

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

138th Legislative Day

May 26, 1994

Speaker McPike: "The House will come to order. The Chaplain for today is Reverend Gary McCants, of the Allen Chapel African Methodist Episcopal Church in Alton. The guests in the Gallery may wish to rise this morning and join us in the invocation."

Revered Gary McCants: "Soloman once said get wisdom. Get understanding, forget it not. Neither decline from the words of mouth, forsake her not and she shall perceive thee, love her and she keep thee. Wisdom is the principal thing, therefore get wisdom, and with all thy getting, get understanding. May we pray. O' Lord our God, as we approach thy throne this day, may our thought's and desires be those you have willed for the people of this great state. As we enter into our deliberations allow us to, with your wisdom and understanding, approach meaningful Resolution of the issues we face. Bless all who serve in this House, all who work in and about it. This is our prayer in thy dear son Jesus name. Amen."

Speaker McPike: "We will be lead in the Pledge of Allegiance by Representative Deering."

Deering - 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. Representative Kubik."

Kubik: "Thank you, Mr. Speaker. Let the record reflect that all the Republicans are present today."

Speaker McPike: "Representative Currie."

Currie: "Okay, thank you Speaker. There are no excused absences among Democrat's."

Speaker McPike: "For the record, 118 Members answering Roll Call

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

138th Legislative Day

May 26, 1994

a quorum is present. Representative Weller in the Chair."

Weller: "Thank you Mr. Speaker. Ladies and Gentleman of the House today it a great honor for me to make a very special introduction. I know we all take very great pride in outstanding young men and women from our legislative districts who achieved great things and today it is my honor to introduce before you a girl from my home town. Ms. Kati Laube; who is Ms. Illinois, National, Pre-Teen, who was just selected recently in East Peoria, in Representative Saltsman district. I would like to ask Kati to introduce herself, her family and just very briefly tell all of all about the program she is participating in. Let's give a warm welcome to Kati Laube, Ms. Illinois National Pre-Teen."

Kati Laube: "Hi, my name is Kati Laube and I am from Morris, Illinois and I am twelve years old, today I have with me my Grandfather, Jim Wagnor, my mother Shelly Laube, and my two sisters Kris and Britany Laube. I also have an other sister but she was not able to come. I will continue working very hard on keeping children and my peers of all ages off drugs. I have volunteered many hours in the 'Just Say No Club' and I have also been elected secretary of the Just Say No Club."

Weller: "Well, thank you Kati. We have a special Resolution that we are offering to recognize your achievement. Mr. Clerk would you read the Resolution please."

Clerk Rossi: "House Resolution 2770 offered by Representative Weller. WHEREAS, Kati Laube, age 12, was selected Miss Illinois National Pre-Teen on April 10, 1994 in East Peoria, Illinois; and WHEREAS, Miss Laube is a 12 year old sixth grader at Shabbona Junior High School in Morris, Illinois; and WHEREAS, She is an honor student who

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

138th Legislative Day

May 26, 1994

participates in "Just Say No", Operation Snowflake, Kids for Conservation, choir, cheerleading, gymnastics, track, and basketball; and WHEREAS, In addition, she is certified by the American Red Cross in baby sitting and infant and child CPR; and WHEREAS, As Miss Illinois National Pre-Teen, Kati Laube will continue to work with "Just Say No" and will speak to young girls about chemical abuse and about being a role model means to her; and WHEREAS, Kati is the daughter of Charlene Laube; she has three sisters: Jennifer, Crystal, and Brittany; and WHEREAS, It is important and necessary to acknowledge the outstanding accomplishments of our young people; therefore, be it RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-EIGHTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we congratulate Kati Laube on her selection as Miss Illinois National Pre-Teen and extend our best wishes to her for continued success in the future; and be it further RESOLVED, That a suitable copy of this resolution be presented to Kati Laube."

Weller: "Thank you, Mr. Clerk. Ladies and Gentleman of the House, I ask for the adoption of House Resolution 2770, there has been a Motion moved and seconded. All those in favor say 'aye'. Thank you. Congratulations, Kati. Thank you so much for coming go Springfield and all of your good work. Thank you, very much."

Speaker McPike: "Representative McPike in the Chair. The Resolution was adopted. Agreed Resolutions."

Clerk Rossi: "House Resolution 2787, offered by Representative Younge; House Resolution 2788, offered by Representative Hicks; House Resolution 2789, offered by Representative Stephens; House Resolution 2790, offered by Representative Leitch; House Resolution 2791, offered by Representative

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

138th Legislative Day

May 26, 1994

Gash; House Resolution 2792, offered by Representative Gash; House Resolution 2793, offered by Representative Brunsvold; House Resolution 2794, offered by Representative Pankau; House Resolution 2795, offered by Representative DeJaegher; House Resolution 2796, offered by Representative DeJaegher; House Resolution 2797, offered by Representative DeJaegher; House Resolution 2798, offered by Representative DeJaegher; House Resolution 2799, offered by Representative DeJaegher; House Resolution 2801, offered by Representative von B-Wessels Wessels; House Resolution 2802, offered by Representative Schakowsky; House Resolution 2803, offered by Representative McAfee; House Resolution 2804, offered by Representative Novak; House Resolution 2805, offered by Representative Andrea Moore; House Resolution 2806, offered by Representative Andrea Moore; House Resolution 2807, offered by Representative Andrea Moore; House Resolution 2808, offered by Representative Andrea Moore; House Resolution 2809, offered by Representative Andrea Moore; House Resolution 2810, offered by Representative Andrea Moore; House Resolution 2812, offered by Representative Granberg; House Resolution 2813, offered by Representative Biggert; House Resolution 2816, offered by Representative Johnson, Tom; House Resolution 2817, offered by Representative Hughes; House Resolution 2818, offered by Representative Cowlshaw; House Resolution 2819, offered by Representative Cowlshaw; House Resolution 2820, offered by Representative Edley; House Resolution 2821, offered by Representative Salvi; House Resolution 2822, offered by Representative Salvi."

Speaker McPike: "Representative Granberg moves for the adoption of the Agreed Resolutions. All in favor say 'aye'; opposed, 'no'. The Agreed Resolutions are adopted."

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

138th Legislative Day

May 26, 1994

General Resolutions."

Clerk Rossi: "House Resolution 2800, offered by Representative Schakowsky; Senate Joint Resolution 113, offered by Representative Wennlund; Senate Joint Resolution 122, offered by Representative Black."

Speaker McPike: "Committee on Assignment. State Operations, Second Reading, appears Senate Bill 33. Representative Schoenberg. Senate Bill 580. Clerk read the Bill. It has been read a second time. Any Amendments? Mr. Granberg."

Clerk Rossi: "Senate Bill 580, the Bill has been read a second time previously. Amendment #1 was adopted on the Floor. No Motions filed. No Floor Amendments."

Speaker McPike: "Third Reading. Senate Bill 630. Tom Johnson, Representative Johnson. Are there any Amendments, Mr. Clerk?"

Clerk Rossi: "No Floor Amendments."

Speaker McPike: "Third Reading. Mr. Johnson what do you want?"

Johnson, Tom,: "I believe that there should be a Floor Amendment coming, maybe take it out of the record."

Speaker McPike: "All right, the Bill stays on Second Reading. Representative Currie, 1336, Representative Currie, Representative Levin can you handle this Bill? Are there any Amendments Mr. Clerk?"

Clerk Rossi: "Amendments were adopted in Committee. No Motions have been filed. Floor Amendment #3 offered by Representative Maureen Murphy."

Speaker McPike: "Representative Murphy. Ms. Murphy, please."

Murphy: "Take this from the record."

Speaker McPike: "The Lady withdraws the Amendment. Further Amendments?"

Clerk Rossi: "Floor Amendment #4, offered by Representative Salvi."

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

138th Legislative Day

May 26, 1994

Speaker McPike: "Mr. Salvi,"

Salvi: "Thank you, Mr. Speaker. This Bill seeks to have all properties assessed for tax purpose at occupancy. With constant pressure on the state and local governments for more money for education, schools, roads, ect... The evidence clearly indicates that hundreds of thousands of tax dollars, are falling through the property tax because there is no requirement for notification for occupancy to the local assessor, or that the assessor promptly assess property. This Bill would simply say that the assessor has be notified that there is occupancy and that the property be assessed for the amount of time that it's there. This was brought about by virtue of some thing that happened in an area in Lake County where a major corporation moved in and built a large facility, the facility was there for most of the year, and it was taxed for that year at the value of the vacant land, even though there were millions of dollars of improvements on that land. So I would ask that you vote, for this Amendment. Which would say that the party moving in and building something on a lot, notify the assessor, And we can accesses the value of that property for the period of time that it is there, during the course of the year. And we won't lose those property tax dollars. And I ask that a roll call vote be taken and I am joined by the requisite number under Rule 55(c)."

Speaker McPike: "Mr. Salvi, I do not think you have any body against you on this Amendment, but you know if it is really necessary. Representative Levin."

Levin: "Was this Amendment ever brought before the House Revenue Committee?"

Salvi: "No, it has not Representative."

Levin: "Because in the House Revenue Committee, we heard a lot of

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

138th Legislative Day

May 26, 1994

good Bills, we hear a lot of Bills that the Members of the Committee worked very hard on. And I do not recall ever having seen this in Committee, but we have had a practice of doing is, frequently a Bill will not come out under the Sponsor's name, but people think it is a good idea, so it is added. This is the first I have seen of this particular one, and I would ask how come it was not previously presented."

Salvi: "This Bill is in the Rules Committee right now, and so I am one of the two Sponsors of the Bill, along with Representative Churchill, and it is sitting in Rules, that is why I did this Representative."

Levin: "Can you, what is the derivation of this, is it an emergency? The problem very honestly, this is Senator DeAngelis Bill. And the underlying Bill is a Bill that there is a great deal of interest in, on both the Republican and the Democratic side. We have been trying for probably for twenty years in Cook County to deal with the issue of constructive fraud. And this is a significant step in finally dealing with that issue, it is something I know that even Representative Skinner has a substantial interest in. I have not seen this Amendment, this particular Amendment before and it may be a very well justified Amendment. I just do not really know enough about it to be able to ask people to support the Amendment at this time. I do not know if Senator DeAngelis would accept it, and so I am not..."

Salvi: "Representative, this Bill was originally drafted in response to a letter that Representative Churchill and I received in a meeting that we had with a fella up in Libertyville. Recently the Libertyville township assessor found a commercial building, built in 1991 and 1992

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

138th Legislative Day

May 26, 1994

occupied in January of 1993, with a market value of \$6 million, assessed value of \$2 million, it was not assessed. Cost of to tax of lost revenue was over a \$150,000, lost school taxes were a 100,000 and property is in the North Chicago School District. This was brought to our attention, and we found out it was perfectly legal what had happened, and that we felt that something needed to be done. In response to that we drafted a Bill, and the Bill is sitting in Rules Committee. We drafted this Bill. Someone else may have come along, and thought it was a good idea, and looked at the Bill sitting in rules and maybe drafted something similar, but I appreciate your positive comments and I would ask, that we a have a vote on this and I would appreciate your support."

Levin: "Well, no the problem Representative, is you know, this may be a very well justified Amendment, you know, you did not come to myself, you did not come to Representative Currie, you did not come to Committee...."

Salvi: "I did not, I did not go to several Members on this..."

Levin: "All right, well the you know, you look up on the board. The Bill at this point is Sponsored by Representative Currie and myself. It did not go through, it did not go through the Revenue Committee."

Salvi: "I did not know that."

Levin: "You know, we have operated in a very bipartisan way, and in the Revenue Committee and as I said this is an extremely important Bill to both sides of the aisle, and we do not want to do anything that is going to prevent this...the underlying compromise that is in this legislation from becoming law."

Salvi: "I am sorry to hear Representative, that you have a Bill that is similar to this, and I will support your Bill, I

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

138th Legislative Day

May 26, 1994

really will, because it is a good idea. I am not doing, I mean, this is, the goal is to get good law passed. I appreciate that you agree that this is a good law. I will support your Bill, but in the mean time this is a good Amendment. I appreciate a, I appreciate your support. I appreciate your positive comments and I am glad to see that great minds think alike, so."

Levin: "You, know Representative to the Amendment, Mr. Speaker. You know, this is come out, this is the first time this has come up. It is not something that has gone through the Revenue Committee, the it may be a good Amendment, it may not be a good Amendment, we do not know. This is the first time we have seen it. There are many other Amendments that we have seen 40 or 50 times, at least we got to know what those Amendments do. You know, we do not know enough about this to be able to say that we ought to support it at this time. The underlying Bill is a compromise dealing with the issue of constructive fraud, which is something that people on both sides of the aisle, have wanted to change for Cook County for at least the last 20 years. And we have finally broken the log jam, with respect to that issue, to allow taxpayer's to have the ability to appeal in Cook County from assessment that are excessive. It has been a carefully drafted Bill. It is a compromise involving all of the relevant parties and you know, because of the importance of the underlying legislation. I stand in reluctant opposition to the Amendment, because we do not want to interfere with what is in the underlying Bill. You know, we do not know enough about this Amendment. You know, it may be very fine Amendment, if you would come to the Revenue Committee or if you had come to the Sponsor before you present it, so we could better understand it,

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

138th Legislative Day

May 26, 1994

but at this point I stand in opposition to the Amendment, you know, because of the importance of the underlying Bill."

Speaker McPike: "Thank you, Mr. Levin. Mr. Salvi, it appears that I misspoke, there is opposition to your Amendment. Representative Kubik."

Kubik: "Thank you, Mr. Speaker. I was wondering if I would be able to ask the Sponsor of the Amendment to withdraw the Amendment. I think that Representative Levin is correct. The reason that Representative Murphy has withdrawn her Amendment was because this is a Bill which has been agreed to by the taxpayer federation and a number of other parties. One of the reasons that we have asked to withdraw those Amendments is because this is a major, major step forward, and Representative I well know that you probably have a very very good Amendment and all of that, but the bottom line is that this Bill was, we had asked that this Bill be made clean and one of the ways of doing that was having Representative Murphy withdraw her Amendment. So you know, if we can find an other piece of legislation where we might be able to offer your Amendment, I would be very helpful in trying to accommodate that. But this Bill is an important Bill and it really ought to be sent back to the Senate in the cleanest form possible, so that we can put it on the Governor's desk. Representative Levin is correct, we have been working for as long as I have been in the legislature, which has been 10 years to try and resolve this issue. So, Representative I would certainly be willing to try to find another Bill, or work with you in trying to get your Amendment adopted somewhere else, but I think the best road for this particular Bill would be to have it go over to the Senate, or back to the Senate in

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

138th Legislative Day

May 26, 1994

it's cleanest form possible. Thank you."

Speaker McPike: "Mr. Salvi do you wish to withdraw the Amendment?
No, he does not he persists. All right, Representative
Curran."

Curran: "I would just like to know if this Amendment has been
distributed?"

Speaker McPike: "Is this distributed?"

Clerk McLennand: "The Amendment has not been distributed."

Speaker McPike: "Is is printed?"

Clerk McLennand: "The Amendment has not been printed."

Speaker McPike: "Oh Jesus, all right, Mr. Salvi the Amendment has
not been printed or distributed. Representative Currie
moves to table the Amendment. Mr. Clerk is it printed or
distributed?"

Clerk McLennand: "No, it has not been printed or distributed."

Speaker McPike: "Representative Currie, moves to table Amendment
#4. All in favor say 'aye'; opposed, 'no'. The 'ayes'
have it. The Amendments tabled. I am not getting
arbitrary, the Clerk has told us twice that is not printed
or distributed. Now maybe you would like to call the Clerk
a liar, but the Chair is not prepared to do that Mr.
Skinner. Well you asked him twice, all right further
Amendments?"

Clerk McLennand: "No further Amendments."

Speaker McPike: "Third Reading. House Bill 1357, has been read a
second time previously. Are there any Amendments?"

Clerk McLennand: "House Bill 1357."

Speaker McPike: "I'm sorry Senate Bill 1357 has been read a
second time previously. Are there any Amendments?"

Clerk McLennand: "Amendment #1 was adopted in committee. Floor
Amendment #2, filed by Representative Skinner."

Speaker McPike: "Representative Black for what reason do you

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

138th Legislative Day

May 26, 1994

rise?"

Black: "An inquiry of the Chair, Mr. Speaker. We never did get an answer on when Representative Salvi's Bill was filed. There is no stamp on this copy, and we are just trying to find out when it was filed."

Speaker McPike: "Mr. Clerk, when was the Amendment filed?"

Clerk: "The stamp on it, indicates that it was filed on the 25th."

Black: "That was yesterday, correct?"

Speaker McPike: "Yes."

Black: "And somehow you say it was not distributed, or has not been distributed?"

Speaker McPike: "That is what the Clerk said twice."

Black: "Was that in that box of Amendments that was flooded out? It might have been."

Speaker McPike: "I think it could have been."

Black: "And I think last night, it was drying but if you recall the locust's came in about 4:30..."

Speaker McPike: "Yes."

Black: "And somebody told me that they have a tendency to devour damp paper, so that may explain why that Amendment was not distributed, maybe we could distribute it again today though."

Speaker McPike: "Mr. Clerk as soon as it comes up distribute it please. All right on the Amendment #2, Representative Skinner."

Skinner: "Is the Amendment printed and distributed?"

Speaker McPike: "Mr. Clerk?"

Clerk McLennand: "Yes, it is printed and distributed."

Skinner: "May I have permission to withdraw it?"

Speaker McPike: "The Gentleman wishes to withdraw the Amendments. Further Amendments?"

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

138th Legislative Day

May 26, 1994

Clerk McLennand: "Floor Amendment #3, offered by Representative Leitch."

Speaker McPike: "Mr. Leitch. The Gentleman withdraws the Amendment. Further Amendments?"

Clerk McLennand: "Floor Amendment #4, offered by Representative Stephens."

Speaker McPike: "The Gentleman withdraws the Amendment. Any further Amendments?"

Clerk McLennand: "Floor Amendment #5, offered by Representative Tom Johnson."

Speaker McPike: "Representative Johnson withdraws the Amendment. Further Amendments."

Clerk McLennand: "Floor Amendment #6, offered by Representative Biggert."

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

Clerk McLennand: "Floor Amendment #7, offered by Representative Dart."

Speaker McPike: "Representative Dart."

Dart: "Thank you, Mr. Speaker and Members of the House. This Bill is a Bill which the group of bipartisan group has gotten together in attempt to get some type of child welfare legislation passed this Session. This is the vehicle, in which we have put it into. Amendment #7 deals with the confidentially laws, and some changes in it that have been worked on for probably for the last two months in regards to passing on lead's information, criminal background information in regards to people involved with the child welfare system, to insure that all the parties have the information necessary to make informed decisions. As I said this has been worked on for quite a few months, and it has gotten bipartisan support, and I move for it's

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

138th Legislative Day

May 26, 1994

adoption."

Speaker McPike: "Is there any discussion? The question is, 'Shall Amendment #7 be adopted?' All in favor say 'aye'; opposed, 'no'. The 'ayes' have it. The Amendments is adopted. Further Amendments?"

Clerk McLennand: "No further Amendments."

Speaker McPike: "Third Reading. Senate Bill 1366, has been read a second time. Are there any Amendments?"

Clerk McLennand: "Senate Bill 1366, floor Amendment #1, offered by Representative Currie."

Speaker McPike: "Representative Currie. Ms. Currie. Is this printed Mr. Clerk?"

Clerk McLennand: "It is not printed and distributed."

Speaker McPike: "Mr. Kubik."

Kubik: "I am sorry, Mr. Speaker it is not printed?"

Speaker McPike: "That is correct."

Kubik: "Well then let's take this Bill out of the record."

Speaker McPike: "All right, out of the record. Senate Bill 1692, has been read a second time. Are there any Amendments?"

Clerk McLennand: "Amendment #1, was adopted in Committee. No Motions filed. Floor Amendment #2, offered by Representative Hassert."

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

Clerk McLennand: "No further Amendments."

Speaker McPike: "Third Reading. Senate Bill 1721, has been read a second time. Are there any Amendments?"

Clerk McLennand: "Senate Bill 1721, Amendments 1, 3, 4, 5, 6, were adopted in Committee. Amendment #2 was tabled. No Motions filed. Floor Amendment #7 offered by Representative Novak."

Speaker McPike: "Mr. Novak."

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

138th Legislative Day

May 26, 1994

Novak: "Thank you, Mr. Speaker and Ladies and Gentleman of the House. Floor Amendment #7 to Senate Bill 1721, is an issue we have visited many times, I believe the issue of volume based garbage fees is a trend that is catching on, not only in parts of the State of Illinois, but in other parts of the nation. It simply suggests that communities should study volume based garbage fees, and adopt the program if it is not in-economically feasible for those local communities. Simply it is a carrot and stick approach to the more waste you put in front of your house the more you will be charged. The less waste you put out in front of your house the less you will be charged. It is a very good environmentaly conscientious Bill and I would ask my colleagues for there support."

Speaker McPike: "And on the Motion, Representative Persico."

Persico: "Thank you, Mr. Speaker. A question of the Sponsor."

Speaker McPike: "Yes."

Persico: "Representative, I believe that you were talking about Amendment #8, Amendment #7 deals with something different."

Novak: "You are correct, Representative Persico, I am sorry. Let me clarify myself. Amendment #7, changes the term of the regional pollution control facility, to the pollution control facility. So that the same decision making process used for sighting or locating solid waste or garbage landfills, whether such landfills receive local solid waste, solid waste from outside the immediate area, or from out of state. The reason for this Amendment is simple. There was a court case that was decided in East St. Louis, that struck down part of our solid waste law, solid waste sighting law."

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

Persico: "Thank you, Mr. Speaker. I believe that Representative

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

138th Legislative Day

May 26, 1994

Novak may still have the wrong Amendment, can we check on with that? And has seven been filed and distributed?"

Speaker McPike: "Mr. Clerk."

Novak: "Representative Persico."

Speaker McPike: "Just a minute, just a minute."

Persico: "I am looking at the wrong page."

Speaker McPike: "Is it."

Clerk McLennand: "Amendment #7 has been printed and distributed."

Speaker McPike: "Proceed, Mr. Novak."

Novak: "Yes, let's start over again. I am looking at the wrong page. Yes, the this Amendment is at the request of the Environmental Protection Agency. It is concerning the legislation dealing with waste tires. The wording is changed concerning the, the waste tire agency that deals with consulting with the agency, the word has been changed at the request of E.P.A from consult to authorize, so it provides them more authority with respect to dealing with Beowning Farris on the waste tire management situation."

Speaker McPike: "All right, Mr. Novak are you sure that is the Amendment now?"

Novak: "Speaker, I think I am correct."

Speaker McPike: "All right, On that Motion, Representative Persico."

Persico: "Thank you, Mr. Speaker and Ladies and Gentleman of the House. I stand in support of this Amendment. It strengthens Amendment #1, which was adopted in Committee. And I urge for its adoption."

Speaker McPike: "Mr. Black."

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

Speaker McPike: "Yes, he will."

Black: "Representative I just received a copy of this Amendment."

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

138th Legislative Day

May 26, 1994

It is still a little damp, from the flood and I having a hard time making out.... This looks like a vehicle Amendment to me. It does not say anything. Replace consult with authorize."

Novak: "Correcy, t is a simple word change, but it strengthens the agencies position."

Black: "Is authorize stronger than consultation?"

Novak: "Absolutely, Representative. It is like the Cubs and Cardinals, you know the Cubs are..."

Black: "I do not want to get into that, I do not want to get into that."

Novak: "The Cubs are much stronger than the Cardinals."

Black: "I do not want to get into that, consultation and authorization. It must have meant the underlying Bill then?"

Novak: "Well you have a Funk and Wagnels don't you. I think if you look it up you will see the stark differences."

Black: "I have your Funk and Wagnels right here, come on over. Does it Amended the underlying Bill?"

Novak: "Pardon me."

Black: "Does this amend the underlying Bill?"

Novak: "No, this amends, this amends Amendment #1."

Black: "Well, now that you have said that it makes sense. But I was trying to figure out, I could not find the line numbers on the underlying Bill, that this amended, but it amends Amendment #1..."

Novak: "Correct."

Black: "That's much better. All right, thank you."

Novak: "Thank you."

Speaker McPike: "The question is, 'Shall Amendment #7 be adopted?' All in favor say, 'aye'; opposed, 'no'. The 'ayes' have it. The Amendment is adopted. Further

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

138th Legislative Day

May 26, 1994

Amendments?"

Clerk McLennand: "Floor Amendment #8, offered by Representative Novak."

Speaker McPike: "Mr. Novak."

Novak: "Thank you, Mr. Speaker. Ladies and Gentleman of the House. As I indicated earlier that through a mistake, House Amendment #8, to Senate Bill 1721 is a volume based garbage fee language, that issue that we visited before and I am asking for my colleagues to support this measure."

Speaker McPike: "Representative Persico."

Persico: "Thank you, Mr. Speaker. I stand in support of this Amendment. This Amendment was passed out of Committee as part of the House Republican Package, last year. I think it's a good a idea, and I urge its adoption."

Speaker McPike: "The question is, 'Shall Amendment #8, be adopted?' All in favor say 'aye'; opposed, 'no'. The 'ayes' have it the Amendment is adopted. Further Amendments?"

Clerk McLennand: "Floor Amendment #9, offered by Representative Currie."

Speaker McPike: "Ms. Currie."

Currie: "Thank you, Speaker and Members of the House. This is the provision that would provide for some demonstration projects, and a task force to advise the Department of Transportation on the use of crumb rubber in asphalt in Illinois roads. We have debated it and discussed this, as separate House Bill. I think you all are pretty familiar with the contents of this proposal and I would be happy to answer your questions and would appreciate your support."

Speaker McPike: "Representative Black."

Black: "Thank you, very much, Mr. Speaker and Ladies and Gentleman of the House. Pursuant to Rule 55(c), I am

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

138th Legislative Day

May 26, 1994

joined by three of my colleagues in seeking a Roll Call, four of my colleagues, or how many is necessary, to ask for a Roll Call Vote on Amendment #9. Now, let me speak to the Amendment. We have seen this before. And here we are again, dealing with rubber modified asphalt. The Department of Transportation has said very clearly and unequivocally that if we create two of these demonstration projects, one of which has to be conducted in Chicago. The cost of these projects will escalate by at least 50%. Now, in a period of time after the floods that my district went through in April, we are trying to get gravel on some of our roads. We would settle for some gravel. And here we go again, with two demonstration projects using rubber modified asphalt, so you can bounce up and down the road in Chicago, or some place else. We are begging for gravel to put on some of our roads back together, we do not have enough money to do this. Now, if we want to conduct some kind of experiment on rubber modified asphalt. Let them do it in Indiana. I want road money spent where it is needed and necessary, and not on some pie in the sky idea, about rubber modified asphalt, you want to come down to my district and drive on twelve foot wide concrete slabs that turned to dust 20 years ago because they were poured in 1928, I invite you to come on down. You people would not know how to drive on a single slab road, where you have to get off the shoulders when you see another car coming. We can not afford this. If IDOT tells me It will raise the price 50% on each demonstration project then you are taking money from my roads. We are begging for gravel down state, and you want to fool around with rubber modified asphalt this is ridiculous. I think you ought to vote 'no' on this Amendment. Put this rubber where it meets the road and

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

138th Legislative Day

May 26, 1994

somewhere else. But I need roads in my district and does every down-stater, and I am tired of you stealing money, there could not be anything in Chicago that has not been paved years ago, good lord you are doing the Kennedy Express Way, for the third time in 10 years. This is an outrage. Vote no, until we get some decent roads downstate. I do not care what kind of rubber modified asphalt you are going to pour. But I am opposed to it. We need roads downstate. You downstater join with me on this. It is high time we stop this folderol and put roads where we need it, vote no."

Speaker McPike: "Representative Hartke."

Hartke: "Well, contrary to my colleague down state, I do not think that this is a bad idea at all. I think we are looking at ways in the future to cut our costs. And if we can do it by some demonstration project somewhere in the State of Illinois, not Danville or the Paris district. But let's do it where we have the most repair on those roads. I think if we can do this project and it comes out with good results then it is a good idea. Yes, this is where the rubber meets the road."

Speaker McPike: "Representative Skinner."

Skinner: "You know, what a successful downstate four lane highway is? It is one when you cross a bridge you look in both directions. If you can see a car in either direction, it is a successful downstate freeway. Now, we do not have freeways in McHenry County, and we need, we need some four lane highways. I do not care if they are rubberized. Now, we passed his Amendment once. It is an experiment to find out whether it is cheaper over the long run to use tires in with asphalt, I do not whether it is or not, but we surly ought to try it in some place where there is traffic."

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

138th Legislative Day

May 26, 1994

The two experiments now are being done in Beardstown and Lawrenceville. Not exactly the Metropolis of the State of Illinois. But in Representative Hartke's district."

Speaker McPike: "Mr. Novak."

Novak: "Yes, Mr. Speaker and Ladies and Gentleman of the House. I rise in support of this Amendment. Just yesterday, the United States House of Representative's passed that an amended version of the Intermodal Surface Transportation Act. And the provisions of that Act, among other things as far as funding road projects were concerned, were that there were provisions dealing with crumb rubber pilot projects and requirements that states use certain percentages of crumb rubber in their asphalt processes for highway construction, and restoration. The provisions that were changed make a mark difference for states to have more flexibility in dealing with pilot projects or programs such of this nature. It provides state with an opportunity to say; look yes, we will try it. If it does not work in our state, because maybe the climate is to warm or maybe the climate is to cold for that matter, or maybe other geological conditions are not amendable to crumb rubber type asphalt surfacing, then we can opt. out of the program. It is a more reasonable approach to providing a way to try to help get rid of waste tries. And I would ask to colleague to support the Representative in this endeavor. Thank you."

Speaker McPike: "The Rules Committee will meet immediately. The Rules Committee will meet immediately. Representative Lindner."

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

Speaker McPike: "Yes, she will."

Lindner: "Could you please tell me where the Department of

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

138th Legislative Day

May 26, 1994

Transportation stands on this project, and also from where the money is going to come?"

Currie: "The Department of Transportation strenuously opposed the Bill, when it was a requirement that crumb rubber be used throughout in highway construction projects. Which is the way the federal ISTEA Statue now reads. They still oppose this as demonstration project. I think they were concerned about cost, but as has already been made clear in other comments on this Bill, while there is initially a higher price for crumb rubber asphalt. The long term durability of the fabric means that it may turn out to be more cost effective than the usual way we do projects. It is also quite clear that the funding for this need not come entirely out of Department of Transportation dollars. The Department of Energy and Natural Resources which can get grants for this kind of activity from the federal government, can participate in funding. There is nothing in this Bill that would suggest that we build a highway that we did not plan to be working on any way. That is it is not to go out and just cheerfully a road where it is not needed, but at the point at which a roadway is being repaired, restructured, rehabed then this demonstration project could be the way to do it."

Lindner: "But as the projects stands right now, there is no funding source is that correct?"

Currie: "Well the Department of Transportation does highway work. The question is how are they going to do it. There are good environmental and cost effective reasons for trying to look at crumb rubber asphalt as a legitimate material, to use on Illinois roads, as they are all ready using them in Florida, New Jersey, Colorado. It turns out it is cost effective and of course it does help solve our waste tire

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

138th Legislative Day

May 26, 1994

disposal problem. That is why groups like the Sierra Club and the Environmental Council, among others are strong supporters of this measure."

Lindner: "Thank you."

Speaker McPike: "Representative Stephens."

Stephens: "Thank you, Mr. Speaker. In relation to this Amendment, the, we had a basketball game last night and we used a rubberized asphalt basketball, and it was a surprise to us most of us on this side of the aisle as you know because we walk door to door so much we are very athletic, and our staff tricked us last night at a basketball game where they did their own demonstration project using this rubberized asphalt basketball, and because of that we have a news release that has been issued on this side of the aisle, that well it is just an outrage, Mr. Speaker. I would hope that the staff responsible for these misquotes and actually dilatory remarks about the, about the House Members on this side of the aisle. Well it should be investigated. But, those of you who are wondering whether this rubberized asphalt works, if you are a young want-to-be it works, if your an elected official it just does not quite cut it."

Speaker McPike: "Representative Brunsvold."

Brunsvold: "Thank you, Mr. Speaker. Will the Lady yield?"

Speaker McPike: "Yes."

Brunsvold: "Barbara, Hello. A question about recycling. This was brought up and I was just trying to clear it up in my mind. Right now on an asphalt interstate, like 74, they grind up the layer of asphalt. And then they reuse that asphalt, can they bring up the rubber asphalt and then reuse that again?"

Currie: "They would be taking old tires and there are plants,

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

138th Legislative Day

May 26, 1994

there is a plant in the Rockford area that does this today. They chew up or crumb the old rubber and mix that in various, there are various formulas that you can use. You would also be using asphalt in the same..."

Brunsvold: "What I am trying to get to is, is, if you lay this rubberized asphalt down and then it gets to the point where it needs to be redone again. Would they come back and grind it up, can they reuse that, that ground up asphalt again or is it discarded?"

Currie: "I would assume that they could, Representative. But, I have to tell you, I do not honestly know the answer. But I can not imagine why they could not be able to do that."

Brunsvold: "Because right now, they, the asphalt that they do grind up, in fact when they are tearing up the concrete roads now they are pulverizing that and reusing that as bedding for the new road."

Currie: "I can not see any technical reason why that would not also be possible, if it were, if the asphalt included some crumb rubber components."

Brunsvold: "The only reason I bring it up, one of my concrete people have indicated to me that they can not reuse this rubberized asphalt and I guess that would be one of the negative points to, to this rubberized asphalt."

Currie: "Well the point of this measure is to say, let's find out whether there is some suitable use for this product on Illinois roads. Federal ISTEA language that is all ready law, says that we have to begin looking at the use of crumb rubber asphalt in our highway program. I think we are behind other states in our investigation of the utility, of the value of that kind of approach here, and I think two demonstration projects are not too many in terms of that kinds of objections that people have raised."

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

138th Legislative Day

May 26, 1994

Brunsvold: "Thank you, Representative."

Speaker McPike: "Representative Persico."

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

Speaker McPike: "Yes."

Persico: "Representative, and I apologize if I missed it. Is rubberized asphalt being used in other states? Have they done demonstration projects or...?"

Currie: "Yes, it is, New Jersey, Florida, in fact, I think Florida has pretty much gone to rubberized asphalt, in some parts of Colorado, as well and Newark, New Jersey is only using rubberized asphalt at this point, because their demonstration work showed that this was in the long run a more cost effective approach to highway building and it, of course, it also helps solve a very important environmental problem, and that is the disposal of used tires. So there is a lot of experience in other parts of the country. There are many different formulas that are available to mix with varied amounts of asphalt and the crumb rubber material. And one of the things that is important is how a particular climate responds to the particular formula that is in use, and from the experienced in Florida where it is warm around the Grand Canyon, where it is both very hot and very cold, suggest's that you can do some, some good formula figuring using crumb rubber, I think it is important that we catch up with the other states and that when they put the enforcement mechanism back in the federal ISTEA program. We do not find that we have fallen further and further behind the curve."

Persico: "You mentioned that, that these rubberized asphalt roads have proven cost effective, over the life cycle of a road. Is that what you are mentioning?"

Currie: "That is at least some of the experienced shows that. It

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

138th Legislative Day

May 26, 1994

is true that the crumb rubber material costs more initially, but because of the increased life expectancy of the road, and it's durability. It looks as if it may turn out to be a better approach in the long run than simple asphalt paving. But that is one of the things that we need to find out. How would it work in Illinois, where two demonstration projects is not going to give us perhaps all the information we need, but at least make it possible for us to continue in this area, particularly as the fed's do require us to do so."

Persico: "And how long have these other states been using rubberized asphalt roads? Do you know? Have they, have they been using these roads enough to get good results."

Currie: "Long enough, apparently, long enough apparently that some of them have moved entirely to a crumb rubber program. I believe Florida is in that circumstance, and Newark, New Jersey I think is another."

Persico: "And one last question here. What other advantages have they found besides the cost effectiveness of it over the long run?"

Currie: "The other major advantage is that it helps figure out a utility in waste tires. That rather than filling up landfills, scarce landfill space with old rubber tires, you find a way to recycle and reuse that part of our environment. So it has value in terms of recycling and in terms of saving landfill space, that part of the equation is certainly very important as well."

Persico: "Have they found anything where it can increase the traction of the road? Any results on that road? Any results on that? Any advantages or disadvantages?"

Currie: "I think that there has been conflicting testimony on that front. The studies that I have seen make it pretty

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

138th Legislative Day

May 26, 1994

clear that there is at least as much safety on the roadway when crumb rubber is used in its construction as there in an asphalt. Some of the studies seem to say that actually say that it actually works better to protect, because the traction is better, but not all of them come to that conclusion. Again, I think that may partly reflect the fact that there are different formulas that one can employ in the deciding how much crumb rubber, how much asphalt to use in a particular stretch of road way."

Persico: "Thank you."

Speaker McPike: "Representative Parke."

Parke: "Thank you, Mr. Speaker. When the appropriate time, may we have an electronic roll call on this one, please?"

Speaker McPike: "Have a what?"

Parke: "Can we have an electronic roll call on this vote?"

Speaker McPike: "Yes, yes, Mr. Black asked for that an hour ago."

Parke: "Thank you, I sort of lost track. Thank you."

Speaker McPike: "All right the question is, 'Shall Amendment #9, be adopted?' All in favor vote, 'aye'; opposed, vote 'no'. Mr. Black."

Black: "Yes, thank you, very much. Mr. Speaker, I was going to ask for a verification, but I will withdraw that. But I would like you to poll the downstaters. I want that list."

