people would say the same thing, because they're frustrated with the same problems that I am frustrated with. So I would ask that we pass this Bill as it's presented."

Hoffman: "Representative, I just don't think you're listening to me. What I'm saying is is that I have a Bill, I have a Bill that is tougher than your Bill. I say that yours doesn't go far enough, that's what I'm saying."

Parke: "You're absolutely wonderful, Representative Hoffman, and you ought to present that Bill, but we're talking about my Bill, and I would ask the Body to vote for it."

Speaker McPike: "Representative Dart. Representative Dart."

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

Speaker McPike: "Yes."



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Dart: "Representative Parke, this deals with aggravated battery with a firearm and aggravated discharge of a firearm. And the aggravated battery with a firearm is when someone fires a gun and strikes somebody, but it is not of the level of being an attempted murder, correct?"

Parke: "I know you said that, but the staff was talking to me, would you say that one more time, please?"

Dart: "The two offenses you're adding here to the automatic transfer, the aggravated battery with a firearm which is when you fire the gun and hit somebody, and the other ones' automatic discharge when you fire the gun but nobody is struck, correct? Now, I know in Chicago we have a lot of problems with guns, we've done the assault weapon stuff and talked at length about it, and so that this something that is a constant problem there. Do you have any idea or statistics on how many additional cases this is going to force into the criminal justice system in the felony division? Because that's where I was at, we were pretty crowded with cases already and what I'm concerned with is just that, numbers we're talking here. I'm just trying to get a handle on."

Parke: "Well, the staff, my staff analysis projects from the Department of Corrections that it could affect up to 105 youths based on past experience. What we want to do is put these tough laws on the Bills, on the books, to let people that are handling these guns in an illegal manner to know that they are going to be prosecuted in an adult court. Now Representative Hoffman has a Bill that will probably include two or three times as many."

Dart: "Sure, and I'm going to ask him the same question. It gets to be a question of priorities, because in the court systems, the ones I was in, you're juggling murders, rapes,

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and the hole nine yards, and in addition to it now we're talking about bringing into the felony system, aggravated battery with firearms and aggravated discharge, and aggravated discharge purely is that you shot a gun in the direction of somebody, which occurs on the minute in the City of Chicago. So, I want to get a firm number on how many, hand on the numbers so that we're not taking time away from the police and more importantly the prosecutors instead of dealing with murders and rapes, they're going to be sitting around dealing with cases where someone shot a gun at somebody. So, I want to get a handle on the numbers, and you say that it's 105 a year?"

Parke: "That's what our staff, well it's actually over five years, that's what the number our staff has come up with."

Dart: "Is that only 105?"

Parke: "Well, that's, the staff said that, it could be more, it could be less. But again, you know. if you're saying that it's going to cost the state more money and it may have cost, may put more people in prison, that's the same kind of discussion we had on the floor two or three or four years ago, and that same approach that I think has put this country in a position that it's been in now, and it's time for us to stand up and be counted and say, 'If you use a firearm in an illegal manner you will be tried as an adult.' Basic, simple...that's what I'm presenting, and I'm going to ask the Body to vote for it."

Dart: "That's all good and fine, but what I'm telling you is, I'm talking about reality though, and the thing is that I, the one thing I think that this Bill has going for it is the Amendment on it from the Speaker, supplies actually money for this, for different police and the so on. So, is this something you anticipate is going to stay on the Bill, once

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it reaches the Senate so we will be passing the stuff that's tough on crime but also at the same sense, giving money so that we'll be able to actually do something as opposed to just clogging the things up."

Parke: "Representative, I have no idea who will pick up this Bill. I have no idea what Amendments will be filed on it in the Senate, that is a part of the process we'll have to follow."

Dart: "You're for the Speaker's Amendment that's on there because of the..."

Parke: "I voted for the Speaker's Amendment."

Dart: "Fine, thank you."

Speaker McPike: "Representative Levin."

Levin: "Will the Sponsor yield?"

Speaker McPike: "Yes."

Levin: "Your Bill provides for an automatic transfer of two categories of offense for 15-year-olds. Under current law, does the State's Attorney have the right to ask to treat a 15 year old who is charged with aggravated battery with a firearm as an adult?"

Parke: "Representative, I do not, I do not know what a State's Attorney can or cannot do. I would presume that a state's attorney would still prosecute under the Illinois law regardless of whether he was state's attorney or a sheriff's officer or anybody. So, I would presume that it would apply to all of them, and maybe I'm misunderstanding your question."

Levin: "My question is..."

Parke: "Mr. Speaker, I'm having trouble hearing Representative Levin's question, also."

Levin: "Okay, my question is, it's my understanding right now that the state's attorney of DuPage County who is a

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Republican, and/or the state's attorney of Cook County who is a Republican has the authority, right now, without this Legislature changing any law to go in and ask for these particular individuals who are 15 years of age to be tried as an adult. That's, I believe what the law is right now, what you're doing is you're changing that to make it automatic, and my question is, 'Why do we need to do that? What's wrong with the job that these two Republican state's attorneys are doing in terms of enforcing the existing law?' Are they not asking to treat these individuals as adults? Why do we need to make it automatic? I assume that these two state's attorneys are Republicans; they must believe in law and order; they must be against the, these gangs; they must be aware of the tricks that the gangs play. Why aren't they using the current law to transfer these youths to the adult division?"

Parke: "Now, I understand what you're asking. Though I'm confused, Representative Levin, why you would talk about Republican state's attorneys other than trying to interject politics in the discussion about a piece of legislation which I think is a little unfair, but let me just answer your question. My people in my area say that for public policy they want it automatic. That means whether they're a liberal state's attorney from the City of Chicago or a conservative state's attorney we want an automatic transfer? We are sick and tired of what's going on in our street? We're sick and tired of children being shot. We're sick and tired of drive-by shootings. It is time for us to stand up as a Body and say, 'I am putting my vote on an automatic transfer.' We're not giving the courts discretionary; we're tired of the courts telling us what

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they're going to do; it's time for us to stand up as a society and say this is what we're going to do, Representative Levin, and you have the right to vote for it or against it."

Speaker McPike: "Representative Pugh."

Pugh: "Mr. Speaker, Ladies and Gentlemen of the House. Will the Sponsor yield?"

Speaker McPike: "Yes."

Pugh: "Representative Parke, are you aware of how much a judge makes on an annual basis?"

Parke: "No, Sir, I do not."

Pugh: "Are you aware of how much..."

Parke: "It depends, I'm sure there's all kind of levels of judges, so perhaps you could make a point."

Pugh: "We're talking about in the Juvenile Court."