Speaker McPike: "All right. Have all voted? Have all voted who wish? Have all vote who wish? The Clerk will take the record. On this Motion, there are 83 'ayes' and 33 'noes'. Amendment #9 is adopted. Further Amendments?"

Clerk McLennand: "Floor Amendment #10, offered by Representative Lange."

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

Clerk McLennand: "Floor Amendment #11, offered by Representative

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

138th Legislative Day

May 26, 1994

Dart."

Speaker McPike: "Mr. Dart."

Dart: "Thank you, Mr. Speaker. Amendment #11, would remove provisions dealing with granting of tort immunity. And I'd move for its adoption."

Speaker McPike: "The question is, 'Shall Amendment 11, be adopted?' All in favor say 'aye'; opposed, 'no'. The 'ayes' have it. The Amendment is adopted? Further Amendments?"

Clerk McLennand: "No further Amendments."

Speaker McPike: "Third Reading. Senate Bill 1730, Representative Churchill. The Bill has been read a second time previously. Are there any Amendments?"

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

Speaker McPike: "Is Mr. Churchill around? Mr. Black should I proceed? All right, Representative Sheehy on the Amendment. Representative Homer, for what reason do you rise?"

Homer: "Speaker I think this is being called prematurely. There are some discussions going on about a compromise on this Bill. I suggest that we take it out of the record."

Speaker McPike: "Take it out of the record. Fine. Representative Santiago, Senate Bill 1733. It has been read a second time previously. Are there any Amendments?"

Clerk McLennand: "No Committee Amendments. Floor Amendment #1, offered by Representative Skinner."

Speaker McPike: "Mr. Skinner."

Skinner: "Yes, would you please withdraw the Amendment."

Speaker McPike: "The Gentleman withdraws the Amendment. Further Amendments?"

Clerk McLennand: "No, further Amendments."

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

138th Legislative Day

May 26, 1994

Clerk McLennand: "No, further Amendments."

Speaker McPike: "Third Reading. Senate Bill 33 has been read a second time previously. Are there any Amendments?"

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

Speaker McPike: "Representative Schoenberg."

Schoenberg: "Thank you, Mr. Speaker and Ladies and Gentleman of the House. Floor Amendment #1, becomes the Bill. It amends the Criminal Codes, to create the criminal offense of unlawful interference with access, to or egressed from a medical facility. This is the version, this is the exact identical version that we discussed when this Bill was House Bill 2521, and I think perhaps it is appropriately that we do this today, in light of the fact that there will be a Bill signing ceremony at the White House today, which addresses the same measure. I ask for...move for its adoption."

Speaker McPike: "On the Gentleman's Motion, Representative Roskam."

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

Speaker McPike: "Yes."

Roskam: "Representative does this have any of the language that we have talked about previously, which would set aside an exemption for peaceful picketing, specifically in the Bill, or the peaceful distribution of literature."

Schoenberg: "With in this Bill, all conduct which is protected by the first Amendment, which is I believe the activity which you are referring to, or under section four, which deals with the freedom of speech and section five; the right to assemble and petition of article one of the Illinois Constitution. All that would be exempted, so the answer to your question is yes. Any peaceable and lawful

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

138th Legislative Day

May 26, 1994

distribution of material or anything else protected by those articles of the U.S. and Illinois Constitution would be protected."

Roskam: "What is your definition of peaceful, Representative?"

Schoenberg: "That would be up to the courts interpretation."

Roskam: "For legislative intent, what...what, as the Sponsor of the Amendment. What is your intent of the definition of peaceful?"

Schoenberg: "Where a message is conveyed without any physical threat or physical contact."

Roskam: "Does physical..."

Schoenberg: "Pardon me, physical contact that is construed as being in a threatening manner."

Roskam: "I beg your pardon."

Schoenberg: "Any physical contact which could be construed as being in a threatening manner."

Roskam: "Would walking up to a person and giving them a piece of literature. Would that be construed as being threatening?"

Schoenberg: "No."

Roskam: "Would talking to a person and trying to give them advice about a procedure that they're about to undertake. Would that be considered be threatening?"

Schoenberg: "It would not be considered threatening, nor would the previous question, of someone handing a other piece of literature be considered threatening, unless the individual who is being approached indicated clearly that they did not want to be engaged."

Roskam: "Representative, you know that you and I have had serious disagreement on the substance of this Bill. I just want to say, I appreciate that you chose not to call 2521, in that fashion. I take your representations and am willing to burry the hatchet so to speak."

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

138th Legislative Day

May 26, 1994

Schoenberg: "I am very pleased to hear that."

Roskam: "I stand, however, fundamentally opposed to this. I think that it is, notwithstanding your good intentions. I think that this is subject matter criticism. I think that you are trying to target one type of speech, and this I think is legislation that if passed, we will rue the day that we begun to target specific types of speech, and I would ask and am joined by five Members of my peers, under Rule 55 (c) for a record vote on this. Thank you."

Speaker McPike: "Mr. Salvi."

Salvi: "Thank you, Mr. Speaker. I have a question of the Chair. Is this Amendment germane to the Bill?"

Speaker McPike: "It is germane. Representative Tom Johnson. Mr. Salvi."

Salvi: "Thank you, Mr. Speaker. Would the Sponsor yield for a few questions?"

Speaker McPike: "Yes, he will."

Salvi: "Representative there is no exception in here for animal rights activist for example, who protest in front of research facility. Would you agree that animal rights activist who intentionally hinder a person from entering the research facility, even momentarily, would be guilty of a misdemeanor, under your Bill?"

Schoenberg: "Sir, as I have indicated earlier in debate on this subject matter, whether it was the Bill that Mr. Roskam referred, to or last years measure, that this particular piece of legislation was carefully crafted to address a specific context, a specific set of circumstances, and it has been done so in order to insure that individuals do have, do maintain their first Amendment rights but by the same token, those individuals which seek to exercise there constitutional rights entering a medical facility that they

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

138th Legislative Day

May 26, 1994

are not obstructed physically or harmed physically from exercising those rights."

Salvi: "So Aids Activists picketing the hospital with a controversial aids policy would also be guilty of violating the law. Homeless people who protest a closing a free clinic for example, even members of feminist groups who protest at local hospitals that do not provide abortion, they also would be guilty of violating the law, and they would be guilty of misdemeanor and subject to civil suits as well, under this Bill. Is that right?"

Schoenberg: "As I indicated earlier Sir, the...this is defining the context of medical facilities."

Salvi: "Well, again, my hypothetical would involve a medical facility. I'm just changing the content of the speech in the hypothetical. If two people, Representative are engaged in similar picketing, in front of a medical facility, in front of a clinic. One is involved in a labor dispute, and one is a pro-life demonstrator, will they be treated differently under your Bill?"

Schoenberg: "If the act...if the action and the activity involved qualifies in the context of the medical facility. It would indeed be applicable."

Salvi: "So, based on the content of their speech, based on what they say, not what they do. One is considered a criminal and one is..."

Schoenberg: "Pardon me Sir, that is not correct. It is not based on the content of their speech. It's based on the context of the facility. It is based on the context of dealing with medical facilities. It's not based on the subject matter of the speech."

Salvi: "Your Bill also provides an exemption for employees of the medical facilities. Let me give you a hypothetical,

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

138th Legislative Day

May 26, 1994

Representative. A mom is employee of a clinic, she realizes her daughter is scheduled for an abortion. She meets her daughter outside and attempts to persuade her from having an abortion. Now her conduct is exactly that of the pro-life picketers in front of the clinic. Is she guilty of a misdemeanor, or is her action protected because she is an employee of the clinic?"

Schoenberg: "If an individual, is an employee of the medical facility, that employees action is protected."

Salvi: "So her action is protected not because she is the child's mother, but because she is an employee of the clinic. Is that right?"

Schoenberg: "The individual based on the context of this Amendment. The individuals conduct is protected."

Schoenberg: "So a mother doing the same thing would not be protected, if she is not an employee of the clinic."

Salvi: "Just like any other individual. If the activity, if the activity fits the circumstances and the context of the medical facility if it qualifies under this, then regardless of the relationship with the individual regardless of the content of the speech, it would indeed be applicable."

Speaker McPike: "Mr. Salvi..."

Salvi: "I have...this is very important issue, Mr. Speaker."

Speaker McPike: "I know it is."

Salvi: "I have a few more, one more question and then I would like to make some remarks on this Bill."

Speaker McPike: "That is fine, go ahead."

Salvi: "This is very important. Now one final question, Representative. How does this Bill differ from federal law which the President is going to sign, and why do we need this if this if this becomes law federally?"

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

138th Legislative Day

May 26, 1994

Schoenberg: "Mr. Salvi, perhaps the best way to answer that question would be to look at other measures which we in the legislature conscientiously adopt such as, why do we have, why do we in the legislature pass measures which pertain to car jacking. We do so in order to insure that individuals who are guilty are prosecuted under the fullest extent of the law. Why do we even discuss the measure of whether or not we should ban assault weapons. All the politics notwithstanding. Those who feel strongly on one side of the issue or the other. The premise behind it is because we want to insure in that individuals in that context are prosecuted to the fullest extent of the law. This measure, too, acknowledges that under the current statute there are sufficient opportunities for loopholes in the law as it currently exist, and that is why we are working to have a uniform application of this law, dealing with a context of medical facilities."

Salvi: "To the Bill, to the Amendment, Mr. Speaker. We all know that this Amendment is an attempt to silent pro-life speech at abortion clinics. Strangely the Sponsor of this Bill never mentions abortion, makes no reference to singling out abortion clinics. Because the real purpose of this Bill, is in brazen violation of the U.S. Constitution, that purpose is hidden here. Make no mistake, this Bill is an unconstitutional attempt to silence a constitutional right. Today this legislation, Ladies and Gentleman, is designed to sensor pro-life speech. But tomorrow will it be your speech. In hiding the real target the Bill becomes vague it...."

Speaker McPike: "Representative Parke. Mr. Parke."

Parke: "Mr. Speaker I would like to yield my time to Representative Salvi, please."

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

138th Legislative Day

May 26, 1994

Speaker McPike: "Mr. Salvi."

Salvi: "It is so broad and vague that it would have an unconstitutional chilling effect on the free speech rights of any number of peaceful protesters or gathers who to assemble in front of any medical facility. That would include animals rights activists who are peacefully protesting in front of a medical research facility. If an animal right activist intentionally detains even momentarily a person from entering a research lab he would be guilty of a misdemeanor. And I remind you that hindering would also bring this law into effect, and hindering is defined as quote 'to prevent from acting or to deter.' An aids activist would be guilty of a misdemeanor if he protests in front of a clinic or hospital that has a controversial aids policy. Again, if the protester simply handed out literature to anyone entering the clinic, and hindered the persons entrance however brief, according to this legislation that activist could be guilty of a misdemeanor. All these, those individuals, who were exercising there constitutional right would also be subject to civil law suits under this. The Sponsor specifically exempts the first Amendment. But the first Amendment doesn't need to be listed, doesn't the Constitution always apply. I submit that listing the first Amendment as an exemption is a tacit of admission of it's unconstitutionally, why list it, of course the first Amendment in an exemption, it is to every law we pass. Lastly, I want to close by reading from, 'A Man For All Seasons, Sir Thomas Moore'. 'Somebody said arrest Richard Rich, Sir Thomas Moore. He is a bad guy. He has plans against you. Thomas Moore's friends and family wanted him arrested, saying that he was bad guy and Sir Thomas Moore

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

138th Legislative Day

May 26, 1994

said he did not any break law, Roper said, so now you would give the devil the benefit of the law. Sir Thomas Moore responded by saying yes, what would you do, cut a great road through the law to get after the devil. Roper responded; I'd cut down cut down every law in England to do that. And Sir Thomas Moore responded Oh, and when the last law was down and the devil turned round on you, where would you hide Roper the law all being flat. This country is planted thick with law, from coast to coast. Man's laws, not Gods, and if you cut them down and you are just the man to do it, do really think you could stand up right and the winds that would then.' Yes I would give the devil the benefit of law for my own safety sake. I know you don't like pro-life protesters, you don't like what they say. But what Sir Thomas Moore said that day, is good council for every one in this chamber, no matter where you stand on abortion. I urge a 'no' vote on this Amendment."

Speaker McPike: "Representative Mulligan."

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

Speaker McPike: "Yes he will."

Mulligan: "Representative Schoenberg, could you once again just discuss the genesis of the Bill, or why you're adding this Amendment?"

Schoenberg: "The reason, before I answer the question, I have to say that the previous speaker, though we don't agree necessary on this subject I find his comments to be very eloquent, his logic to be reasonable, and I think it's commendable that individuals in this chamber, can differ in a manor that is civil and fitting. To answer your question. The reason why this, the reason why I am coming forward with this legislation is because federal crimes,

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

138th Legislative Day

May 26, 1994

the President today is going to sign the Bill relating to the federal statute. However, as we know federal crimes are only to be tried in federal court. More over federal crimes, the context...in the context of the medical facilities. Personally I would rue the day, where we had to have Federal Law Enforcement Marshals at any medical facility, whether it is Lutheran General Hospital, or whether it is a clinic. I would think that, this is not done because it addresses the content of the speech. This is a measure as we know in the past that both pro-choice and pro-life Legislators have supported. When we took a vote on House Bill 57 last year, 79 individuals in this chamber, many of whom do not share my view on the abortion issue, voted for this measure, and, in fact, Co-Sponsored it. And the subsequent one on one discussions which I've had with individuals, some of whom have supported, who did not support this last year. The consensus within this chamber appears to be that the level of violence has escalated at medical facilities to the extent where we need to protect not just the individuals seeking to exercise their Constitutional rights, but those individuals who are staff of the medical facilities, whether it's the receptionist at the hospital, whether it's the physician, whether it's the nurse, whether it's the hospital, whether it is clinic, regardless of what kind of medical facility it is. It's for that reason that I've spent countless hours having one on one meetings with Members of this chamber, who are both pro-choice and pro-life. I think that we recognize that this deals with the issue in the context of violence and not in the context of where an individual feels on the abortion question. I am asking that we all hold together the consensus which we have

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

138th Legislative Day

May 26, 1994

developed over the past year, and support this measure once again."

Mulligan: "Representative, if this Amendment is attached and the Bill should pass, would this allow local law enforcement officials to deal with an issue at the time that this is happening?"

Schoenberg: "Yes."

Mulligan: "To the Amendment. Lutheran General Hospital is in my district. A number of years ago, some well meaning protesters blockaded, broke, in and blockaded an elevator where a baby was coming down after crucial surgery, heart surgery. It was just long enough so they did not get that child back to the neo-natal nursery on time, therefore the child did not survive. Now sometimes people are well meaning, and some times they are not. And perhaps many of you read over a year ago in the Daily Harold, an article of an interview with a local woman who was a anti-choice demonstrator that was taken into the city, kept at a hospital at church overnight whipped up in such a frenzy, by the time the next day they went out to demonstrate, she did not know what she was doing. Now I think that legislation, that supports people in the area, keeps things from happening, either by accident, or whips people into such a frenzy that they perform violence whether it's any group, whether it's animal rights activist, whether it is pro-life, pro-choice demonstration, that may harm innocent people in its way, it is good legislation, and I think that what this does, it just simply says that we will not wait for federal officers to come, we can call local law enforcement officials that can deal with a local situation in a different manor. I think it's a good Amendment and I think we should support it, I think it needs to have your

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

138th Legislative Day

May 26, 1994

'aye' vote."

Speaker McPike: "Representative Tim Johnson. Tim Johnson, your light is on. The Gentleman moves the previous question. All in favor...the question is, 'Shall the previous question be put?' All in favor say 'aye'; opposed, 'no'. The 'ayes' have it. The previous question is put. Representative Schoenberg to close."

Schoenberg: "Thank you, Mr. Speaker and Ladies and Gentleman of the House. As I indicated earlier. This is an issue, which both pro-choice and pro-life Legislators have formed a consensus on in dealing with the issue of violence at medical facilities. I urge its adoption."

Speaker McPike: "All right, the question is, 'Shall Amendment #1 be adopted?' All in favor vote 'aye'; opposed, vote 'no'. Mr. Pedersen, to explain his vote."

Pedersen: "Thank you, Mr. Speaker and Ladies and Gentleman of the House. I had wanted to ask questions about why the existing law, would not take care of this without...without special laws for this particular group. I have to commend the Sponsor on his unblemished record of politically correct positions. But I just wonder, why we are selecting this group out for special legislation, with supposedly there are some loopholes out there, but they must benefit all the other protesting groups out there. So on that basis, I think we should not be so selective and so politically correct, as to go after one group make them a special target. I urge a vote 'no'."

Speaker McPike: "Have all voted...Representative Biggins."

Biggins: "Thank you, Mr. Speaker. I would like to explain my 'no' vote. I do not believe the Bill adequately defines a medical facility. We know a very large office complexes in the City of Chicago, that have medical facilities within

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

138th Legislative Day

May 26, 1994

them, and this Bill would preclude anyone from demonstrating outside the Illinois Center, for instance, from any other cause that may be going on inside that property, and penalize them for doing so. It also doesn't adequately explain what procedure is going on inside the medical facility, that causes it to be exempt from any demonstrations in front of it. But I would also like to comment, one the...my colleague earlier in debate used the word geneses, in referring to the genesis of this Bill. And this Bill about Genesis, which is birth, and also very sadly it is about death, the death of the unborn, and I urge everyone to vote 'no'."

Speaker McPike: " Representative Brady."

Brady: "Thank you, Mr. Speaker. Just a moment to explain my vote. I along with many of those voting 'no', I am sure do not believe that anyone should be denied access under the law's of today, but I must vote against this Bill, due to the fact that I think it is too broadly written, and the definition would leave much to interpretation up to the courts. To simply point out one special type of facility in this area is inappropriate, and where I agree with the concept of the author, I think he needs to further refine and define his Amendment."

Speaker McPike: "Representative Skinner."

Skinner: "For the life of me I can not see any difference between the protests that are going on today, and the protests that I saw during the civil rights protests during the 1960's when I was in college. But aside from that, this Bill has a labor union exception, which alone makes it unconstitutional. A Chicago city ordinance, that would prohibit all picketing within 150 feet of a school, except peaceful union picketing, was found unconstitutional by the

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

138th Legislative Day

May 26, 1994

supreme court in the Mosley decision. The court invalidated the ordinance under the equal protection clause of the 14 Amendment. It rendered it impermissible because it singled out one type of picketing, just like this Bill does. Not based on the conduct, conduct of the picketers, but on their intent and motivation. This is clearly an unconstitutional Bill."

Speaker McPike: "Have all voted? Have all voted who wish? The Clerk, will take the record. On this Motion there are 72 'ayes', and 42 'noes'. Amendment #1 is adopted. Further Amendments?"

Clerk McLennand: "No further Amendments."

Speaker McPike: "Third Reading. State and Local Government, Second Reading. Senate Bill 398, Mr. Granberg the Bill has been read a second time previously. Any Amendments?"

Clerk McLennand: "Floor Amendment #1, is on the Bill. Floor Amendment #2, was defeated. Floor Amendment #3, offered by Representative Granberg."

Speaker McPike: "Mr. Granberg."

Granberg: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Amendment #3, to the Senate Bill 398, reflects the agreement between the Illinois Hospital Association, and the Illinois State Medical Society on the issue of economic credentialling. This was an issue last year. Serious negotiations took place during the course of the winter. This Amendment reflects that agreement. There is no opposition."

Speaker McPike: "The question is, 'Shall Amendment #3 be adopted?' All in favor say, 'aye'; opposed, 'no'. The 'ayes' have it. The Amendment is adopted. Further Amendments?"

Clerk McLennand: "No further Amendments."

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

138th Legislative Day

May 26, 1994

Speaker McPike: "Third Reading. Now, Senate Bill 1299, Mr. Homer. Is the Gentleman here? The Bill has been read a second time previously. Are there any Amendments?"

Clerk McLennand: "Amendment #1 was adopted in committee. No Motions filed. Floor Amendment #2, offered by Representative Leitch."

Speaker McPike: "Mr. Leitch. Mr. Leitch please."

Leitch: "Thank you, Mr. Speaker. This relates to sport officials, and some protection which they would like to have and what it does is increase the penalty for attacking a sports official at an event. Increasing that penalty to 2-5 years as opposed to the battery misdemeanor penalty that is now there. Sports officials all over the country have expressed interest in this Amendment and I would ask for a favorable support."

Speaker McPike: "On the Amendment, Representative Dart."

Dart: "Thank you, will the Sponsor yield?"

Speaker McPike: "Yes."

Dart: "Now, this is for sports officials while there is a game going on, and what happens?"

Leitch: "I'm sorry I could not hear your question."

Dart: "What exactly, exactly are...a sports official, there is a game going a on and he gets hit?"

Leitch: "No, this is for in the event a sports official is attacked as a result of something that goes on in the game, either within the premise or immediately outside the premises. That kind of aggressive behavior is penalized and to a greater extent and many of the sports officials in our area, and indeed through the association have described an increasingly difficult time in retaining qualified sports officials out of the fear and the danger that is increasingly occurring in our violent society."

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

138th Legislative Day

May 26, 1994

Speaker McPike: "Representative Turner in the Chair."

Dart: "So, the way I look at this now, if a coach of a basketball team gets in a heated argument with a referee, during the course of a game and he touches him and he touches him..."

Leitch: "No, assaults him..."

Dart: "No, no, no, the Bill says if he commits a battery. Battery can be defined as an unlawful touching. So he does that now, he is going to be charged with a class, what is this Class III felony?"

Leitch: "The intent, if there is a finding that the intent of that assault is aggravated battery, as a result of this call and at this sporting event. You bet."

Dart: "A battery is the unlawful touching of another one. A battery can be me punching you on the shoulder, slapping you on the shoulder, and now we are saying that if you do this to somebody such as a coach who might be an argument with a referee, about a game and in waving his arms he then gets heated, he puts his arm and pushes him a little on the shoulder, now we are talking about finding him guilty of a Class III felony. That's what this reads."

Leitch: "No, that's not, that is not..."

Dart: "No, this is what it says. This is a commission of a battery."

Leitch: "Battery is the intent to do bodily harm to this individual as a result of a sports call."

Dart: "Yes, but your Amendment says that when a battery is committed and the person knows...a battery is when, we are not talking aggravated battery, we are not bodily harm, we are talking a battery, we're talking a mere battery on somebody, which is not a significant act."

Leitch: "We are talking about a person who is committing a battery intentionally or knowingly causes great bodily

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

138th Legislative Day

May 26, 1994

harm, or permanent disability..."

Dart: "No that is is Section (a), you are amending Section (b). Okay, Section (b) is a whole different part in committing a battery. A simple battery, a person commits aggravate battery, if he or she does any of the numerated ones and you have added that he does something to a sports official. This is a simple battery now that we are raising up to Class III felony, so that a coach will be now liable to. This is not aggravate battery, that is Section (a). Section (a) is the bodily harm, Section (b) is a near simple battery."

Leitch: "You know, I think it is very clear in these situations what the intent is, and the extent of the intent, and I think that the official would have to prove that intent. It wouldn't have to be a simple shove or a simple pat on the back or a slap, what we are witnessing all over this country from the little league fields to the soccer games where the people get killed, is an increasing level of violence that is occurring and poor sportsmanship that is occurring, and this would simply, at the request of those who put themselves at risk to officiate the games that are so important in our society, it would give them one more measure of protection and they are very much in favor of this piece of this legislation."

Dart: "We are all for the protection Representative. The problem is though, that there are laws right now that presently would handle this. If someone were to get out of hand and cause bodily harm, bodily harm then that automatic is an aggravate battery. What we're talking about is a simple battery here now and that is what you are doing here, you are changing a simple battery on somebody, because he is an official here is now going to be a Class III felony. There

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

138th Legislative Day

May 26, 1994

are ways to deal with this problem now, I do refereeing myself as well, but I sure as heck would not want to find that somebody got a little heated and pushed me, now all of a sudden is charged with a felony offense, that's getting crazy. I mean there is, just like you, we are against poor sportsmanship but to charge him with a Class III felony..."

Leitch: "I am having a hard time hearing the Gentleman."

Dart: "Poor sportsmanship is one thing, but to charge someone with a Class III felony because of poor sportsmanship, that's a bit much. Because we are not once again talking about great bodily harm here. We are talking about a simple battery, I have tried numerous simple batteries, that is pushing somebody, that is a simple battery, now we are saying if somebody does it to a sports official, a referee, a parent or a coach in the course of arguing a call pushes this person, now they going to be guilty of a Class III felony. I think we're going a little far here."

Leitch: "No, you as many cases in the law, intent is a very important element and certainly in this area it is important element, and what we are seeing happen across the sports fields of this country is more than just a simple push or a shove. If it's a simple push or a shove that can be accommodated, that can be adjudicated, there's judgement put into place in these charges and through the adjudication process, but what is happening, is more serious than that and this Bill, the sports officials believe would be an important deterrent to such attacks, to such violence and to quality of the games."

Dart: "But, present law covers that. Right now if anybody commits an aggravated battery, a great bodily harm on somebody, that's a felony. Whether they're an official or non-official. Right now, if it's a simple battery on

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

138th Legislative Day

May 26, 1994

somebody, a simple battery then you have aggravating factors that can extend the time that some one could be sentenced here. All I'm saying here, an intentional touching of somebody, a battery. Now you've done it to a official, a referee. Now all of a sudden that's a Class III felony. That's something that's going to go on someones record, as a Class III felony. As I said, we have laws to cover this right now. And I just think this is really getting out of the ball park. This is going a little too far."

Leitch: "Well, I guess we disagree and I respect that, but I think what we are talking about is considerably more than simple touching or pushing and it, indeed, comes from the front lines, it comes from the people who are working on this subject everyday, who are at risk from unruly crowds we've seen, we have seen the games themselves put at some risk by having the crowds and the players and those who have become emotionally impassioned, result in a detriment to the games and to, having to reschedule them, and move them to other hours of the day. This will help the sports community it is strongly endorsed, not only here in Illinois but across the United States by the sports officials community and those who care about protecting and retaining the caliber of amateur and professional sports in the United States.

Dart: "And we are all for that, I am for that too. As you say I do some of this stuff myself. But just last night now, Ozzie Smith got into an argument over a call third strike with an umpire in the course of it his helmet while arguing hit the umpire while he was waving around there, intentionally hit him. He cuts the guy now he is a Class III felon?"

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

138th Legislative Day

May 26, 1994

Leitch: "Well if someone's helmet fell off, obviously..."

Dart: "Not fell off, no when he was doing he was waving and he hits him."

Leitch: "That again is a judgement issue, but if a man is complaining and his helmet happened to fall off..."

Dart: "I am not talking about a helmet falling off, I am saying he is waving the helmet and intentionally and intentional action is you realize your conduct can cause certain things. You intentionally do this, you wave it, you hit the person in the face with it. Now our sports figures are guilty of Class III felonies, too."

Leitch: "No, that is not an intent to harm."

Dart: "That is too an intent to harm. I've tried these cases, but that is an intent to harm. You wave something in someone's face, you intend the natural course of your actions. It is like when you fire a gun in someone's direction, you can not say you are marksman and oops you hit you somebody. To the Amendment, Mr. Speaker. I understand the Gentleman's intent here on what he trying to do. But when you raise something up to a Class III felony we should be a little more careful on how we're doing it, the laws that we have right now cover this relatively well. We're cutting out a special group of people, and in doing so now, we are potentially charging parents, athletic players, and other participants at games with Class III felonies, which I think we do some things around here that are a little bit strange, but this thing is going a little bit too far here. As I say, I do some this stuff myself and I sure as heck would not want a parent or an athlete to be charged with a felony because in the course of the heated discussion they might have pushed me. It has gone a little bit too far. Thank you."

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

138th Legislative Day

May 26, 1994

Speaker Turner: "Further comments? The Gentleman from, Will, Representative Wennlund."

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

Speaker Turner: "He indicates he will."

Wennlund: "Thank you, Representative Leitch, the biggest participants in sporting in Illinois, besides professional sports, are kids throughout the state in little league baseball, and soccer and Pop Warner football, and all types of things. Will this also apply to a kid who was poking his finger into a referees chest?"

Leitch: "No, no that I believe would be a juvenile and it would not be at all involved and we're not talking about participants, we're not talking about Billy Martin kicking the sand on the umpire. What we're talking about is the reality of what is occurring at the little league games, the larger games, the World Cup Games, where sports officials who for very little pay, many of them even volunteers are putting themselves at risk to unruly situations and deserve some more protection. And it's something that I know they feel very strongly about, and they feel that they feel it is important to continue the ability to continue to attract high quality sports officials, who are tired of being intimidated, get worn out from being intimidated, and threatened and who deserve to have a measure of protection from unruly fans."

Wennlund: "This makes it a felony?"

Leitch: "Two to five. Yes, Class III."

Wennlund: "It makes it a felony, so you could get two to five years?"

Leitch: "Right."

Wennlund: "Is that correct?"

Leitch: "That is correct."

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

138th Legislative Day

May 26, 1994

Wennlund: "Two to five years, well this would end all professional sports in the State of Illinois, and in the City of Chicago. In a Bulls game, which frequently happens often, where a referee is unlawfully touched or a finger is pointed at at referee's chest, and now we're going to charge him with a felony. To the Amendment, Ladies and Gentlemen of the House. I mean this goes too far. I mean way too far. I mean it is all part of sports. And in every sporting activity, I do not care whether it is Bulls game or a Bears football game, players get involved emotionally in those issues, and often a finger is pointed in the chest, and that constitutes a battery, and now you want to make it a felony. We already have over crowded prisons, but yet we want to put a professional basketball player or professional football player in the slammer for two to five years, this would end all sporting activities in Illinois, this carries it to far, and you ought to vote 'no'."

Speaker Turner: "The Chair would like to recognize former Representative Glen Bowers to the House, Representative Bowers, he is in the back. The Gentleman from Dupage, Representative Biggins."

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

Speaker Turner: "He indicates he will."

Biggins: "Representative I kind of know what you are trying to do here, because I was a sports officials last evening. And I refereed an event between some of the Members and some of the staff that works in this chamber, I will not say which party, because both sides were very abusive towards me, while I was in the arena, while I was leaving the arena. They did not bother me on the way in. Does your Bill direct both entering and leaving the sports arenas?"

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

138th Legislative Day

May 26, 1994

Leitch: "Yes, in fact, that is a very important component of the Bill. Because the parking lots after the game can be very dangerous places for a sports official who has made a controversial call."

Wennlund: "Well, I survived the attacks on me last night. But I think I did that because I have the experience of being in this chamber on a regular basis, and I've kind of have had some experience. But did you happen to consider putting this Amendment on Senate Bill 33, which we debated a few minutes ago regarding entering and leaving a medical clinic?"

Leitch: "No, I frankly hadn't thought of that."

Wennlund: "Well, doesn't it seem right that sports officials should have the same rights as patients entering and leaving medical facilities?"

Leitch: "Well, I don't think that that is a related issue. I understand, and respect your point but, I think that this is an issue that stands alone and should be separately considered."

Wennlund: "Okay, well, I am not sure how I am going to vote on this, but I would request a Roll Call Vote from the Chair."

Speaker Turner: "The Gentleman from Clinton, Representative Granberg."

Granberg: "Will the Gentleman yield?"

Speaker Turner: "He indicates he will?"

Granberg: "Representative Leitch, I understand what you're trying to do, and I applaud you for efforts, but I am just curious about the language. I look in the criminal code and it says, insulting as Representative Dart indicated, 'insulting touching' would qualify for this. So which makes me a little concerned. Because if I would be a parent, and I my friend who is a ref. and I see him after

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

138th Legislative Day

May 26, 1994

the game, because I did not like the way he called the game, because my son was playing. And I pointed my finger and I touched his shoulder and that would be insulting to him that would technically would qualify as a Class III felony."

Leitch: "No. I think that's clearly not the intent of the Bill, and I don't believe that that's what the Bill says. I think you can concoct a number of unreasonable ideas that might be used to attack the Bill. I think everybody in this chamber knows what I am talking about, and they, they understand in this increasingly violent society, that the sports officials are under great pressure, their safety is often greatly endangered and that many of them are retiring from service of sports officials, because of these issues. And they have simply come to us and said to us, we need some more protection."

Granberg: "Representative, I agree with you, because I, what you are intending and what it does, I think, are two separate things and although I admire you because I have friends who are refs, they would technically and sometimes our judges and the criminal justice authorities, they would have the ability to do this. And that is what concerns me, Dave. Because although you may not intend that I think technically they would have the authority to do that. And bothers me a little bit. And I know you're trying to do, so this is not, so I am not trying to be disrespectful. But I would ask my colleagues to, to vote 'no' on the Amendment, because although Representative Leitch is well intended, I believe that this goes much, much too far. And to give the authorities the ability to give some one a Class III felony for putting their finger on a ref's chest or their shoulder is not what we are about right here, and

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

138th Legislative Day

May 26, 1994

I would ask for a 'no' vote."

Speaker Turner: "The Gentleman from Cook, Representative Levin."

Levin: "Would the Gentleman yield?"

Speaker Turner: "The Gentleman indicates he will."

Levin: "All right, I have Wrigley field in my district, and my question is, what is immediate vicinity? If a sports, an umpire, we all love umpires, has left Wrigley field, and is two block away and is walking to his car and accidentally is bumped by a resident of Lakeview, does this cover that situation and make that person guilty of aggravated battery?"

Leitch: "If the person that attacked him and knowingly knew and was attacking him as result of the sports call or the sports dispute while he was walking to his car I would believe it would be."

Levin: "So, in other words, somebody watches the game on television, isn't even there and after the game happens to be on the street, sees the umpire, accidentally bumps into him he's guilty of aggravated battery? You know he lives in the Lakeview area? You know just come downstairs from his house or apartment?"

Leitch: "Well, I do not think it much matters whether he watched the disputed call on television or whether he was actually in the arena, if he went out looking for the official, and ran into him as he was coming out of the arena or away from the field. It's the same, same motive and the same issue and we're not talking about trivial, trivializing issues here. What do we have to do, wait for the next little league ref. to get hit in the head in with the ball bat and then wonder why we haven't done more to protect these sports officials, and have some other gross injuries occur. I do not think we should wait for those things. I think we

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

138th Legislative Day

May 26, 1994

should do all we can now, to make the games safer and to send a strong signal from this General Assembly, that we will not tolerate violence against sports officials."

Levin: "Now, does this apply to little league umpires as well?"

Leitch: "I could not hear your question."

Levin: "Does this apply, is what you are saying is this doesn't just apply to professional umpires, it applies to little league umpires as well? So a child, somebody who's 13 years of age, bumps the umpire it effects him as well?"

Leitch: "No, I think child issues, are covered over the juvenile code, and I think that is a very different situation."

Levin: "I am sorry, I did not hear your answer. Does this apply to non-professional sport teams, does it apply to little league?"

Leitch: "This covers sporting events that are officiated, at every level."

Levin: "So it would cover little league, and in other words..."

Leitch: "You bet it would."

Levin: "A kid who does not like a call, and bumps the umpire, all of a sudden has committed aggravated battery."

Leitch: "If a kid not bump the umpire, but if a kid took out a ball bat, and whacked thr umpire and caused some serious damage, it would be a crime under this act. But as you know very well, he would go to juvenile court and through that process."

Levin: "So this then applies, first of all to young people, to people in little league and secondly it applies to people who happen to watch it on television, who happen to live around the area of a sports stadium and end up on the streets at the virtuous time. I could see making this an aggravating factor, but to make it aggravated battery I think it goes a little too far. And I agree with many of

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

138th Legislative Day

May 26, 1994

the previous speakers, that this may be an idea, that it is gem of a good idea here, but not the way it is drafted on this Amendment."

Leitch: "You might be interested to know that park officials are already covered under this Bill."

Speaker Turner: "The question is, 'Shall Amendment #2, be adopted?' All those in favor should vote 'aye'; all those opposed, vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk, will take the...Schoenberg, votes 'no', Flowers, votes 'no'. The Clerk, will take the record. This Amendment having received 18 'yes', and 91 'noes'...this Amendment having receive 18 'yes', 92 'noes' is hereby declared a loss. Further Amendments, Mr. Clerk?"

Clerk McLennand: "Floor Amendment #3, offered by Representative Stephens."

Speaker Turner: "Withdraw...out of the record. Withdraw Amendment #3. Further Amendments, Mr. Clerk?"

Clerk McLennand: "Floor Amendment #4, offered, by Representative Tom Johnson."

Speaker Turner: "The Gentleman from Kane, Representative Hoeft. For what reason do you rise?"

Hoeft: "Thank you, Mr. Speaker. As a matter of personal privilege, I would like to say Happy Birthday to two of my colleague here in this chamber, Representative Schakowsky and Representative Rutherford. The black balloons over there are in honor of the fact that she has just started her first day of the her second half century and it is a very difficult day for Jan, and Mr. Rutherford is in his 39th year and I being the dean of the group have a birthday today also and would like to invite to all the staff and chamber Members to a sheet cake down here and I turn my

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

138th Legislative Day

May 26, 1994

time over to fellow birthday, Representative Schakowsky."

Speaker Turner: "The Lady from Cook, Representative Schakowsky."

Schakowsky: "Thank you, Speaker. I rise also on a point of personal privilege. In having reached such a ripe age I feel that I have permission to do so. I also want to extend my Happy Birthday wishes to Representatives Hoeft, and Rutherford and in honor of that birthday I have prepared a object d'art, that I would like to unfure right now. Democrats are into banners I guess, and Republicans should be honored by one. This is viente y seis de mayo flag. With three stars, you will notice that mine is a star of David, and I will put this in the back of the hall in commemoration of our joint birthday and invite you all to have some cake on our side of the aisle too. And hope that some of the Republicans will also come over to our side and have some of the black roses. Thank you, Mr. Speaker."

Speaker Turner: "I would like to wish happy birthday to all those Members and the Chair would like to note that Representative Rutherford seems to hiding in the back of the room, I don't know if there is some reason for him ducking and dodging, but we would like to let him know that 39 is not a bad old age. The Gentleman from Dupage, Representative Biggins."

Biggins: "Thank you, Mr. Speaker. I would like to speak on a matter of personal privilege, and that is today is also the birthday of the President of the State Senate, Senator James Pate Philip, and I would like to acknowledge that and also he is noted for many..."

Speaker Turner: "Representative..."

Biggins: "He is noted for many things one of which he is the last one to see most of the House Bills alive this year."

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

138th Legislative Day

May 26, 1994

Speaker Turner: "Representative Biggins you were not recognized for that purpose. Amendment #4, the Gentleman from DuPage, Representative Johnson on Amendment #4."

Johnson, Tom: "Yes, Mr. Speaker. I know that everybody supports this Amendment in this House now, so in that case I am going to withdraw this Amendment."

Speaker Turner: "Withdraw Amendment #4, further Amendments Mr. Clerk?"

Clerk McLennand: "Floor Amendment #5, offered by Representative Biggert."

Speaker Turner: "Withdraw, #5. Further Amendments Mr. Clerk?"

Clerk McLennand: "Floor Amendment #6, offered Representative Granberg."

Speaker Turner: "The Gentleman from Clinton, Representative Granberg."

Granberg: "Thank you, Mr. Speaker and Ladies and Gentleman of the House. Amendment #6, embodies House Bill 3061, which passed this Body, with some 80 votes. Dealing with willfully failing to pay mechanics liens, allows for reasonable attorney fees, and I would move for its adoption."

Speaker Turner: "The Lady from DuPage, Representative Biggert."

Biggert: "Thank you, Mr. Speaker. A point of order. Is this Amendment germane?"

Speaker Turner: "Representative Biggert, your point is well taken and the Amendment is not germane. Further Amendments, Mr. Clerk?"

Clerk McLennand: "Floor Amendment #7, offered by Representative Dart."

Speaker Turner: "The Gentleman from Clinton, Representative Granberg."

Granberg: "Thank you, Mr. Speaker, I rise on the point of

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

138th Legislative Day

May 26, 1994

personal privilege. Just to compliment the Chair and the Parliamentarian for their always, always fair rulings, where they don't take party into consideration."

Speaker Turner: "The Chair and the Parliamentarian appreciates the compliment Representative Granberg, and I am certain so does the rest of the chamber. Further Amendments, Mr. Clerk? Representative Dart, the Gentleman from Cook on Amendment #7."

Dart: "Thank you, Mr. Speaker, Members of the Assembly. Amendment #7 is the safe neighborhoods Amendment. I've talked about extensively and I would be happy to answer any questions, otherwise I'd move for adoption."

Speaker Turner: "Seeing no questions. The question is, 'Shall Amendment #7 pass?' All those in favor should say, 'aye'; all those opposed say, 'no'. The opinion of the Chair the 'ayes' have it. And Amendment #7 is adopted. Further Amendments Mr. Clerk?"

Clerk McLennand: "Floor Amendment #8 offered by Representative Ryder."

Speaker Turner: "The Gentleman from Jersey, Representative Ryder on Amendment #8. Withdraw Amendment #8. Further Amendments Mr. Clerk?"

Clerk McLennand: "Floor Amendment #9, offered by Representative Homer."

Speaker Turner: "Representative Homer on Amendment #9, the Gentleman from Fulton."

Homer: "Thank you, Mr. Speaker. This is an Amendment that was agreed to in committee, that amends the main Bill, which deals with troubled damages, for...against those who break into coin operated machines and this provides the word actual be added. It was added at the request of the ISBA. I would move the adoption of Amendment #9."

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

138th Legislative Day

May 26, 1994

Speaker Turner: "The Gentleman from Will, Representative Wennlund."

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

Speaker Turner: "He indicates he will."

Wennlund: "Representative Homer, it inserts the word actual after treble so it's treble actual damages?"

Homer: "Right, that is correct. The ISBA said the offense could be committed, under the Bill by near possession of tools with the intent to break into a machine. But they pointed out that where there was no actual damage to the machine, there shouldn't be treble damages. So we agreed we would insert the word actual so that this provision would only kick in if there were some actual damages."

Wennlund: "So, after the Amendment it would read treble actual damages?"

Leitch: "It may sound a little awkward. But I think that is the purpose of it. So we would only, in other words; we would only make this applicable where there were actual damages. Three times the actual damages."

Wennlund: "Ah, okay thank you very much."

Speaker Turner: "The Lady...no further questions, the question is, 'Shall Amendment #9 be adopted?' All those in favor should say, 'aye'; all those opposed, say 'no'. In the opinion of the Chair the 'ayes' have it. And Amendment #9 is adopted. Further Amendments, Mr. Clerk?"

Clerk McLennand: "No, further Amendments."

Speaker Turner: "Third Reading. Representative Kaszak, for purposes of an introduction."

Kaszak: "Today, I have the great pleasure of introducing the Laotian American community. They are representatives here from the Aurora, Elgin and Chicago areas. And Representative Doug Hoeft, and Representative Carrol Ronen,

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

138th Legislative Day

May 26, 1994

and I are hosting them. They're going to be performing in the rotunda, between 12 and 1. They're going to be doing a batchi ceremony, which is a ceremony that has been, a presentation of which had been funded by the Humanities Council in the past. With me I have three individuals. First I have Mr. Neam Suvansat is here, and I have Sisfat Panya thap, who is head of the Chicago Lao America, and I have probably the first budist monk who is going to be introduced on the House Floor, Reverend Ratanna. Being distributed now are announcements on the ceremony that will occur down stairs and also a basket that they have prepared that has the name Laose on it. Thank you, I welcome you all to come down."

Speaker Turner: "On the Order of State and Local Government. We have Senate Bill 1322, Representative Black. The Gentleman from Will, Representative Wennlund."

Wennlund: "Thank you, Mr. Speaker I will handle the Bill for Representative Black."

Speaker Turner: "Seeing how you are one of the Co-Sponsors, we'll let you proceed. Proceed. Read the Bill, Mr. Clerk."

Clerk McLennand: "Senate Bill 1322 has been read a second time previously, Amendment #1 was adopted in committee. No Motions filed. Floor Amendment #2, offered by Representative Black."

Speaker Turner: "Representative Wennlund on Amendment #2."

Wennlund: "Thank you, Mr. Speaker. Floor Amendment #2 provides that after June 1, 1995 persons can not be nominated for General Assembly Scholarships, and General Assembly scholarships may not be awarded after that...I withdraw that Amendment, Mr. Speaker."

Speaker Turner: "Withdraw Amendment #2. I am glad to see Representative Black is back, therefore we'll get this

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

138th Legislative Day

May 26, 1994

stuff straight. Further Amendments, Mr. Clerk?"

Clerk McLennand: "Floor Amendment #3, offered by Representative Weaver."

Speaker Turner: "The Gentleman from Coles, Representative Weaver."

Weaver: "Thank you very much, Mr. Speaker. This Amendment eliminates the Board of Governors the Board of Regents. This is an Amendment..."

Speaker Turner: "Mr. Clerk, excuse me, excuse me, Mr. Weaver. Mr. Clerk, has that Amendment been printed and distributed?"

Clerk McLennand: "This Amendment has not been printed and distributed."

Speaker Turner: "Withdraw Amendment #3. It has not been printed and or distributed. The Gentleman from Coles, Representative Weaver."

Weaver: "I hate to correct the Chair. But you can not withdraw that Amendment. You have to move to table, but I am the only one who can withdraw that Amendment. That Amendment was filed last week."

Speaker Turner: "I'll ask the Clerk one more time. Mr. Clerk, has that Amendment been printed and distributed? He informs me that the Amendment has not been printed nor distributed. The Gentleman from Vermilion, Representative Black."

Black: "Thank you very much, Mr. Speaker. I know the underlying Amendment. The Amendment is very important to Representative Weaver. I take full responsibility for failing to communicate with him. We had an agreement that this is the monetary award Bill and it would stay clean. And if Representative Weaver would except my apologies for my failure to communicate, I would ask him to withdraw the

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

138th Legislative Day

May 26, 1994

Amendment."

Speaker Turner: "The Gentleman from Coles, Representative Weaver. And Representative Weaver let me apologize, I guess because of the size of this Amendment, the printing requirement was waved. Because it's, well..."

Weaver: "Well, I understand that, I guess that I am a little bit chagrined at all these past Sessions I have been fighting the other side of the aisle, and now I find that I am fighting my own people on trying to get this Amendment turned into law, so, I guess in the interest in trying to work with my own party, I'll withdraw the Amendment."

Speaker Turner: "Thank you, Representative. Withdraw Amendment #3. Further Amendments, Mr. Clerk?"

Clerk: "No further Amendments."

Speaker Turner: "Third Reading. On the Order of State and Local Government. We have Senate Bill 1365, Representative Kubik. Read the Bill, Mr. Clerk."

Clerk McLennand: "Senate Bill 1365 has been read a second time previously. Amendment #1 was adopted in committee. No Motions filed. Floor Amendment #2, offered by Representative Hoffman."

Speaker Turner: "The Gentleman from St. Clair, Representative Hoffman on Amendment #2. The Gentleman from St. Clair, Representative Hoffman on Amendment #2."

Hoffman: "Yes, Mr. Speaker Ladies and Gentleman of the House. Floor Amendment #2, would address the situation in St. Clair County. We recently passed the Metro Link tax. This is an Amendment for the local car dealers and large merchandise retailers, which would limit and cap that tax of \$3,000. I ask that it be adopted."

Speaker Turner: "The Gentleman from Cook, Representative Kubik."

Kubik: "Thank you, Mr. Speaker. The Sponsor of the Amendment,

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

138th Legislative Day

May 26, 1994

has spoken with the Republican side of the aisle. This is agreeable, my understanding is that this Amendment is also agreeable to the new car dealers association as well. So I would support the Amendment."

Speaker Turner: "The Gentleman from Will, Representative Wennlund."

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

Speaker Turner: "He indicates he will."

Wennlund: "Representative, if I understand this Amendment correctly, it applies only to the Metro East Transit district?"

Hoffman: "Yes, and last year we passed the referendum, increased by .75 cents. The sales tax in that area. This would say after \$3,000 sale that does not no longer apply, the car dealers in the area."

Wennlund: "Not \$3,000 in tax. You are talking about \$3,000 in a sale, like a \$30,000 car you only pay the 3/4% on the first \$3,000 on a \$30,000 car?"

Hoffman: "Yes, and the reason is, because of what was happening is being close to St. Louis it puts the car dealers at a huge competitive disadvantage when we are talking about a \$30,000 purchase."

Wennlund: "Who collects that tax now? Department of Revenue?"

Hoffman: "Yes. Well I apologize, because the tax has not went into effect, nobody collects the tax. We passed a referendum putting it in place, but until January 1995, the tax doesn't go into effect, so no body presently collects the tax, but they will January 1995."

Wennlund: "What...this allows the tax rate of a quarter percent for the sale of any item in excess of 3,000."

Hoffman: "Right, the new tax which the referendum which passed is only half of 1%. So what would happen is after the \$3,000

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

138th Legislative Day

May 26, 1994

limit. That would, it would go back down to the one quarter of a percent. Which is already in existence."

Wennlund: "So that you mean that quarter percent that was referred to into Amendment is already in existence?"

Hoffman: "Yes."

Wennlund: "And that applies from 3,000ib up to 30 or what ever it is."

Hoffman: "Everything, that is, that has been in existence for many years. The Referendum which passes St. Clair County put on a or the Metro Transit District, put on a tax an additional one half of a percent, one half of cent, one half cent."

Wennlund: "Thank you very much, Mr. Speaker, with respect to this Amendment and pursuant to Rule 55 (c), I would ask for a record vote on this Amendment and I am joined by four of my colleague here and in requesting a record on this Amendment. Thank you."

Speaker Turner: "The Lady from Cook, Representative Murphy."

Murphy, M.: "Yes, will the Sponsor yield for a question?"

Speaker Turner: "He indicates he will."

Murphy, M: "Just a couple of hours ago Representative, we heard about why a Member on my side of the aisle had gone around the bipartisanship of our Revenue Committee process, that the Chairman outlined. And I wondered when we are trying to, we have so many things on this Bill already, so many Amendments, that the rest of our colleague better be heads up on. Because this is one of those Bills that have at least eight or ten other Bills on it, that now you come forward with a Amendment beyond what was adopted in committee. I wondered if you had spoken to the Chairman or other Members of the Revenue Committee about this?"

Hoffman: "Well, Representative this did not go through Revenue,

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

138th Legislative Day

May 26, 1994

it went through Executive."

Murphy M.: "I know."

Hoffman: "Executive."

Murphy, M.: "It went through Executive."

Hoffman: "Yes."

Murphy, M.: "But we attaching to a Revenue Bill. And just like my college over here Representative Salvi, was chited by the Chairman for bring up a idea, that he felt was good. We have talked about the bipartisanship of our committee. How the Revenue Committee really works as to how these different Bills fit into the code. And I question how this is going to add to the already weighty Bill, that is going to be before this Body, is there some other place you could put this Amendment, Representative?"

Hoffman: "Well, I do not believe so. Let me say this. I have worked on a bipartisan basis on this Bill, with Representative Kubik. I am not trying to make this a partisan issue at all. This is something that the New Car Dealer's Association came to me and I made a commitment to them, when we passed this referendum, in St. Clair County. That I would do everything I can to elevate the pain that they may feel because of this new tax. So, if you, want to go ahead and you want to vote against the New Car Dealers Association, if you want to go ahead and send all.."

Murphy, M.: "Pardon me, Representative."

Hoffman: "All the auto business to Missouri, go ahead and vote against it. But don't chide me on some bipartisan inconsequential crap."

Murphy, M.: "Well, no I was not Representative. But I apologize for your language on the House Floor. But at any rate, I was seriously trying to pursue, where this idea came from. And we're trying to keep Floor Amendments off of 1365, that

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

138th Legislative Day

May 26, 1994

I myself withdrew. And to the question, since I am trying to find out whether I can support this idea, Representative. Is it simply about the use, the new car dealers. Is is anything over 3,000, so you are going to the high ticket items, is it cumulative, if someone purchases a boat and a trailer, can you..."

Hoffman: "It is not only cars, it would be boats and trailer. I guess possibly swimming pools, or whirl pools or whatever, anything over \$3,000 it is not limited. We want to be fair at this."

Murphy, M.: "Not vehicles. It is not limited to vehicles?"

Hoffman: "It is not limited to vehicles."

Murphy, M.: "Okay, so any purchase, a fur coat. Over \$3,000..."

Hoffman: "Right."

Murphy, M.: "Could be?"

Hoffman: "Right, a single item, a single item, over \$3,000. So if it cumulative over \$3,000. It would apply. A single purchase, over \$3,000."

Murphy, M.: "Also this is only for those of us who fear, voting for tax increases, it is only for St. Clair County, a tax that has already been voted on by referendum, in St. Clair County?"

Hoffman: "Right, this is actually a tax decrease. The practical effect, is that this is going to cap sales taxes that are going into existence..."

Murphy: "It will encourage the purchase of high ticket items to remain in your county."

Hoffman: "Right, and this referendum passed with about 70% of the vote."

Murphy: "Right, thank you. To the Amendment. Since this is being brought forward, by Representative for his area, I have no objection to it. I was not chiding the

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

138th Legislative Day

May 26, 1994

Representative. I was simply illustrating the process, that we have been hearing about on the Revenue Committee, and it is something that we act and are very proud of, and I just wanted to make sure that we weren't, I wanted to illustrate that we were not trying give preferential treatment from one colleague to an other, no matter what his partisanship. So again thank you for illustrating the depth of this Amendment."

Speaker Turner: "The Gentleman from Madison, Representative Stephens."

Stephens: "Thank you, Mr. Speaker. I am sorry that this has gotten, taken on the tone of a partisan discussion. It should not be. This is an economic development issue that is important to the Metro East area. The Representative is exactly right, that the tax portion of this has already passed and actually voted by referendum with a 70 to 30% margin. This simply allows the continued sale of high ticket items with no penalty. And I think that Representative Hoffman should be congratulated. I would hope that since we have requested a Roll Call Vote that Members of our side of the aisle, will join in helping what is an important vote for me."

Speaker Turner: "The question is, 'Shall Amendment #2 be adopted?' all those in favor should vote 'aye', all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? The Clerk, shall take the record. On this question there are 112 voting yes, 1 voting 'no'. This Bill, this Amendment having receive...the Amendment is now adopted. Further Amendments, Mr. Clerk? The Gentleman from Peoria, Representative Leitch."

Leitch: "I would like after this Bill to have a Republican

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

138th Legislative Day

May 26, 1994

Conference, please."

Speaker Turner: "We will get back to you. Further Amendments, Mr. Clerk?"

Clerk McLennand: "Floor Amendment #3, offered by Representative Salvi."

Speaker Turner: "Withdraw. Further Amendments, Mr. Clerk?"

Clerk McLennand: "No further Amendments."

Speaker Turner: "Third Reading. Representative Leitch, for how long do you anticipate the need for this conference?"

Leitch: "Probably about an hour."

Speaker Turner: "Representative Leitch, you said you need approximately one hour?"

Leitch: "Yes, Sir."

Speaker Turner: "Okay, the Republicans will, the House will adjourn for a caucus...recess for a Republican Caucus in room 114..."

Leitch: "Room 118."

Speaker Turner: "118, and we will return at the hour of 12:15. 1:15."

Leitch: "Thank you."

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

Giglio: "Thank you, Mr. Speaker. Since the Republicans are going to caucus and the Democrats are not. Then I suggested that our Democrats go out and get a nice hot lunch. It may be a long evening."

Speaker Turner: "Your point is well taken, Democrats should go to lunch, be back at 1:15."

Speaker McPike: "The House will come to order. Representative McPike in the Chair. Committee Report."

Clerk McLennand: "Committee Report offered by Representative Giglio, Chairman from the Committee on Rules, to which the following Resolutions was referred, action taken on May 26,

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

138th Legislative Day

May 26, 1994

1994, reported the same back with the following recommendation: 'do adopt' House Resolution 2829.

Speaker McPike: "Adjournment Resolution."

Clerk McLennand: "SENATE JOINT RESOLUTION #171. RESOLVED, BY THE SENATE OF THE EIGHTY-EIGHTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that when the two Houses adjourn on Friday, May 27, 1994, the Senate stands adjourned until Wednesday, June 1, 1994, in Perfunctory Session; and when it adjourns on that day, it stands adjourned until June 3, 1994, in Perfunctory Session; and when it adjourns on that day, it stands adjourned until June 8, 1994, in Perfunctory Session; and when it adjourns on that day, it stands adjourned until June 10, 1994 in Perfunctory Session; and when it adjourns on that day, it stands adjourned until June 13, 1994, at the hour of 3:00 o'clock p.m.; and the House of Representatives stands adjourned until Wednesday, June 1, 1994, at 12:00 o'clock noon; and when it adjourns on that day, it stands adjourned until Thursday, June 2, 1994; and when it adjourns on that day, it stands adjourned until Friday, June 3, 1994; and when it adjourns on that day, it stands adjourned until Tuesday, June 7, 1994, at 12:00 o'clock noon; and when it adjourns on that day, it stands adjourned until Wednesday, June 8, 1994; and when it adjourns on that day, it stands adjourned until Thursday, June 9, 1994; and when it adjourns on that day, it stands adjourned until Tuesday, June 14, 1994, at the hour of 12:00 o'clock noon. Adopted by the Senate May 26, 1994."

Speaker McPike: "Representative Granberg moves for the adoption of the Adjournment Resolution. All in favor say 'aye'; opposed, 'no'. The 'ayes' have it. The Adjournment Resolution is adopted. Representative Turner."

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

138th Legislative Day

May 26, 1994

Turner: "Thank you, Mr. Speaker. I would like to...the record to reflect that on Senate Bill 33, Amendment #1, that I should have been recorded as voting 'yes', but I was recorded as voting 'no'."

Speaker McPike: "Thank you. House Bills First Reading."

Clerk McLennand: "First Reading of House Bills. House Bill 4249, offered by Representative McAfee, a Bill for an Act to amend the Unified Code of Corrections. First Reading of this House Bill."

Speaker McPike: "Senate Bill 1369 has been read a second time, previously. Are there any Amendments?"

Clerk Rossi: "Amendment #1 was adopted in committee. Floor Amendment #2 has been adopted to the Bill. Floor Amendment #3, offered by Representative Currie."

Speaker McPike: "Representative Currie."

Currie: "Thank you, Speaker and Members of the House. This Bill does...this Amendment does two things. It, first of all, provides that relatively inexpensive watercraft will not be...the sales transactions for those watercraft will not be individually reported to the Department of Revenue, but the sales taxes will be reported in the quarterly fashion that now applies to some of the other items; and secondly, it provides that an owner of a shop selling watercraft may have an 18-month period to sell a demonstration object without having to pay sales taxes. Current law requires that sale within a one-year period or the dealer is responsible for the full sales tax. The measure, both pieces of this measure represent an agreement between the Illinois Retail Merchants Association and the Department of Revenue. There is not expected to be any revenue loss to this state by virtue of this Amendment, but it will make paperwork a lot easier for both the department and the

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

138th Legislative Day

May 26, 1994

individual sales facility and the opportunity to sell a demonstration craft in a two-year season rather than a one is certainly helpful to merchants. I'd be happy to answer your questions and would appreciate your support for the Amendment."

Speaker McPike: "The question is, 'Shall Amendment #3 be adopted?' There being no discussion, all in favor of the Motion say 'aye'; opposed, 'no'. The 'ayes' have it, and the Amendment's adopted. Further Amendments?"

Clerk Rossi: "Floor Amendment #4, offered by Representative Tom Johnson."

Speaker McPike: "Representative Johnson."

Johnson, Tom: "Yes, House Amendment #4 is a suggestion on the Illinois Department of Revenue. It was previously passed out of committee under House Bill 3659. And this is really to correct, under the Cannabis and Controlled Substances Tax Act, a court decision in which it was questioned whether or not the current penalties under certain taxes were constitutional or not, and what this would do is increase some of the tax factors but decrease the penalty which was the unconstitutional portion. I would ask that this be adopted."

Speaker McPike: "The Gentleman moves for the adoption of Amendment #4. And on that question, Representative Dart."

Dart: "Thank you. Will the Sponsor yield?"

Speaker McPike: "Yes, he will."

Dart: "Representative, what we're doing with this Bill, there's presently a tax on cannabis. How exactly is that collected?"

Johnson, Tom: "The tax, I believe, Representative, and I'm trying to review this quickly now, is currently collected by the agents of the Department of Revenue."

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

138th Legislative Day

May 26, 1994

Dart: "Who do they collect it from?"

Johnson, Tom: "These are people who are dealing in drugs that are subsequently arrested, I think, and that's really where I think they go after them."

Dart: "Are these criminals then is this like an addition to a fine or something?"

Johnson, Tom: "Well, yes. In fact, if you were caught violating the Controlled Substances Act, obviously that's a crime, and you're subject to fine or jail or whatever, but in addition to that, what has been done is that there is also a tax on the controlled substance that can be collected and it has not been real successful under the previous laws, I understand it."

Dart: "We haven't collected much?"

Johnson, Tom: "Not that much. No, and I believe that this will help enhance that collection process."

Dart: "Okay, and my final question on this Amendment is what we're doing basically is we're increasing the taxes or raising them here in this one?"

Johnson, Tom: "We're increasing the tax but decreasing the...the penalty."

Dart: "Okay. All right. Thanks."

Speaker McPike: "Further discussion? The question is, 'Shall Amendment #4 be adopted?' All in favor say 'aye'; opposed, 'no'. The 'ayes' have it, and the Amendment's adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker McPike: "Third Reading. Senate Bill 1421, has been read... Representative Woolard in the Chair."

Woolard: "Thank you, Mr. Speaker and Ladies and Gentleman of the House. It is indeed a pleasure for me to introduce to you. The real Governor of the State of Illinois. I think that

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

138th Legislative Day

May 26, 1994

all of you are aware that we in this state have had a youth in government program, for many years. But I think probably most of you would be surprised to know that a couple of times out of the last three elections, that person has come from my district who has been selected as governor. It is indeed a pleasure for me to introduce to you, Mr. Matt Wolfe, from Sesser Illinois, the real Governor of the State."

Wolfe, Matt: "Thank you, thank you. I would also like to in turn introduce some fellow delegates, and also a past delegate. Craig Garner, and Chip Bassa; who served as a Senator this past year. The last time I stood at this podium, I was about to give my final address as Governor to the assembly at the youth of Government program. As I look out amongst the room here I see friends, I see lots of memories that you people have help make possible. And I just want to take this opportunity on behalf of the Youth in Government Program, to thank each and every one of you, for making it possible for us to use these fine facilities. And also personally invite any of you, any time to, in March, come and witness the Assembly first hand, it's really quite a thing to see. Thank you, very much."

Speaker McPike: "Representative McPike in the Chair. Senate Bill 1421, has been read a second time previously, are there any Amendments?"

Clerk Rossi: "Amendment #1, was adopted in committee. No Motions have been filed, Amendment #2, lost in committee. Floor Amendment #3, offered by Representative Zickus."

Speaker McPike: "Representative Zickus. The Lady withdraws the Amendment. Further Amendments?"

Clerk Rossi: "Floor Amendment #4, offered by Representative Granberg."

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

138th Legislative Day

May 26, 1994

Granberg: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Floor Amendment #4, is a technical Amendment. Senator Madigan, the Chairman of the Pensions Committee, and I have talked. Our intent is to put this Amendment on in the House, send the Bill back to the Senate, they will non concur with this Amendment in order to have a vehicle Bill, and we are going to continue our discussions in order to arrive at a legislative compromise to begin fully funding the pension systems. And I would ask for the adoption of the Amendment."

Speaker McPike: "Mr. Parke."

Parke: "Thank you, Mr. Speaker. I would like to know if the Sponsor of this Amendment would yield for a question?"

Speaker McPike: "Yes, he will."

Parke: "Thank you, very much, Representative Granberg, it is my understanding that with this agreement, is it your intention if we can not come to a workable conclusion, that this Bill will not move, or do you have an intention of doing anything other than working in good faith which you have personally have committed to try to do, to try to come up with an answer on this issue. Will it move, whether our side agrees or the Governors office agrees to it?"

Granberg: "Senator Madigan, and I have not talked about that alternative. Our strategy is to try to arrive at a solution amongst both, between the two chambers. We have not dealt with any other possibility."

Parke: "Well, I appreciate that you are trying to deal with the Senate on this legislation. Have you been working with Representative Zickus, on our side, to try and come to same kind of agreement within the Illinois House."

Granberg: "Yes, I have kept Representative Zickus informed of any and all progress that we are attempting to make, Ann will

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

138th Legislative Day

May 26, 1994

know everything that goes on."

Parke: "Thank you, Representative."

Speaker McPike: "Question is, 'Shall Amendment #4, be adopted?'

All in favor say, 'aye'; opposed, 'no'. The 'ayes' have it. The Amendment is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker McPike: "Third Reading. Senate Bill 1515, has been read a second time previously. Are there any Amendments?"

Clerk Rossi: "Senate Bill 1515. Floor Amendment #2 has been adopted to the Bill. Floor Amendment #3, was withdrawn, Floor Amendment #4, offered by Representative Biggert."

Speaker McPike: "Representative Biggert."

Biggert: "Thank you, Mr. Speaker. Floor Amendment #4, is as a result of a commitment that I made on the...in committee that I would with the public defender's office. And this was the Amendment that was offered to, in response for hearings, that requires the finding of probable cause, in a juvenile hearing. Under current law, juvenile is either detained or sent home, and this is really kind of a in-between. Where if they are sent home there are conditions placed on the juvenile in the case, particularly in the case where there might be a gang situation, and in the Bill it had no probable cause determination, so this is putting conditions on freedom and the penalty as contempt of court. But this is really to have the Gursting Hearing put into the juvenile, so that there is some reason to hold and then there is probable cause. And I would urge your favorable consideration."

Speaker McPike: "Representative Dart."

Dart: "Thank you, will the Sponsor yield?"

Speaker McPike: "Yes, she will."

Dart: "Representative, what does the court do now in regards to

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

138th Legislative Day

May 26, 1994

these?"

Biggert: "Under current law, if a juvenile is arrested, he is either detained or sent home."

Dart: "Can not, does not the court have that ability through different orders that the court can issue in proceeding in front it and in jurisdiction?"

Biggert: "I am sorry I can not hear you."

Dart: "Doesn't the court have the power right now, with the jurisdiction it has over the individual to issue restraining orders or any other type of order it may find necessary?"

Biggert: "Yes, but there is no standards, and this is setting standards that there can be conditions set forth."

Dart: "Is this something that is the Bar Association in favor of this?"

Biggert: "This is the Amendment that I promised the Cook County Public Defenders, to put on, and it was, in fact, written by them."

Dart: "Okay, in regards to the different provisions that the Amendment effects though, in general, is this something that the Bar Association has been in favor of? The whole concept?"

Biggert: "I do not know."

Dart: "Okay, no further questions."

Speaker McPike: "Mr. Dart are you finished? Did you rise in opposition, did you rise on a point of information? Thank you. The question is, 'Shall Amendment #4 be adopted?' All those in favor say; 'aye'; opposed say, 'no'. The 'ayes' have it. The Amendment is adopted. Further Amendments?"

Clerk Rossi: "Floor Amendment #5, offered Representative Wennlund."

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

138th Legislative Day

May 26, 1994

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

Clerk Rossi: "Floor Amendment #6, offered, Representative Granberg."

Speaker McPike: "Representative Granberg. Mr. Granberg."

Granberg: "Thank you, Mr. Speaker. Amendment #5 was such a good idea, we decided to carry it a little further, and expand Amendment #5, to include...just a moment."

Speaker McPike: "Representative Granberg withdraws Amendment #6. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker McPike: "Third Reading. Senate Bill 1832, Representative Black. Mr. Wennlund would you inform us as to the Status of Representative Black, and would you handle his Bills, please. All right, Mr. Wennlund."

Wennlund: "Thank, thank you, Mr. Speaker, they're running some tests right now, and we have not heard on Mr. Blacks condition, at this point in time, but when we do learn we will certainly advise the House."

Speaker McPike: "All right, thank you very much. Mr. Black was taken to the hospital for high blood pressure. 1832, has been read a second time previously. Are there any Amendments?"

Clerk Rossi: "Amendments 1, and 2 were adopted in committee. No Motions have been filed. Floor Amendment #3, offered by Representative Stroger."

Speaker McPike: "Mr. Stroger, Representative Stroger? Is the Gentleman here? Representative Turner. Mr. Turner would like to have leave, to handle this for Mr. Stroger, any objections? Hearing none, Mr. Turner proceed."

Turner: "Thank you, Mr. Speaker. This Amendment has bipartisan support. And basically what it does, it creates the

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

138th Legislative Day

May 26, 1994

Commission on Community Services. And the membership will be appointed by the Governor, Lieutenant Governor would appoint 25 people, to the Commission, and will administer the National Community Service Program. I move for the favorable adoption of Amendment #3."

Speaker McPike: "On that Representative Wennlund. Mr. Wennlund, you mic is on."

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

Speaker McPike: "Yes. Mr. Turner is handling this."

Turner: "Yes, Representative."

Wennlund: "Yes, if you can...it is a little noisy here in the House, and I was unable to hear, incidentally I just got word, Mr. Speaker that Representative Black, everything has tested out well, and he is not feeling real well, but he is going to make it, he is all right and he is back in his office, just a little resting."

Speaker McPike: "Terrific."

Wennlund: "Yes, Representative Turner could you tell us again what this Amendment does?"

Turner: "This Amendment creates a commission on community service. And this is a commission that has been in a conciliation with the Lieutenant Governor, it is a voluntary action commission. It commits, it consists of 25 bipartisan voting members and 15 bipartisan non voting members. And these members are to be appointed by the Governor, 25% of those members must be from the City of Chicago, and not more than 50% of the commission may be from the same political party."

Wennlund: "What is the commission for?"

Turner: "It is to administer the National Service Act, this is a federal, this is a federal commission."

Wennlund: "A federal commission?"

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

138th Legislative Day

May 26, 1994

Turner: "Right, and there is \$2 million coming to the State of Illinois this year, and this commission is going to administer those funds."

Wennlund: "And the goal of the commission is to do what?"

Turner: "It is the goal of the commission is to promote and support community service, in both the public and private sector."

Wennlund: "And the Governor's office is in agreement with this?"

Turner: "Yes, Governor the Lieutenant Governor, and they are all in agreement with this."

Wennlund: "Thank you, very much. We're in agreement with it too."

Speaker McPike: "The question is, 'Shall Amendment #3 be adopted?' All in favor say, 'aye', opposed, 'no'. The 'ayes' have it. The Amendment is adopted. Further Amendments?"

Clerk Rossi: "Floor Amendment #4, offered Representative Saltsman."

Speaker McPike: "Representative Saltsman."

Saltsman: "Thank you, Mr. Speaker. Amendment #4 is the same as House Bill 3917, which passed out of here with 92 votes. What this Amendment does, it takes the states that do not have preference contracts with the State of Illinois, that their not a preference state and we can't do business with them then at the same time we will have our non-resident contractors, have the same priorities that we have by dealing with these states that will not have preference with us. This is not a Buy-Illinois Program, it's a job saving program for the State of Illinois and all that this does is return the favors to the people who have the respect to work the programs with us and be a resident contractor. I ask for its passage."

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

138th Legislative Day

May 26, 1994

Speaker McPike: "All right, on the Gentleman's Motion, Representative Andrea Moore."

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

Speaker McPike: "Yes, he will."

Moore, A.: "Representative, this Bill would impose a tremendous burden on state agencies. I'm told that there are thousands and thousands of bids that are let by state agencies every year. How would you propose that the vendors be required to identify that location and how would you propose that we pay for this additional burden on the agencies."

Saltsman: "CMS has made that statement but I don't know why they would need the extra employees. This was explained when this was a House Bill. We have people in our program now that, you would be filing...what would happen is, it would give CMS the power to accept the protest from one of our contractors who cannot do contracts in another preference state. And, that is the reason why. Were not...this does not happen to every state in the union, it's only the ones that don't give us preference back. It's a jobs Bill for Illinois."

Moore, A.: "But the question was, there are over 26,000 vendors in the State of Illinois. How would you propose that they identify this location and how would you administer that nightmare."

Saltsman: "You don't have to identify all these relative locations, this is a protest, if I own a company and I see that I've been ripped off by a state that does not have preference with us, like a company in the State of Ohio that ran a \$2 million program through here and beat out a company in Wheeling, Illinois. They beat these people down and we can't go back over to Ohio and do this. This would

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

138th Legislative Day

May 26, 1994

allow this company in Wheeling, Illinois to protest and say, this is our bid. We want it. We've got it coming because this state don't have preference with us."

Moore, A.: "Well the actual...I'm back to the question again because the actual line in the Bill says, that they have to identify a majority of the work of a contract at the location."

Saltsman: "That's right. If they are protested against."

Moore, A.: "I still don't think you've answered the question. It's 26,000 vendors and I think the administrative burden is excessive."

Saltsman: "I'm not worried about the 26,000 vendors in Illinois. I'm worried about the ones that are coming here from out-of-state that will not let us have preference in their state. I think it involves about 12 states."

Moore, A.: "There has to be some way to differentiate and identify those locations for all vendors in order to give this preference that you're talking about. Also, the construction industry is opposed to this Amendment and has sponsored another Amendment which already was adopted to exempt them from its coverage. Do you anticipate any other states retaliating against Illinois because this...as seen as an instate preference?"

Saltsman: "No, I don't because we don't have any preference against anybody. It can't be anybody retaliatory us, we're letting everybody come in here. We're just not doing anything receptacle to hurt people that hurt us."

Moore, A.: "This is differently a preference Bill. The state is responsible to award its bids by our direction to the lowest possible bidder. I think that this would make it impossible to do that. I think Illinois firms could loose businesses to companies from other states. For example, a

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

138th Legislative Day

May 26, 1994

company with substantial Illinois presents will lose a contract to an out-of-state company even a 49% of the work will be done in Illinois. I would ask that the Members oppose this Amendment. It is a preference Bill. Let CMS do the job with the resources we've given them. Award the bids to the lowest possible bidders."

Speaker McPike: "Yes, Mr. Saltsman."

Saltsman: "An answer to the previous speaker..."

Speaker McPike: "Did she ask you a question?"

Saltsman: "No, she made a statement."

Speaker McPike: "All right, you will have a chance to close."

Saltsman: "All right."

Speaker McPike: "Representative Cowlshaw."

Cowlshaw: "Thank you very much, Mr. Speaker. Will the Sponsor yield for a couple of quick questions?"

Speaker McPike: "Yes, he will."

Cowlshaw: "Representative Saltsman, I believe that according to the Department of Central Management Services, that department is aware of only one vendor or business that has complained about the conditions that this Bill attempts to address. Are you aware of the fact that there is only one such vendor and only that one business would benefit from this legislation?"

Saltsman: "I'm sure there's more of it but they didn't lose a \$2 million contract to a state that will not let us do business with them."