Parke: "Well, perhaps you can enlighten us, I don't know."

Pugh: "And a judge makes about \$80,000, the state's attorney makes about \$80,000, laws have stipulated that they are responsible for trying individual cases."

Pugh: "Your Bill would take that away from the courts. Your Bill in essence says, well, why don't we abolish the Juvenile Court? Why even have a Juvenile Court, if we're going to take the discretion away from the people that we're paying to judge these cases on an individual basis?"

Parke: "Representative, I understand the point that you are making and I think it's fair to some degree. I'm only talking about two aspects of the law, I am talking about two areas that we ought to be able to tell those people, those judges, that this is something that we think, as a society, with the instructions that we've given all the judges that this is two areas that it is time for us to mandate to the adult courts. So, your point is well-taken."

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It is just a matter of how you want to look at it. I think that is a fair assumption, we are the people that make the laws. Every time I turn around the courts are taking our prerogatives away. So, I think it's only fair that if we, as a Body, think that this is right legislation that we tell them this is what we're going to do, because we represent the people. Not the courts, we do."

Pugh: "Yes, Sir. And I think in all due respect that if we continue to take a horserace approach to being tough on crime that the courts or we as Legislators are going to do a disservice to the public and the taxpayers are going to be the ones that lose."

Parke: "Well, Representative, I appreciate where you're coming from and I think it is a fair argument that you used. And but...I think until we take back the streets of Chicago, and this take back the streets of my neighborhoods from some of those gang members, I think we are going to have to be a little tougher. And I'll tell you what, Representative, if in the process of doing this and we do pass this and it becomes law of the land, help us monitor it. And if you think there is abuse is going on with that I think you then ought to bring back a law to change it in the future. But right now, I think the majority of the citizens of this state think this is good public policy."

Pugh: "I don't think, I don't think that anyone...I don't think that anyone, anybody, could monitor the plethora of crime-enhancement legislation that we are about to enact in this 88th General Assembly. We've got truth in sentencing, we've got three strikes you're out; and we've got all of these crime-enhancement Bills that each of us thinks are going to get us reelected. There is no way that we can effectively monitor or enforce all of this legislation. So,

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I think we need to take some pro-active approaches to dealing with the problem if we're going to effectively address it."

Speaker McPike: "Question is, 'Shall House Bill 2718 pass?' All those in favor vote 'aye'; opposed vote 'no'. Have all voted? Have all voted who wish? Have all voted who wish? Clerk will take the record. On this Motion there is 106 'ayes', 5 'noes'. House Bill 2718, having received the Constitutional Majority, is hereby declared passed. When Representative Steczko was in the Chair we passed over one of his Bills, House Bill 3804. Third Reading, State Operations. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 3804, a Bill for an Act amending the Metropolitan Pier and Exposition Authority Act. Third Reading of this Bill."

Speaker McPike: "Mr. Steczko."

Steczko: "Thank you, Mr. Speaker and Members of the House. House Bill 3804 came to the attention of myself and Representative Kubik when it became unclear that the Metropolitan Pier and Exposition Authority was exempt from real estate property taxation, as are other civic centers in the State of Illinois. So all House Bill 3804 does is take the same boiler play language that is in every other civic center authority Bill that this Legislature has approved and places that in the Metropolitan Pier and Exposition Authority Act. Mr. Speaker, that is all the Bill does. I would answer any questions that Members might have and would appreciate a 'yes' vote."

Speaker McPike: "On that question, Mr. Skinner."

Skinner: "Yes, Mr. Speaker, for purposes of legislation intent. Will this Bill eliminate leasal taxing of those who have leases on these properties?"

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Steczo: "The answer is no."

Skinner: "Thank you."

Speaker McPike: "The question is, 'Shall House Bill 3804 pass?'

All those in favor vote 'aye'; opposed vote 'no'. Have all voted? Have all voted who wish? Clerk will take the record. On this Motion there are 117 'ayes' and no 'nays'. House Bill 3804, having received the Constitutional Majority, is hereby declared passed. Subject matter, charter schools, House Bill 2638. Mr. Clerk, read the Bill.

Clerk Rossi: "House Bill 2638, a Bill for an Act relating to education. Second Reading of this Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Brunsvold."

Speaker McPike: "Representative Brunsvold."

Brunsvold: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This Amendment removes all the new parenting programs that were part of the original Bill, which was Senate Bill 159. Senate Bill 159 went to the Governor's desk, was amendatorily vetoed, came back here and was ruled in non-compliance, and died. That Amendment was put on and this Bill was put on as an Amendment onto Senate Bill 881 and was not called. So this is the same Bill as we've discussed before. This Amendment would remove the objections dealing with the increase in the parenting program. So I ask for adoption of Amendment #1."

Speaker McPike: "Question is, 'Shall Amendment #1 be adopted?' All in favor say 'aye'; opposed, 'no'. The 'ayes' have it. The Amendment is adopted. Further Amendments?"

Clerk Rossi: "Floor Amendment #2, offered by Representative Hoeft."

Speaker McPike: "Who is the Sponsor? Representative Hoeft."



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Hoeft: "Thank you, Mr. Speaker. The charter school movement is one of the most important reforms in education in the state. I would ask this Bill...this Amendment be placed on, so we could discuss this very very important public policy issue. We would also like a roll call if, in fact, it is a negative vote."

Speaker McPike: "All right, we will have a roll call on this. Representative Schoenberg, on a Motion 'do adopt'."

Schoenberg: "I have a question for Representative Hoeft."

Speaker McPike: "Yes."

Schoenberg: "Mr. Hoeft, inform us on Floor Amendment #2, who has the authority to grant charters for charter school?"

Hoeft: "The authority is split between the...there's a line of command that goes from the local school board to a new commission that would be set, called the Charter School Commission. It would be independent with the State Board of Education."

Schoenberg: "So it would be individual I'm sorry I didn't hear you...would indeed be independent from the State Board of Education?"

Hoeft: "Correct."

Schoenberg: "And how many charter schools would be included in this under this proposed Amendment?"

Hoeft: "There is no limitations. This is an open-ended request."

Schoenberg: "Thank you. For the record, Mr. Speaker, I am a strong proponent of charter schools; however, because I may have a conflict I will be voting 'present' on the Amendment, as well as on any further legislation relating to charter schools."

Speaker McPike: "Representative Brunsvold."