Cowlshaw: "Thank you for answering that question. To the Amendment, please. Central Management Services assures us there is only one vendor in all of Illinois that has complained about any kind of unfairness in relation to business that is done by Illinois individuals in other states or other states in Illinois. It says something

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

138th Legislative Day

May 26, 1994

about this legislation, it seem to me that the construction industry, not only strongly opposed it but specifically asked to be exempt. It is as though we somehow feel that Wisconsin, Iowa and Indiana are foreign territories. And we wouldn't want to do anything that would be beneficial to them, instead we want to exercise our rights as a state by building this little great wall of Illinois. All away around the borders. The great wall of Illinois. Well, maybe those people just should stop doing business with us too. A free marketplace is the only marketplace that benefits the consumer. This is an anti-consumer...Amendment and I call for a Roll Call Vote. Mr. Speaker, I ask for a Roll Call Vote on this Amendment. Thank you."

Speaker McPike: "Representative Wojcik."

Wojcik: "Mr. Speaker, I question the germaneness of this Amendment."

Speaker McPike: "All right. Mr. Clerk, give us the Amendment, please. Representative Saltsman, the Amendment is not germane. Further Amendments?"

Clerk Rossi: "Floor Amendment #5, offered by Representative Stroger."

Speaker McPike: "Representative Stroger."

Stroger: "Amendment, thank you Mr. Speaker. Amendment #5, is clean up language that been recommended by the Lieutenant Governors Office. And I move for its adoption."

McPike: "The question is. 'Shall Amendment #5, be adopted?' All those in favor say; 'aye', opposed, 'no'. The 'ayes' have it. The Amendment is adopted. Further Amendments?"

Clerk Rossi: "Floor Amendment #6, offered by Representative Stroger."

Speaker McPike: "Representative Stroger."

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

138th Legislative Day

May 26, 1994

Stroger: "Withdraw Amendment #6, please."

Speaker McPike: "The Gentleman withdraws Amendment #6. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker McPike: "Third Reading. House Bill 1803, Representative Churchill. The Bill has been read a second time previously. This is Senate Bill 1803, are there any Amendments?"

Clerk Rossi: "Senate Bill 1803. No Committee Amendments. Floor Amendment #1, offered by Representative Churchill."

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

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

Speaker McPike: "Representative Churchill."

Churchill: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Floor Amendment #2 basically takes out the language in the Bill that relates to the FTIP Program, and I believe that that is something that has been worked out with your side of the aisle."

Speaker McPike: "Any discussion? Being none the question is, 'Shall Amendment #2, be adopted?' All in favor say, 'aye'; opposed, 'no'. The 'ayes' have it. The Amendment is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker McPike: "Third Reading. Senate Bill 1766, Representative Black. The Bill has been read a second time previously. Are there any Amendments?"

Clerk Rossi: "Senate Bill 1766, Amendment #1 was adopted in committee. No Motions have been filed. Floor Amendment #2, offered by Representative Youngue."

Speaker McPike: "Representative Youngue. Ms. Youngue."

Youngue: "Thank you, Mr. Speaker. Amendment #2, amends into this

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

138th Legislative Day

May 26, 1994

Bill, House Bill 3765, which would provide for a referendum, in reference to state community college. So that the local share can be paid for by sales tax, rather than real estate tax. It is a front door referendum, and the people would vote on the tax. This approach is Sponsored by the leadership of the state community college and Dr. Sifle of Belleville area college. And I move for the adoption of the Amendment."

Speaker McPike: "On the Ladies Motion, Representative Wennlund."

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

Speaker McPike: "Yes."

Wennlund: "What provisions are in here with respect to borrowing from what apparently is the state's general revenue fund?"

Younge: "There is a provision in the Bill, to, that up to \$65,0000 could be borrowed from the General Fund, with the approval of the Comptroller, and the Treasurer of the State of Illinois, to...in order to make up for a short period of time before which there would be this amount of money as a result a collection of the tax."

Wennlund: "Does it provide for repayment, and does it provide for interest?"

Younge: "Yes, out of the tax collected."

Wennlund: "What about payment of interest?"

Younge: "It does not provide for the payment of interest. It merely provides for the payment of the tax moneys to satisfy the loan."

Wennlund: "Is there a maximum amount that they could borrow?"

Younge: "\$65,000."

Wennlund: "Okay, thank you very much."

Speaker McPike: "Representative Stephens."

Stephens: "Will the Lady yield?"

Speaker McPike: "Yes, she will."

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

138th Legislative Day

May 26, 1994

Stephens: "How will this effect the creation, the absorption of the current state community college district in the Belleville area college, should that option play out?"

Younger: "In November 1994, there will be a referendum which would decide that question. A vote in favor of local autonomy would mean that there would be a separate, state community college, would be a separate independent school, a vote against local autonomy would mean that it would be merged with Belleville area college. That has not changed?"

Wennlund: "This would have no effect on that?"

Younger: "It'll have no effect on that."

Wennlund: "Would the tax then, that you are talking about remain in place?"

Younger: "The tax, the question here is how the local share will be paid for, and this Bill would make the local share paid..."

Wennlund: "How the local share would be paid for, if they..."

Younger: "Whether or not there is a merger..."

Wennlund: "To be autonomous."

Younger: "Whether or not there is local autonomy or merger."

Wennlund: "Okay, if there is a merger, then in the rest of the Belleville area college district, they are funded by the sixteen cent property tax, and in the state community college portion, then they would be funded by a sales tax. If your Amendment is adopted?"

Younger: "That's correct."

Wennlund: "And you said that Joe Sifle the President of Belleville area college was in favor of that?"

Younger: "Yes, I have discussed that with him personally, and he said that he supports the payment of the local share through sales tax, for state community college."

Wennlund: "I wonder why he hasn't made the rest of us aware of

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

138th Legislative Day

May 26, 1994

that, I think that is new position, as far as I was concerned. Again what would the rate be?"

Younge: "0.25, a fourth of a cent."

Wennlund: "Sales tax only in the current geographic area of state community college?"

Younge: "That is correct."

Wennlund: "Which encompasses again what area?"

Younge: "Seven cities, National City, Fairmont City, Washington Park, Centerville, East St. Louis, Allerton."

Wennlund: "And are the mayors and city officials in those cities aware and supportive of an increase in their sales tax?"

Younge: "Yes, I have talked with 70% of the mayors, and they support it. East St. Louis Mayor supported it, Washington Park Mayor supported it, Brooklyn Mayor support, so a vast majority of them support it."

Wennlund: "And was Amendment adopted as...drafted as a House Bill originally?"

Younge: "Yes, is was, House Bill 3765."

Wennlund: "And what was the fate of that Bill?"

Younge: "It's on Postponed Consideration."

Wennlund: "Well, I am reluctant to state opposition, since you say that Belleville area college is in support of it. But I guess at this point I wish we had a little more time to consider this, because I would like to get a little more information about how the folks in the outer portions, of the current Belleville area college district feel about this. Because I am not sure that the projected revenues from your sales tax would actually replace the sixteen cent, per hundred evaluation, property tax that should be collected in case the voters of your district or of that district decide not to be autonomous and to be absorbed by Belleville area college, I guess the best vote right now is

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

138th Legislative Day

May 26, 1994

a 'present' vote."

Speaker McPike: "Representative Granberg."

Granberg: "Will the Lady yield?"

Speaker McPike: "Yes, she will."

Granberg: "Representative Younge, have you had a chance to talk to Representative Black about this, since Bill is not on the Floor, I would be somewhat re-missed if I did not ask, what his position would be?"

Younge: "I have not talked to him since the last presentation of the Bill."

Granberg: "Okay. And this would strictly be a tax in East St. Louis. It would allow East St. Louis residents to increase their own tax, just their tax."

Younge: "Just the people of District 601, which is the Junior College district, which is East St. Louis and six surrounding cities."

Granberg: "And is it not true, that East St. Louis has the highest tax rate in the state right now, or the second highest?"

Younge: "That is right, the real estate tax rate is \$21 per \$100 assessed evaluation, where the average tax rate is \$3."

Granberg: "So, basically we would be allowing East St. Louis to increase their taxes further, and then not to rely not so much on taxing districts from any other part of the state?"

Younge: "That is correct, that is the whole point."

Granberg: "Thank you."

Speaker McPike: "Representative Kubik."

Kubik: "Thank you, Mr. Speaker. Would the Lady yield?"

Speaker McPike: "Yes."

Kubik: "Representative, let me, I would like to understand exactly what this Bill does, I am not sure that I understand it completely. What you're doing, is allowing

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

138th Legislative Day

May 26, 1994

the community college district to levy a sales tax, to be used for the community college district, is that correct?"

Younger: "That is correct."

Kubik: "Now, the community college district, is it contained in just one community, or is it more than one community?"

Younger: "It's seven communities. It's basically East St. Louis and six smaller surrounding communities. East St. Louis is about half of the district."

Kubik: "So what we are doing, is we are allowing now, rather than counties or municipalities to levy sales tax, we are now allowing community college districts to levy sales tax under your Bill?"

Younger: "That is correct. East St. Louis is a home rule unit, and it can levy sales tax. As can other cities, and what we are talking about is there's an equalization formula that is set by the assessed evaluation. And what we're talking about is, rather than, individual real estate taxes being, how the local share of that equalization formula for the payment of the junior college, rather than the local share coming from real estate taxes, we're talking about permitting the people of District 601, to raise their local share through a sales tax."

Kubik: "Okay. Mr. Speaker to the Amendment. I think the Members ought to be very cognizant of what this Amendment does. Because this Amendment has some very wide ramifications. What this Amendment says, is that, if you have a community college district in this case, Representative Younger's area, although this is limited to her area. This sets a very interesting precedence. What it says is, that a community college district can levy a sales tax, in order to pay for educational expenses. That is a dramatic leap, from counties or municipalities and I think that what we

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

138th Legislative Day

May 26, 1994

are now saying that this is going to open the door for an elementary school district, a high school district, a community college district to now offer a sales tax in order to pay for educational expenses. Now, I understand why the Lady is doing it. And I think, what she is trying to do is shift the burden from, from property taxes elsewhere. But this is a dramatic move in terms of tax policy in this state. I know of no other instance where we have tacked on sales tax for educational purposes. So I think the Members ought to be very cognizant of what this does. I plan to oppose this Amendment because I think that you know, this is an issue that probably ought to be discussed in greater detail. But to now say, that your local community college district, can increase the sales tax in order to pay for educational expenses, is a very dramatic change in tax policy. I would urge you to oppose this Amendment, not because the Lady isn't trying to do the best thing for her district, but because of the wider implications of what this Bill, or this Amendment, tacked on to the Bill, will ultimately do. I would urge opposition to Amendment #2 on Senate Bill 1766."

Speaker McPike: "Representative Mulligan."

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

Speaker McPike: "Yes, she certainly will."

Mulligan: "Representative Younge, when we discussed this in another form a week or so ago, was not this, and does this Amendment only call for a referendum among the voters in your area?"

Younge: "That is correct and that has not changed. It calls for a referendum for the people in the 601, or the state community college district only?"

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

138th Legislative Day

May 26, 1994

Mulligan: "So this is a isolated incident?"

Younge: "Absolutely."

Mulligan: "How has your community college been funded prior to this?"

Younge: "It is funded, substantially by the State of Illinois, the State of Illinois pays some \$3 million a year, for this college. And there are some student fees and federal grants, but basically where real estate taxes pay for the other colleges, the State of Illinois has picked up the tab in the tune of \$3 million."

Mulligan: "And is not true, now, that your community is trying to take over the funding for the college themselves."

Younge: "Yes, we are trying to take local control of the funding, and the question is how shall we pay for it. The community wants to take local control of the funding, but rather than pay for it by real estate taxes we want to pay for it by sales tax, and that is the request."

Mulligan: "So actually, if this Amendment were to allow your community to have a referendum and you were successful in passing it, you're actually saving the taxpayers of Illinois money and it would go back to your local community to pay for it?"

Younge: "That is correct Representative Mulligan, and I appreciate your questioning to bring out that point."

Mulligan: "To the Amendment, community colleges are very valuable in all ways shapes and forms. Both to young people who are trying to get on to a college education, to the elderly; keep them active in part of the community. Representative Younge has brought before us a matter that is an isolated incident to her area, and although many of us are afraid to vote for anything that appears to be a change in a taxing system. This is a benefit to a

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

138th Legislative Day

May 26, 1994

community, that certainly needs help both economically and a community college is a great benefit to them. The community themselves are looking for a way, to take it over and fund it themselves and bring to their community up and profitable and successful, and a part of the State of Illinois that contributes in a tax paying base with jobs. I think we owe her the support of this, I am willing to give her an 'aye' for this and I think there are many other people in the Body that should feel the same way. Sometimes we come with an isolated incident on something that we want to vote on. If we can not do this, for once, for someone in a community that we need to help the people in, why are we elected to be here. I think it could be one of the more uplifting things we could do in a Session that has not had very much going on. Thank you."

Speaker McPike: "Representative Lindner."

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

Speaker McPike: "Yes she will."

Lindner: "Yes, I think we have to reiterate that we are not raising taxes, that we are giving them the authority to hold a referendum and, there by, looking at local control which is something we all value. My fear, and I would like you to explain; how your college is an experimental district, why it is different, and why you think that other community colleges won't follow suit and ask for this, for sales taxes?"

Younge: "Once again, the exceptional circumstance in the East St. Louis area is the fact that that the real estate tax is very high right now. Already before this college is assumed as local responsibility it is \$21 for \$100 assessed evaluation, where as the state wide average is only \$3. The state community college is an, is a experimental

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

138th Legislative Day

May 26, 1994

district because the East St. Louis area has been so poor, and has been so over taxed, and with the riverboat and with new industry coming in, it is beginning to come around. And we believe that the area will be much more attractive to new industry and to growth and development if we do not add any more real estate taxes. So that is our point now, and to pay for the college, we really want to pay for the college by sales tax which will spread the burden around. Mostly the elderly own the property, in our area. And most of the elderly in my area have fixed incomes, so we're trying not to burden them further. The users of a junior college are young the people. And we want to spread the burden, and we think that is a...will be a benefit to the whole situation."

Lindner: "In your college has been this experimental type district from the beginning?"

Younge: "Yes, for twenty one years."

Lindner: "All right, thank you."

Speaker McPike: "Representative Deuchler."

Deuchler: "Thank you, Mr. Speaker and Ladies and Gentleman of the House. I too, stand in support of this proposal. I think it is a creative and needed approach, to allow the local voters to vote on the referendum question. If you recall, in the State of Michigan for example, quite recently, when there was a statewide referendum, the voters there elected to see an increase on their sales taxes across the entire State of Michigan. So I really do not think that this is plowing new ground I think that it is a new way, to help the lady's community college district and I think we should except her proposal."

Speaker McPike: "Representative Monroe Flinn moves the previous question. The question is, 'Shall the previous question be

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

138th Legislative Day

May 26, 1994

put?' All in favor say 'aye'; opposed, 'no'. The 'ayes' have it. Representative Younge to close. You can explain your vote."

Younge: "Thank you, very much Mr. Speaker. I feel sincerely that to permit the people by a referendum in District 601 to pay their local share through sales tax will be a great benefit to my community, and I ask for your support and I appreciate the support that has been talked about by the various speakers. Thank you."

Speaker McPike: "Mr. Clerk, do you have the computer fixed yet? It is going to be a Roll Call Vote. This will be a Roll Call Vote. Mr. Wennlund, Mr. Wennlund."

Wennlund: "Mr. Black has requested that we take this Bill out of the record."

Speaker McPike: "All right, the Bill is out of the record."

Wennlund: "Thank you."

Speaker McPike: "Mr. Turner in the Chair."

Speaker Turner: "On the Order of State and Local Government, Second Reading, we have House Bill 1766. On the Order of State and Local Government, Second Reading, we have Senate Bill 1728, Representative Granberg. Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 1728, has been read a second time previously. Amendments #1 and 3 were adopted in committee. Amendment #2 lost in committee. Floor Amendment #4, offered by Representative Zickus."

Speaker Turner: "The Lady from Cook, Representative Zickus. Out of...she withdraws Amendment #4. Further Amendments, Mr. Clerk?"

Clerk Rossi: "Floor Amendment #5, offered by Representative Granberg."

Speaker Turner: "The Gentleman from Clinton, Representative

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

138th Legislative Day

May 26, 1994

Granberg, on Amendment #5."

Granberg: "Thank you, Mr. Speaker. As was the case with the previous Pension Bill, this is the Appropriation Bill. We are adding a technical Amendment in order to send the Bill to the Senate where they will non-concur in order that we can continue our negotiations and arrange for a Conference Committee Report. So I would ask for the adoption of the Amendment."

Speaker Turner: "Seeing no further question. The Question is, 'Shall we adopt Amendment #5?' All those in favor say 'aye'; all those opposed say 'no'. In the opinion of the Chair the 'ayes' have it. Amendment #5 is adopted. Further Amendments, Mr. Clerk?"

Clerk Rossi: "No further Amendments."

Speaker Turner: "Third Reading. Senate Bill 1722, Representative Saviano. Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 1722, has been read a second time previously. No Committee Amendments. Floor Amendment #1, offered by Representative Skinner."

Speaker Turner: "Gentleman from McHenry, Representative Skinner, on Amendment #1."

Skinner: "I ask leave to withdraw the Amendment."

Speaker Turner: "Gentleman asks to withdraw Amendment #1. Further Amendments, Mr. Clerk?"

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

Speaker Turner: "The Gentleman from Cook, Representative Dart on Amendment #2."

Dart: "Thank you, Mr. Speaker. This is the Police Enhancement Amendment and I move for its adoption."

Speaker Turner: "The Gentleman from Will, Representative Wennlund."

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

138th Legislative Day

May 26, 1994

Wennlund: "Thank you, Mr. Speaker. Two points, one point of order with respect to the germaneness of this Amendment. I have the feeling that is it is going to be but I just want to check it anyway."

Speaker Turner: "Let me take a good look at it, Representative."

Wennlund: "Why, thank you."

Speaker Turner: "Representative Wennlund, the Amendment is germane. The Bill deals with reduction in crime and so does the Amendment. The Gentleman from Will, Representative Wennlund."

Wennlund: "Thank you, Mr. Speaker. I had the feeling that it would be and if this wasn't certainly #3 would be. Question of the Sponsor, please. Representative Dart, is anyone keeping track of how many of these same Amendments have been put on Bills? I have seen this Amendment so many times I think I can recite it backwards, but has anybody been keeping track of how many of these Amendments have been put onto other Bills, whether they're House Bills or Senate Bills? I gotta be numbering around 150."

Dart: "I don't have a running total, but I think Representative Olson is in the area,"

Wennlund: "I think I counted 125, okay well as long as we...as long as everybody knows that this is our \$200 million Amendment again, why let's just put it on."

Speaker Turner: "Further questions, seeing none the question is, 'Shall Amendment #2 be adopted? All those in favor say 'aye'; all those opposed say 'no'. In the opinion of the Chair the 'ayes' have it. Amendment #2 is adopted. Further Amendments, Mr. Clerk?"

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

Speaker Turner: "The Gentleman from Cook, Representative Dart."

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

138th Legislative Day

May 26, 1994

Withdraws Amendment #3. Further Amendments, Mr. Clerk?"

Clerk Rossi: "Floor Amendment #4, offered by Representative Wennlund."

Speaker Turner: "He withdraws Amendment #4. No? Hold on. The Gentleman from Vermillion, Representative Black, is back on Amendment #4."

Black: "Yes, thank you very much, Mr. Speaker. The doctor said I could come back if there wasn't any stress in this job and I assured him there wasn't. Amendment #4, is an Amendment that I said yesterday I would try to file. It simply amends the underlying Bill to reduce crime, see it's germane. This is going to reduce crime in downstate counties. It simply says after January 1, 1995, 'no state police officer shall be assigned to regular duty within the City of Chicago.' That's all it does, it just tries to get state troopers back where they were before we let them patrol the Chicago Expressways."

Speaker Turner: "No stress? The Gentleman from Cook, Representative Dart."

Dart: "Thank you. Will the Sponsor yield?"

Speaker Turner: "He indicates he will."

Dart: "Representative now when this Amendment was...when we originally allowed for the state police to be covering the area of Chicago. Was there any type of agreement that had been worked out to do that?"

Black: "Yes, as I recall the agreement was that we could put lottery machines at O'Hara if state troopers would patrol the Chicago Expressways. Typical good deal for the rest of the state."

Dart: "Okay. And now...so this would give more state police then for downstate areas and less for the City of Chicago?"

Black: "I think it would give more state police to do what the

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

138th Legislative Day

May 26, 1994

state police are suppose to do and that is to patrol those areas in the state that are not within any but anyone's city limits. I think there are only two cities that enjoy state police protection, one is East St. Louis and the other is Chicago and I don't think that's fair."

Dart: "Well you know and the fact that the Governor keeps cutting the number of state police down so dramatically too. There might be some argument there, given that, that he's cut back on our police protection so dramatically in the last three or four years, I believe they're down about 22 or 23%."

Black: "That's because they're all up...because they're all up patrolling the Kennedy Expressway."

Dart: "No, no. They just lost a bunch of numbers actually I believe is what it is."

Black: "Oh, Well, and they also have to check Greyhound buses on the toll road, that was a new duty just assigned to them."

Dart: "Yes, yes, apparently that was in Lake County, and they actually had quite a few of them that had that bus corralled pretty well, from what I understand."

Black: "Well, the bus probably got out of Chicago before they could pull it over."

Dart: "It was...It was from Chicago?"

Black: "Yes, I think it was leaving...I think it left the City of Chicago on its way to Milwaukee."

Dart: "No further questions."

Speaker Turner: "The Gentleman from Cook, Representative Kubik. Representative Kubik, question?"

Kubik: "Yes, question of the Sponsor."

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

Kubik: "Representative, I don't have a copy of the Amendment in my hand."

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

138th Legislative Day

May 26, 1994

Black: "They got damaged in the flood a couple nights ago."

Kubik: "Oh, I thought it was the locusts."

Black: "Well, they might of...the locusts got what the flood didn't I think."

Kubik: "Okay. Representative, does this assistance to downstate areas include everything outside of the City of Chicago?"

Black: "Well, absolutely."

Kubik: "I mean if I...for example if I..."

Black: "It's all 102 counties."

Kubik: "Overburdened by crime in suburban Cook County would your Amendment include the state police?"

Black: "Oh, no. No we don't list any counties, we just simply say that no state police officer shall be assigned to regular duty within the corporate limits of any municipality having more than 1,000,000 inhabitants, that's all it says. So they been freed...they would be free then to carry out law enforcement duties in all 102 counties of the State of Illinois which is what I always thought they were suppose to do in the first place."

Kubik: "Well, thank you for that explanation. It sounds like a laudable Amendment to me."

Black: "Well, thank you, I think that it is most laudable as well and I know you will join with me along with three others pursuant to Rule 55 (c) to make sure that we have a Roll Call Vote on this fine Amendment."

Speaker Turner: "The Gentleman from Cook, Representative Balanoff."

Balanoff: "For...I just wanted to ask the Gentleman a question."

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

Balanoff: "How many state troopers do we have assigned to patrol in the City of Chicago?"

Black: "I don't know, but if its one it is one too many."

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

138th Legislative Day

May 26, 1994

Balanoff: "Well, do you think it might be...well and how many do we have assigned to cover riverboats?"

Black: "I wouldn't have any idea, but if you would like to Co-Sponsor that Amendment with me I sure would get them off the riverboats too."

Balanoff: "Well certainly, I would like...if you would have filed some of that, that would be something that I think would be very appropriate. My understanding is that there is somewhere in the neighborhood of 60 state troopers that were never replaced currently working the 10...I guess it's 10 riverboats in the State of Illinois?"

Black: "Well, that's an outrage. We ought to form the riverboat police."

Balanoff: "Well, absolutely, they..."

Black: "Maybe the Coast Guard could do it."

Balanoff: "Well, they were troopers that were never replaced and certainly..."

Black: "That is part of the problem."

Balanoff: "I think before we take them off the streets in the City of Chicago they should be taken off of the riverboats."

Black: "I wouldn't...I'll Co-Sponsor that Amendment with you, absolutely. I want the state troopers to do what they are suppose to do under the law and that is patrol the state highways and byways of the State of Illinois."

Speaker Turner: "The Gentleman from Cook, Representative Granberg. The Lady from Cook, Representative Erwin."

Erwin: "Thank you. Will the Sponsor of this Amendment yield?"

Speaker Turner: "He indicates he will."

Erwin: "Representative Black, I have a vague recollection when I was on Senate staff of this deal coming down between Governor Thompson who, correct me if I'm wrong, was very

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

138th Legislative Day

May 26, 1994

very anxious to have lottery terminals put in at O'Hara Airport. His view was that lottery terminals at O'Hara would be among the best grossing lottery terminals in the state. And indeed I think you can check with your director and find out that Governor Thompson had great foresight and, in fact, that is indeed the case. Now in return for this request he offered the City of Chicago the possibility that state police might patrol state highways, like the expressways in Chicago. So I presume that with this Amendment, Amendment #5 will be a request to pull the lottery terminals out of O'Hara?"

Black: "That's fine with me. I remember the deal a little differently than you did, you were on Senate staff and you may have written the deal. The deal I remember is, is that you could not put lottery machines at O'Hara if we did not put state police officers patrolling expressways in the City of Chicago. But I just remember it a little differently than you do. If you want to take lottery machines out of O'Hara that's okay I never could figure out why Chicago owned O'Hara anyway. There it is stuck way out in the suburbs, connected by an umbilical cord called the CTA and you tell me that's Chicago property? That was probably done wrong too."

Speaker Turner: "The Gentleman from Madison, Representative Stephens."

Stephens: "Well, I think we ought to have a little respect here for Representative Black. He has blessed us with his presence, we're all glad to see him back as recognized by the ovation that he got on his return to the House floor, but he's right out of the frying pan into the fire again. He has brought us a controversial Amendment which I know many of you feel strongly about. But I think on behalf of

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

138th Legislative Day

May 26, 1994

his health and the future health of this Body I think that we should move the passage of this Amendment. Those of us downstate it is obviously an easy vote. Those of you in the Cook County area that seem like this might be a personal affront to the City of Chicago, just swallow hard and go ahead and give this one to, Bill Black, because you're glad to see him back. Black is back and we're glad, so let's move this out on a unanimous roll call."

Speaker Turner: "The Gentleman from Cook, Representative McAfee."

McAfee: "Thank you, Mr. Speaker. Will the Sponsor of the Amendment yield for a question?"

Speaker Turner: "He indicates he will."

McAfee: "Bill, I'm glad to see you back but can you..."

Black: "I'm sorry."

McAfee: "Bill, I'm glad to see you back, but I must ask you a question."

Black: "Well, that's fine. Okay. Sure."

McAfee: "Can you tell me how many state troopers we're presently talking about that are on road patrol or whatever it is?"

Black: "I apologize, I should know that and I should have called and found out, but I didn't. The number that sticks in my mind is about 40, I may be too low, too high, I really don't know."

McAfee: "Is that on regular assignment or on some sort of mutual aid?"

Black: "I believe...No, I believe they are now regularly assigned to that duty within the corporate limits of the City of Chicago and it was, as the previous speaker said, part of a deal vis-a-vis lottery machines at O'Hara and Illinois State Police patrolling expressways within the corporate boundaries of Chicago."

McAfee: "Has the state police taken a position with..."

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

138th Legislative Day

May 26, 1994

Black: "No, I do not believe that they have. I did not check with them, I don't think they support this Amendment, if they do they certainly don't support it officially, I'm sure of that."

McAfee: "Bill, I would support you in the position to say that there are not enough state police...state troopers on the road..."

Black: "We're in absolute agreement there."

McAfee: "Downstate at night. I'm sure there are some districts that don't have state troopers covering certain counties that you've already included."

Black: "Right."

McAfee: "But until I understand a little bit more about..."

Black: "I understand that."

McAfee: "I have a little difficulty. Thank you."

Black: "Well, I you know this Amendment was filed because I just wanted to make sure that everyone knew that we were as interested in police officers and the reduction in crime as the previous Amendment. Nobody wants to see fewer police officers, but we figured that Amendment #2 on this Bill that is going to add 6,000 police officers throughout the State of Illinois, I have a hunch that the bulk of those will be added in the City of Chicago. And that's fine, they're the biggest city in the state. All this Amendment does is say that, if Amendment #2 is going to pass, creating all these new police officers, then maybe we could put the state troopers back on the road to do the job that they're suppose to do. That's all, it just shows that we want to reduce crime too."

Speaker Turner: "The Gentleman from Cook, Representative Schoenberg."

Schoenberg: "Thank you, Mr. Speaker. Will the Sponsor yield for

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

138th Legislative Day

May 26, 1994

a question?"

Speaker Turner: "He indicates he will."

Schoenberg: "Mr. Black?"

Black: "Yes."

Schoenberg: "I have the Kennedy...I have the Eden's Expressway which turns into the Kennedy, it is a...goes into Chicago. Do you mean to tell me that if I take the Eden's Expressway to the city line I'm okay because I have state troopers watching me, but as soon as I cross the city line and into the City of Chicago you would prefer that that state policeman get off at the next exit?"

Black: "Well, you know, yes I guess I would. I've never understood when I travel up there to see a Chicago police patrol car going up and down the highway right next to an Illinois State Police car. If we have a jurisdictional problem then I guess yes I would say that I favor that state trooper patrolling state highways and when he gets to the corporate boundaries of Chicago, unless he has a reason, he or she has a reason to continue there, you know, they're not suppose to be patrolling the corporate boundaries of cities throughout Illinois. And if we're going to let that happen, then Representative I have cities in my district that don't have any police protection at all, other than under-manned, understaffed county sheriff's department. We don't even have a trooper at times at night that we can call. And yet Chicago...we have a...you're telling me that we ought to allow them to patrol Chicago? My only regret is I didn't change this to take them out of East St. Louis too."

Schoenberg: "No, Sir."

Black: "I don't think it is right, I don't think it is fair."

Schoenberg: "No, Sir. What I am suggesting is that you're taking

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

138th Legislative Day

May 26, 1994

a unnecessary swipe at the suburbs. You know increasingly we tend to..."

Black: "How am I taking a swipe at the suburbs?"

Schoenberg: "It is a swipe at the suburbs because what is right next door to the city but the suburbs?"

Black: "I thought suburbs had police departments."

Schoenberg: "I don't think you can divorce one from the other and the reality is that we...the way the world works this day is that problems get addressed on a regional basis. And I would hate to think that the state police are going to stop at Howard Street if they're going North or South and turn around and go back, and that the same highway on one side is going to be any less safe than the other considering the amount of traffic there. So I find this to be an unnecessary swipe at the suburbs as well as detriment to the City of Chicago. And on behalf of all my suburban constituents and my many suburban colleagues I would like to encourage them to vote 'no'. And I move the previous question."

Black: "Well, let me respond to your concerns, Representative, if I might? The ultimate hypocrisy of what you are saying doesn't even deserve a response, but I'm going to try give you one anyway. State troopers often go through my town on the state road, they often do that, maybe four or five times a day, they'll go through Danville on Route 1. But they don't stay in Danville, they don't go Route 1 from the northern city limits and turn around go back to the southern city limits of Danville and only patrol Route 1 in the City of Danville. They patrol Route 1 in six counties in east central Illinois. What you want to do is have them only patrol within the corporate limits of Chicago. That's wrong. You know it is wrong and I know it's wrong. Now if

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

138th Legislative Day

May 26, 1994

we want to cooperate, yesterday you wanted to take a 1,000 police officers and have them accompany an alcohol, tobacco, firearms agent and go door to door. No, let's get serious here the state troopers do not exist to serve the City of Chicago in toto anymore than they should be protecting East St. Louis in toto. They are state police officers and they should patrol the state roads of the State of Illinois not those highways solely within the corporate boundaries of Chicago or any other community."

Speaker Turner: "The Gentleman from McDonough, Representative Edley."

Edley: "Thank you, Mr. Speaker. Will the Representative...and respond to a question, yield to questioning?"

Speaker Turner: "He says he will."

Edley: "Representative, do you know how many state troopers we had in FY-92?"

Black: "I know we're down about 500, I don't know the number, the base line figure that you might be after."

Edley: "That's correct. We've lost about 22% of our state troopers since Governor Edgar took office."

Black: "Oh, don't be ridiculous."

Edley: "You just said..."

Black: "That is the most asinine attack I've ever heard you make. Now you're going to blame him for early retirement?"

Speaker Turner: "Black. Black."

Black: "Get serious, Representative. Get serious."

Speaker Turner: "Representative."

Black: "You need to sit down worse than I do."

Edley: "Representative Black, you can't argue with the numbers, since he has taken office..."

Black: "You're going to blame him for early retirement?"

Edley: "We have had less state troopers running our highways,

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

138th Legislative Day

May 26, 1994

downstate and all through the state."

Black: "You need a vacation worse than I do."

Edley: "Where's the leadership?"

Black: "If you can't...oh where is the leadership. Sit down."

Edley: "On providing protection to our downstate..."

Black: "That was early retirement, you know damn good and well what it was."

Edley: "Our downstate Governor cut our state troopers by 20 almost 25%."

Black: "I have never in my life heard a more asinine argument."

Speaker Turner: "The Gentleman from Cook, Representative Granberg. The Gentleman from Clinton, Representative Granberg."

Granberg: "I rise on a point of personal privilege. Representative Black, don't blame Representative Edley if you have a heart attack, don't...let's...we all want you to be here, let's keep this conversation down. Everybody is worried about you."

Speaker Turner: "The Gentleman from Jersey, Representative Ryder."

Ryder: "Ladies and Gentlemen of the House. Representative Black has presented a simple concept. Do the State Police of Illinois represent all of the people of Illinois, is it their job to protect all of the people of Illinois or are some of them because Chicago is more equal than the rest of us suppose to provide special services up there? It's a simple issue, if you think Chicago deserves more vote 'yes'. If you think Chicago is the same as all the rest of us, vote 'no'."

Speaker Turner: "The question is, 'Shall Amendment #4 pass?' All those in favor say 'aye'; all those opposed say 'no'. And the opinion of the Chair is that the 'ayes' have it. And

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

138th Legislative Day

May 26, 1994

the Amendment is passed. Further Amendments, Mr. Clerk?"

Clerk Rossi: "Floor Amendment #5, offered by Representative Granberg."

Speaker Turner: "Number 5, Representative Granberg."

Granberg: "Well, thank you, Mr. Speaker. We thought Representative Black's idea was so good, we're going to make it even better. So, Amendment #5 also adds the counties of DuPage, Lake, Kane, McHenry and Will County where there will no longer be state police, because that way we will be better served in downstate Illinois to have the state police patrol our roads. And I would ask for adoption of the Amendment."

Speaker Turner: "The Gentleman from Vermilion, Representative Black on Amendment #5."

Black: "No, I have an inquiry of the Chair. On Amendment #4 I stated the rule, I was joined by four of my colleagues in asking for a Roll Call Vote on Amendment #4. Now we can go back and check the transcript, you know it's there and I know it's there, I want the roll call."

Speaker Turner: "Representative, the Chair will admit his error, there was no opposition to this Amendment. The Amendment passed by voice vote, unanimously and we're now on Amendment 5. We're just trying to move the process along. The Gentleman from Vermilion, Representative Black."

Black: "I certainly accept the Chair's capability, but if there wasn't any opposition to it then I think some people were perhaps confused in their questions. And there may be people here who want to vote against it and I pursue my request, I said it clearly, it is under the rules of the House. You know I said it and everybody on the Floor knows I said it, 55 (c) and I was joined by four of my colleagues, I want to see the roll call on Amendment #4. I

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

138th Legislative Day

May 26, 1994

have a right to request that roll call, you have a responsibility to grant it when I follow the rules to the letter."

Speaker Turner: "The Gentleman from Jersey, Representative Ryder."

Ryder: "Mr. Speaker, I stand in support of Representative Black. We heard him say that. It doesn't matter if it gets a 118 'yes' votes that doesn't matter. He asked for, pursuant to the rules, the rights for a Roll Call Vote."

Speaker Turner: "Mr. Clerk."

Ryder: "The Chair doesn't have a choice either the Chair gives that under the rules..."

Speaker Turner: "Mr. Clerk. Mr. Clerk. Mr. Clerk, we'll go back to Amendment #4. I'm only trying to move the process along and it appeared that there was a unanimous support for this Amendment. We will now deal with Amendment #4 again, we will give a roll call. All those in favor of Amendment #4 please vote 'aye'; those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? The Gentleman from Jersey, Representative Ryder."

Ryder: "Mr. Speaker, not on the Bill, but on behalf of the 38...39 folks who had the opportunity to vote 'no'. I would suggest that perhaps the Chair was misguided when it suggested that it was a unanimous situation."

Speaker Turner: "Have all voted who wish? The Clerk shall take the roll. There are 67 voting 'aye', 44...45 voting 'no'. And the Amendment passes. Further Amendments, Mr. Clerk?"

Clerk Rossi: "Floor Amendment #5, offered by Representative Granberg."

Speaker Turner: "The Gentleman from Clinton, Representative Granberg."

Granberg: "Thank you, Mr. Speaker. As I indicated we took

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

138th Legislative Day

May 26, 1994

Representative Black's idea and improved it a little bit. To state that there would no longer be the state police in DuPage, Lake, Kane, McHenry or Will Counties to allow more state police in the rural areas of this state, particularly downstate. And I would move for its adoption."

Speaker Turner: "The Gentleman from Jersey, Representative Ryder."

Ryder: "Inquiry of the Chair, if I may please. We show no copy of this on our side. Would you ask the Clerk?"

Speaker Turner: "Mr. Clerk, has Amendment #5 be printed and distributed?"

Clerk Rossi: "Yes."

Ryder: "Further inquiry of the Chair, please. At what time was the Amendment filed?"

Speaker Turner: "It was filed today, Sir."

Ryder: "At what time, Sir?"

Speaker Turner: "The Clerk does not keep a time stamp as to what time of day."

Ryder: "Well, then ask the Clerk, who's memory is exemplary, how long ago Tony?"

Clerk Rossi: "The Clerk's office..."

Speaker Turner: "There is no time stamp, therefore, the Clerk cannot tell you what time of day the Amendment was filed. He said it was filed today. He said it was filed today."

Ryder: "I believe that the Clerk is producing these Amendments as he receives them, is he not? Is that not the rules of the House? So that any Amendments filed prior to today will have been printed and distributed? I'm just trying to establish the bench mark here."

Speaker Turner: "The Clerk says, that is correct."

Ryder: "All right. We'll hold him to that. Thank you."

Speaker Turner: "Representative...The Gentleman from Lake,

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

138th Legislative Day

May 26, 1994

Representative Salvi, on the Amendment."

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

Speaker Turner: "He indicates he will."

Salvi: "Representative, why are you doing this, is there a problem with too many state police in Lake County?"

Granberg: "Well, Representative as Representative Black indicated we need more troopers downstate because we don't have any. There have been reductions in the state police force and we felt, and I agree with Representative Black, there should be a shift of resources from the northern part of the state to the downstate districts."

Salvi: "Well, I think there already is such a shift, but I don't think anybody is saying that the problem that there are too much police protection in Lake County. I think Representative Black was pointing to the...was making the argument with regards to Cook County. I think you are punishing the suburbs. We're not the ones that presented that and I think you're making a mistake by punishing the suburbs here. We don't have a problem with too much police protection in Lake County and I'm a little offended by that, Representative. You're taking away something basic police protection in Lake County. I don't understand why you're getting us involved in this fight."

Granberg: "Well, the same argument I think would hold, Representative Salvi that with the resources those counties had the county sheriff has the ability with the local deputies to adequately patrol those areas, so we want to go to districts that do not have those resources and that would be the ones predominately downstate."

Salvi: "Well, the vast amount...To the Amendment. The vast amount of dollars coming down here in the form of income tax comes from the collar counties. A huge...we get only a

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

138th Legislative Day

May 26, 1994

very small percentage of our tax dollars back to the collar counties. We don't have adequate state police protection either. Now you're throwing us in here as part of this battle between Chicago and downstate, I don't think it is appropriate to punish the people and the voters of the suburbs in this way. Don't get us involved in this fight, we send a lot of tax dollars down here to Springfield, we get very little bit of it back and I ask for a Roll Call Vote on Floor Amendment #5 and I am joined by the requisite number of my colleagues."

Speaker Turner: "The Gentleman...the Gentleman from McHenry, Representative Skinner."

Skinner: "Of course if we don't have a state police then we won't be able to protect our incomes and we won't have...to the state so then we'll have to lay off the policemen downstate. This seems to be a circular argument and I would ask for a 'no' vote."

Speaker Turner: "The Gentleman from DuPage, Representative Johnson. Tom Johnson."

Johnson, Tom: "Will the Sponsor yield?"

Speaker Turner: "He indicates he will."

Johnson, Tom: "Representative, I just have a couple question for you. I have always thought of you to be a very logical person and I'm trying to understand the leaf of logic to going from a city in excess of million dollars to now counties, not cities. How do you make that leap, I mean city limits are one thing."

Granberg: "Well, Representative, I'm using Representative Black's logic because we do not have the ability to patrol our roads in downstate Illinois. Now we started this, as Representative Salvi indicated, this was not our Amendment, Representative Black's Amendment #4 started this, we are

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

138th Legislative Day

May 26, 1994

continuing that policy. This is a policy that you voted for and Representative Salvi voted for and we are trying to continue that where counties that have the adequate resources and in urban areas, heavily populated areas, they should rely on their county police. That's all this says, we believe in local governments. We believe in local government just like you do and that's why we think the local police officers should take care of the local citizens."

Johnson, Tom: "Well, as I understand Representative Black's Amendment, he was not suggesting that the state police patrol the city limits of the smaller towns, did he? He was just saying that they need to be out there on the state highways and byways."

Granberg: "That's what we're doing. That's what this Amendment does."

Johnson, Tom: "Well, we have state highways and byways through the counties that you are mentioning in your Bills that are not cities."

Granberg: "Because of the heavily populated areas that you live in and because of the population, there is very little rural district in those as opposed to downstate."

Johnson, Tom: "Well, I invite you up to my area, Representative, you need to come up and see it. We actually have farms in my district, you know."

Granberg: "Come downstate, Representative Johnson, we'll show you farms."

Johnson, Tom: "It's kind of moving downstate a little bit here you need to come up and see my district."

Granberg: "We're just..."

Johnson, Tom: "I don't know how that you propose that our agricultural area is there in Kane County and DuPage, I

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

138th Legislative Day

May 26, 1994

mean we got a lot of farms left in DuPage, right?"

Granberg: "DuPage County has a great deal of agricultural area."

Johnson, Tom: "Oh yes. Right. Thank you."

Speaker Turner: "The Lady from DuPage, Representative Biggert."

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

Speaker Turner: "He indicates he will."

Biggert: "Representative Granberg, how many state police are we talking about?"

Granberg: "Well, I would again concur with Representative Black, I'm not sure."

Biggert: "If we were to remove them from the City of Chicago and from DuPage and Kane and Lake County perhaps we should amend Representative Dart's Bill which is putting more police in Chicago to add to the police force in all of these counties and then we might have the requisite number of police, if we're going to take away the state police."

Granberg: "It...Representative Dart's Bill does add the police personal services and additional police to every county, every city. So it does do that, Representative."

Biggert: "Thank you."

Speaker Turner: "The Gentleman from Kane, Representative Hoeft."

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

Speaker Turner: "He indicates he will."

Hoeft: "So these are the roads these roads that run through the collar county are called tollways, so the citizens will have to pay a toll to use the roads, they have to pay a tax on the gas and they're also now going to be asked to pay for the police protection on these roads. A triple tax, this is really amazing."

Speaker Turner: "The Gentleman from Stephens, Representative Madison...The Gentleman from Madison, Representative Stephens."

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

138th Legislative Day

May 26, 1994

Stephens: "I believe they should name a county after me."

Speaker Turner: "I'm sure they will. It will probably be in the State of Ohio. Proceed."

Stephens: "That will be next to Turner County. I anxiously await that date. If the Gentleman will yield for a question, I would like to know if..."

Speaker Turner: "He indicates he will."

Stephens: "I guess that is the reason for exempting the state troopers that are...the 16 troopers that are assigned to the City of East St. Louis from being freed up in our district to be working in our counties."

Granberg: "This is a...Representative Black initiated this with the City of Chicago, we are doing the collar counties. This has nothing to do with this Bill, Representative. If you would like to pursue that in some other piece of legislation."

Stephens: "Well, no, I conferred with Representative Black and he wanted his Amendment, should it get further consideration, to include those 16 officers. A Representative from your and my area in reality those police officers are not going to be assigned from DuPage or Lake or Will Counties down to Clinton County because there is a great likelihood that if we free up those troops in East St. Louis, in St. Clair County, they will be assigned to the highways and byways of your county and mine."

Granberg: "Representative, I respectfully disagree because I know in our counties that we have no state police on the roads after 10 or 11 o'clock at night. They have to drive 60 or 70 miles..."

Stephens: "Representative, if we get them out of East St. Louis they can patrol our streets."

Granberg: "That would be the subject of whatever you want to do."

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

138th Legislative Day

May 26, 1994

The issue before us right here is to shift resources from these four counties. That will help us in downstate Illinois to put state police on the roads to protect our people."

Stephens: "To the Amendment. Your point would be much more palatable if you and we would think you were sincere if you would include those troops that were assigned specifically to every municipality and that would be East St. Louis and Chicago. That's where the real problem is, there aren't any extra troops...extra troopers assigned to DuPage or Will or Lake Counties. They are...there are extra troopers assigned to East St. Louis and Chicago. So if you were sincere, Representative, and if you really wanted more state police protection in your county, you would indeed have your Amendment drafted to address those two cities, so that we could have more street troops on the streets and byways of Clinton County."

Granberg: "I'm very serious, Representative and I'm sure, Representative, that you..."

Speaker Turner: "Are you finished? The Gentleman from Will, Representative Wennlund."

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

Speaker Turner: "He indicates he will."

Wennlund: "Representative Granberg, does Representative Black know that this deletes the heart of his Amendment #4?"

Granberg: "Representative, I don't know your sitting next to him I'm not sure were Representative Black went."

Wennlund: "Well, you know he was a little upset a little while ago and he stormed off the House floor again so...if he's listening in his office..."

Granberg: "He might storm back."

Wennlund: "What?"

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

138th Legislative Day

May 26, 1994

Granberg: "He might storm back, Representative."

Wennlund: "Well, that's true he might just storm back but this deletes the City of Chicago language out as I read the Amendment. And then includes five of the collar counties, it probably contain the majority of the population of the state. Are you in the mood for a little deal this afternoon?"

Granberg: "Pardon me, I couldn't hear the last part, Representative."

Wennlund: "Are you in the mood for a little deal this afternoon? I'll join you in a Motion to table both Amendment 4 and 5 and then we can move on with the business of the House."

Granberg: "Representative, I think that's a fine idea, you're a true public servant and I would agree with that."

Wennlund: "And you'll join me in that Motion?"

Granberg: "Yes I would."

Wennlund: "Thank you very much. Mr. Speaker, I move to table Amendments 4 and 5 to Senate Bill 1722."

Speaker Turner: "Well, as the...not being the maker of Amendment #5 I'm not sure if you can make that Motion and that's...the Gentleman from Clinton, Representative Granberg."

Granberg: "Mr. Speaker, I believe the correct Motion, if I could join Representative Wennlund, would be to table Amendments 4 and 5."

Speaker Turner: "Number 5 has not be adopted at this point."

Granberg: "Mr. Speaker, I don't believe it has to be adopted for the Motion to be in order."

Speaker Turner: "Representative Granberg, you want to take...table...take #5 out of the record? We want to withdraw 4 and then you want to...Representative Granberg."

Granberg: "Mr. Speaker, the Motion would be to table Amendments 4

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

138th Legislative Day

May 26, 1994

and 5. We would not withdraw Amendment #5, we would table both Amendments."

Speaker Turner: "The Gentleman from...The Gentleman's Motion is to table Amendments #4 and 5. All those in favor of withdrawing those Amendments...tabling those Amendments just signify by saying 'aye'; those opposed say 'no'. And the opinion of the Chair is the 'ayes' have it. And Amendments #4 and 5 have been tabled. Further Amendments, Mr. Clerk?"

Clerk Rossi: "No further Amendments."

Speaker Turner: "Third Reading. Representative Ryder. Messages from the Senate."

Clerk Rossi: "A Message from the Senate by Mr. Harry, Secretary. 'Mr. Speaker, I am directed to inform the House of Representatives that the Senate has accepted the Governor's specific recommendations for change which are attached to a Bill of the following title, the acceptance of which I am instructed to ask the concurrence of the House to what Senate Bill 1083, a Bill for an Act concerning local government. Action taken by the Senate May 26, 1994."

Speaker Turner: "On the order of State and Local Government, we have House Bill 1707, Representative Cross. Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 1707, has been read a second time previously. No Committee Amendments. Floor Amendment #1, offered by Representative Skinner."

Speaker Turner: "The Gentleman from McHenry, Representative Skinner."

Skinner: "I'd like to withdraw the Amendment."

Speaker Turner: "Withdraws Amendment #1. Further Amendments, Mr. Clerk?"

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

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

138th Legislative Day

May 26, 1994

Dart."

Speaker Turner: "The Gentleman from Cook, Representative Dart."

Dart: "Thank you, Mr. Speaker. Amendment #2 is the Police Protection Amendment and I move for its adoption."

Speaker Turner: "The Gentleman from Kendall, Representative Cross."

Cross: "Thank you, Mr. Speaker. Can we have a ruling from the Chair, the Parliamentarian, as to the germaness of this Amendment."

Speaker Turner: "Representative Cross, the Amendment is germane. The Bill deals with reduction of crime and so does the Amendment. Representative Cross."

Cross: "Mr. Speaker, I'm just curious. Are there any Bills existing now or will there be in the future that are not germane, maybe if we get a ruling now?"

Speaker Turner: "Mr. Cross, I know earlier when I was in the Chair, we did rule one that was non-germane. I cannot speak to the future, I have not looked at all of them and I don't know when you're going to question them. In fact, if you recall, on the last Bill you questioned the germaness of the Amendment and then you later took the Amendment out after a half an hour worth of discussion. So we're going to just take them one Bill at a time."

Cross: "I'm curious about this particular Amendment, it seems like we continue to debate it."

Speaker Turner: "I don't recall a lot of debate on it other than on the last Bill and as I said, on the last Bill you decided to pull it out. Hopefully, you won't do that again on this one. And if there's going to be a deal let's make it now."

Cross: "Well, I'd be willing to have this Amendment withdrawn, if that will help move the process along. I think we can

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

138th Legislative Day

May 26, 1994

probably get a few people on this side to go along with me on this."

Speaker Turner: "To the Amendment, Mr. Cross. No further question. The question is, 'Shall Amendment #2 be adopted? All those in favor say 'aye'; all those opposed say 'no'. The 'ayes' have it. In the opinion of the Chair Amendment 2 is adopted. Further Amendments, Mr. Clerk?"

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

Speaker Turner: "Withdraw Amendment #3. Further Amendments, Mr. Clerk?"

Clerk Rossi: "Floor Amendment #4, offered by Representative Dart."

Speaker Turner: "The Gentleman from Cook, Representative Dart, on Amendment #4."

Dart: "Thank you, Mr. Speaker. Amendment #4 is the Safe Neighborhood Amendment and I will answer any questions, otherwise I move for its adoption."

Speaker Turner: "The Gentleman from Kendall, Representative Cross."

Cross: "Mr. Speaker, let me try this one, as to get a ruling from the Chair as to the germaness issue. Maybe the Parliamentarian could help us on this one."

Speaker Turner: "He always does, Mr. Cross."

Cross: "Thank you."

Speaker Turner: "Excellent gentleman. Representative Cross, are you ready? This Amendment is germane because the Bill now deals with safe neighborhoods and so does the Amendment, deals with safe neighborhoods."

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

Speaker Turner: "Further questions? Seeing none. The question is, 'Shall Amendment #4 be adopted?' All those in favor

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

138th Legislative Day

May 26, 1994

say 'aye'; all those opposed say 'no'. And the 'ayes' have it. In the opinion of the Chair and the Amendment is adopted. Further Amendments, Mr. Clerk?"

Clerk Rossi: "Floor Amendment #5, offered by Representative Lindner."

Speaker Turner: "The Lady from Kane, Representative Lindner on Amendment #5."

Lindner: "Yes, thank you, Mr. Speaker. This Amendment amends...has to do with domestic violence and it says that when someone is on bail for a felony or a criminal offense in which the victim is a family or household member. And that's as defined in Article 112 (a) of the Criminal Code which is the domestic violence section. And is charged with another felony or criminal offense in which the victim is a family or household member that that person would have to appear before the court to have bail statutorily set by the court. I move that this Amendment be adopted."

Speaker Turner: "The Gentleman from Cook, Representative Dart."

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

Speaker Turner: "She indicates she will."

Dart: "Representative, I see the portions of this dealing with the family members and household members. And I am looking at the Amendment and we deleted the word criminal offense. It used to read, however meant to meet bail for appearance before a court of this state is charged with any other criminal offense, while on such release must appear before this court before bail is set. We have deleted the word criminal offense out of there now and we have added the different language you have for offenses relating to family or household members. But what about the rest of the offenses? We've just deleted those. It looks as if we have deleted all of the rest of them though."

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

138th Legislative Day

May 26, 1994

Lindner: "We have just deleted what? I'm sorry, my Amendment says, 'felony or criminal offense in which the victim is a family or household member.' And that would be defined in Article 112 (a) of the Criminal Code and you can look that up in your statutes."

Dart: "Representative, my concern...I could be misreading this though but the Section (c) that we amended here deals with setting bail when someone commits an offense, a second offense while they are already on bail. They must appear before the court. And it talks about all criminal offenses. We're pulling out the word all criminal offenses and we're just listing the ones involving household members and family members, but what about all the rest of the offenses that are committed that don't involve household and family members? It seems like we don't cover it now because we removed those words."

Lindner: "That's true. It's not covering it, its only covering offenses in which the victim is a family or household member."

Dart: "Representative, my concern is that other felony offenses. There may be an error in the drafting of the Amendment and as I said I could be misreading it, but we talk about felony offenses involving household and family members but we've pulled out all the rest of ones that don't involve household and family members. And it doesn't look as if we have in here something to deal with those other offenses that people are brought in for and that is my concern."

Lindner: "I think may be a mistake in the drafting. Thank you for pointing that out. I will withdraw this Amendment for now."

Dart: "Okay. And I agree with your idea when you're doing it but if we can just add that other phrase in there on another at

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

138th Legislative Day

May 26, 1994

some other time. We probably need to do that."

Lindner: "All right. I would ask the Sponsor what he wants to do with this Bill."

Speaker Turner: "The Gentleman from Kendall, Representative Cross."

Cross: "Mr. Speaker, let me take this right out of the record, for now. I'm going to clean this up."

Speaker Turner: "The Gentleman requests the Bill be taken out of the record. On the order of State and Local Government, the next Bill is 1706, Representative Hoffman. Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 1706, has been read a second time previously. Amendments 1 and 2 were adopted. Amendment #1 was adopted in committee. No Motions have been filed. Floor Amendment #2, offered by Representative Hughes."

Speaker Turner: "The Lady...The Lady from McHenry, Representative Hughes."

Hughes: "Thank you, Mr. Speaker. Amendment #2 amends the Insurance Code relating to certificates concerning payment of taxes and expenses for property which has sustained loss. The Bill provides that the county collector, rather than the township or municipal clerk shall issue certificates relating to delinquent property taxes and that the county building department, rather than township clerk shall also be responsible for executing the certificate regarding demolition expenses for property in unincorporated areas. The municipal clerk shall continue to be responsible for certificates relating to demolition expenses in incorporated areas. This is a minor technical Bill which provides for certification of information prior to insurance claim payouts. Changing the certifier from county clerks, who do not have the information. With this

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

138th Legislative Day

May 26, 1994

Amendment the people providing certification are those who have the information necessary to do so. I am aware of no opposition to it, it is supported by township officials in metro counties and I would appreciate favorable consideration. Thank you."

Speaker Turner: "The Gentleman from St. Clair, Representative Hoffman."

Hoffman: "Thank you, Speaker. I would just like to indicate that I am also in favor of this Amendment and have an agreement with Representative Hughes, so I would ask that this be adopted."

Speaker Turner: "The question is, 'Shall Amendment #2 be adopted?' All those in favor should say 'aye'; all those opposed say 'no'. And the opinion of the Chair the 'ayes' have it. Amendment #2 is adopted. Further Amendments, Mr. Clerk?"

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

Speaker Turner: "The Gentleman from Clinton, Representative Granberg."

Granberg: "Thank you, Mr. Speaker. Amendment #3 makes a technical correction to the statutory language in the original Bill. And I would be happy to answer any questions or move for the adoption."

Speaker Turner: "There is a Rules Committee meeting immediately in the Speaker's Conference Room. Rules Committee meeting immediately in the Speaker's Conference Room. The Gentleman from St. Clair, Representative Hoffman."

Hoffman: "Like Amendment #2 I also would ask that Amendment #3 be adopted. And I am in support of Amendment #3."

Speaker Turner: "The question is, 'Shall Amendment #3 be adopted?' All those in favor should say 'aye'; all those opposed say

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

138th Legislative Day

May 26, 1994

'no'. In the opinion of the Chair the 'ayes' have it. And Amendment #3 is adopted. Further Amendments, Mr. Clerk?"

Clerk Rossi: "Floor Amendment #4, offered by Representative Hoffman."

Speaker Turner: "The Gentleman from St. Clair, Representative Hoffman."

Hoffman: "Thank you, Speaker, Ladies and Gentlemen of the House. Floor Amendment #4 contains what was House Bill 2616, which is some technical clean up regarding the trauma center fund. Right now there is money that is setting there waiting to be distributed to hospitals, trauma centers. However, it needs some technical language in order to be distributed. This makes those technical changes and I ask for its adoption."

Speaker Turner: "Question is, 'Shall Amendment #4 be adopted?' The Gentleman from Will, Representative Wennlund, on Amendment #4."

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

Speaker Turner: "He indicates he will."

Wennlund: "Yes. Representative, it must be technical because looking at it I don't see what it does. Fifty percent goes to the Department of Public Health and 50% dispersed to Public Aid?"

Hoffman: "Right. That doesn't change from the original Bill. What this would do, it would amend the Vehicle Code in order to clean up the language for the collection of this, as well as insure that the 50% which was the original intent of the trauma center legislation can be distributed. Right now, I believe, that there is mil...I'm not sure of the exact amount but somewhere around 4 or \$5 million is sitting right now in the account waiting to be distributed. And we need it through the Department of Public Health, who

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

138th Legislative Day

May 26, 1994

worked out this language, so it can be distributed."

Wennlund: "Well, I agree. Let's pass this Amendment so it can be distributed."

Speaker Turner: "The question is, 'Shall Amendment #4 be adopted?' All those in favor say 'aye'; all those opposed say 'no'. In the opinion of the Chair the 'ayes' have it. Amendment #4 is adopted. Further Amendments, Mr. Clerk?"

Clerk Rossi: "No further Amendments."

Speaker Turner: "Third Reading. Next Bill is Senate Bill 1705, Representative Parke. Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 1705, the Bill has been read a second time previously. No Committee Amendments. Floor Amendment #1, offered by Representative Skinner."

Speaker Turner: "The Gentleman from McHenry, Representative Skinner."

Skinner: "Please withdraw the Amendment."

Speaker Turner: "Withdraw Amendment #1. Further Amendments, Mr. Clerk?"

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

Speaker Turner: "The Gentleman from Cook, Representative Dart, on Amendment #2."

Dart: "Thank you, Mr. Speaker. Amendment #2 is a Police Protection Amendment. I move for its adoption."

Speaker Turner: "The Gentleman from Kendall, Representative Cross."

Cross: "Mr. Speaker, can we have a ruling on the germaness of this Amendment, please?"

Speaker Turner: "Representative Cross, this one is real easy. The Bill deals with an Act in relation to criminal law and so does the Amendment, so it is germane. The Gentleman from Kendall, Representative Cross."

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

138th Legislative Day

May 26, 1994

Cross: "Mr. Speaker, I believe this Amendment, if I'm not mistaken, deals with the State Finance Act."

Speaker Turner: "Representative, I've ruled this Amendment as germane and if you look at it again the title says, it amends the criminal law."

Cross: "Mr. Speaker, I'm looking at our analysis and it clearly amends the State Finance Act. Your ruling indicated that it amended the Criminal Code which is...seems to be in conflict with the Amendment."

Speaker Turner: "Representative, you're looking at your analysis, I'm looking at the Amendment and I believe I am correct. Your remedy is to appeal the ruling of the Chair."

Cross: "Well, if we could have a copy of the Amendment you're talking about. Our Amendment #2 is the Speaker's Amendment dealing with the increased police fund."

Speaker Turner: "Representative, do you wish to appeal the ruling of the Chair? I have already given you..."

Cross: "I would like to appeal ruling of the Chair, please."

Speaker Turner: "I didn't think you would want to do that today, Representative, but if you insist."

Cross: "I'm sorry, I need to insist on that."

Speaker Turner: "The Gentleman from Logan, Representative Olson."

Olson: "Thank you, Mr. Speaker. In reference to Representative Cross's remarks I have the Amendment in hand and on the first page lines 12 and 13 it says, 'the State Revenue Sharing Act is amended by adding sections.' The State Revenue Sharing Act that is not germane to state police."

Speaker Turner: "The question is, 'Shall the Chair be overruled?' All those in favor vote 'aye'; all those opposed vote 'no'. Voting is now open. The Gentleman from Logan, Representative Olson."

Olson: "Mr. Speaker, thank you. Have you personally read lines

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

138th Legislative Day

May 26, 1994

12 and 13 on the Amendment?"

Speaker Turner: "The question is..."

Olson: "Mr. Speaker, I'm asking a very simple question. Have you personally read line 12 and 13 on the Amendment? Don't look to...to your advisor there, have you read them?"

Speaker Turner: "Are you explaining your vote on this Motion, Representative? We are now...you have one minute to explain your vote. Have all voted who wish? The Gentleman from Jersey, Representative Ryder."

Ryder: "Mr. Speaker, I don't understand how you can make a ruling when you didn't even read the Bill. The Chair...the Representative asked if you had read those particular lines, in order to determine if the Amendment is germane, you are required to understand what the Bill...excuse me, what the Amendment says and, for that matter, what the Bill says."

Speaker Turner: "Representative..."

Ryder: "It is impossible. I am explaining my vote, Sir, and I have the right to do that."

Speaker Turner: "Have all voted who wish?"

Ryder: "Am I excluded from continuing, Sir?"

Speaker Turner: "No, Sir. You still have 30 seconds."

Ryder: "Thank you. It seems imposs...it seems to me that it is impossible for the Chair to make a ruling without understanding what it says. The Chair is simply, by rote, said, it must not be a good Amendment and made a decision. I don't understand how the Chair can do this and I ask to verify the prevailing side."

Speaker Turner: "The Gentleman from McClain, Representative Brady. One minute to explain your vote."

Brady: "Thank you, Mr. Speaker. I stand in favor of the previous two Representatives. I don't know how you could even begin

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

138th Legislative Day

May 26, 1994

to rule when you fail to read not just two lines but the whole Bill in the whole Amendment. This is a joke and you ought to consider the fact that you are sitting here ruling on something that is absolutely not germane. You know it, we know it and you're doing it for one single purpose. And I think you ought to consider and respect the rights of the people of Illinois when you make this decision and not just rule without at least. I don't know how you can rule without reading two lines, let alone the whole Bill and the whole Amendment. I think you really ought to reconsider your own rule."

Speaker Turner: "The Gentleman from Logan, Representative Olson. You have explained your vote. For what reason do you rise now?"

Olson: "I do not rise to explain my vote. If I can't...I'll have a point of personal privilege or a point of order then if I could. Mr. Speaker, Mr. Speaker, one of the problems...one of the responsibilities of majority is to protect the rights of the minority. Now this won't take you 30 seconds, it won't take you 30 seconds to read those two lines on the Amendment and if you don't have it, I'll gladly walk down with it. But just read those two lines and tell me what the genesis of this Amendment is. Please and thank you."

Speaker Turner: "Have all voted who wish? The Clerk shall take the record. On this ruling there are 51 'yes', 63 'noes'. And the Motion fails. Representative Ryder, with the verifications. Representative Ryder, the verification is dilatory because it takes 71 votes to overrule the Chair and the Motion did not receive 71 votes. It needs 71 votes and it did not receive 71 votes. That was a Motion to overrule the Chair. You need 71 votes in order for that

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

138th Legislative Day

May 26, 1994

Motion to pass. It did not receive 71 votes.
Representative Ryder."

Ryder: "Speaker, you're denying the opportunity for a verification? I have a right to determine if the people who voted had their switches voted are present."

Speaker Turner: "Representative."

Ryder: "I have that right. You're suggesting that in some way standing up for those rights is dilatory?"

Speaker Turner: "Representative."

Ryder: "Is that what I understand the Chair to be saying?"

Speaker Turner: "When it did not receive 71 votes, which is the requisite required number of votes, on that Motion and it did not receive that number, I say that it is dilatory.
Representative Ryder."

Ryder: "Speaker, I have a right to determine if the votes were properly cast. Now I may not prevail on the end but to deny me the opportunity is blatantly against the rules."

Speaker Turner: "Representative Ryder, you have the same Motion that or the same right that Representative Olson made earlier and that is to appeal the ruling of the Chair. If you wish to make that Motion you may do so."

Ryder: "Let me see if I get this straight. You dump the roll call and you..."

Speaker Turner: "We did not dump the roll call."

Ryder: "You didn't rule dilatory, you didn't rule dilatory until after the board was cleared. So you dumped the vote and now you suggest that the only option I have is to appeal the ruling of the Chair that appealed the ruling of the Chair. How silly are we going to be, Speaker? If that's the way that you want to run it, Speaker. I'm sure that we can appeal any decision that you want to make. Now why don't you give us an opportunity here to do this business

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

138th Legislative Day

May 26, 1994

of the House instead of creating the kinds of dilatory actions on behalf of the Speaker? You're the one that's keeping us here, you're the one that's abusing the rules, you're the one that's denying our rights. The real Speaker wouldn't do that."

Speaker Turner: "Representative, Representative, I am the real Speaker, I am in the podium at this time. You need 71 votes and you didn't have it. Representative Parke, the Gentleman from Cook, Representative Parke."

Parke: "Representative Turner, Mr. Speaker. I might make a humble suggestion that I think the board was cleared and Representative Ryder did have a request and just to expedite this, is there a way that you can ask for that over again and give Representative Ryder the opportunity to verify those people and make sure? I think that's fair and I think that maintains the decorum by simply letting us vote on that Motion again and then just moving on after that has been taken care of. I think that is a reasonable request, Mr. Speaker."

Speaker Turner: "Representative Parke, if you wish to make the same Motion that Representative Ryder is arguing about and that is, the Motion to overrule the Chair. You may make that Motion, we can take the roll call again and do the same thing. If you desire to do such or make that Motion, please do so. The Gentleman from Logan, Representative Olson."

Olson: "Thank you, Mr. Speaker. This time I do not rise on a point of order but a point of personal privilege. You have, in my view, made about three mistakes, please don't make anymore and keep compounding this. If I were...I have often commented about my friend Representative Turner. I have a great respect for the integrity of that individual

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

138th Legislative Day

May 26, 1994

and I have commented quite often on that. Please don't destroy what I sincerely feel in my heart here today. Take charge of that...take charge of that podium, quit listening to the smoke put in your ears and just go back and let's start over again. That is very simple, don't destroy the great relationship and respect that I have for you. Thank you."

Speaker Turner: "The Gentleman from Cook, Representative Parke."

Parke: "Thank you, Mr. Speaker. I understand now what you are trying to achieve. I would make a Motion to override the Chair so that we can then once that Motion has been taken have a verification of those that are voting. So I would be joined by five of my colleagues for a Motion to overrule the Chair. And I would ask for that Motion to be called."

Speaker Turner: "The Motion is to overrule the ruling of the Chair. All those in favor should vote 'aye'; all those opposed should vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? The Clerk shall take the role. Representative Biggert wants to be recorded as voting 'aye'. Representative Stephens, for what reason do you rise?"

Stephens: "I think you're the real Speaker."

Speaker Turner: "Thank you, Representative. You may take your seat. Representative Parke, for what reason do you rise?"

Parke: "Mr. Speaker, would you poll those not...voting please?"

Speaker Turner: "Poll those not voting, Mr. Clerk."

Clerk Rossi: "Poll of those not voting: Representative Shirley Jones, Representative Lopez, Representative Morrow and Representative Turner."

Speaker Turner: "Record Representative Turner as voting 'no'. There are 50 voting 'yes', 64 voting 'no'. And the Motion fails. It is...further Amendments?"

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

138th Legislative Day

May 26, 1994

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

Speaker Turner: "Withdraw Amendment #2. Further Amendments?"

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

Speaker Turner: "He wants to hear...he wants to hear Amendment #2."

Dart: "Mr. Speaker, I already explained Amendment #2 and ask for a favorable vote on it and then when this was done."

Speaker Turner: "Representative Dart, on Amendment #2."

Dart: "Once again, Mr. Speaker, Amendment #2 is the Police Protection Amendment. I would answer any questions, I move for its adoption."

Speaker Turner: "The Gentleman from Cook, Representative Parke."

Parke: "Thank you, Mr. Speaker. I'm not sure but can the Clerk tell us what we just did? I thought we withdrew Amendment 2. What Amendment did you withdraw?"

Speaker Turner: "It was withdrawn by mistake, by the Speaker, it is not withdrawn."

Parke: "What did we just vote on previous to this, what was before we went to?"

Speaker Turner: "We voted on overruling the Chair."

Parke: "No. I understand that we did that twice. What did we do before that? I thought we voted on Amendment 2?"

Speaker Turner: "No. We voted whether it was germane."

Parke: "Germaness."

Speaker Turner: "We started with germaness, overruling the Chair a couple times. We are now on Amendment #2. Representative Dart."

Parke: "All right."

Speaker Turner: "Representative Dart. Representative Dart on Amendment #2."

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

138th Legislative Day

May 26, 1994

Dart: "I just move for its adoption, on Amendment #2."

Speaker Turner: "Representative Parke, do you wish to speak to the Amendment?"

Parke: "Thank you, Mr. Speaker. I do wish. Will the Sponsor of the Amendment 2 please, will he yield for a question?"

Speaker Turner: "He indicates he will."

Parke: "Representative Dart, I know that you know what it is. But could you just share with us again so that everybody on the Floor will cast an intelligent vote on Amendment 2? What...just briefly tell us what you do...did again."

Dart: "Yes. Amendment #2 is a Police Protection Amendment which basically would target more money to putting more police officers on the streets of our neighborhoods. It's done in incremental levels so that in the next three fiscal years it will come in different amounts. And I would be happy to answer any of the questions regarding it."

Parke: "Now is this the same Amendment that's been placed on numerous other pieces of legislation over the course of the last two or three years...years?"

Dart: "You got it."

Parke: "Years, well it seems like years. Two or three weeks?"

Dart: "You got it."

Parke: "And this is in essence to Speaker Madigan's Amendment that he's continued to put on all of the legislation that deals with criminal justice?"

Dart: "No, no. Just all the ones that call for us spending more money."

Parke: "All right. Now this is \$200 million more money out of the fiscal year 95 budget?"

Dart: "This would call for an additional \$200 million in fiscal year 95 out of new revenue growth."

Parke: "Have we come up again since this continues to go on for

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

138th Legislative Day

May 26, 1994

the last three weeks? Have we come up with a source of cutting of the Governor's proposed budget where that money will come from?"

Dart: "Well, this would either come from revenue, new revenue, or probably from the second...the Governor's second borrowing scheme, probably."

Parke: "What was that last word?"

Dart: "Maybe the Governor will come up with another borrowing scheme."

Parke: "A borrowing scheme? That is only because we don't have enough money to pay the Bills that we have now. And now we're trying to change the Governor's proposed budget by taking another \$200 million out of something that we don't have money to pay for in the first place. Thank you. I appreciate the information on Amendment 2."

Speaker Turner: "The Lady from DuPage, Representative Biggert."

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

Speaker Turner: "He indicates he will."

Biggert: "Representative Dart, how many Bills has this been put on?"

Dart: "I'm...to be quite honest with you, I don't know."

Biggert: "You've lost count?"

Dart: "No. I was never real good with numbers, that's why I became a lawyer."

Biggert: "How many more are you going to put it on?"

Dart: "I'm not sure."

Biggert: "Well, the day before yesterday you seemed concerned that I was putting an Amendment on nine Bills and I thought maybe you thought that was too many but..."

Dart: "No. I didn't think it was too many. I just asked a question..."

Biggert: "But maybe it wasn't enough?"

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

138th Legislative Day

May 26, 1994

Dart: "I just asked how many you were putting it on and it was a rather simple question."

Biggert: "Well, I thought maybe it wasn't enough."

Dart: "No, no, no. Just like yourself who is putting a lot of Amendments on Bills to insure your good idea got though. I'm doing the same thing."

Biggert: "Thank you."

Speaker Turner: "The Gentleman from Will, Representative Wennlund."

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

Speaker Turner: "He indicates he will."

Wennlund: "Does Representative Black know that this Bill...this Amendment will put more cops in the City of Chicago, state paid cops in the City of Chicago, does he know that?"

Dart: "I think...think the part that he would actually enjoy is the fact that we are giving them an extra \$591,000 in the first year for Danville."

Wennlund: "In Danville?"

Dart: "Yes, Danville."

Wennlund: "Oh, then he'd be all for this then, wouldn't he?"

Dart: "And Joliet is getting over a million dollars too."

Wennlund: "A million dollars, all right."

Dart: "A million three."

Wennlund: "Fantastic. How about Orland Park?"

Dart: "Which one now?"

Wennlund: "Orland Park?"

Dart: "Orland Park. I don't have the exact figure on Orland but I'm sure it would be in about the \$500,000 category."

Wennlund: "And so how many cops will this whole Amendment cause the hiring of?"

Dart: "Well, we talked about this yesterday because the unique thing about this is we're allowing the municipalities to

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

138th Legislative Day

May 26, 1994

have the control that they need to target the problems that they have in their cities. And as anybody around here realizes different police get paid different amounts from city to city. And so they could either train and hire...high quality police officers, pay them top notch, they could work with part time police officers. It is allowing them the discretion so that they can handle their problems the way they see fit."

Wennlund: "Does the municipal league support this, do you know?"

Dart: "I'm not aware of it, I imagine they would be happy about getting the extra revenue after we stole the surcharge from last year."

Wennlund: "Or would they fear that...that like usual state mandated programs that we are going to withdraw the funds and they are going to end..."

Dart: "We're not mandating this on them, we're giving them the extra money for the police."

Wennlund: "Okay. And what happens if the money dries up?"

Dart: "Well, if the money dries up then they would have to probably try to make do or go back to the present level of funding but hopefully if we...as serious as we are about being tough on crime we're going to want to make sure that the money doesn't dry up and that we can get the money so we can keep our streets safe and the people can walk out of their houses and not feel as if they are going to be shot or mugged."

Wennlund: "Oh yes, well, all right. We're all in favor of that then and as long as Danville is taken care of we're all right."