Brunsvold: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to this Amendment. This

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morning we had a two-hour hearing dealing with charter schools. And a number of questions were asked of the Sponsors of this Bill. And, I think we need to discuss it here on the floor, some problems that we're going to have with this Bill. The philosophy to start with of charter schools, what is the definition of a charter school? There seems to be no set, set definition. It is whatever we make it. What are the charter schools going to try to accomplish over the long run? And if we implement this Bill, there is no ceiling on how many charter schools there are going to be. Would the whole state then eventually go to a charter school? When you create a charter school, which is according to the Representatives' definition addresses maybe reform, innovation, inclusion, smaller schools, more quality schools. When we set up these charter schools, are we in fact going to create good schools and bad schools? Part of the discussion was on reform. In 1985 this Body worked on school reform and we as a Body agreed on a bipartisan effort to ask our teachers to be more qualified; asked our administrators to be more qualified; we asked our schools to be accountable for their educational process; and this Bill in fact is going to ask us to waive, waive the qualifications that we are asking our certified people to have. We are going to have schools in this state that do not have certified personnel in those classrooms. Funding? Are we going to be pushing funding from the public schools to the charter schools even though they're public? Do the good charter schools get more funding than the rest of the kids? I guess not. I'm not for that. I'm not for focusing money on a charter school and depriving the rest of the kids of that school district the right to that education. Another requirement here is

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that we waive the School Code. Six hundred pages of School Code that we worked on in Education Committee for years trying to address problems in this state and we're going to waive the School Code? That's not what I would like to do, with charter schools. And as for as the question, 'Do we need charter schools?' We have got innovative programs going on all over. Chicago is in the process of doing what they call 'quest' schools. There are a lot of those...that happening in Chicago. 'Magnet' schools, they could be termed actually as charter schools, by definition. In my district alone we have Horace Mann Year Around School that I guess could be qualified as a charter school, if the definition where right. Very nice school, does a nice job, very innovative, but is done under our present situation with the school code and under our present requirement by the State Board of Education. So the question becomes do we want to do this or not or is this another method of supporting a situation that the Governor announced in his State-of-the-State Address? In committee this morning we have a number of opponents, and I will go through with everybody here so they will know where they line up. The proponents for the Bill this morning on the House Bill and the Senate Bill: Illinois Chamber of Commerce is a proponent, Motorola University, Large Unit Districts, School Management and Alliance, ELCO Industries, Coopers Liebtandt, Scope, and Ed-RED, all lined up as proponents. The opponents to these Bills this morning, Chicago PTA, Illinois PTA, Quest Center, Illinois Education Association, Federation of Teachers, Chicago Teachers Union, Chicago Board of Education, Latino Institute, Christian Schools of America, and we had one group that...one agency that registers as 'no position'. Now, this agency probably has

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300 pages of 600 pages of School Code, and did not take a position. That was the State Board of Education. So, you know it, if they're not jumping up and down about this thing, then maybe we shouldn't do it. I would ask everyone here, both sides of the aisle included, to vote 'no' on this adoption of Amendment #2."

Speaker McPike: "Representative Lang."

Lang: "Thank you, Mr. Speaker. I rise in strong opposition to Floor Amendment #2. Our responsibility here as Legislators is to uphold public education. To improve public education and to encourage public education at its local level to get better with our help. Charter schools don't do that. Charter schools pull away from that fabric. Charter schools make it more difficult for parents on a local level to get good public education in their own school right where it is at home. This proposal will pull from that. This proposal will make a life for those kids more difficult. You may wind up with an individual school or two that works the way you want it to but have many that do not. This won't make education better. I have something from labor that says this probably better than I could so I'm going to read it. It says, 'These charter school proposals threaten the collectively bargained rights of educational personnel including wages and seniority. They would also negate certification requirements designed to ensure the teachers have the necessary qualifications to instruct students. In addition, this proposal dismantles many laws enacted to protect the safety and welfare of children, including child abuse recording requirements, criminal background checks on teachers and educational personnel. Prohibitions against the use of corporal punishment and due process rights for suspended and

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expelled students'. This is not a way to make education better, in an effort to waive all these provisions of the School Code and in an effort to do away with what some think are very heinous mandates that are heaped upon schools. There is an effort here to do away with all mandates. There is an effort here to take some of the good we have done and eliminate that, while we're trying to do away with some mandates that perhaps should not have been passed by the General Assembly. We all accepted there is a mandate on schools that maybe should not have been. But to throw them all out at once and to give blanket waivers to school districts to do whatever they like with kids will not make education better. It will merely set us up in several years for having to go back in there again, rewrite all these laws and start all over again. Let's pass laws that uphold public education. Let's pass laws that make public education better in local communities for our kids, vote 'no'."

Speaker McPike: "Representative Currie."

Currie: "Thank you, Speaker and Member of the House. I, too, rise in opposition to Amendment #2 to House Bill 2638. The idea of charter schools is certainly an idea that's sweeping the country. Eight states to date have adopted legislation permitting the chartering of schools. I think the reason for the enthusiasm is our search for ways to improve publication...public education our hopes that innovation will lead us to better results. Unfortunately, because the idea is so new there is no track record. There is no way to know whether the chartering idea actually helps or ultimately hinders the opportunity for our children to learn and to compete in the workplace of the year 2000 and beyond. For that reason I think the facts

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that there are no limits on the number of schools that might be chartered under this proposal is far too risky for us to enter upon at this time. Secondly, the Bill provides that any, anyone may serve as a teacher in a charter school. There is no requirement or certification, no requirement that an individual have any experience teaching or have any understanding of how to deal with children at various age and grade levels. Finally, people have mentioned the issue of waivers, it may indeed make sense to waive certain kind of requirements in the School Code or in a collective bargaining contract because of a particular innovation that a particular charter is about. For example, if the charter school wants to deal with youngsters in multi age classrooms then waivers in that area would certainly be appropriate. But, blanket waivers don't make any sense at all. Finally, in response to questions about how enrollment would work, the Sponsor of this Amendment informed the committee this morning that there would be a random selection process among the applicants for a particular charter opportunity. The risk with that random selection is that we may, in fact, end up promoting schools that are based on the premise that less integration is better. For example, more upper middle-class parents, more white parents may opt for the charter than lower income families or than families of minority groups and in fact when we talked about the bilingual issue it's pretty clear that if a charter doesn't want to do bilingual there will be no opportunity for people who need that kind of education to participate in the charter experience. For those reasons, I think this Bill is badly crafted and while certainly we should investigate what opportunities chartering might provide for us, this is not the way to go,

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this is not the vehicle for Illinois at this time, and I would urge a 'no' vote."

Speaker McPike: "Representative Davis."