Dart: "We got Danville."

Wennlund: "Thanks."

Speaker Turner: "The Gentleman from Joe Davis County,

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

138th Legislative Day

May 26, 1994

Representative Lawfer."

Lawfer: "Thank you, Mr. Speaker. Will the Sponsor yield for a couple questions?"

Speaker Turner: "He indicates he will."

Lawfer: "It is my understanding, Representative, that this amends the State Finance Act. Does it also amend the Children and Family Services Act, also?"

Dart: "No, I don't believe it does."

Lawfer: "Or the Firearms Accountability Act?"

Dart: "No, I don't think it amends that one either."

Lawfer: "Okay. Those two are not amended on...they're not part of this Amendment?"

Dart: "No, this one deals with the Finance Act and deals with the extra money for police."

Lawfer: "Okay. Thank you very much."

Speaker Turner: "The Lady...the Gentleman from Kane, Representative Hoeft."

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

Speaker Turner: "He indicates he will."

Hoeft: "There was another great idea that was before this Body called the Charter School Bill and it was run out a number of times, in fact, I think it might come close to rivaling the number of times this came up. But we decided to, out of grace and dignity to this group, to withdraw it so we didn't have to come up time and time again. Now if, in fact, you continue to do this I'm going to threaten you Sir and say we might start amending some Charter School Bills and that would be dilatory to all of us. So just think about that if you wouldn't mind."

Dart: "Representative, the difference is, is that this Amendment is something that has gotten unanimous approval by every Member of this Body. And given the way the Senate Rules

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

138th Legislative Day

May 26, 1994

have been going now we cannot be sure that's its going to make it on any specific Bill. Where the Charter School Bill keeps going down."

Hoeft: "Charter School Bill got anonymous support."

Dart: "Yes."

Speaker Turner: "The Gentleman from Kendall, Representative Cross."

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

Speaker Turner: "He indicates he will."

Cross: "Is there a sunset provision in this...this new Amendment?"

Dart: "In the Police Protection Amendment? It's for a three year period."

Cross: "Three year period. You went down the list a few minutes ago and talked about some money. I'm real concerned about some of the towns in my district, how about Yorkville, how much money will Yorkville get?"

Dart: "We have most of the large cities identified with the large amounts. If you have any large cities in your district, we may be able to help you with that. That didn't appear on here."

Cross: "How about Lisbon?"

Dart: "Lisbon, Lisbon, Lisbon. No, no foreign countries either."

Cross: "How about Aurora?"

Dart: "We do have Aurora, \$1.7 million would be going to that city."

Cross: "On an annual basis?"

Dart: "Well, that is only in the first year. It actually would increase the second."

Cross: "Do we have any numbers on the second and third year?"

Dart: "I'm actually working them out right now. Representative Hoffman is my number guy, he's working them out right now."

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

138th Legislative Day

May 26, 1994

Cross: "Representative Hoffman doing numbers?"

Dart: "Yes. Yes, he is the number crunchier."

Cross: "Representative Persico wants to know how Glen Ellen looks on that. Do you have any...that's a big town."

Dart: "Glen Ellen?"

Cross: "Big town."

Dart: "That's real big? No. I don't have that one either."

Cross: "Are we going to...after the third year, what are we going to do for money? Do we have any ideas?"

Dart: "No. Hopefully we will then have the fortitude again to come forward in front of this Body and pass another Bill such as this to continue this program and..."

Cross: "Are we going to be able to do that with one Amendment or 50 Amendments?"

Dart: "Well, hopefully if we have the Governor's office and the Senate by then we would be able to do with one."

Cross: "We as the Republicans you mean?"

Dart: "No. We meaning me, the good guys."

Cross: "And one final question. How does Pawnee look on your list?"

Dart: "Real good."

Speaker Turner: "Seeing no further questions. The question is, 'Shall Amendment #2 be adopted? All those in favor should say 'aye'; all those opposed say 'no'. The 'ayes' have it, in the opinion of the Chair. And Amendment 2 is adopted. Further Amendments, Mr. Clerk?"

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

Speaker Turner: "Withdraw Amendment #3. Further Amendments, Mr. Clerk?"

Clerk Rossi: "Floor Amendment #4, offered by Representative Dart."

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

138th Legislative Day

May 26, 1994

Speaker Turner: "Representative Dart, on Amendment #4."

Dart: "Thank you, Mr. Speaker, Members of the House. Amendment #4 is the Safe Neighborhood's Bill and I move for its adoption."

Speaker Turner: "The Lady from Cook, Representative Mulligan."

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

Speaker Turner: "He indicates he will."

Mulligan: "Representative Dart, there are some Members on our side of the aisle that would like you to explain this Amendment in detail. Would you please do that?"

Dart: "Yes, I bet you would. This is the Safe Neighborhood's Bill which is attempting to take a comprehensive look at the problems that we have on our streets and makes numerous changes in the juvenile code and tries to set up a committee which will examine and reexamine the juvenile code as it exists right now and try to come up with a more comprehensive approach. We do have some provisions in here dealing with the automatic transfer provisions. And we have provisions here on the child abuse section and actually, as a matter of fact, probably one of the best people to answer some of these questions, would be Representative Cross, who I worked with extensively on this."

Mulligan: "Could that be because it was Representative Cross' Bill to begin with?"

Dart: "No, no. This one wasn't, this was my baby."

Mulligan: "Oh, who was...I'm sorry. We've changed so many times in Sponsorships to some of these Bills, perhaps you could refresh my memory who was the first Sponsor of the Bill."

Dart: "Me."

Mulligan: "You?"

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

138th Legislative Day

May 26, 1994

Dart: "Me."

Mulligan: "Well."

Dart: "Every once in awhile I have..."

Mulligan: "That's interesting."

Dart: "Every once in awhile I have an idea."

Mulligan: "Is any of this generated by the polls that show that perhaps crime is the number one issue in the upcoming election?"

Dart: "No, no. As a matter of fact, this was generated by myself and a couple of other individuals who have experience in these...with this in our background. And after sitting through this and seeing a lot of laws that don't make a lot of sense, we decided to get together and put together a comprehensive approach."

Mulligan: "Don't you think that by repeatedly placing an Amendment on that what you are doing is you're lessening the effect of your legislation, which is probably very good legislation to begin with but you're making a mockery of it by continuing to do this?"

Dart: "No. The exact opposite because the mockery was made when we passed this thing out by over a 100 votes. With getting it to the Senate with plenty of time for them, with all of their rules, this passed very early in the Session. And yet to have it sitting in their Rules Committee and go nowhere because that's what they determine they were going to do with it. So that was the mockery, that's why I want to insure that this is going to go somewhere. So it is on a couple other Bills, yes."

Mulligan: "Well, I think that your environmental record is going downhill quickly. With the amount of paper and trees that you must of killed. So, between this I hope you do get some of these actually passed because I don't think the

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

138th Legislative Day

May 26, 1994

environmentalist are going to be voting for you."

Speaker Turner: "The Gentleman from Cook, Representative Parke."

Parke: "Thank you, Mr. Speaker. Representative Dart, I think I have a record here, you've put this Amendment, this thick Amendment, on eight different Senate Bills. It is eight now. So, all I can say is that, the Body has voted on this Amendment, this is a Safe Neighborhood's Amendment. I certainly think that everybody ought to take a good hard look at that and once that goes on the Bill that it probably would be a very good Bill to vote for. So, thank you."

Speaker Turner: "The Gentleman from Will, Representative Meyer."

Meyer: "Thank you, Mr. Speaker. Would the, would the Sponsor yield for a question?"

Speaker Turner: "He indicates he will."

Meyer: "The committee that you spoke of that would be investigating, what exactly would they be looking at?"

Dart: "I'm sorry, what..."

Meyer: "When you were describing the Amendment, you indicated that it would set up a committee? What exactly would that committee be doing?"

Dart: "It's a committee, it's, Representative Cross and I worked on actually and we're trying to get this done in another way too. Because it's something that we wanted to make sure we get out of this whole mess, because everything seems to get stuck in the Senate Rules. This would allow us to evaluate the juvenile justice system as it exists right now and try to come up with a more comprehensive approach to it. To come up with something that makes it a little bit more sense than the existing system now, where juveniles are constantly being released onto our streets, whether or not they're violent or non-violent offenders."

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

138th Legislative Day

May 26, 1994

Meyer: "Is this a Legislative Committee that would convene them?"

Dart: "It's primarily going to be non-legislative, we're going to have people from the juvenile justice commission and other commissions that deals with this, being the primary force behind it. There may be a Legislator or two on there, but that would be about it."

Meyer: "What would be the time frame of the Committee?"

Dart: "Well, we were asking to have them, if we could get this thing passed soon, we are asking to have it done so we could start working on legislation next year."

Meyer: "Would it be in the outgoing committee then, opportunity?"

Dart: "No, No. We'd hope to get our tasks done, we find out what's wrong with the system, try to get it, put it together and then we would be done."

Meyer: "Okay. Thank you, Mr. Speaker."

Speaker Turner: "The Gentleman from Cook, Representative Lang."

Lang: "Thank you, Mr. Speaker. We've debated this Amendment on several other Bills and I would move the previous question."

Speaker Turner: "There are no other speakers, Representative. You were the last one. The question is, 'Shall Amendment #4 be adopted?' All those in favor should say 'aye'; all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it and Amendment #4 is adopted. Further Amendments, Mr. Clerk."

Clerk Rossi: "Floor Amendment #5, offered by Representative Wennlund."

Turner: "Thank you, Mr. Speaker. I'm going to take the chance that Representative Black's Speaker is off in his office and withdraw this Amendment."

Speaker Turner: "Amendment #5 is withdrawn. Further Amendments, Mr. Clerk?"

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

138th Legislative Day

May 26, 1994

Clerk Rossi: "Floor Amendment #6, offered by Representative Granberg."

Speaker Turner: "Withdraw Amendment #6. Further Amendments, Mr. Clerk?"

Clerk Rossi: "No further Amendments."

Speaker Turner: "Third Reading. Committee Reports."

Clerk Rossi: "The Committee on Rules is madam pursuant to rule 1484, Conference Committee, House Members appointed and 1485, House Bills amended in the Senate recommends consideration, the following Bills be placed on the Order of Conference. House Bill 4 an amendatory compliance, Senate Bill 1083 signed by Chairman Frank Giglio on May 26th."

Speaker Turner: "Supplemental Calendar #1. Supplemental Calendar #1 is being passed out now. It's being distributed. Supplemental Calendar #1, Speaker's Table, House Resolution 2829, Representative Giglio. House Resolution 2829, Representative Giglio. The Gentleman from Cook, Representative Giglio."

Giglio: "Thank you, Mr. Speaker and Ladies and Gentlemen. I move for the adoption of House Resolution 2829. And what it does is we've finally realized that the Republicans are right and we removed all deadline dates for all our Bills. So, I would move for the adoption."

Speaker Turner: "The Gentleman from McHenry, Representative Skinner."

Skinner: "Why did you do that?"

Speaker Turner: "The Gentleman from Wennlund...the Gentleman from Will, Representative Wennlund."

Skinner: "What about my answer to my question?"

Speaker Turner: "Did you...you have a question? Representative Giglio, will you yield to Representative Skinner?"

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

138th Legislative Day

May 26, 1994

Giglio: "Go ahead."

Skinner: "Why did you do that?"

Giglio: "Yes. Is he stable?"

Skinner: "Is this a multiple choice test?"

Speaker Turner: "Representative..."

Skinner: "We have no deadline?"

Giglio: "Are you asking a question or are you making a statement?"

Skinner: "I asked a question. Why did you do that?"

Giglio: "We took your advice. We took the advice of the other side..."

Skinner: "Our advice is to adjourn."

Giglio: "Well, we will adjourn sine die in January. Until that time, we want to do the people's business like we were elected to do, and this is why we took your advice and we extended a deadline to no deadline."

Skinner: "Representative, you and I, among others in this House, go far enough back to understand that during the last month of a Session business sometimes was done. It has not been done for the last three weeks. We've been talking about House Bills that go to never-never land. I mean, this could be called the Peter Pan Session. They sort of fly out and they never come back."

Giglio: "Well, Representative Skinner, now that's your interpretation. We've been trying to do the people's business and with your...with your calls to recess and have caucuses and the tactics that were being put on the other side of the aisle by some of your Members, it's just ridiculous. And this side of the aisle is just trying to do what we were elected to do."

Skinner: "Which is to put your heel down on our neck and keep us subservient, right?"

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

138th Legislative Day

May 26, 1994

Giglio: "Well, Representative Skinner..."

Skinner: "It's time to let my people go, Mr. Chairman."

Speaker Turner: "The Gentleman from Wennlund...the Gentleman from Will, Representative Wennlund."

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

Speaker Turner: "He indicates he will."

Wennlund: "Representative Giglio, are you aware of the constitutional provision with respect to the Sessions in even-numbered years?"

Giglio: "I can't hear you, Representative."

Wennlund: "Are you aware of what the constitution provides with respect to the business of the General Assembly in even-numbered years?"

Giglio: "Even-number years?"

Wennlund: "Correct. The second year of a two-year Session."

Giglio: "Well, whether even years or odd years, we don't adjourn or finish our business until sine die, and while we're here, we just try to do what the people elected us to do, Representative, and that's provide...making good laws so people can live better and do something, raise their families and have a happy life for themselves and for their relatives and for the other people like their friends and neighbors."

Wennlund: "Are you familiar with the rules of the Senate?"

Giglio: "No, I'm not too familiar with the rules of the Senate. I'm sure they're not too familiar with ours, so they...they're just deadlock and stymie everything we do. We just want to do what we were elected to do in our House."

Wennlund: "And if you do what you're elected to do knowing full well that the Senate's deadline has long passed on some 600 House Bills that still remain on our Calendar, are you

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

138th Legislative Day

May 26, 1994

really doing the people's business?"

Giglio: "Representative, they have the same process that we have, and they can change their rules just like we can until we sine die. So we'll run our House; we'll let them run the Senate; and hopefully, we can work together on some issues."

Wennlund: "To...to the Resolution, Mr. Speaker and Ladies and Gentlemen of the House. This is, I believe, the sixth change in the rules in the last three months, the sixth change in the House Rules. Now, somebody's not running a House here. That's the bottom line. Somebody is not running this House. The rules have been changed six times. The Senate has not changed their rules. This is like, I'll tell you what it's like, it's like buying a lottery ticket after the drawing. That's what this is like. Anything we do here during the month of June, any action on those 600 House Bills, is an absolute waste of the taxpayer's money, to the tune of \$10,000 plus a day of the taxpayer's money. This is absolutely ridiculous. And I get this schedule that shows 16 days in the month of June and it also says coming from the Speaker: 'House Bills and Senate Bills on Special Orders will continue to be considered during floor Session this upcoming month'. Wonderful. It's like betting on a horse after the race is completed. It's a waste of money. It just can't happen. None of these can become laws. Everyone of you know it; the Speaker knows it, and yet we're going to continue on with this useless charade, \$10,000 a day of the taxpayer's money. That is absolutely crazy, and you and I know it and the taxpayers are going to know it. I'll tell you who the losers are, the losers are the taxpayers of the State of Illinois. Now, the Speaker ought to get his act together and run this

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

138th Legislative Day

May 26, 1994

House like it should be run in coordination with the Senate. Let's get the real problems taken care of. Let's solve Medicaid. Let's get a budget passed and go home and save the taxpayers of Illinois some money. This Resolution ought to be defeated."

Speaker Turner: "The Gentleman from Perry, Representative Hawkins."

Hawkins: "Will the Sponsor yield?"

Speaker Turner: "He indicates he will."

Hawkins: "This Resolution, does it have a name or is it just a number?"

Giglio: "It's...it's House Resolution 2829, Representative."

Hawkins: "Okay. Two speakers ago, I think it was Mr. Skinner, indicated that the House has not done anything for the last three weeks. Is that correct?"

Giglio: "I believe that's what his statements were."

Hawkins: "Well, I don't...I don't think you can probably answer this. We would have to go back through the transcript, but I'm going to ask you this question anyway. If Mr. Skinner had had laryngitis and had been unable to speak for the last three weeks, would this Resolution be necessary? And I would like to name this the 'Skinner Resolution'. Thank you."

Speaker Turner: "The Gentleman from Lake, Representative Churchill."

Churchill: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. A previous speaker likened this Resolution to betting on a horse after the horse had already finished the race. I don't think that's a proper analogy. Actually it's more like beating a dead horse, maybe even worse than beating a dead horse. This is kind of like giving CPR to a horse that's been dead for three weeks. Because what's

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

138th Legislative Day

May 26, 1994

happened is, that all these House Bills that we've been playing with are going to be back in the month of June, so we're going to continue to bring up House Bills, consider House Bills. Everyone of those Bills is dead. We're not beating a dead horse; we're giving CPR to something that is not going to come back to life. The truth of this Resolution is that the real Speaker cannot run the House. If you want to run an orderly House, you have to have time lines. If you're going to have time lines, you've got to have deadlines, and when you don't have any deadlines, then you cannot run an orderly House. In fact, not only can the real Speaker not run the House anymore, he's lost control of the House, and that's what you see with this Resolution is proof of the fact that he's lost control of this House and this process. Mr. Speaker, in the event that you might try and decide to do something on this Resolution by voice vote, I would cite the appropriate rule and ask for the appropriate number of my fellow Members to request a Roll Call Vote on this Resolution. Thank you."

Speaker Turner: "The Gentleman from Madison, Representative Stephens."

Stephens: "Will the Chairman of the Rules Committee yield for a question?"

Speaker Turner: "He indicates he will."

Stephens: "Representative, Chairman, how will this affect Bills that are currently before the Rules Committee?"

Giglio: "Representative, this Resolution has no impact on the Bills before the Rules Committee. This is just to...to say..."

Stephens: "What does it have impact on?"

Giglio: "...that there's no deadline...Bills that are on the floor."

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

138th Legislative Day

May 26, 1994

Stephens: "Bills that are on what, Sir?"

Giglio: "Bills that are on the floor on our present Calendar."

Stephens: "To...to the Resolution. What we're doing is taking the gridlock from the...from the Gentleman's Rules Committee and trying to bring it to the House floor. The phrase 'gridlock' is often referred to what goes on in Washington, and there are those on the House floor who want to take their expertise at gridlock here in the chamber and take it off to Washington. But I suggest that we shouldn't be taking lessons from Washington about how to mess with the rules of the House in order to create actual political gridlock that is indeed going to lead to such confusion in this chamber and send a message to our comrades in the Senate and to the Governor's Office that what this chamber is about is nonsense. We ought to set our rules, stick to them. We shouldn't take an example from the gridlock that happened in the Rules Committee and bring that gridlock to the House floor. So, I think the Gentleman is out of order and certainly to bring this Resolution to the House floor for the sixth time to change the rules. Chairman Gridlock, this is inappropriate. I wish that you would withdraw your Motion to pass and adopt House Resolution 2829."

Speaker Turner: "The Gentleman from DuPage, Representative Biggins."

Biggins: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. With due respect to the colleagues on my side of the aisle, I'd like to respectfully discuss...talk about some of their comments recently made. The previous speaker mentioned that this is like the gridlock in Washington, D.C. Well, it is in one real sense. It's one Party gridlock. It's the Democratic Congress that can't control the Congress, and here we have the Democratic House with a

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

138th Legislative Day

May 26, 1994

Majority of 67 to 51 votes that can't run its own House. They're in gridlock on their own Bills. They're in gridlock on Bills coming in from across the hall, and it's only a Democratic gridlock. The Republicans have been willing to work and been working since we got here. We know we shouldn't be here. You know we shouldn't be here. It's not a matter of losing control. The Speaker never showed he had control. He only controls the Party; he does not lead this Body. Now everybody on the other side knows that what you're doing is wrong, what we're doing to the taxpayers and the people we represent, what the Democrats are doing to the people we represent and it's only the Democrats doing it to the people all over this state. They should be ashamed of themselves. Adjourn, come back when it's time to come back, work on the problems we all face, and go forward as a distinguished Body."

Speaker Turner: "The Gentleman from Clinton, Representative Granberg."

Granberg: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. The previous speakers have alluded that everything is dead, everybody should go home. Well, Ladies and Gentlemen, we've been in Session 37 days this year, 37. I think my constituents and your constituents expect us to do some work in Springfield. Thirty-seven days all year. I think we have an obligation to stay here to work on the state's problems. We're working on the Medicaid problem. We're working on the budget problem. We're working on those things on an ongoing basis. In the interim, we can work on legislation. Representative Churchill indicated all Bills are dead. Well, let me tell you, I've been around this process, there's an old maxim, nothing is ever dead around here if you have the votes. You could very

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

138th Legislative Day

May 26, 1994

well see these things come back at some point in the future, and they usually do. We have an obligation to stay here and to work, not to go home and tell our constituents, 'Yeah, we'll let Leadership make decisions'. What about us? What about us who sit here? We should be here giving our input, working with our Leadership on both sides of the aisle, asking them to work for the people, work out these problems, come to grips with these problems, and take care of the taxpayers of this state and we should be working, and at least that's what we intend to do."

Speaker Turner: "The Gentleman from Jersey, Representative Ryder."

Ryder: "Thank you, Mr. Speaker. I would ask the opportunity to question the Sponsor. Would he yield to questions, please?"

Speaker Turner: "He indicates he will."

Ryder: "Representative, I'm a little confused here. I want to just ask a few basic questions and perhaps you could help me out here. Are there still 67 Democrats on your side of the aisle?"

Giglio: "I believe that's correct."

Ryder: "And is Mike Madigan still the Speaker of this House?"

Giglio: "He certainly is."

Ryder: "And did not you pass with those 67 votes and with the Speaker of the House when we organized a year and a half ago, the rules of the House over the objections of the Republicans? Are these not the rules that were passed?"

Giglio: "Well, I believe at that time we did, with the understanding that those rules are always..."

Ryder: "There was no understanding..."

Giglio: "There's understanding that they always can be changed like they have in the past."

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

138th Legislative Day

May 26, 1994

Ryder: "To the Resolution, Mr. Speaker. I did some checking. It was Casey Stengle and he said, 'It's deja vu all over again'. Here we go again. Cannot the Speaker of this House, with the Majority of 67, with rules that he created, operate this House? What has happened? What happened to the velvet hammer? I think it lost its touch. No, Mr. Speaker, you might grasp the gavel at this point, but you don't control the House anymore. It is out of control. The Speaker, be it you or the real Speaker, is unable to pass Democrat Bills. Look at the Calendar; those Bills are not Republican Bills, those are Democrat Bills. For the first time in my memory, and I think the first time in anyone's, there is no longer a deadline. What kind of foolishness is that? What kind of foolishness is that says, 'We are no longer operating by the rules because the rules don't matter?' I find it very difficult to believe that the iron touch of Speaker Madigan has crumbled to such a low extent that for the sixth time in three months he has to change his very own rules. What kind of a charade is he pulling to suggest that he controls this House when, indeed, it is beyond his control. He has lost that touch. We are here for the fact that the Speaker cannot control this House. It is a sorry day, sorry day for the Speaker, but a sorry day for the House, that at this stage you have to once again change the rules of this House. But I will give you credit for this. I will compliment you on the one occasion that it's required. You've thrown up the white flag of defeat. You have indicated surrender. No longer are you saying a date for deadlines as the last four variations of the rules have indicated. You've now surrendered unconditionally by saying no deadline exists. What greater surrender could take place than suggesting the

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

138th Legislative Day

May 26, 1994

House is out of control, the House is out of control; we cannot...we cannot manage the business of the House? There have been some who have suggested names for this Resolution. Let us suggest that the proper name for this Resolution is 'The Last Gasp of Speaker Madigan'."

Speaker Turner: "The Gentleman from Grundy, Representative Weller."

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

Speaker Turner: "He indicates he will."

Weller: "Representative, just studying your Resolution here, I'm trying to understand it. I see here it says there's no deadline for Third Reading of House or Senate Bills. Does that mean...what exactly does that mean if there's no deadline?"

Giglio: "I'm sorry, Representative, I was distracted. Could you ask that question again?"

Weller: "Sure. Representative, I was...in trying to understand your initiative here where as I read the Resolution, it eliminates, it says there's no deadline. And I was wondering what exactly does that mean if you have a Bill...either a House or Senate Bill that is yet to be called for a vote here before the full House?"

Giglio: "That means as long as we're in Session, we could hear the Bill."

Weller: "So as long as we're in Session. Now, does that mean that a Bill can be called in October or November of this year?"

Giglio: "That's correct. As long as they're not the appropriations Bills that have to be out by June 30, hopefully, so the state operation of the different agencies can still function."

Weller: "What about January of 1995? Could a Bill still be

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

138th Legislative Day

May 26, 1994

called then under this change?"

Giglio: "Until sine die we could hear any Bill that's still on the Calendar, that is correct."

Weller: "What is the date of sine die?"

Giglio: "I think it's...I'm not sure of the date in January, Sir."

Weller: "So it's in January, I guess everyone saying over here. Representative, of House Bills that have not been called yet on Third Reading, any House Bill that has not been called on Third Reading, if the House passes it, what happens to it when it goes over to the Senate?"

Giglio: "Well, if the Senate wants to act on it that's their prerogative."

Weller: "I see. Will the Senate rules accept any House Bill that's passed as of this date?"

Giglio: "I have no knowledge of what the Senate does because the Senate has their own set of rules and they can do what they want; they've showed us that in the past and they showed us what they could do in the past few months."

Weller: "What...frankly, what is the purpose of having a deadline at all if we've now eliminated any deadline for Third Reading of House and Senate Bills?"

Giglio: "The purpose is to do what we were elected to do and do the people's business and try to do something to make life a lot easier for the citizens of Illinois."

Weller: "Do you think, though, that extending the deadline every week like we have has actually contributed to our delay in meeting the needs of our constituents and the taxpayers of Illinois?"

Giglio: "Well, it isn't our side of the aisle that have caused all the delays. If you'll check the record and see how many times your side of the aisle called for caucuses and

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

138th Legislative Day

May 26, 1994

have put on frivolous Amendments to some of the Bills and why we haven't proceeded in an orderly fashion like we ordinarily do you'd find out that the tactics on your side of the aisle have really stalled good legislation from this House."

Weller: "Well, Representative, I think there's been Amendments offered by both House Republicans and Democrats. I know today it seems there's one particular Amendment on Criminal Law Bills that's been offered eight times, I believe, today, and that was a Democrat initiative. But just to continue asking what I think are important questions of the Sponsor here, what is the...every time the House is in Session, we were scheduled to adjourn tomorrow and to complete the people's business, but because every week we've extended the deadline, it appears we're going to be in Session at least in the month of June. What is the cost to the taxpayers of every day that we're in Session beyond the first of June, Representative?"

Giglio: "Well, I don't believe that's relevant right now, Representative."

Weller: "Well, Representative, it certainly is relevant. I think that whenever there's an initiative before the House many times we always ask, 'What is the fiscal impact on the taxpayers of any piece of legislation or proposed rule change?' And if we extend the deadline and if we're in Session, it costs money of the taxpayers for the Legislature to be in Session. How much does it cost for the House to be in Session each day that we're in Session past tomorrow?"

Giglio: "Well, Representative, I believe we've been in Session 37 days since January."

Weller: "Well... That doesn't answer my question,

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

138th Legislative Day

May 26, 1994

Representative. We were given a schedule. It looks like we're now scheduled to be in Session for 18 days in June and for every day that we're in Session, what is the cost to the taxpayers of Illinois for every extra day in Session that is going to result because of the deadline extension that you're sponsoring?"

Giglio: "Representative, the Resolution deals with the deadline of Bills, and everything else as far as I'm concerned is irrelevant. You want to vote on the Resolution fine; if you don't, that's your prerogative."

Weller: "Well, Representative, to the Resolution, Mr. Speaker."

Speaker Turner: "Complete your remarks."

Weller: "Thank you, Mr. Speaker. To the...to the Resolution. Ladies and Gentlemen of the House, the staff indicates to me that the cost of this initiative of extending the deadline so that the House is going to be in Session past Friday, past tomorrow, is \$10,000 a day. The schedule we were given today scheduling the House in Session for 18 more days will cost the taxpayers of Illinois \$180,000; ten times 18 is \$180,000. So a 'yes' vote for this Resolution is a 'yes' vote for spending more of the taxpayer's dollars than we needed to spend in the first place. Had we kept our deadlines, had we met our deadlines, had we stayed on schedule, we would have saved the taxpayers money. A 'yes' vote is a vote for higher spending; a 'no' vote is a vote to save the taxpayers money. I urge a 'no' vote on this Resolution."

Speaker Turner: "The Gentleman from Livingston, Representative Rutherford."

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

Speaker Turner: "He indicates he will."

Rutherford: "Thank you. Representative, do I read this correctly

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

138th Legislative Day

May 26, 1994

that you're also waiving the specific deadline for appropriation Bills?"

Giglio: "That's correct."

Rutherford: "And obviously our fiscal year ends June 30 and by doing this though we're saying anywhere up till January of 1995 we could potentially pass appropriation Bills. Is that correct?"

Giglio: "Supplementals, yes."

Rutherford: "Is it your...your vision or belief or thought in doing this that we may not be able to pass appropriation Bills for our state agencies and essential government services by the end of the fiscal year?"

Giglio: "No, it's not my...it's not my intent but, you know, if we don't have any Leadership from the Executive Branch to show us what direction we have to go and address the fiscal problems of the state like we're supposed to, god only knows what'll happen after June 30."

Rutherford: "Why I'm quite confident, you know, we've all got the budget already from the Executive Branch and the Governor's Office giving guidelines as to where that may be. I guess the other...the other question I'd have on this then that by going all the way to January of 1995, is there a possibility that somewhere within the next, what is that, seven or eight months we maybe get some Republican Bills in there, too? Is this a part of your effort to try to be a bipartisan effort, support to get some Republican legislation called?"

Giglio: "We're fair, Representative. We'd be happy to..."

Rutherford: "I'm sorry, I want you to repeat that first part that you said again."

Giglio: "I said, we're fair."

Rutherford: "That's what I thought. Okay."

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

138th Legislative Day

May 26, 1994

Giglio: "We are fair. Yes, we are."

Rutherford: "Thank you. To the...to the Resolution. In light of...in light of the costs it's going to take...for the taxpayers in another month of Session, in light of the fact that we've seen strictly a partisan move by the Speaker in regards to the type of legislation called, in light of the fact that there is absolutely no control, that this place is out of control, I would strongly urge a 'no' vote on the Resolution."

Speaker Turner: "The Gentleman from Will, Representative Hassert."

Hassert: "Thank you, Mr. Speaker, and to this Bill. I think the Governor does have a plan. He presented his budget. We're the one extending this deadline again. When the former speaker said that we should be doing the people's work. Well, I agree with him, we should have been doing the people's work, we should have been dealing with the problems; but yet, we voted on that Amendment from the Speaker, a policeman on every porch Bill at least 50 or 60 times, and it passed every time. But we continue to do stuff like that. I agree with the former speaker, Representative Granberg. We should have been doing the people's business, but we haven't been. Now we're going to continue this into June, cost the taxpayers \$180,000. We'll probably won't come to no more conclusion. We'll hear Bills that are not going to go anywhere, and it's just a waste of taxpayer's money. The right vote on this is 'no'."

Speaker Turner: "The Gentleman from Kankakee, Representative Novak."

Novak: "Yes, Mr. Speaker. Thank you, Ladies and Gentlemen of the House. You know, I've heard a lot of extortions on the

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

138th Legislative Day

May 26, 1994

other side of the aisle saying, 'Oh, we should go home. We should go home'. We haven't even passed a budget yet. If you guys want to go home across the other side of the aisle, then if you have correctional facilities or educational facilities in your districts and you won't be there to cast that 'yes' vote for their appropriations, go ahead and go home. See what the people of Illinois say about that when you get back to your districts. Be responsible."

Speaker Turner: "The Gentleman from McLean, Representative Brady."

Brady: "The reason we haven't passed an appropriations Bill is because the Speaker of this House hasn't had the guts to put one in front of this Body. We all know that. He'd prefer to debate police Bills. It's dead. The Sponsor of this Resolution knows that, as well as the rest of us. Yes, we're willing to sit here and do the people's work, but not waste the people's money to debate dead Bills that the lack of Leadership of the Speaker's Office has had to get it passed. Now it's time that we did things and did them right. This extends the deadline, wasting the people's money, and a vote for this continues to waste \$10,000 a day so we can hear the Speaker's Amendment that Representative Dart so eloquently discusses on every damn Bill they can drum up. Now if we really want to do something, there's two things left to do: the budget and Medicaid. And if the Speaker wanted to get it done, he would have put those issues in front of this Body by now."

Speaker Turner: "The Gentleman from DuPage, Representative Roskam."

Roskam: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. You know, in a strange sort of way, I really admire

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

138th Legislative Day

May 26, 1994

the...the thinking and the loyalty of the Sponsor of this Resolution. It is mind-boggling to me that he would come out here and offer an Amendment that clearly plays into his Republican opponents hands in the general election. To offer the gridlock Amendment, to be the Sponsor of the \$180,000 solution is dizzying. The type of loyalty that that instills is a little bit frightening. I'm good to my friends and I'm faithful to my friends, but I won't hand my friends a campaign issue in the general election. And I think we should save the Sponsor of this Amendment from himself and vote 'no'."

Speaker Turner: "The Lady from DuPage, Representative Biggert."

Biggert: "Thank you, Mr. Speaker. To the House Resolution. As a freshman I came down here to do the people's business who reside in my district. And I had 17 Bills that came out of committee; nine of those were put onto Third Reading and eight of them on Second Reading. Not one of those Bills was called. And I've been here waiting since April 29 when only two Republican Bills have been called since April 29. Now I understand that this is to be an emergency Session and to deal with the budget. So if we can't all do the business of our district, I think that we should get on with what we're here to do and that is to consider the budget and Medicaid and stop wasting money."

Speaker Turner: "The Gentleman from Will, Representative Meyer, to explain your vote."

Meyer: "Thank you, Mr. Speaker. Actually, I don't want to explain my vote. I do want to ask a question of the Sponsor, if the Sponsor would yield."

Speaker Turner: "He indicates he will."

Meyer: "Representative, I am unclear from reading your Amendment as to where the appropriation Bills fit into the schedule

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

138th Legislative Day

May 26, 1994

here. Does this, at any time, any given...throw the glove from you or what...what are we talking about?"

Giglio: "Well, the appropriations Bills, we've always maintained that somewhere along the line after we adjourn on June 30 there may be a need for a Supplemental Calendar and some of these Bills could be voted on after we adjourn, hopefully by June 30."

Meyer: "In other words, there is no plan?"

Giglio: "There's a plan to move our legislation as soon as possible and hopefully over to the Senate and then on the Governor's desk for signature. But, you know, with 59 Senators and 118 people in our House, sometimes it's difficult to get a consensus of the majority."

Meyer: "To the Amendment. Mr. Speaker, you know I've been here every day during this Session only to do the business of this state. I think I owe that to my constituency and I think that I have kept good contact with them and I have done my business here as they sent me down here to be here to act upon legislation, to suggest legislation; but, unfortunately, my legislation has been held up in the Rules Committee. No one has ever tried to give me the courtesy of letting my legislation be heard before the committees. No one's given me the courtesy to have that legislation debated on this floor. Yet I continue to hear that we should change the rules, extend the deadlines, and thereby do the will of the people of this state. I think it's a sham. It's smoke and mirrors. I'm willing to start talking about the appropriations Bill today. I'm willing to start to talk about Medicaid Resolution today. But unfortunately those that are controlling this House are not willing to do the business of this state, and I think it's a travesty and it's costing the residents of this state a

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

138th Legislative Day

May 26, 1994

great deal of money, and I think that we ought to defeat this and go on and conduct all of the business that's before us in terms of the appropriations and Medicaid settlement and then go home."

Speaker Turner: "The Lady from Kane, Representative Lindner."

Lindner: "Thank you, Mr. Speaker. I would urge a 'no' vote. I just don't understand this. As the Legislature, we are supposed to set an example. We are supposed to set an example of decorum. We are supposed to set an example of parliamentary procedure. There are rules. When our children break the rules, we spank them. When you break the rules on society you are put in jail. But Mike Madigan, the Speaker, and the Democrats can break the rules of the House every single day; what can we do about it? Do we have to file a lawsuit? What higher power can we appeal to? I'm sick of this. We came down here to do some business. Let's get some business done and not spend the taxpayer's money anymore."

Speaker Turner: "The Gentleman from Kane, Representative Hoeft. The Gentleman from Kane, Representative Hoeft."

Hoeft: "Thank you, Mr. Speaker. I once had the privilege of teaching history, and I'm just curious, is there ever been a period in this state's legislative history which we've had this type of chaos in terms of the Calendar? Later on when I'm old and wrinkled I'd love to sit back to my grandchildren and say, 'I was in that General Assembly that set the record'. We've never done this before. Does anyone know of a time previously which we've had an open-ended Calendar?"

Speaker Turner: "The Gentleman from Bureau, Representative Mautino."

Mautino: "Thank you, Mr. Speaker, Members of the House. In

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

138th Legislative Day

May 26, 1994

answer to an earlier statement, 'has there ever been a time that the House ran smoothly?' I think I would put this question back. Is there anyone that believes this is the first time that we've ever really had gridlock? I sat in the office and I looked over a little book called, The Thompson Years. As you flip through the pages you notice something very interesting. You see a young picture of the Speaker of the House, Michael Madigan, Leader Daniels, President Rock, and now President Pate Philips at the Governor's mansion. They had a lot of summits, and that's what the Legislature was based on. When we hit gridlocks, we had a meeting of the Leaders which was called for by the Governor, and he brought forward solutions to problems in education, to workman's comp, to many of the issues affecting the State of Illinois. Gridlock is not new, but sometimes you need some Leadership and some vision to put this place in order."

Speaker Turner: "The Lady from Cook, Representative Mulligan."

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

Speaker Turner: "He indicates he will."

Mulligan: "Representative Giglio, there's been figures discussed about how much it's going to cost. Is it true that it will cost \$10,000 a day for the House to be in Session each day in June?"

Giglio: "I believe up until now I believe somebody said we'd been in Session 37 days. That's approximately \$1,000 a day."

Mulligan: "A \$1,000 a day?"

Giglio: "That's your salary, yes."

Mulligan: "It's not \$10,000 a day for each day that we're in?"

Giglio: "No, it's \$1,000 a day, 37 days; it comes out to about your salary right now."

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

138th Legislative Day

May 26, 1994

Mulligan: "Then, why are we being told that it's \$10,000 a day?"

Giglio: "No, if you divide...if you divide the number of days by your salary right now, you've accumulated \$1,000 a day."

Mulligan: "We're not talking about salary; we're talking about per diems."

Giglio: "If you want...if you want to go home, you can tell your constituents, 'I earned \$1,000 day while I was in Session for 37 days'."

Mulligan: "Perhaps that's what you have to tell your constituents. I think my constituents would like the facts, and I don't think not giving them the facts is the correct way to do business. The fact of the matter is they presumed when they sent me here that we would operate under a certain body of rules, parliamentary procedure, things that they do not understand because they're not in this Body that we don't think that many of the freshmen in this Body did not understand when they came here on the way we would operate or the way or the lack of business that we do or the lack of input that we would actually have. Add that to the money that it's costing the taxpayers, and I think there are many of us in this Body that are very disillusioned by this Amendment; and hopefully we would ask some of our compatriots, who are also new here, to change the process and vote against this."

Speaker Turner: "The Gentleman from St. Clair, Representative Flinn."

Flinn: "Mr. Speaker, finally at last you recognize me. I move the previous question."

Speaker Turner: "The question is, 'Shall the previous question be put?' All those in favor should say 'aye'; all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. The previous question is put. Representative

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

138th Legislative Day

May 26, 1994

Giglio, to close."

Giglio: "I would just move for the adoption of the Resolution, Mr. Speaker."

Speaker Turner: "The question is, 'Shall House Resolution 2829 pass?' All those in favor should vote 'aye'; all those opposed should vote 'no'. Voting is now open. The Gentleman from Cook, Representative Lang."

Lang: "Thank you, Mr. Speaker. To explain my vote. There are some... Let me explain my 'aye' vote. There are several issues involved here, really. The first one is many...many of the Members on the other side of the aisle have talked about how these Bills are dead on arrival because the Senate has set up these rules. Well, let me ask you, why are we going to allow the Senate to run the General Assembly? Many talk about how they were elected to represent their constituents and they sent them here under a certain set of guidelines, et cetera, et cetera. Well those guidelines include us doing the people's work in this chamber. We should not allow those people in the other chamber to determine the business of the House of Representatives. We are a co-equal branch of the Legislature and we have the responsibility to do the work we were hired by our constituents to do. The autocratic rule over there in the Senate should not rule what we do here. So my view is that we should send the Senate a message that the House of Representatives is going to do their work even if they go home."

Speaker Turner: "The Gentleman from Logan, Representative Olson, one minute to explain your..."

Olson: "Thank you, Mr. Speaker. In response to the previous speaker's remark about the Senate having one set of rules and we have another. Let me remind this Body that before

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

138th Legislative Day

May 26, 1994

we ever started this Spring, before we ever came down here the Leader of the Senate and the Leader of the House got together and agreed on some dates. They agreed on those dates. They've changed them five or six times now. It shows lack of Leadership in this Body...we've got...that he cannot keep up with a schedule that he agreed to some time ago, some six, eight, ten weeks ago. It's incompetence on his part, not the Governor of this state. The Governor has submitted a budget. He submitted a Medicaid plan. But we cannot get to those decisions under the Leadership we have in this House in the Speaker's Chair."

Speaker Turner: "The Gentleman...the Gentleman from Winnebago, Representative Rotello, one minute to explain your vote. Representative Rotello, one minute to explain your vote. Representative Blagojevich's mike, please."

Rotello: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. The issue here is the artificial deadline that was set, for the fishing deadline is what I'd like to call it. The Constitution says June 30; June 30 is the end of the fiscal year. We have a fiscal disaster in this state and you know it. I think the Republicans want to go home and hide, that's what they really want to do. They don't have an answer for the \$14 billion pension deficit. They don't have an answer for the \$1.9 billion in unpaid bills. They don't have answers for the overcrowded prisons. They don't have answers for the disaster at DCFS. They don't have answers for the disaster at mental health. Edgar can't lead. He either ought to resign or he ought to go back and vote for Pat Quinn's term limit legislation because you're making a case for it. Thank you very much."

Speaker Turner: "The Gentleman from Coles, Representative Weaver, one minute to explain your vote."

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

138th Legislative Day

May 26, 1994

Weaver: "Thank you, Mr. Speaker. I think we have to ask ourselves, 'Why has the Senate been able to get its work done and we haven't?' I know why this House can't run, it's something I warned about yesterday; we have been invaded by aliens. The only explanation; that's got to be it because the Speaker, obviously, has been replaced by an alien. The former Speaker could run this House; the former Speaker could keep his word, and the former Speaker could keep his schedule. He is only a shadow of his former self and obviously it's because he's been replaced by an alien. That's the only answer."

Speaker Turner: "Which alien are you talking about? Sounds like you're alien. The Gentleman from Madison, Representative McPike."

McPike: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Let me answer the previous speaker's question. Why has the Senate been able to finish their work and we haven't? Because we debate every Amendment for an hour and a half. We debate every Bill for two hours. We go on and on and on in debate for no reason, and we know why you're doing it, to slow this process down. Now could we do the same thing the Senate's doing? Of course. We could change the rules a month ago or we could change them today to say that you cannot introduce an Amendment on the House floor, just like they do in the Senate. And we could change the rule that says to move the previous question and shut off debate requires 60 votes, and we will then move this Body, and we have suggested that to the Speaker and he said, 'Never'. This is the Illinois House. We were sent here to debate Bills. If they want to debate a Bill for an hour and a half and pass it 118 to nothing, we will sit here all during May, all during June, and all during July, until we

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

138th Legislative Day

May 26, 1994

finish what we were sent here to do and that is to pass the people's legislation. It's your fault that you slowed this down. It's to the Speaker's credit that he has not taken away your rights and we will sit here forever."

Speaker Turner: "The Gentleman...the Gentleman...the Gentleman from Will, Representative Wennlund. You spoke in debate, Sir. For what reason do you rise?"

Wennlund: "A parliamentary inquiry. Does this take 60 votes to pass?"

Speaker Turner: "Yes, it does."

Wennlund: "In that case, I request a verification."

Speaker Turner: "Your request will be honored. Have all voted who wish? The Clerk shall take the record. On this Bill, there are 64 voting 'yes', 51 voting 'no', and the Gentleman requests a verification. Poll those not voting, Mr. Clerk."

Clerk Rossi: "Poll of those not voting. Representative Shirley Jones. Representative Lopez and Representative Morrow."

Speaker Turner: "Representative Hawkins asks leave to be verified. Leave? Leave is granted. Poll of those voting in the affirmative."

Clerk Rossi: "Poll of those voting in the affirmative. Representative Balanoff. Blagojevich. Brunsvold. Bugielski. Burke. Capparelli. Curran. Currie. Dart. Davis. Deering. DeJaegher. Dunn. Edley. Erwin. Flinn. Flowers. Frias. Gash. Giglio. Giles. Giolitto. Granberg. Hannig. Hartke. Hawkins. Hicks. Hoffman. Homer. Lou Jones. Kaszak. Kotlarz. Lang. Laurino."

Speaker Turner: "Mr. Clerk. Representative Dunn asks leave to be verified. Leave is granted."

Clerk Rossi: "Levin. Martinez. Mautino. McAfee. McGuire. McPike. Eugene, Moore. Moseley. Harold Murphy. Novak.

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

138th Legislative Day

May 26, 1994

Ostenburg. Phelan. Phelps. Prussing. Pugh.
Raschke-Lind. Ronen. Rotello. Saltsman. Santiago.
Schakowsky. Schoenberg. Sheehy. Steczko. Stroger.
Turner. von Bergen-Wessels. Woolard. Younge. And Mr.
Speaker."

Speaker Turner: "Questions of the Affirmative Roll Call?"

Wennlund: "Thank you, Mr. Speaker."

Speaker Turner: "Representative Schakowsky asks leave to be
verified. Leave is granted."

Wennlund: "You know, Mr. Speaker, I just discovered the only
Republican thing that passed out in the House this year was
Representative Black. Representative Pugh?"

Speaker Turner: "Representative Pugh. Is the Gentleman in the
chamber? Gentleman is not. Remove him."

Wennlund: "Representative Eugene Moore?"

Speaker Turner: "Representative Eugene Moore. Is the Gentleman
in the chamber? Remove him."

Wennlund: "Representative Hawkins?"

Speaker Turner: "Representative Hawkins was granted leave. He
was verified, and he's right up there in the gallery
looking down on you."

Wennlund: "Oh, that's where he's hiding. All right.
Representative Lopez? Edgar Lopez?"

Speaker Turner: "Representative Lopez did not vote. Please
restore Representative Moore back to the roll call."

Wennlund: "Representative Ronen?"

Speaker Turner: "Repeat that."

Wennlund: "Representative Ronen?"

Speaker Turner: "Representative Ronen is standing behind the
balloons."

Wennlund: "Representative Phelps?"

Speaker Turner: "Representative Phelps, hiding behind a

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

138th Legislative Day

May 26, 1994

newspaper. The Gentleman's not in the chamber. Remove him. Further questions, Mr. Wennlund?"

Wennlund: "Representative Capparelli?"

Speaker Turner: "The Gentleman is in his chair."

Wennlund: "Representative Bugielski?"

Speaker Turner: "The Gentleman is standing at the door. Further questions, Representative Wennlund?"

Wennlund: "No further questions. Thank you, Mr. Speaker."

Speaker Turner: "This Bill, having received the Constitutional... There are 62 voting 'aye', 51 voting 'no'. This Resolution is adopted. Supplemental Calendar #1, we have Senate Bill 1083. Representative Black, or Representative Wennlund. Read the Bill. Read the Bill, Mr. Clerk. Read the Motion. Representative Wennlund."

Wennlund: "Yes, thank you very much, Mr. Speaker. The original Bill was to provide some aid for Vermilion County residents because the floods washed out their sewage treatment plant and created a tremendous case of public health, safety and the welfare of Vermilion County residents. The governor sent back it's specific recommendations for change. It seems that somehow staff or the printing unit left out an immediate affective date so that we can immediately provide flood relief for Vermilion County and get the sewage treatment back, back on line and I move to accept the Governor's specific recommendations for change and, so we can get to the immediate relief."

Speaker Turner: "The Gentleman from Clinton, Representative Granberg."

Granberg: "Thank you, Mr. Speaker. As it was previously discussed, here we have an instance because we are here, we can help Representative Black's district do something that needs to be done on an emergency basis. If we were not

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

138th Legislative Day

May 26, 1994

here, if we were not able to help Representative Black, his district can not get these contracts until next year. So, once again, we are here trying to help the Members, trying to help their constituents, and do the people's business which is what we're being paid for. So, I rise to support Representative Wennlunds Motion."

Speaker Turner: "The question is, 'Shall the House accept this specific recommendations for change, with respect to Senate Bill 1083?' All those in favor should say 'aye'; all those opposed say 'no'. In the opinion of the Chair... All those in favor should vote 'aye'; all those opposed should vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. There are 115 voting 'yes', 0 'noes'. This Motion having received the required Constitutional Majority is adopted, and the House accepts the Governor's specific recommendations for a change. The Lady from Cook, Representative Schakowsky."

Schakowsky: "Thank you, Speaker. For the second time today, and I appreciate it, I rise on a point of personal privilege. I wanted to express my sincere appreciation to all the thoughtful Representatives of the Third House who were kind enough to me to send these beautiful bouquets of flowers. I'd just like to mention a couple of them, Don Petkus, the Vice-President of Commonwealth Edison sent me flowers. The beautiful basket from the Illinois Manufacturers Association, Jim Speezo from the Management Association. Dave Vite, from the Retail Merchants sent me beautiful flowers. And of course, Mike McLain also was kind enough to send me flowers. I want them to, to know that they will continue to give joy and pleasure. I'm going to have them brought over to St. John's Hospital for those people who

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

138th Legislative Day

May 26, 1994

haven't gotten flowers. So, I just wanted to express my sincere appreciation to all of them."

Speaker Turner: "The Gentleman from Livingston, Representative Rutherford. What reason do you rise?"

Rutherford: "Just a point of personal privilege. Representative Schakowsky, I've got a box of candy here from the Illinois Trial Lawyers Association, if you, for my birthday, if you'd like to have some of that as well."

Speaker Turner: "On the Order of Human Services, we have Senate Bill 1165. Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 1165 has been read a second time previously. Amendment #1 was tabled in Committee. Floor Amendment #2, offered by Representative Davis."

Speaker Turner: "The Lady from Cook, Representative Davis on Amendment #2."

Davis: "Thank you, Mr. Speaker. Amendment #2 of 1165, this is a Bill, the Welfare to Work Act, and it was originally House Bill 3427. On 3427, we had over 60 House Sponsors from both sides of the aisle. We're bringing this Bill back because it's the only Bill that makes the promise of moving people from Welfare to Work real. This is our one chance in this Session to make jobs available to Welfare recipients and it makes real jobs available. Good paying jobs that will mean leaving welfare behind, and leaving poverty, and the rest of the Government Aid Programs like Medicaid behind also. The Bill is quite simple, Mr. Speaker, it targets 5% of the newly created jobs under state contracts for qualified welfare recipients. The State Budget will create approximately 45,000 new jobs and this means that about 2,000 of those could go to welfare recipients at a savings of over \$10,000,000 to the state. The Department of Public Aid will do its part under the

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

138th Legislative Day

May 26, 1994

Bill at no additional cost. Its roll is to identify and refer job ready qualified recipients to the employers. The Department of Labor will administer the contract compliance and at the high end, the estimate for the Labor Department is about \$495,000, but that will be off set by the over \$10,000,000 savings. We're committed to making sure that the Department of Labor's Costs are included in the final appropriation. We know that some people are saying that this Bill will require hiring unsafe, unskilled workers, and that is absolutely false, it's absolutely false representation. This Bill itself says exactly the opposite. If we look at the language of the Bill, the language that was worked out last year with negotiations with labor and contractors. If you look at page 7, line 9, and also page 8, line 9 it gives you an assurance that the employer has the right and will get only people who are truly qualified. That is again repeated in page 9, line 4. So, it's been said three times, that if they aren't qualified welfare recipients, they will not be referred. They won't get hired. If employers don't have qualified recipients available to hire, that means they will not be violating this Act. There are also some people saying that this Bill will mean laying off union members, or not hiring union members who are on unemployment insurance. But, if you look on page 6, lines 33 and 34, this Bill displaces absolutely no one. It only applies to new jobs, and new jobs are being created under the budget. Opponents are saying that this Bill doesn't create new jobs, but it creates those jobs with the increase in the budget for approximately 45,000 jobs. Some are saying that the industry needs diversification, and we feel this legislation will certainly help to bring some diversity to

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

138th Legislative Day

May 26, 1994

that workers group. For 30 years, there have been objections to anyone other than sons, nephews, son-in-laws, getting these jobs. For 30 years there has been a loud outcry about a recession, and about laid off union members and yet, for 30 years there has been nearly a 100% turnover in the work force and its identity looks the same. These workers don't belong to one group, they should not belong to one group, these are taxpayer's jobs. They're tax dollars that pay for the work, and we're only asking that 5% of these jobs go to reduce welfare dependency so that the \$10,000,000 savings and tax receipts can be realized and 2,000 people can be given a chance at real jobs, real work, and real wages. Thank you for your previous support for 3427, and I look forward to even your greater support on this Amendment to 1165."

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

Giglio: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I don't believe there's a Representative in this body that would want, does not want to see people who are on welfare, or people that are on any other program, and not find a job and go to work. But, this is the wrong Bill, or the wrong Amendment to apply for people that come from that category to work on jobs, such a magnitude. We have what they call an apprenticeship program, with all the trades in this state, and for that matter for all over the country. There are certain qualifications, #1, you have to graduate from High School, #2 there's certain rules and regulations provided for by the federal government, says you have to have so many minorities, so many women, so many of this, so many of that. And, they go through what they call an apprentice program, and there's so many apprentices for so many journeyman, and on these jobs, if you try to

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

138th Legislative Day

May 26, 1994

put people that don't have any experience that haven't met that, you're really in violation. So, what I would ask you to do is think about not only that program, but think about what it would cost to the contractor if they would be forced to put people on and still keep people that are not only journeyman but are apprentices. I think this is, this is not the right, the right legislation for this particular issue. And if there was some other issue, Representative I'd be happy to support, but at this time I would not be in favor of this Amendment, and I would ask my colleagues to think about this very seriously and also vote 'no'."

Speaker Turner: "The Gentleman from Will, Representative Wennlund."

Wennlund: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I don't think that there's anyone in this House that, that is not opposed to getting people off the welfare rolls. But, there's a serious problem with this Bill, and we've erred once, and let's don't err again. Representative Giglio is correct. What, the reason the AFLCIO and many other unions are opposed to this, is can you imagine taking an unskilled worker, putting him on a backhoe and let him operate on a construction site. Can you imagine putting him on, on a plumbing job, and to do plumbing that involves welding and all types of skilled requirements. What you're going to do is, your not only going to jeopardize the safety and the health and welfare of those existing workers, who are trained and have gone through an apprenticeships and know what they're doing, you're going to endanger their health by having an unskilled worker on the job and you're also going to endanger the health of the welfare worker. Putting this requirement on is going to ultimately increase the

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

138th Legislative Day

May 26, 1994

contractor's workers comp, because these unskilled workers will lead to higher job costs, and higher workers compensation rates. This is a bad concept in a very complicated field. I think everybody wants to get into these welfare to work programs, it's just that this program is ill conceived and, and Mr. Speaker, pursuant to rule 55 (c) and I'm joined by four of my colleagues, request a record vote on this Amendment and should it receive the requisite number of votes, I request a verification."

Speaker Turner: "The Gentleman from Madison, Representative Stephens."

Stephens: "Thank you, Mr. Speaker. For years, or a number of years I have, I have worked diligently I think to do what we can as a legislative body to get people off of the welfare rolls and onto the work rolls. And indeed I, I feel like we were, we were headed in the right direction in many of our beliefs, when we Co-Sponsored, supported, and voted out House Bill 3427. But having been more thoughtful now about the affect of that Bill, I wonder how much sense it makes to take 5% of a contract, take those workers that are represented by that 5%, put them out of work so that we can take people off of the welfare rolls, put them to work and, indeed, take the people that used to working for a living and they'll wind up on welfare. If, if this Bill were going to create more jobs I would be for it, that was my impression of House Bill 3427. I think a lot of us though that it would mean more employment. But, indeed, it didn't mean more employment, it just meant maybe changing the faces of those who are on welfare from the workers to welfare, and welfare to workers but that is no net gain. This Bill that we have previously considered, indeed, would create an unsafe work place by putting untrained workers

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

138th Legislative Day

May 26, 1994

that were in traditionally dangerous jobs and dangerous environments and affected safety of both those worker and their co-workers. Increased over all cost, and that's not good for Illinois or good for business. Increase the already high workers compensation cost, that's no good for Illinois workers or Illinois business. Jeopardize the safety of public aid workers, that's not good for Illinois jobs or Illinois business. Create unemployment by displacing those workers, that's not good for Illinois jobs or Illinois business, on and on and on. Ladies and Gentlemen, we made a mistake with 3427, as a previous Co-Sponsor I'm pleased to be able to stand in opposition to Senate Bill 1165, Amendment #2, because we have to correct that mistake. It's important to the workers of our state, it's important to the contractors of the state and most importantly, it's important to those people who pay the way, the tax payers and the people who pay for those contracts. We have made a mistake, we are willing to stand, admit that and correct that. And, that's what statesmanship is all about."

Speaker Turner: "The Gentleman from Peoria, Representative Saltsman."

Saltsman: "Thank you, Mr. Speaker. Representative Davis, I admire your stance for protecting your district, you come down here and you fight very hard for your district. This Bill is very important to you. It's important to a lot of other people with districts such as yours. I know the people from labor know that your not after labor unions because your record stands for itself, and I've discussed this Bill with them and naturally they oppose it at this time. You might be a little bit ahead of time, but we had problems down here when I first came and I was on the

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

138th Legislative Day

May 26, 1994

pension board with apartheid to South Africa. And myself and Carol Braun, which was very important to her district. After about four years, we finally came with some legislation that was agreeable and we all did it, because that was very important to her district. I admire you for sticking up for your district, organized labor knows you stick up for them, I know you do. But, at this time, my contractors in the last couple of weeks have been flooding me with phone calls to oppose this legislation. At this time, my district can accept it, I'll help you in the future, I'll do anything I can, because I know the unemployment in your area is devastating. And I...I, I applaud you for coming up with this legislation, but I wish I could help you with it. And I thank you, very much."

Speaker Turner: "The Gentleman from DuPage, Representative Roskam."

Roskam: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in strong support of Representative Davis on this measure. Now, I understand some of the concerns in the way that the debate has been framed on this but, let's separate fact from fiction. What Representative Davis is attempting to do is a very narrow scope, what she's saying, is that projects that are publicly funded, projects where contracts are coming to the State of Illinois and saying, we want the privilege of doing business, then we as a General Assembly can put forth the conditions of those projects. This isn't a broad scope, it's only for projects that are publicly funded. Number two, it's not going to make workers unsafe. It's not going to make for an unsafe work place. In fact, on page 7, line...line 9, paragraph 5, of the Representative's Amendment. It says as follows; the minimum qualifications are the same for all members of

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

138th Legislative Day

May 26, 1994

the employer's workforce, during the same or similar work. In other words, the employer has a complete prerogative to hire the people that they choose to put on that work force. The employer also has a good faith defense. If they come forward and say the Department of Public Aid has come up with the requisite number of...potential employees or the the requisite caliber of employees then they just make the good faith assertion. This is a tremendous opportunity for us to put legs underneath this whole notion of people breaking out of the cycle of welfare. And, if we're not going to do it today and if we're not going to stand with Representative Davis, then I would submit we're never going to have the guts to do this. I urge an 'aye' vote."

Speaker Turner: "The Gentleman from Will, Representative Meyer."

Meyer: "Thank you, Mr. Speaker. Would the Representative yield for a question?"

Speaker Turner: "She indicates, she will."

Meyer: "Representative, could you again indicate how many new jobs do you feel this will create."

Davis: "About 45,000."

Meyer: "And that's 45,000 jobs that..."

Davis: "Total. Approximately 45,000, based upon the Governor's request in his budget."

Meyer: "At the Governor's request. Okay. My understanding in this Bill would only covers those jobs that would be created in industry or by contract that would equal \$500,000 or more or a total within a number of contracts."

Davis: "That's absolutely correct."

Meyer: "And there are 45,000..."

Davis: "The contract has to over \$500,000 for them to be a part of this and just as Representative Roskam stated, the qualifications in this Bill says that every worker must

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

138th Legislative Day

May 26, 1994

meet the very same qualifications of any other worker on the job. The legislation also says, that no worker will be displaced. It is for only new jobs. It also says that, an employer can call back those who are on unemployment before this kicks in. If he has anybody out there on unemployment, that person or those people are called in before the welfare recipient is hired and brought in. This is the same language that 91 or 92 people supported about a month ago, when it went over to the Senate. And I do understand, Representative, that unions are our supporters. They also represent Indiana, Iowa, Wisconsin, but we represent the State of Illinois and that's who we should be concerned about. Workers in the State of Illinois."

Meyer: "Well, I certainly agreed with you that we should be concerned about workers in the State of Illinois, as a matter of fact, I've proposed a workers' comp reform that would protect our workers and, I wish we could get that heard in your Labor and Commerce Committee hearing sometime."

Davis: "I think you promised to bring some people down and we said, we'd have them heard, is that correct?"

Meyer: "Thank you."

Davis: "Yeah, we did."

Meyer: "We'll work on that. I do have some continuing questions though. What kind of jobs are you speaking of here?"

Davis: "We're speaking of jobs for example where they work on the highway, you know, on the highway going from say, Chicago...from Springfield on I-55 all the way down to, let's say I-80 and if I told you that...I would pay you, if you saw an African American on that job, I wouldn't be out of \$20."

Meyer: "Well, I..."

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

138th Legislative Day

May 26, 1994

Davis: "Those are the kinds of jobs, we're talking about state projects, we're talking about projects in which state money is being used. It may be the Department of Transportations, it may be building McCormick Place or expanding it. Wherever we're using public...we're having public work done by state taxpayer dollars."

Meyer: "You said something there that kind of through me in my understanding the legislation. You said, something concerning African Americans, this is legislation concerns all people..."

Davis: "All people across this state. That is absolutely correct."

Meyer: "Welfare...Okay. All right, thank you for clarifying that. Going back to the training of...and I have supported you in getting this out of committee, at least on one occasion, I believe. But, talking about the training requirement of those workers who would go on to those type of jobs. Who would have to provide that training if they were untrained and on welfare and applied for that job."

Davis: "The training is currently going on and it's being done by JTPA. It's being done by Chicago Housing Authority. The contractor would be in no way responsible for training. These people are already under certain training authorities. They're already being trained by different groups."

Meyer: "All right. One of the things that concerned me at the of the committee hearings and I still have a concern on, and I believe one of the other Representatives referred to it. The kinds of jobs that we're speaking of here are the kinds where a person would, maybe not be employed full time by an employer...but within the industry be transient from one employer to another and it's a normal hiring practice for

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

138th Legislative Day

May 26, 1994

that person to move from job to job where there might be separate contractors or different contractors from job (a) to job (b) and therefore, wouldn't be covered under the protection there of an employer being able to hire back that employee that has been laid off because there, in fact, there's no work."

Davis: "Well, this legislation states that any employee who's under employment compensation must be called back to work before the contractor calls in a welfare recipient to do the work..."

Meyer: "But, called back by whom?"

Davis: "Called back by their union or the contractor, whoever calls them back to work. You know, let's say, for example, you've got a 100 people working a job. You have 100 people, you had 102, two were laid off. You have to call back, or at your discretion, to call back those two before you hire the welfare recipients. You would not leave your two out there on unemployment, according to this legislation. This legislation says, anybody that you have receiving unemployment compensation will be called back to work before you call in the welfare recipients."

Meyer: "If you would just allow me one chance to create a scenario here so I can better understand, you're testimony, you're speaking here. Contractor (a) has a contract for this ten mile stretch of highway. Okay. He employes 100 workers doing whatever. And we have employees that are part of that...that project..."

Speaker Turner: "Representative you'll have to bring your remarks to a close. You've had your five minutes."

Meyer: "Thank you. But this is a very important part of it and I want to understand. If we have that contractor aid that has this ten mile stretch of highway and he's done with it

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

138th Legislative Day

May 26, 1994

now and contractor (b) has the second ten mile stretch. And that's not unlikely to happen in those kinds of work projects as we build the highways of the state. That worker that's laid off from contractor (a) would not have any kind of positioning on that welfare worker that might be hired for contract (b) because his employer doesn't have that second stretch of the highway, so therefore, has no job. But, yet that worker that's been working under contractor (a) is now off...out of work and, in fact, possibly going on unemployment..."

Speaker Turner: "The Gentleman from Cook, Representative Parke."

Parke: "Thank you, Mr. Speaker. I would like to ask an inquiry of the Chair if this Amendment is germane to the underlying Bill? I don't believe that it is and I would ask for the Chair to rule so."

Speaker Turner: "Representative Parke, the Amendment is germane. The Bill deals with welfare and so does the Amendment."

Parke: "Thank you, Mr. Speaker. Then to the Bill. I would like to point out to the Members of the Body, who are about to vote on this Amendment that quite frankly, I had the opportunity to tour a number of apprentice schools in the northwest suburban area and found that they have emphasized in the terms of hundreds of hours of safety preventions, not preventions of safety but to learn to prevent accidents. What we're talking about is taking the skilled men and women that are working in the work force and skilled trades and not allowing them to have the opportunity for these jobs. What we're going to do is that we're going to put men and women, as well intended as this Amendment is, who will not have that kind of training, will not be aware of the safety, will create accidents, will not be skilled workers that we need to be able to hire that are

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

138th Legislative Day

May 26, 1994

those high paying jobs. And put them in those positions as well as intended of this legislation is, this is not the way to do it. I will tell you that it is going to lead to workers' comp claims. There's no doubt in my mind. It's going to cost the State of Illinois more money, because it's going to cost more money to implement these programs. This is not the way to do it. I don't think we should penalize the working men and women of the skill trades industries for some kind of a well intended idea that I don't believe in the real world is going to work. And I would ask that the Body vote against Amendment #2 and I'm joined with Representative Weller in asking for a roll call, a verified roll call on this Amendment #2."

Speaker Turner: "The Lady from Cook, Representative Krause."

Krause: "Thank you. Will the Sponsor yield?"

Speaker Turner: "She indicates, she will."

Krause: "I think that the effort here to relieve welfare dependency are a good idea, however, there are a number of concerns with this particular Amendment. Representative, in particular, the Bill states that there is to be a priority to be given to persons who've been adjudicated as the legal father of a child and persons against whom an order of support has been or could be immediately entered. Does not the words, could be immediately entered, present a problem as to how do you determine that and who determines that?"

Davis: "Representative, may I refer you and my colleagues to page 8, lines 9 through 13. Page 8, lines 9 through 13 and it states; nothing in this section implies a diminution of the full authority and prerogative of covered employees to determine independently an applicants qualification and to make all hiring discussion under this Act. So, in other

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

138th Legislative Day

May 26, 1994

words, if that were the case that employee still has the absolute, full authority to make the determination under this Act. This Act, also Representative, states that an employer has the right to select someone who has received the exact same training as any other worker. There's absolutely nothing in this Bill that states that a welfare recipient who has been trained by DECA, who has been trained by JTPA, who has been trained by the Chicago Housing Authority, any of those workers, he has to have or she has to have the exact same qualifications of any other worker on that job."

Krause: "Representative, my questions were addressed to the sections that talked about priorities. And my question was address as to the interpretation of the words, could be immediately entered and the difficulty of anyone determining that."

Davis: "Would you tell me where...what page and..."

Krause: "I'm on page 6, lines 29, 30, 31, 32. And my point is that it would be almost impossible for an employer to determine that an order might be immediately entered and my point is, that creates a difficulty in the Bill. Also, if I can also turn to another section in the Bill which requires the department to track the cumulative bids of the contractors to determine when that contractor exceeds \$500,000 and how does he do that?"

Davis: "I'm sorry, I didn't hear your question."

Krause: "Okay. You also, there is also a section in here, is that if there are contracts in excess of \$500,000 or a number of contracts that can accumulate up to \$500,000 then this Act applies. That is on page 3, beginning at the top of the page. Does that not..."

Davis: "Wait a minute, which page?"

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

138th Legislative Day

May 26, 1994

Krause: "Page 3 of your Bill."

Davis: "Oh, okay. All right."

Krause: "Yes. And as you read through that, Representative, does that not present a difficulty as far as tracking the various contracts that might exceed the \$500,000. Who does that and how does that work?"

Davis: "That would be up to the department and whoever is selecting the contractor. Is that correct? Whoever does the selection of the recipients would also keep a record of that. My understanding is the department has no position on this Bill."

Krause: "I would agree that they are neutral at this time but my point is, is that that can raise a difficulty for the department in trying to attract the various Bills, the various contracts."

Davis: "Well, the department without putting any additional responsibility on them, they would do the screening and tracking that was necessary according to this Bill."

Krause: "Well, doesn't the department Bill estimates start-up cost of \$100 to 300,000 and the hiring of six new positions within the conciliation and mediation division just to handle this one Bill?"

Davis: "Yes, there is a start-up cost and the point becomes after that initial start-up cost, you end up with over \$10 million savings."

Speaker Turner: "Representative, you've got one minute left. Representative Krause."

Krause: "To the Amendment. Again, I do think that the efforts here are to be commended to...any effort to relieve welfare dependency. However, I think that this Amendment creates a number of concerns and problems as to how it is presented. In fact, I do think it would increase the workers

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

138th Legislative Day

May 26, 1994

compensation cost. It requires the Department of Labor to administer programs without really providing them with any funding and it requires the contractors rather than the department to make eligibility determinations. I understand."

Speaker Turner: "The Gentleman from St. Clair, Representative Flinn."

Flinn: "Mr. Speaker, I move the previous question."

Speaker Turner: "The Gentleman moves the previous question. All those in favor say 'aye'; those opposed say 'no'. The opinion of the Chair, the previous question is put. There are a number of lights that are still on. We will allow those Members one minute to explain their vote. Representative Davis to close."

Davis: "Thank you, Mr. Speaker. First I would like to clarify any concern with an employer having to hire a non-qualified person. The legislation states that the employer can make his selection based upon the person's qualifications which must be the same as any other worker on the job. This Bill received 92 votes before, it's the very same piece of legislation that says, that persons who obtain positions under this program or other programs would also remove themselves from welfare receipts as well as medicaid and would help our state budget, 5% is very very small number. And I recognize that the unions are concerned, but as state Legislators of the State of Illinois we are not in my opinion, the protectors of workers from Wisconsin, workers from Indiana, workers from Iowa. Our concern should be to increase the number of working people in the State of Illinois. These projects will only be those in which the employer has a contract for over \$500,000. Any employee who is laid off and is on unemployment compensation has the

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

138th Legislative Day

May 26, 1994

right to be called back first before this kicks in. It merely gives us an opportunity in the State of Illinois to do what we said we wanted to do and that's create new jobs and get people off welfare. This is the only legislation in this Session that is attempting to do that. I urge you and I beg of you to allow your conscious to help those of us who are taxpayers in Illinois to help put people to work and get them off of welfare. Five percent of people who have dually trained, who have the same qualifications as any other worker. People that the employer have the opportunity to accept or reject. I beg of you to let this legislation go forward and let Illinois really put people back to work who are on welfare. It also only means new jobs. Not existing jobs. It is not going to remove anybody who has a job already. It's new and increased jobs. And out of 45,000 jobs that would be a little over 2,000 people. I think we afford to do that without losing our union...what do you call it...support."

Speaker Turner: "The question is, 'Shall Amendment #2 to Senate Bill 1165 pass?' All those in favor should vote 'aye'; all those opposed should vote 'no'. The voting is open. The Gentleman from Cook, Representative Pedersen. One minute to explain your vote."

Pedersen: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. If you really want to create jobs let's go back to first principles. The first principle is that we...the less government we have the more jobs we have. Let's cut spending as spending in taxes, let's cut out all this unnecessary regulation of this trying to micro manage everything in the state. And these kinds of Bills are just one more impediment in the process. So if you really want to create jobs, cut taxes, spending, regulation and then

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

138th Legislative Day

May 26, 1994

when that extra money, the way it works, with that extra money, that goes into capitol formation. That's where the jobs are created and the private sector will train the workers they need and we don't need all this government. So let's vote 'no' on this and get back to first principles."

Speaker Turner: "The Gentleman from St. Clair, Representative Hoffman. One minute to explain your vote."

Hoffman: "Thank you, Speaker, Ladies and Gentlemen of the House. I would just like to commend the Sponsor. I have always been a proponent of work fair and have certainly supported minority participations in state and federal contracts. However, I think after voting and making a mistake earlier in the Session and rereading the law and hearing from many...from many individuals on this topic, I certainly saw the light, like the old gospel song goes. And if you look at what this would do, the problem it would create is people who are on unemployment now and seasonal jobs, such as a cement masons #90 at Troy, is 15% unemployment. Labors Local #100, East St. Louis, 10%, Ironworkers, East St. Louis, 40%, Operating Engineers #520, Granite City, 35%. The problem would be is that these people would be...would be, who are on unemployment, would go to welfare. My concern would be this would a unemployment to welfare Bill not a welfare to work Bill."

Speaker Turner: "The Gentleman...the Lady from Cook, Representative Murphy. One minute to explain your vote."

Murphy: "Thank you, Mr. Speaker, Ladies and Gentlemen. I echo the sentiments of the previous speaker about going from unemployment to welfare and welfare to unemployment. This is the job stealing Bill and we should get into to job creation, Voc. Ed. And there are ways to create jobs to

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

138th Legislative Day

May 26, 1994

get people off of welfare and to make Illinois a good business climate to attract better paying manufacturing jobs. So in normal circumstances this would be looked upon as thieving jobs from legitimate workers. And then I suppose those people will go on the public aid payroll and then maybe they can stand in line and wait to get a job or a handout."

Speaker Turner: "The Lady from DuPage, Representative Biggert. One minute to explain your vote."

Biggert: "Thank you, Mr. Speaker. My concerns with this Amendment are legal in nature. I believe that the National Labor Relations Act is the regulator of union hiring practices and the regulation of apprentice programs is ARRISA, which has preempted state authorities, so I really question how we can change the law when it does not address these issues. The Department of Labor has not regulated the contractual obligations of unions and employers so I have great concerns with that."

Speaker Turner: "The Lady from Cook, Representative Lou Jones. One minute to explain your vote."