Davis: "Thank you, Mr. Chairman, Ladies and Gentlemen of the Body. I, too, rise in opposition of this Bill. And even though three states may be considering charter schools, it is certainly not a waive of reform or revolution in education. I find it very hard to realize that people don't understand that we diagnose, we remediate, and then we reteach when children are not learning. Let me repeat that, you diagnose, you try, and remediate and then you reteach and then you assess what is being taught. I find it very hard to accept the fact that in this Body some people only want to educate certain groups of people. The charter school concept is a concept in which you take a few children from a whole state of children and you change the rules for these few children. There is no guarantee that the rules that are changed will work and be successful for all the schools in the state. So, you couldn't even consider it a pilot program. It's a real bad attempt to move toward vouchers in the State of Illinois and leave those other children who can be a part of charter schools to wallow in the ignorance that some of them seem to be in. I think it behooves all of us in this Body to realize that all the children in the State of Illinois deserve a good education, not just a few of the children in the State of Illinois. We don't want to move toward looking at this group of children as a special group the way we do with the math and science academy and fund a system that will give these people special privileges and deny the majority of children the opportunity for a better education. We are here to look out for all the children in the state. We are

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considering a very small group, when we talk about charter schools. The State of Illinois should move toward the idea of improving and funding education, rather than saying, rather than educate all the kids, we'll just select a few. I say vote 'no' on this ridiculous legislation."

Speaker McPike: "Representative Hanrahan."

Hanrahan: "Thank you, Mr. Speaker. Ladies and Gentlemen of the chamber, I support my colleague's plans for change in education. As a former elementary school teacher, I think it's time that we take care of what is a crisis in education in the state today. I'm particularly concerned about it. I think we need some innovation. I think we need some change. I think we need some experimentation and I think we need some reform. And you're right. It is new. There are going to be some starts and stops to this legislation across the country, but I think we need to lead. And I think Illinois needs to lead, so I commend the courage of my colleague in introducing this Amendment and will support it."

Speaker McPike: "Representative Roskam."

Roskam: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Well, we have an opportunity to date to do, is to do an angioplasty on the education system in the State of Illinois. Over the past several years we have introduced and passed so much garbage, so much debilitating legislation, so much stuff that built up on the arteries of the school districts in the State of Illinois that our children are being failed. Our kids are not being served. I have school districts in my district that have innovative ideas and have suggestions on ways to do things better, faster and cheaper and yet the wisdom of the State of Illinois, smothers that type of innovation. This is not a



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threatening concept. This is a concept that says, 'Let little ideas percolate out in the state.' Let's see what comes up. Let's see how kids are served. I urge you to vote 'aye' and do the surgery that is necessary."

Speaker McPike: "Representative Hoeft, to close. Hoeft, to close. You get to close, Sir."

Hoeft: "Thank you. From the Chairman Brunsvold all the way straight through, people have raised very legitimate questions. This is a very important public policy question and we ought to have the opportunity, we ought to have had the opportunity of bringing this up and answering the questions. Voucher schools, voucher, the voucher Amendments, the voucher movement, people have been very frightened that this is a substitute for it. This is an entirely different idea. It has nothing to do with vouchers and will create many of the positives. I think we need to look at addressing the questions and getting people together. I would ask you to vote for this so we can put this ahead. Thank you."

Speaker McPike: "Question is, 'Shall Amendment #2 be adopted?' All in favor vote 'aye'; opposed vote 'no'. Have all voted? Have all voted who wish? The Clerk will take the record. On this Motion, there are 29 'ayes' and 79 'noes'. The Amendment is defeated. Further Amendments?"

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

Speaker McPike: "Representative Cowlshaw."

Cowlshaw: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. Amendment #3 to House Bill 2638 proposes to authorize the State Board of Education to waive certain provisions of the School Code under varying certain conditions that are depended upon. First of all, that

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there has to be a request from a local school district or other agency. There has to be a developed plan as to how the goal of whatever that provision of the code may have been its going to be met in some way other than the traditional way. And then that whole... all of that material has to be sent to the State Board of Education which must approve it before this alternative provision for meeting the mandates of the School Code could be permitted. It is simply a means to provide a very, very narrow little tiny opening in the door to provide some flexibility for our school districts. I will be glad to answer any questions."

Speaker McPike: "Representative Brunsvold."

Brunsvold: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I stand opposed to this Amendment, also. Very simply put this will allow the State Board of Education to waive any provision of the School Code. I'm going to list some exceptions, a few exceptions. What are we saying here? We're saying that they don't need us anymore. The State Board of Education can make all these changes and what the heck are we doing here? What's the Education Committee doing? We won't have an Education Committee anymore. We won't have constituents to go and talk to about education, what they think is proper in their school districts. They can go to the school board and do it, the state board, their state board representative, not to their House Representative or their Senator. They would waive what...we would waive all our rights to protect our schools through the School Code, so I would ask everyone to vote 'no' on this Amendment. It is a very, very bad Amendment."

Speaker McPike: "Representative Schoenberg. Mr. Schoenberg."

Schoenberg: "I have a question of the Sponsor. Will the Sponsor

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yield?"

Speaker McPike: "Yes."

Schoenberg: "Representative, is this... does this Amendment make any provision for establishing charter schools in either explicit or defacto manner?"

Speaker McPike: "Ms. Cowlshaw."

Cowlshaw: "No, Representative, this Amendment has absolutely nothing to do with charter schools. It simply sets forth the procedures that a local school district would have to follow, in the event they wanted to seek a waiver of some one of the provisions of the School Code. It requires not only that they have to have...that they have to publish a notice in the local newspapers at least 14 days before their public hearing. It also requires them to hold a public hearing, so that the public in that school district has the opportunity to say whether they want this done or not. If the public agrees, then they go ahead and put together this proposal and send it to the State Board of Education and they still cannot put it in effect until it's approved by the state board."

Schoenberg: "So, for example, if a school district would want to apply for a waiver that would reduce the number of years of physical education from four to two and realize that cost savings of that, that this would set about a mechanism, which would enable then to go to the public, receive public approval and then go to the State Board of Education and do so?"

Cowlshaw: "That is one of the things that is not prohibited to be the topic of a possible waiver, is any of those kinds of things involved a number of years that is given a topic is...subject is required to be taught, especially at the high school level, of course, which is mostly where the

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curriculum mandates that we have in the code apply. However, there are some things that are not, that could not be waived...no school district could apply for. Those are things that are perfectly obvious, things like special education, that sort of thing."

Schoenberg: "All right, that was my next question. All right, thank you very much."

Cowlishaw: "You're very welcome."

Speaker McPike: "Representative Tom Johnson."