Jones, Lou: "Thank you, Mr. Speaker, Members of the House. I rise in support of this Amendment and you know I'm looking now at this fact sheet. This Bill went out with 92 votes, it had Republican votes and it had Democratic votes. And its hypocritical to sit up here and say you want people off of welfare but you don't want to do anything to help them get off. Less than eight days ago this Bill went out of this House with 92 votes and I'm looking at some of the Co-Sponsors of this Bill that are now up there 'red'. We all know why you turned, we all know the same day the Bill went out. That's why when I got up and I asked to reconsider the vote to hold, because you were dropping off

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

138th Legislative Day

May 26, 1994

like flies because the union got to you. Somewhere down the line we going to have stop, stop being hypocrites. You don't want to give increases to the people on public aid, you don't want to give them a dime to survive or help them survive. You..."

Speaker Turner: "Bring your remarks to a close."

Jones, Lou: "Two Dollars and thirty cents to work off food stamp credits. Now we got something where we can say, give 5%, not new jobs, not existing jobs, we talking about new jobs. And you're too chicken, all of you are damn chicken. You would rather give into the darn union up there. You are chickens and you are hypocrites."

Speaker Turner: "The Lady from Cook, Representative Mulligan. One minute to explain your vote."

Mulligan: "Thank you, Mr. Speaker. I too applaud the Lady's efforts although it was my understanding in committee last year and both this year that these things would be worked out with the unions. And in reading the Bill, quite carefully, I do find some legal problems in the interruption of the statute. Particularly the section that Representative Krause referred to where 20% of the 5% would be set aside to people that, virtually, are not women and women would be excluded from that 5%. Not to sexist, but the majority of the people that are judicated the father of a child are male or the ones that are non child support most of them are male. The other thing is, there's no distinct...distinction between who's getting prevailing wage, who's not. And there is talk about collective bargaining contracts being thrown out. I think those are issues that the Bill needs to resolve in order for the Lady to be successful with it."

Speaker Turner: "The Lady from Cook, Representative Davis. One

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

138th Legislative Day

May 26, 1994

minute to explain your vote. Representative Davis."

Davis: "I want to explain my vote by saying, it is no accident that the welfare roles in the State of Illinois continue to increase, it is by design. It is by design and the actions of this Body help to make sure certain people never work. If this were a prison Bill to put people in prison I would have 100 green votes up there, but if this is a Bill to help people get off of welfare and become self sufficient. People who live in the State of Illinois, you don't want to do it. Now those of us who support the union, 98% of the time we're with them and we're right. But there comes a time when we have to look out for those people who live and work in the State of Illinois. Right now you're vote is protecting that worker from Iowa and Wisconsin. And if that's what you choose to do, but I don't want to hear one person complain when there's a welfare Bill up there asking for an increase for food stamps, an increase for Medicaid form, an increase for their daily survival. Because you are the Body who intend to keep them unemployed. This is the reason, you are the reason we have unemployed African American and poor people in the State of Illinois. You choose, you choose, to keep this workforce all white and it's wrong."

Speaker Turner: "The Lady from DuPage, Representative Cowlshaw. One minute to explain your vote."

Cowlshaw: "Mr. Speaker. I rise to use this minute to make a comment about something that I find very disquieting. Throughout the day today, including on this particular Amendment, we have risen on this Floor and we have, I think, abandoned even the most meager standards of courtesy and civility and decency to one another. Mr. Speaker, it is possible to disagree and there are some honest

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

138th Legislative Day

May 26, 1994

disagreements on this legislation, without being disagreeable. Even if we disagree strongly about some proposal one of our colleagues has put forward, there is not, under that or any circumstance a reason for abandoning civility and for being discourteous to one another. We are going to be here for a long time, apparently, and we are going to have to work together. If anything at all that is going to be achieved I beg you please could we not return to some standards of courtesy, civility and decency?"

Speaker Turner: "Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 28 voting 'yes', 84 voting 'no'. And the Amendment fails. Further Amendments, Mr. Clerk?"

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

Speaker Turner: "The Gentleman from McHenry, Representative Skinner."

Skinner: "Yes. Because of my support for the underlying Bill, I withdraw this Amendment."

Speaker Turner: "Withdraw Amendment #3. The Gentleman from Cook, Representative Schoenberg."

Schoenberg: "Thank you, Mr. Speaker. Could we take this Bill out of the record, momentarily?"

Speaker Turner: "Momentarily?"

Schoenberg: "Momentarily."

Speaker Turner: "Out of the record. On the Order of State Operations, Second Reading, we have Senate Bill 630, Representative Johnson. Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 630, has been read a second time previously. No Committee Amendments. Floor Amendment #1, offered by Representative Tom Johnson."

Speaker Turner: "Representative Johnson, on Amendment #1."

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

138th Legislative Day

May 26, 1994

Johnson, Tom: "Yes. Members of the House I would like to preface my discussion on this Amendment briefly, because if ever there has been legislation that has come down through this chamber, the Senate, that has represented a truly bipartisan and long term approach to solving serious problems as it relates to a serious environmental problem in the State of Illinois, this represents it. This represents the concerted effort over a 15 year period between this legislature, Illinois Department of Nuclear Safety, the Attorney General's office, several Governors', two Governors administration's now, USEPA, the citizens of the City of West Chicago and for all of this I want to thank this chamber for its continued support. What this now represents, we hope, is a final chapter in a long saga of a pollution that is existed in the City of West Chicago, the presence of the thorium. And what this Bill does now is, hopefully, bring this unhappy chapter in West Chicago to a close. What this does is, creates a continuing appropriation for the storage fees that are being deposited on an annual basis by Kerr McGee due to a law that this chamber passed several years ago. What it does is, permit that those funds will be reimbursed back to Kerr McGee and the haulers who will now begin the process of removing this thorium to the State of Utah, hopefully by mid to late summer of this year. I would ask for an 'affirmative' vote on this and again I want to continue to thank this chamber on behalf of the people from my community for working so consistently and over...for such a long period of time to help bring this nightmare to a close. Would ask for an affirmative vote on this."

Speaker Turner: "The Gentleman from Clinton, Representative Granberg, on this question."

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

138th Legislative Day

May 26, 1994

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

Speaker Turner: "He indicates he will."

Granberg: "Representative Johnson, this came...this issue came before this Body, I believe, two or three years ago."

Johnson, Tom: "That's correct."

Granberg: "Correct? We're talking about payment made from Kerr McGee and could you please tell the Body what amounts they're in? I believe the fiscal year '94 is...I'm sorry, calendar year '94 is \$26 million Kerr McGee is suppose to pay?"

Johnson, Tom: "That's correct. There is part of an agreement that has been reached with IDNS, Kerr McGee, the City of West Chicago, Attorney General's office, Governor's office, all the parties involved. What this now does is cap the annual deposits at \$26 million per year and that will be on an ongoing basis until all the thorium leaves the city. Now under the original Bill, what is set forth was \$2, I believe, per cubic yard of material. This now gets beyond the dispute of how many cubic yards exist or don't exist and all of this is tied to the basic underlying agreement that this will begin to move this summer."

Granberg: "Okay. So all the parties have agreed...who's district is this in, Representative Johnson?"

Johnson, Tom: "This is in my district, in the 50th district."

Granberg: "And I guess you're very glad that we're here so we can deal with this issue today..."

Johnson, Tom: "I certainly am."

Granberg: "That we have not adjourned and gone home and so you have the opportunity to resolve this."

Johnson, Tom: "We really didn't want to adjourn until tomorrow, Representative."

Granberg: "Thank you, Representative Johnson."

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

138th Legislative Day

May 26, 1994

Speaker Turner: "The Gentleman from Kankakee, Representative Novak."

Novak: "Yes, Mr. Speaker, Ladies and Gentlemen of the House. To follow up on Representative Granberg's comment, I'm glad we're here to take care of a terribly environmental situation that we have in West...the City of West Chicago. This is an agreed Bill, as Representative Johnson has indicated, the tag group, the citizens group that live in that community and all the other respective parties have signed off on this legislation. It begins the process of cleaning the mill tailings that have accumulated and that city for a number of years to be shipped out to a place to be safely disposed of. There is no GRF money involved, all fees are paid for by Kerr McGee, as I understand. So we need to pass this legislation. And I'm glad the House is in Session today and I'm glad they're going to be in tomorrow."

Speaker Turner: "The question is, 'Shall Amendment #1 be adopted?' All those in favor should say 'aye'; all those opposed say 'no'. And in the opinion of the Chair the 'ayes' have it. Amendment #1 is adopted. Further Amendments, Mr. Clerk?"

Clerk Rossi: "No further Amendments."

Speaker Turner: "Third Reading. On the Order of State and Local Government, Third Reading, we have Senate Bill 1346, Representative Lang. Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 1346..."

Speaker Turner: "The Gentleman requests that the Bill be brought back to Second Reading. Does he have leave? Leave is granted. Second Reading. Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 1346, has been read a second time previously. Amendment #1 was adopted in committee. No

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

138th Legislative Day

May 26, 1994

Motions have been filed. Floor Amendment #2, offered by Representative McAfee."

Speaker Turner: "The Gentleman from Cook, Representative McAfee, on Amendment #2."

McAfee: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Amendment #2 amends the Illinois Funeral or Burials Act. To provide that Public Act 88477, which we passed last year, does not in vale to any other wise vale contract or agreement entered before January 1, 1994. This Amendment was proposed by the Comptroller's office, the Illinois Funeral Directors and the Cemetery Association to clarify that preened contracts entered into before, the effective date of the act was enacted, are not invalidated. I'd ask for your support."

Speaker Turner: "The Lady from DuPage, Representative Biggert."

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

Speaker Turner: "He indicates he will."

Biggert: "Thank you. Representative McAfee, this has nothing to do with the plots in the cemetery as far as religious burials?"

McAfee: "This Amendment has specifically to do with preened insurance contracts and other contracts in terms of purchases of burial and funeral services prior to one's death."

Biggert: "I'm sorry. I couldn't hear what you said before. Is this to do with another law that was passed last year then, it is a technical clean-up?"

McAfee: "A clarifying technical clean-up. To make sure that previous contracts are not invalidated."

Biggert: "All right. What would be a scenario where they would be invalid, under the law, if this Amendment was not added?"

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

138th Legislative Day

May 26, 1994

McAfee: "Well, in certain instances, we would have situations where people that purchases contracts some years ago and they would be bound by this new law. And, in fact, they did not anticipate at the time that they entered into the contract. So we're not trying to be retroactive in the application of this Act that we passed last year."

Biggert: "All right. Thank you."

Speaker Turner: "The Gentleman from Cook, Representative Parke. On this question?"

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

Speaker Turner: "He indicates he will."

Parke: "In essence, Representative, all you are saying is that this Grandfather's current burial contracts from the coverage of the Bill. In essence that's what it does?"

McAfee: "Those contracts entered prior to January 1, 1994."

Parke: "I presume Representative Lang, who is standing next to you, is in agreement with this...with his religious concerns?"

McAfee: "It is my understanding."

Parke: "Thank you."

Speaker Turner: "The Lady from Clayton...the Lady from Lake, Representative Clayton."

Clayton: "Yes, would the Sponsor yield? Have the cemeterians taken a position on this?"

McAfee: "As I mentioned in my initial remarks, both the Illinois Cemetery Association and the Illinois Funeral Director's Association, agree to this and have prepared the language."

Clayton: "Thank you."

Speaker Turner: "No further questions. The question is, 'Shall Amendment #2 be adopted?' All those...to Senate Bill 1346. All those in favor should say 'aye'; all those opposed

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

138th Legislative Day

May 26, 1994

should say 'no'. And in the opinion of the Chair, the 'ayes' have it. Amendment #2 is adopted. Further Amendments, Mr. Clerk?"

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

Speaker Turner: "The Gentleman from Cook, Representative Lang, on Amendment #3."

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Amendment #3 expands the hate crime laws, mostly to require that 200 hours of community service be part of any sentence or condition of probation. It also goes on to do the same for institutional vandalism. This is an extension of the Hate Crimes Act that has been..."

Speaker Turner: "Representative...Representative. The Gentleman from Cook, Representative Parke."

Parke: "Mr. Speaker. I have an inquiry of the Chair. Has this been printed and distributed because we do not have a copy of that Amendment."

Speaker Turner: "Mr. Clerk? Has Amendment #3 been printed and distributed?"

Parke: "In addition I would ask the Chair to rule if this is germane to the underlying Bill?"

Speaker Turner: "The Clerk says it has been printed and distributed. We will check for the germaness. It has been printed and distributed."

Parke: "Since I have the Floor file, do you think we could get a copy of that Amendment?"

Speaker Turner: "Representative Parke? Representative Parke? In the opinion of the Chair, the Amendment is germane because the Bill deals with the Human Rights Act and so does the...no...the Bill deals Human Rights and so does the Amendment. Turn on Representative Parke."

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

138th Legislative Day

May 26, 1994

Parke: "I would like to have a clarification of this in-depth discussion on it because I'm not sure as to how broad this hates crime piece of legislation is. And so if the Sponsor of Amendment 3, Representative Lang, can take it piece by piece because we have some serious concerns on any of this kind of legislation."

Speaker Turner: "The Gentleman from Cook, Representative Lang, on Amendment #3."

Lang: "Thank you, Mr. Speaker. To answer Mr. Parke's question and I will be happy to do that. As you know we put the hate crime legislation on the books some time ago, because this General Assembly felt that the crimes as a result of hate someone's color, religion, ancestry and etc. should be addressed differently. And so here is what this Amendment does, it provides that a court shall include as a condition of probation for an offense of a hate crime, at least 200 hours of community service. Currently, that's a may not a shall. This would change it to shall. It also provides that a second or subsequent violation of a hate crime, if the underlying offense is a felony be non-probational. As institutional vandalism it deletes a previous requirement that damage be more than \$300, but says that if it is more than \$300 it would become a Class II felony rather than a Class III felony. That's all the Bill does, it does not in any extensive way change hate crimes. I should indicate to you that the proponents of this Bill are Cook County State's Attorney O'Malley, Chicago Commission on Human Relations, Anti Defamation League, Chicago Urban League, Illinois Federation for Human Rights and Impact Illinois. And as far as I know, there has been no one opposed to this, either in the Senate or in the House Committee that this passed through."

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

138th Legislative Day

May 26, 1994

Speaker Turner: "The Gentleman from Cook, Representative Parke."

Parke: "Thank you, Mr. Speaker. Representative Lang, this does not apply to the underlying Bill at all, this is an expansion of hate crimes legislation as we have it on the books now. I mean it applies to gangs and people who perpetrate hate crimes in its entirety in the State of Illinois, right?"

Lang: "That is correct, you've said."

Parke: "We've expanded it from a Class II felon to a Class III felony. Is that correct?"

Lang: "I didn't hear your question."

Parke: "What was the expansion of the felony provisions?"

Lang: "The current...this would say that if this is relative to institutional vandalism based on hate and if the...if the vandalism was for...caused damage in excess of \$300 it would become a Class II felony as opposed to a Class III felony."

Parke: "And how does this \$200...200 hours of community service, how do you see this working and what would be the purpose of doing it and putting that part of the Amendment in?"

Lang: "Well, that...that's currently in the law except today...under today's law a judge may order this, under this Amendment he would have to...he or she would have to order it."

Parke: "And what would be the purpose, what would we achieve by this? Just that it would humble them more and make them work out in the communities and expose them more to what the community is all about or what?"

Lang: "The purpose...the purpose as would be agreed to by State's Attorney O'Malley is that; the Hate Crimes Law, although its working, needs to be strengthened. So if a judge is going to sentence someone to probation and nothing else

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

138th Legislative Day

May 26, 1994

then they will not have learned anything and society will not understand that the General Assembly is serious about wanting to do away with hate crimes."

Parke: "Have you...do you know if you have discussed this with the Republican Chairman of the Judiciary Committee that's affected by this? Has this been discussed with them as far as you know?"

Lang: "This...you're talking about the minority spokesperson?"

Parke: "Yes. In the..."

Lang: "This went through the Judiciary I Committee in separate Bill form with no descending votes."

Parke: "So, in other words, it has been heard. Is this just taking a Bill that's on the calendar somewhere and applying it as an Amendment and it came out of that committee with a unanimously?"

Lang: "That is correct. That is correct."

Parke: "Thank you very much."

Speaker Turner: "The Gentleman from Livingstone, Representative Rutherford."

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

Speaker Turner: "He indicates he will."

Rutherford: "Thank you. Representative, I was in the Judiciary Committee when this did go through, but I would like a couple things just to be sure our Body understands it clarifies. In regards to the 200 hours of community service. What about smaller counties that may not have the resources to be able to administer and provide for this amount of community service capabilities?"

Lang: "Well, I think we have other laws on the books where community service is required. I want to remind you that this Bill passed the Senate with no descending votes at all. Apparently the Senators felt that it wasn't a problem

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

138th Legislative Day

May 26, 1994

and I think..."

Rutherford: "I'm not suggesting there is a problem, in fact, I am actually supporter of it, I'm just trying to make sure that we have a clarified for people who are from small counties where community service is, of this magnitude, is a lot to administer and be implemented. I just wanted to have it addressed officially on the record."

Lang: "There is nothing in this that tells small communities how to administer it and it would be perfectly all right with me if they administered it anyway they saw fit. As you know, Representative, we had no one from any such community in Judiciary Committee with any concerns about this."

Rutherford: "Right."

Lang: "I recognize your concerns however but I...it is perfectly all right with me if they administer it in any way that makes sense to them."

Rutherford: "All right. I guess then the other part of my question was, the question I asked you in that committee as well. Realizing this is something very severe and the successes is that we have seen and happening in Singapore, has caneing ever been a consideration of any type of penalty that you have had for any part of your legislation?"

Lang: "I've said on the Floor of this House many times this year that I'm not for caneing, Representative."

Rutherford: "All right. Thank you, Representative."

Speaker Turner: "The Gentleman from Will, Representative Wennlund."

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

Speaker Turner: "He indicates he will."

Wennlund: "Representative, on page 15 on line 4, on that page the language reads, 'the defendant committed the offense

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

138th Legislative Day

May 26, 1994

against the person by reason of the person's actual or perceived sexual orientation.' How do you perceive sexual orientation?"

Lang: "What was the question? I saw what point you were pointing to, I didn't hear the question."

Wennlund: "The addition of the word perceived. And the question is, how do you perceive someone sexual orientation for instance, how do you perceive that?"

Lang: "This is language that we have in some other statutes as well and when we passed the Gay Rights Bill in the House last year, this language was on it as well. This is pretty standard language as used around the country on the issue of hate crimes."

Wennlund: "Well the question is, is that...one of the things in the law that we need is certainty so that a defendant in a criminal case knows when he commits an offense. And what I need to know is, how do you prove that a person perceived somebody's sexual orientation? How do you tell that?"

Lang: "Well, Representative, it is still a matter of proof, someone would still have to go to court and prove this. So if they couldn't prove that this action was...took place because of a perception then they would not be able to prove it and that would end the case."

Wennlund: "Well, how would someone perceive a lesbian, for instance? I mean how do you know? Just by looking, I mean, you're talking about perception."

Lang: "Representative, it says actual or perceived, you have the same problem of proof with the word actual. It's just slightly less vague in your mind but you still have to prove either actual or perceived. If it's not proven beyond a reasonable doubt then there is no conviction, like any other crime we have."

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

138th Legislative Day

May 26, 1994

Wennlund: "Yes, but my question is...is that, how is anyone...by what standard, how is anyone going to make a determination. You know lesbian don't walk around with name tags on them. How do you perceive it?"

Lang: "Well this goes beyond sexual orientation, Representative."

Wennlund: "I know it goes beyond that but..."

Lang: "The issue is not..."

Wennlund: "Is it included in here?"

Lang: "But you understand that the issue is not whether the person actually is the thing that they were attacked for. So if somebody thinks you're Catholic and attacks you for it, it is not a defense that you're actually not Catholic, that's the point. The point is, that if they think you're Catholic and attack you because of that, that should be a hate crime whether you are or not. It should not be an affirmative defense, well I'm not really Catholic."

Wennlund: "So, so, if someone has to...what you have to prove is that the defendant thought that she was a lesbian? So therefore it becomes a hate crime."

Lang: "If there was testimony induced on the record of that case that the defendant thought someone was a lesbian or Catholic or Jewish or some other thing that was not obvious, and there was testimony on the record from a witness that heard a conversation or talked to the person. And that person said, 'well I'm going to attack that person because they're Catholic.' Whether they are or are not Catholic it is a hate crime."

Wennlund: "Thank you very much. To the Amendment, Ladies and Gentlemen of the House. I think this Amendment creates a standard that's impossible to enforce. It relies on the defendant's perception, we have got to get into his mind to find out what he was thinking and I don't know how in the

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

138th Legislative Day

May 26, 1994

world you ever do that. Particularly if...and generally defendant's don't fess up and say, well gee I thought he was Catholic or I thought she was a lesbian or a gay. They don't say that, so how do you prove it? How do you prove what's in one's state of mind? Because that is what this standard sets is a state of mind, that in his mind perceived the person to be a lesbian and that was part of his criminal act against that person. I think it creates an impossible standard. And this Amendment ought to be defeated and Mr. Speaker pursuant to Rule 55 (c) and I am joined by four of my colleagues, I request a record vote on the Amendment."

Speaker Turner: "I only saw two. The Gentleman from DuPage, Representative Biggins."

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

Speaker Turner: "He indicates he will."

Biggins: "Representative, the issue of hate crimes, I have difficulty understanding the need for it. Why do we need a classification of hate crimes when all we have to do is penalize people for committing the crime itself."

Lang: "Representative, hate crimes are already the law, we're not here to debate whether we should or should not have hate crimes. But there is very good reason to have this law on the books and if you want me to go into the history I can. This General Assembly has decided that we're against, obviously we're against crime, but particularly heinous in our society are crimes that are committed against people because of categories, because of who they are, because they're black or they're Catholic or they're Jewish or because of their sexual orientation or because of many other reasons. Those crimes are particularly heinous and this General Assembly, along with the General Assembly's of

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

138th Legislative Day

May 26, 1994

many states around the country, have determined that additional penalties are appropriate for those crimes."

Biggins: "Okay. Regarding the classification as well, there seems to be some redundancy here when you are referring to race, color, creed, ancestry, national origin of another individual or a group of individuals. Don't they cross over there into overlapping categories?"

Lang: "I suppose they could overlap because gender is also there. So you could say, well was this person abused because they were a woman or because they were short. Because disability is also on there, I suppose those things can overlap but I don't see the relevance."

Biggins: "Well I hope it wouldn't apply to overlapping genders but...now regarding the on page 2 of the sexual orientation means, heterosexuality, homosexuality or bisexuality. What about pedophiles?"

Lang: "Sir, you're reading from a portion of the law that is currently in place. We have not amended that in this Amendment."

Biggins: "What about necrophilia?"

Lang: "I'm sorry."

Biggins: "What about person's that commit necromania? Are they not included in this sexual orientation classification?"

Lang: "I don't know why we're going to debate something that's not in the Amendment. I'm not going to answer anymore questions that are not about the Amendment."

Biggins: "Well, please now. Don't tell me you're taking your books and you're leaving town, now? You've told us that twice in the last two weeks, that we should go home, I don't want you to go home, Representative, I want you to stay."

Lang: "I'm not going home, I love it here in Springfield."

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

138th Legislative Day

May 26, 1994

Biggins: "Okay. Now, one last question. Is there a chance that this would be...this whole act would be construed as discriminatory because it doesn't give the same rights to pedophiliacs, pedophiles or necromaniacs."

Lang: "Gee, I wish I could answer that."

Biggins: "Isn't this a human rights issue?"

Lang: "I wish I could answer those questions, Representative, but unfortunately I don't understand all those big words."

Biggins: "Okay. Thank you."

Speaker Turner: "The Gentleman from Cook, Representative Santiago. For what reason do you rise?"

Santiago: "Yes, thank you, Mr. Speaker. I move to a previous question."

Speaker Turner: "The Gentleman move previous question. All those in favor should say 'aye'; those opposed say 'no'. In the opinion of the Chair, previously question is put. Representative Lang to close."

Lang: "Thank you, Mr. Speaker. Some of the questions aside this is clearly a law that makes sense. It is supported by quite a few people which should be respected by both sides of the aisle. In response to some of the questions that Representative Wennlund had earlier let me...let me point out that the section regarding actual or perceived discrimination is already the laws that relates to hate crimes. The only addition in the Amendment deals with institutional vandalism, we're just cleaning up that language. Actual to perceive is already in the current law and if you look on page 1, line 12 you will see that. This is an extension, Mr. Speaker, of the hate crimes law that makes good sense. We should not just let people off with a slap on the wrist, once we decide that the State of Illinois has a public policies against crimes of hate.

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

138th Legislative Day

May 26, 1994

Please vote 'aye' on this Amendment."

Speaker Turner: "The question is, 'Shall Amendment #3 pass?' All those in favor should vote 'aye'; all those opposed should vote 'no'. Voting is now open. Have all voted who wish? The Lady from DuPage, Representative Biggert. One minute to explain your vote."

Biggert: "Thank you. Actually I had a question, I wanted to know the number of the House Bill that this originally was."

Speaker Turner: "The Gentleman from Madison, Representative Stephens. One minute to explain your vote."

Stephens: "Well it's nice to see the Sponsor of this Amendment now believes in mandatory sentencing which is exactly what this Amendment is. I think a lot of us would feel better about these hate crimes if they really included all categories. I'm dismayed that veterans, military personnel, are not included and really if you commit a crime against anyone because you have decided that's a category of people that you don't like, then you ought to be included in the hate crimes. And we shouldn't just take what this Body politic decides for that particular year or particular group that we want to try to get the support of. I think that we ought to just say, if you commit a crime against a group because you don't like that group then you ought to be included. And I'm glad that the Representative from Cook County now believes in mandatory sentencing."

Speaker Turner: "Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this Amendment, there are 78 voting 'aye'; 29 voting 'no'. This Amendment having received the majority, the Amendment is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Turner: "Third Reading. The Gentleman from Clinton,

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

138th Legislative Day

May 26, 1994

Representative Granberg. State Operations, Second Reading, Senate Bill 580. What is the status of that Bill, Mr. Clerk?"

Clerk Rossi: "Senate Bill 580, is on calendar order, Third Reading."

Speaker Turner: "The Gentleman from Clinton, Representative Granberg."

Granberg: "Thank you, Mr. Speaker. That Bill was inadvertently moved to Third Reading. I would like to ask leave of the Body to bring it back to second. We're not going to put an Amendment on today but we would like to have it in the position..."

Speaker Turner: "The Gentleman asks leave to bring Senate Bill 580 back to Second Reading. There are objections, we'll have to take a vote. The Gentleman moves to have Senate Bill 580 brought back to Second Reading. All those in favor of the Motion should vote 'aye'; all those opposed should vote 'no'. Voting is now open. The Gentleman from Cook, Representative Parke. One minute to explain your vote."

Parke: "Now I want to understand that he wants to move it back to have permission to put an Amendment on it. Is it fair to ask what the Amendment is?"

Speaker Turner: "He just wants to...the Gentleman from Cook, Representative...I mean the Gentleman from Clinton, Representative Granberg."

Granberg: "Thank you, Mr. Speaker. Representative Parke, there is no Amendment ready to be adopted. The Bill is inadvertently moved to third this morning. That was not the...that was not my intention, we wanted to keep it on second. There is still apparently some negotiations going on, an Amendment is being drafted, it was inadvertently

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

138th Legislative Day

May 26, 1994

moved to third. I'm just asking to move it back to second in case there will be an Amendment at some point and that is all. If the people are opposed to the Bill that's fine. I just want to bring it back to second."

Speaker Turner: "Have all voted who wish? Representative Parke."

Parke: "It is...how many votes are required to do this?"

Speaker Turner: "We need 60 votes to bring it back."

Parke: "Okay. We...I've been informed that our side has asked not to have this moved from third back to second. So I would ask not to have this happen and..."

Speaker Turner: "Proceed."

Parke: "Thank you. I mean I would like to at least finish my sentence. We would like to have a verification if it gets the required numbers."

Speaker Turner: "Have all voted who wish? Have all voted who wish? The Gentleman from Kendall, Representative Cross. One minute to explain your vote."

Cross: "Actually, Mr. Speaker, I have a question of the Sponsor or the person that made the Motion."

Speaker Turner: "Proceed."

Cross: "Representative Granberg, Representative Granberg, my understanding is that all you're doing is moving this back to second, is that correct?"

Granberg: "There...there is the Amendment is not ready, the Bill was inadvertently moved to third. If you're opposed, if you're opposed...I'm just moving it back to the posture. I'm getting ready to put an Amendment on. This is not on the merits, I would ask my friends to bring it back to second."

Speaker Turner: "The Gentleman from Macon, Representative Dunn. For what reason do you rise?"

Dunn: "Point of order, Mr. Speaker. We're on a roll call we're

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

138th Legislative Day

May 26, 1994

not debating a Bill now. The Gentleman is out of order, let's proceed with the roll call."

Speaker Turner: "You're right. The Gentleman from Cook, Representative Lang. One minute to explain your vote."

Lang: "Thank you, Mr. Speaker. This isn't an issue of what the Amendment is going to be. You know, we sit around committees all year and we always...we've run Amendments through those committees every three seconds because we think in those committees that the Sponsor ought to be able to have their Bill in the posture that they want it to be. Representative Granberg is entitled to have the Bill where he wants it so he can attempt to run his Amendment through the House. If you want to vote against his Amendment when he calls it, then vote against his Amendment. But he has every right and we should show him the necessary courtesy to allow him to put his Amendment out for a debate and a vote. Give him the courtesy of putting the Bill on the posture he wants it to be in."

Speaker Turner: "Have all voted who wish? Have all voted who wish? The Clerk shall take the roll. The Gentleman from Clinton, Representative Granberg. The Lady from Cook, Representative Davis. For what reason do you rise? For what reason do you rise? You're not voting? You're recorded as voting 'no'. The Gentleman from DuPage, Representative Daniels, wishes to change his vote to 'aye'. The Gentleman from DuPage, Representative Biggins. For what reason do you rise?"

Biggins: "Well, Mr. Speaker. I'd like to explain my vote. In such a fashion, I don't understand...we talked earlier about this House in disarray and the House divided against itself just can stand in this city of all cities. We have no control being exhibited, parliamentary procedures aren't

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

138th Legislative Day

May 26, 1994

mean how does that happen? I'm very concerned about this chamber and..."

Speaker Turner: "The roll call is closed, Sir. The Gentleman from Cook, Representative Balthis. For what reason do you rise?"

Balthis: "Mr. Speaker, I wanted to change my vote to 'green' but it seems like the board has locked so I guess we're going to lose this Bill."

Speaker Turner: "We can still change your vote, Sir. You wish to be changed to green? Record Mr. Balthis as 'aye'. Record Representative Stephens as 'aye'. Representative...the Gentleman from Will, Representative Wennlund."

Wennlund: "Thank you, Mr. Speaker. I discovered what the problem was, the original Bill did nothing and the Amendment will do something and it is the something that's really causing the problem here."

Speaker Turner: "So how do you wish to be recorded? As nothing, fine. The Gentleman from Effingham, Representative Hartke. For what reason do you rise?"

Hartke: "Well, I'd like to explain what I think is happening here. I agree with Mr. Lang, I think the Sponsor should have right to move that Bill into the position where we can vote for or against the Amendment. I think I'm going to agree or disagree with the Amendment, but I think that if we give Representative Granberg two more votes we will then have an opportunity to go on record of voting against something or for something. I would appreciate it if you would give him that opportunity. We all know the rules around here, we'll find another piece of legislation and we'll find that Amendment on if we don't use this number. We have identified this number, now let's give him the opportunity so we can vote against him."

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

138th Legislative Day

May 26, 1994

We have identified this number, now let's give him the opportunity so we can vote against him."

Speaker Turner: "The Gentleman from DuPage, Representative Biggins wishes to change his vote to 'aye'. The Gentleman from Vermilion, Representative Black. For what reason do you rise?"

Black: "Yes, thank you very much, Mr. Speaker. I'm proud to be a friend of Representative Granberg, I'll vote 'aye'."

Speaker Turner: "The Gentleman wishes to be recorded as 'aye'. The Lady from DuPage, Representative Cowlshaw. For what reason do you rise?"

Cowlshaw: "Thank you, Mr. Speaker. I realize you don't need an extra vote now but if this is an indication of respect for the rules and respect for the rights of Sponsors, I vote 'aye'."

Speaker Turner: "Change the Lady's vote to 'aye'. The Gentleman from Kane, Representative Hoeft. How do you vote? Record him as 'aye'. Representative, the Lady from Cook, Representative Davis wishes to be recorded as 'aye'. The Gentleman from Cook, Representative Balthis. What do you want to do?"

Balthis: "I want to change my vote back to the way it was, to red."

Speaker Turner: "He wants to go back to red. The Gentleman from Cook, Representative Parke. How do you wish...Representative Parke?"

Parke: "Yes, Mr. Speaker. I remove my request for a verification."

Speaker Turner: "The Gentleman removes his request for a verification. Representative Wirsing wishes to be recorded as voting 'aye'. On this question, there are 63 voting 'yes', 46 voting 'no'. And the Gentleman has leave to

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

138th Legislative Day

May 26, 1994

bring the Bill back to Second Reading. We're doing such a...you know you're so cooperative at this point I think we need at least a few more Bills. How about House Resolution...House...House Resolution 2697, on the Order of Speaker's Table. Read the Resolution, Mr. Clerk. Representative Blagojevich, on House Resolution 2697. He yields to Representative Kotlarz. Representative Kotlarz, on 2697."

Kotlarz: "Mr. Speaker. This Bill...Resolution passed the committee with 17 votes. It simply encourages state universities to hire some of their laid off employees for summer employment. A lot of these people work seven or eight months during a 12 year term and we would just like to get them some preferential treatment for any summer employment."

Speaker Turner: "The Gentleman move the adoption of House Resolution 2697. All those in favor should say 'aye'; all those opposed say 'no'. In the opinion of the chair, the 'ayes' have it. The Resolution is adopted. Now? Now. Now. Leaving perfunctory time for the Clerk, Representative Granberg moves that the House stand adjourned until tomorrow at the hour of 11:00. 11:00 a.m. tomorrow morning. All those in favor should say 'aye'; all those opposed say 'no'. The opinion of the chair, the 'ayes' have it. And this House does stand adjourned until tomorrow at 11:00."

Clerk McLennand: "The House Perfunctory Session will be in order and we will be at ease. Perfunctory Session will be in order. No business to come before the House Perfunctory Session. The House will be adjourned. Perfunctory Session will be adjourned and the House will reconvene on Friday, May 27 at the hour of 11:00 a.m."

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

94/10/19
10:13:52

MAY 26, 1994

HB-4240	FIRST READING	PAGE	69
SB-0033	SECOND READING	PAGE	29
SB-0398	SECOND READING	PAGE	41
SB-0580	SECOND READING	PAGE	5
SB-0580	SECOND READING	PAGE	211
SB-0580	RECALLED	PAGE	211
SB-0630	SECOND READING	PAGE	194
SB-1083	MOTION	PAGE	171
SB-1165	SECOND READING	PAGE	173
SB-1165	OUT OF RECORD	PAGE	194
SB-1299	SECOND READING	PAGE	42
SB-1322	SECOND READING	PAGE	59
SB-1336	SECOND READING	PAGE	5
SB-1346	RECALLED	PAGE	197
SB-1357	SECOND READING	PAGE	11
SB-1365	SECOND READING	PAGE	61
SB-1366	SECOND READING	PAGE	14
SB-1366	OUT OF RECORD	PAGE	14
SB-1369	SECOND READING	PAGE	69
SB-1421	SECOND READING	PAGE	71
SB-1515	SECOND READING	PAGE	74
SB-1692	SECOND READING	PAGE	14
SB-1705	SECOND READING	PAGE	125
SB-1706	SECOND READING	PAGE	122
SB-1707	SECOND READING	PAGE	117
SB-1707	OUT OF RECORD	PAGE	122
SB-1721	SECOND READING	PAGE	14
SB-1722	SECOND READING	PAGE	94
SB-1728	SECOND READING	PAGE	93
SB-1730	SECOND READING	PAGE	28
SB-1730	OUT OF RECORD	PAGE	28
SB-1733	SECOND READING	PAGE	28
SB-1766	SECOND READING	PAGE	83
SB-1766	OUT OF RECORD	PAGE	93
SB-1803	SECOND READING	PAGE	83
SB-1832	SECOND READING	PAGE	76
HR-2697	ADOPTED	PAGE	216
HR-2697	RESOLUTION OFFERED	PAGE	216
HR-2770	ADOPTED	PAGE	3
HR-2770	RESOLUTION OFFERED	PAGE	2
HR-2829	ADOPTED	PAGE	171
HR-2829	RESOLUTION OFFERED	PAGE	144

SUBJECT MATTER

HOUSE TO ORDER - SPEAKER MCPIKE	PAGE	1
PRAYER - REVEREND GARY MCCANTS	PAGE	1
PLEDGE OF ALLEGIANCE	PAGE	1
ROLL CALL ATTENDANCE	PAGE	1
AGREED RESOLUTIONS	PAGE	3
GENERAL RESOLUTIONS	PAGE	5
REPRESENTATIVE TURNER IN THE CHAIR	PAGE	48
REPRESENTATIVE MCPIKE IN THE CHAIR	PAGE	67
COMMITTEE REPORT	PAGE	67
REPRESENTATIVE TURNER IN THE CHAIR	PAGE	93
MESSAGE FROM THE SENATE	PAGE	117
COMMITTEE REPORT	PAGE	144
HOUSE ADJOURNED	PAGE	216
PERFUNCTORY SESSION	PAGE	216
PERFUNCTORY SESSION ADJOURNED	PAGE	216