Johnson, Tom: "Yes, to the Amendment. I stand to applaud this Amendment. I think this is precisely the direction we need to be going in terms of public education in this state. To presume that each of our school districts, from Cairo, Illinois to West Chicago to Winnetka to Lawndale are all needing exactly the same medicine that the other one needs is wasting resources, wasting abilities, wasting talents. I think this Bill is precisely what we need to do to let the local areas use the resources to get the job done; namely, get our children educated and do it in the ways in which only the local communities know are going to be effective and necessary. I applaud this. This is the flexibility that we need in this state to get the job done, and I urge a 'yes' vote on this."

Speaker McPike: "Representative Hartke."

Hartke: "Will the Sponsor yield?"

Speaker McPike: "Yes."

Hartke: "Representative Cowlishaw, as I understand your Amendment, what you want to do is allow the schools, through the proper process, to ask the State Board of Education to allow them to avoid some of the mandates? If they decided they didn't want..."

Cowlishaw: "Wait a minute, no, no, Chuck..."

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Hartke: "Martin Luther King Day or Casimir Pulaski Day or to teach parenting or to...require some subjects, you want to allow the schools to avoid that."

Cowlshaw: "Representative Hartke, I am really sorry but I couldn't hear a word you said, it is so noisy in here that I simply cannot hear you. Could you please repeat that, please?"

Hartke: "I tried to be very clear. What you are trying to do is allow those schools to avoid the mandates that we have given them, is that right?"

Cowlshaw: "The intent is to permit school districts, who believe that they have a way to go about meeting the goals of a given provision in the School Code, but not do it in the traditional way. This would not mean they're not required to be sure the children can read, write and compute. But, if they have a different way to go about assuring that goal, the purpose of whatever that provision of the School Code may be. They want to go about it differently, and if they can put forward a case that will help to convince the State Board of Education that they will do what was intended by that provision of the code, but do it differently that it has been done before, then the State Board of Education must look at that and make that determination. But, it is not intended to permit them, to get around doing the things that you and I and all of us in this chamber very well know, they ought to know...ought to do and we all agree on. It simply means that they might have a different way of going about it."

Hartke: "I'm still very skeptical of what you're trying to do. But, I think I understand, and I'm not sure that's what we really want to do. That's all, Mr. Speaker."

Speaker McPike: "Mr. Lang."

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

Speaker McPike: "Yes."

Lang: "Representative, under your Bill, how would a school district that wanted to get out of the specific requirement to teach black history, do that?"

Cowlshaw: "I would suppose by suggesting to the State Board of Education that the way they want to go about accomplishing the goal of that requirement is not to have a classroom time in which they simply present material; that they want to go about doing that by making some field trips to some of the outstanding museums of African history that are located either in Chicago or in other parts of the Middle west. That's the way they want to do it. That's different than the way anybody else does it. But, it still meets the requirement; in fact, it probably meets the requirement, superlatively."

Lang: "Well doesn't that meet today's requirement? Doesn't the law today allow them to do that? What I want...what I'm getting at here, is you have things such as black history, the history of women, holocaust education, each of these are draw...pull a cord on somebody over here and the issue is, and the concern we could be that you Amendment will allow school districts to avoid teaching these things and that the State Board of Education would be authorized to give a waiver to school districts to teach...to allow them to avoid the teaching of these things. Can you comment on that?"

Cowlshaw: "It is not the intention of this Amendment that we should avoid teaching anything, that we have already all agreed is a subject that needs to be a part of a worthwhile curriculum in Illinois. This Amendment is simply intended to provide that tiny little amount of flexibility for local

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school districts, who may have an idea of their own, how they want to go about satisfying the educational requirements, not only imposed by the state, but those that are appropriate for their own students. I think, Representative, that what this Amendment basically says is although the general provisions of the School Code are certainly those that should be complied with by all school districts. The methods by which they go about that may need to differ a little more from one district to the other than they do now. And given that, that might be a reasonable premise, then it seems you see, that the next step is to recognize that not all wisdom in the State of Illinois imminates from the General Assembly or the City of Springfield. That out there in all these communities, all other this state, there are people who are pretty smart and who care about their children and their schools. And who might be able to make decisions for their own children that are even wiser and more suitable to those particular children than we can make here with our immense wisdom."

Lang: "Thank you, Representative. To the Amendment, Mr. Speaker. I respect the Representative for having an Amendment that would allow for creativity within school districts. However, I for one am not willing to sign off on the premise that...that these issues that we have been discussing for many years; black history, holocaust, education and the like can be waived by the State Board of Education at their whim. And that each school district might be left to their own devices to determine what the teach, how to teach it, how to go about teaching it, that concerns me greatly. If somebody wants to propose an Amendment on this floor to do away with all mandates, then let them do that and let's have a vote on that issue. But

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it seems to me, and I know the Representative isn't intending it this way. But, it seems to me, that this is a veiled effort to do away with those kinds of mandates, that if school districts are left to their own devices they will avoid teaching. Some of these things should be out of the curriculum, but some of these things we worked very hard to put into curriculum and belong there, and accordingly I recommend a 'no' vote."

Speaker McPike: "Representative Ostenburg."

Ostenburg: "Thank you, Mr. Chairman, Ladies and Gentlemen of the Assembly. I rise in opposition to this Amendment. I think that one of the most important things about education is consistency. Today more than ever we have a need to make sure that students coming out of our elementary schools come forward with a consistent level of education when they feed into our high schools. And likewise when they come out of the high schools, that they go forward with the consistent amount of knowledge into the colleges and universities. By allowing selective elimination of mandates and programs what we are doing is fostering inconsistency at every level of education. If indeed we have the need to look at the mandates, then we need to assign that to a committee, or a task force, or a blue ribbon group to look at all the mandates that affect education from top to bottom and explore them and to determine whether there should be some sunset provisions in some cases because perhaps a certain mandate has outlived its usefulness. But, leave to school districts independently to arbitrarily determine which they will follow, and which they will not will do nothing but destroy a quality element in education by interjecting inconsistency from school district to school district. I



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urge you to vote 'no' on this Amendment."

Speaker McPike: "The question is, 'Shall Amendment #3 be adopted?' All those in...All right, Representative Cowlshaw. I'm sure we haven't had enough discussion on this so."

Cowlshaw: "I'm sorry, Mr. Speaker, if you feel that way. But, I believe I have a right to close."

Speaker McPike: "You certainly do."

Cowlshaw: "Thank you."

Speaker McPike: "Proceed."

Cowlshaw: "One thing that apparently is not understood, and I would like to try to make that very clear. This Amendment does not make it possible to avoid any mandate in the School Code. It simply makes it possible to go about meeting the intent in a way that is different than it has been done in the past. The language of Amendment itself says, 'The State Board of Education may grant a waiver of request only if the district or agency has provided an effective alternate plan or option that addresses the intent of the provision sought to be waived'. And I am certainly glad that the last speaker, prior to this close, used the word 'consistency'. I don't think consistency is what we ought to be seeking from one school district to another in Illinois. I don't think we ought to be promoting uniform mediocraty, and finally, anytime you use the word consistency and put forward that that is something to be sought, I am only reminded of Ralph Waldo Emerson, a great American who once said, consistency is the hobgoblin of small minds."

Speaker McPike: "The question is, 'Shall Amendment #3 be adopted?' All in favor say 'aye'; opposed, 'no'. The 'noes' have it. Amendment is defeated. Further

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Amendments? Representative Edley, for what reason do you rise?"

Edley: "I just thought I would clarify that previous quote. It was, 'A foolish consistency is the hobgoblin of little minds of professors, politicians and divines.'"

Speaker McPike: "Representative Brunsvold, do you want to take this out of the record?"

Brunsvold: "Yes, Mr. Speaker."

Speaker McPike: "All right. The Bill is out of the record. On the last page of a special Order on Transportation, Third Reading, appears House Bill 3478. Mr. Clerk, read the Bill.

Clerk Rossi: "House Bill 3478, a Bill for an Act to amend the Illinois Highway Code. Third Reading of the Bill."

Speaker McPike: "Representative Pankau."

Pankau: "(House Bill) 3478 deals with the use of MFT money to match the federal ISTEA money. Several years ago the feds put in place an ISTEA program, where they would supplement road construction. But it was also for things like bike paths and walking trails and sort of like acutriments to the highway projects. It, however, had a local match and the municipalities are hoping to use part of their MFT money to make that match. And I ask for your favorable approval of this Bill."

Speaker McPike: "And on that, Representative Hartke, on a 'do pass' Motion."

Hartke: "Thank you very much, Mr. Speaker. I stand in support of Representative Pankau's legislation."

Speaker McPike: "Question is, 'Shall House Bill 3478 pass?' All those in favor vote 'aye'; opposed vote 'no'. Have all voted? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this Motion there are

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117 'ayes' and no 'nays'. House Bill 3478, having received a Constitutional Majority, is hereby declared passed. Representative Daniels."

Daniels: "Mr. Speaker, Ladies and Gentlemen of the House."

Speaker McPike: "Could we have some attention, please."

Daniels: "Now that Representative Pankau has left the floor, she wants to thank you for calling that Bill in special consideration. Her father passed away one hour ago, his name was Herbert Roski, of Velpo, Indiana and his age was 77. It was unexpected and she is on her way now to join her family. We will let you know about the arrangements and where you can send a note. So, I'm sure she appreciates your kind thoughts and prayers for the family."

Speaker McPike: "Under Insurance, Second Reading, appears House Bill 3762. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 3762, a Bill for an Act amending the Illinois Insurance Code. Second Reading of the Bill. Amendment #1 was adopted in committee. No Motions have been filed. No floor Amendments."

Speaker McPike: "Third Reading. On the Order of State and Local Government, appears House Bill 3978. The Bill is on Third Reading. Is that correct, Mr. Clerk? Representative Granberg."

Granberg: "Thank you, Mr. Speaker. I would ask leave to bring back House Bill 3978, back to Second Reading."

Speaker McPike: "All right, the Gentleman has asked leave to return the Bill to Second Reading. Hearing no objections, leave is granted. The Bill is on Second Reading. Take this Bill out of the record. Page 56 of the Calendar, under Conference Committee Reports, appears Senate Bill 405, and who will present that? Representative Deering."

Deering: "Thank you, Mr. Speaker, Ladies and Gentlemen of the

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House. What this does is grants another six month extension for a handful of landfills across the state that we closed down on the 8th of April earlier this year. Last year we passed, I believe it was House Bill 299 in the Veto Session, granting a six month extension, and by federal law we would have the option to grant an additional six months, until October of 1994. This legislation just does grant that extension and allows these landfills to stay open for an additional six months. That will be their final operating time that they will have. I'll be happy to answer any questions."

Speaker McPike: "Any discussion? On that Representative Black."

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

Speaker McPike: "Yes."

Black: "Representative, it was my understanding that this would be an agreed package. It that your understanding?"

Deering: "Yes."

Black: "The language is now agreed to?"

Deering: "Yes, Representative."

Black: "Thank you very much."

Speaker McPike: "Representative Persico."

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

Speaker McPike: "Yes."

Persico: "Representative Deering, is waste management still in opposition to this Bill?"

Deering: "No Sir. They are...everybody is, as I understand it, is agreed on the Bill and the contents of the Bill and the certification that the landfills will close after six months."

Persico: "Thank you very much."

Speaker McPike: "Representative Novak."

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Novak: "Yes, Mr. Speaker. I just simply rise in support of this legislation. In House Bill 300 last year was included the subtitle (d) requirements that is a federal mandate and a number of small landfills that are in areas outside...I should say downstate Illinois were under some considerable pressure. We allowed them to stay open until around early April. They need another six months and I have been assured that this is the last, this is the last time that an extension will be approved and they need this very much for clearing up flood waste and other particular matters concerning the waste in their respective areas. So I would ask my colleagues to adopt this Conference Committee Report."

Speaker McPike: "The question is, 'Shall the House adopt the First Conference Committee Report to Senate Bill 405?' All those in favor vote 'aye'; opposed vote 'no'. Mr. Black, your light is on again."

Black: "Just very briefly, Mr. Speaker. I realize I spoke in debate but I think I need to explain my vote. There is some questions that, what this Bill does, on the air emissions in the metro areas. Staff wanted me to know or wanted me to let people know on this side of the aisle it simply extends the landfill possibilities for flood debris. Mr. Deering can shake his head, that's what it is. Okay."

Speaker McPike: "Representative Deering."

Deering: "Mr. Speaker, I think this should be the Second Conference Committee Report."

Speaker McPike: "Mr. Clerk, is that correct?"

Clerk Rossi: "This is the First Conference Committee Report."

Speaker McPike: "Well then, put first up there. All right, are we straight on that Representative Deering? First Conference Committee Report? No, Representative Black."

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Black: "Yes, in all due respect you may want to take this out of the record because if it is the First Conference Committee Report, I don't think it does what he wants it to do by any means. I believe it has got to be the second."

Speaker McPike: "All right, the... Mr. Persico."

Persico: "Thank you, Mr. Speaker. I guess I have a few questions now that...it was supposed to be Second Conference Committee Report."

Speaker McPike: "Well...let me finish then. All right, Mr. Clerk, take the record. On this Motion, there are 31 'ayes' and 30 'noes', and the Motion fails, and the Motion fails. Mr. Deering, will now ask for a...the appointment of a Second Conference Committee. That Motion will be filed tomorrow. You were right, Mr. Black. Representative Stephens, for what reason do you rise?"

Stephens: "On behalf of our side of the aisle we would like a copy of the recent transcript."

Speaker McPike: "Representative Lang."

Lang: "Thank you, Mr. Speaker. Before we adjourn today I want to alert the Body to a press conference I had this morning on the issue of gaming. Because there have been proposals for boats all over Illinois, floating around the capitol, many of which have found their way to my office, I felt it appropriate to keep this issue on the front burner, and so the citizens of our state and so the General Assembly can be knowledgeable of what's in those particular proposals and what cities they're for. I am calling for a hearing of the Judiciary I Committee to start...to commence next Wednesday at 9:00 a.m., in Room D-1 of the Stratton Building. These will be separate hearing for different areas of the state. The first set of hearings will be for all proposals for Lake County riverboats, Lake County

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riverboats. The second set of hearings will be on the 9th of May the following Monday in Room 114 of the State Capitol at noon. And that will be for the northern portion of Cook County, the northern portion of Cook County. There will be other segments and other dates we will be announce that I do want to make it clear that anybody who has a interest in proposing any riverboat, anywhere in Illinois will be expected by the Judiciary I Committee to put that proposal forth in one of these hearings. So, anyone within the sound of my voice that's got a boat proposal for Lake County, your day is next Wednesday, May 4. Thank you."

Speaker McPike: "Are there any other announcements before we go to the House Resolution? We intend to adjourn on the adoption of the Resolution. Are there any other announcements? All right...Representative Davis."

Davis: "Mr. Speaker, I just wanted to say for our Body, a big congratulations to South Africa for holding their first free election. There will be two Amendments forthcoming, but I think we should give them a round of applause, for the democracy that that country will realize. Thank you."

Speaker McPike: "All right. We will adjourn until 10:30 tomorrow morning...on the adoption...with the perfunctory time for the Clerk on the adoption of this Resolution. Mr. Clerk, House Resolution 2439. Read the Resolution, please. I wonder if our staff could retire to the rear. Read the Resolution, Mr. Clerk."

Clerk McLennand: "House Bill 2439, HOUSE RESOLUTION WHEREAS, Richard Milhous Nixon dedicated fifty years of his life to serving the citizens of the United States with dedication, courage, and great intelligence as an elected official; and WHEREAS, On January 9, 1913, Richard M. Nixon was born the second child of Frank and Hannah Nixon on a lemon grove

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ranch in Yorba Linda, California, and lived there until the age of eight, when the Nixon family moved to Whittier, California; and WHEREAS, In the spring of 1930, Richard M. Nixon graduated with honors from Whittier High School, where he played football, acted in drama productions, and became a champion debater; and WHEREAS, Richard M. Nixon received his undergraduate degree from Whittier College in 1934 after founding the Orthogonian Club, playing football, gaining acceptance into the Society of Knights Honorary, and serving as Vice-President and President of the student government; and WHEREAS, Richard M. Nixon was accepted and earned a scholarship to the newly created Duke University Law School, where he lived for a short period in a tool shed with no stove, served on the law review "Law and Contemporary Problems", acted as the President of the Student Bar Association, graduated third in his class of forty-four while qualifying as a member of the Order of the Coif, passed the California Bar Exam, and was sworn in as a practicing attorney on November 9, 1937; and WHEREAS, Richard M. Nixon returned to the City of Whittier, California, to practice law in the firm of Wingert and Bewley, where he became active in the local theater group; at the tryouts for "The Dark Tower", he met Thelma Catherine (Pat) Ryan, a Whittier teacher; and WHEREAS, Richard M. Nixon won over Pat Ryan's heart, and on June 21, 1940, Richard and Pat were married in Riverside, California, where they bore and raised two beautiful daughters, Tricia and Julie; and WHEREAS, Richard M. Nixon moved to Washington, D.C., in 1941 to work for the Office of Price Administration, and in June of 1942, Mr. Nixon enlisted in the United States Navy, where he served as a Lieutenant in the South Pacific Combat Air Transport



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Command (SCAT) on the USS President Monroe and participated in the invasion of Green Island; and WHEREAS, Richard M. Nixon defeated Jerry Voorhis, a five-term Democrat Congressman, on November 6, 1946 for a seat in the United States House of Representatives serving the 12th Congressional District of California, where he sat on the Education and Labor Committee and the House Committee on Un-American Activities (HUAC); and WHEREAS, Richard M. Nixon was overwhelmingly reelected in November, 1948 and almost single-handedly exposed Alger Hiss, a high ranking State Department official who was convicted of espionage and being a communist; and WHEREAS, Richard M. Nixon, after four years of outstanding service in the United States House of Representatives, was elected United States Senator from the State of California; and WHEREAS, Richard M. Nixon was selected to run for Vice-President on the 1952 Republican ticket alongside Dwight D. Eisenhower, and became the second youngest Vice-President in history; he was reelected in November, 1956, and served during the McCarthy Hearings, Brown v. Topeka Board of Education landmark case, and played a major role in the Civil Rights Act of 1957; and WHEREAS, Richard M. Nixon received the 1960 Republican nomination for President, engaged in the first televised Presidential debates with John F. Kennedy, and lost the presidential election by the closest margin in history, after which he returned to California and lost the 1962 gubernatorial race; and WHEREAS, Richard M. Nixon fought back gallantly to garner the Republican nomination for President in 1968, and the ticket of Nixon/Agnew defeated the Humphrey and Wallace tickets; and WHEREAS, On January 20, 1969, Richard M. Nixon was sworn in as the 37th President of the United States, and he championed important

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new domestic and foreign policies, including the historical decision to recognize Communist China, established the first detente with the former Soviet Union, negotiated a settlement that ended America's involvement in the war in Vietnam, offered blueprints for welfare and health care reform, initiated an arms control process that moved the United States and Soviet Union back from the brink of nuclear Armageddon, and presided over the founding of the federal Environmental Protection Agency and the Occupational Health and Safety Administration; and WHEREAS, Richard Nixon was reelected on November 7, 1972 over George McGovern, with the largest plurality in history, and served until his resignation on August 9, 1974, after the Watergate Conspiracy; and WHEREAS, Richard M. Nixon overcame many obstacles and exhibited great resiliency to become a highly respected statesman, orator, and public figure in the twenty years after the presidency; he traveled extensively and authored several books and articles; and he became a valued Presidential advisor, continuing his loyal and dedicated service to the United States; and WHEREAS, On June 22, 1993, Pat Nixon, Richard's beloved wife, passed away after fifty-three years of marriage; and WHEREAS, Richard M. Nixon, a loving husband, dedicated father and grandfather, trusted advisor, valued friend, World War II veteran, former U.S. Congressman, U.S. Senator, Vice-President, and President of the United States, passed away on April 22, 1994 at 9:08 p.m. after countless years of dedicated, courageous, and dignified service to the United States; therefore, be it RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-EIGHTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we extend our sincere condolences to the family and friends of Richard

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Milhous Nixon; and be it further RESOLVED, That suitable copies of this resolution be presented to the Richard M. Nixon Memorial Library and to his daughters, Julie Eisenhower and Tricia Cox. Mourns the death of Richard M. Nixon, former president.

Speaker McPike: "Representative Daniels."

Daniels: "Mr. Speaker, Ladies and Gentlemen of the House. As we speak right now the funeral for Richard Nixon is going on in California at the location where he was born. Of course, when you talk about the name, Richard Nixon, many thoughts and views come to mind. For all of us that lived during his presidency and experienced the ups and downs of his life we have many different thoughts that we convey. But one of them that I choose to remember of the many accomplishments that he did acquire during his presidency and his political career, recognizing China for the first time. Truly in every fashion and every study of the man was a leader in foreign policy. The second youngest Vice-President in the history of the United States. Serving as a valuable Presidential advisor to former and current administrations and as recently as talking to President Clinton on some foreign policy matters. One year, not too long ago when I was working on a campaign, a fellow came up to me and said, 'By the way do you have a desire to talk to President Nixon?' And I said, 'Of course who wouldn't want to talk to the President?' and handed me the phone and on the other end of the phone was President Nixon. We chatted for a few brief moments and I thanked him at that time for what he had done for our country in terms of foreign policy and opening the door to China and other major accomplishments. I choose to remember this man for those accomplishments, and I choose to accent the

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positive, because he gave a lot of himself, he gave a lot of himself in the area of foreign policy and domestic policy as well, offering blueprints for welfare and health care reform that frequently are forgotten because of his accomplishments in foreign policy areas. And of course a resounding creation of the Environmental Protection Agency and the Occupational Health and Safety Administration or OSHA. And these are things that this man did also as well. He was an expert in the field. As you know his career spanned many, many decades. He now leaves us and history will judge him. I think history will judge him extremely favorable and we have been very fortunate to have him as our 37th President. President Nixon was a loving husband, a dedicated father and grandfather. He was a World War II veteran, a former U.S. Congressman, a Senator, a Vice-President and President of the United States. He dedicated 50 years of his life to the...public service and Ladies and Gentlemen, I think we are better off for them. As I was preparing to come out here for this memorial and short comments I caught on C-SPAN a little speech that he had given in January of 1994 and I was just kind of astounded at what...good looking he was and how he was in grasp totally of his concepts and what he was talking about. Somebody said to him, 'Well Mr. President, what do you think of political life, of public service after all you've been through?' And he kind of shook his head a little bit and said, 'You know, anybody that goes into this business I tell them it's a rough road.' And he paused for a second and he said, 'but I wouldn't have missed the ride for anything', and that summarized his view. He did good by us, and he did good by his generation and he will do good by future generations. So with that, Mr. Speaker and

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Ladies and Gentlemen of the House, I want to ask that all Members join in this memorial to former President Richard Milhous Nixon, and as you do adjourn the House you adjourn the House on the Resolution."

Speaker McPike: "Thank you. Representative Madigan."

Madigan: "Mr. Speaker and Ladies and Gentlemen of the House, Richard Nixon will always be known as a very tragic figure. Representative Daniels has recounted many of the accomplishments of Mr. Nixon. However, as I said because of the circumstances of the Watergate Controversy we will always have mixed feelings and mixed emotions regarding Mr. Nixon. However, today at the time of his burial I think that we ought to recount the good that he did for our country and the good that he did for the people of our country. Let us not forget that he was the President that negotiated the end of the Vietnam War. He was the President that recognized Communist China and began a dialogue with that country. He was the President that established the first detente, with the Soviet Union. And of course, Mr. Daniels said, those were his accomplishments in the area of foreign policy and he will always be known best in foreign policy. But let us not forget that on domestic issues as Mr. Daniels said, his administration presided over the establishment of the Federal Environmental Protection Agency and the Occupational and Health Safety Administration. In addition, let us not forget that he was the President who had the foresight to establish the Federal Revenue Sharing Program. And as we grapple day by day here in the Legislature trying to balance our budget, encountering the difficulty of declining revenue for the State of Illinois, we certainly would appreciate if Mr. Nixon's vision of federal revenue

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sharing were still in place, because we would have that money available to be spent for state purposes. In addition, and I think one of his most courageous domestic actions occurred during his administration, when the country was in encountering a difficult economic condition and he had the foresight and the political courage, which has not be replicated since, to enfroze price controls upon the country, which in retrospect stabilized the condition of the economy at that time and preserved an economic boom that was underway. So, for all these reasons I would simply suggest that, given to everything that happened on this day of his burial, that we ought to recount the good that he did for the country and certainly on behalf of the Democratic Members of the House I would wish to express my sympathy to his family and suggest...and support Mr. Daniels' suggestion that we all join in supporting this Resolution and it be forwarded to the Museum and Library in Yorba Linda, California."

Speaker McPike: "Representative Daniels has moved that all Members of the House be added as Co-Sponsors to the Resolution and for the adoption of the Resolution. All in favor say 'aye'; opposed, 'no'. The 'ayes' have it. The Resolution is adopted. The House stands adjourned until tomorrow at the hour of 10:30 a.m., allowing the Clerk perfunctory time."

Clerk McLennand: "House Perfunctory Session will be in order. Introduction and First Reading of Senate Bills. Senate Bill 1756, offered by Representative Hannig, a Bill for an Act making appropriations to the Court of Claims. First Reading of this Senate Bill."

Clerk McLennand: "Introduction - First Reading of Bills. House Bill 4246, offered by Representative Balanoff, a Bill for

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an Act to amend the Grade A Pasteurized Milk and Milk Products Act by adding Section 8-1. First Reading of this House Bill."

Clerk McLennand: "Being no further business. The House Perfunctory Session will be adjourned, and the House will reconvene on Thursday, April 28, 1994 at the hour of 10:30 a.m."

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