

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

Speaker Kubik: "The House will come to order. The Members will be in their chairs. We have our Members retire to their chairs, please. The Chaplain for today is Reverend David Ashby of the Bible Baptist Church in Champaign, Illinois. Reverend Ashby is the guest of Representative Rick Winkel. Our guest in the balcony...Our guests, I should say, in the balcony may wish to rise for the invocation. Reverend Ashby."

Reverend David Ashby: "Let's bow our heads. Our Father, we thank You for this day. We are grateful for Your love. We thank You for Your blessings. We thank You for the privilege and opportunity to pray for those that bear rule over us as You have instructed us to do so and I would ask today that You'd be with them. I pray that You would give them wisdom as they consider legislation that affects our state. I pray that You might have Your will and way in that legislation. I pray that You be with each of the Representatives in their personal lives, the needs that they have. Encourage them, strengthen them, and Father, we'll thank you in Jesus' name. Amen."

Speaker Kubik: "We'll be led in the Pledge today by Representative Wirsing."

Wirsing: "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 Kubik: "Roll Call for Attendance. Representative Currie is recognized to report any excused absences on the Democratic side of the aisle. Representative Currie."

Currie: "Thank you, Speaker. Though it may surprise the Chair, there is, in fact, only one absence on our side of the aisle this morning and that is Representative Martinez, who

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

is excused because of illness."

Speaker Kubik: "That illness will be so journalized. Representative Cross is recognized, oh, I'm sorry. Representative Hanrahan is recognized for any Republican excused absences. Representative Hanrahan."

Hanrahan: "Mr. Speaker, Representative Ann Zickus is excused. All else are in attendance."

Speaker Kubik: "That excused absence will also be journalized. Mr. Clerk, take the record. There are 116 Members answering the call. A quorum is present. The House will...is now in order. Representative Kubik in the Chair. Mr. Clerk, are there any messages?"

Clerk McLennand: "Introductions. House Joint Resolution #36, offered by Representative John Turner, Committee on Rules. Committee Reports. Committee Report offered by Representative Tom Johnson, Chairman from the Committee on Judiciary for Criminal Law, to which the following Bills were referred, action taken on April 6th, 1995, reported the same back with the following recommendations: 'do approve for consideration' House Floor Amendment #7 to House Bill 2038; Floor Amendment #6 to House Bill 16; Floor Amendment #5 to House Bill 2236. Committee Report offered by Representative Weaver, Chairman from the Committee on Appropriations for Education, to which the following Bills were referred, action taken on April 6th, 1995, reported the same back with the following recommendations: 'do pass' House Bill 1016; House Bill 1018; 'do pass as amended' House Bill 807."

Speaker Kubik: "For what reason does the Lady from Cook, Representative Currie, rise?"

Currie: "Thank you, Speaker and Members of the House. I feel as if perhaps my light has been on since yesterday evening.

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

Yesterday evening, the Chair made a ruling so egregious, so contrary to the plain language of the Rules you proposed and adopted, that I was moved to make a Motion to challenge the ruling of the Chair. I understand that we're not permitted to offer Amendments that will be given the opportunity for discussion, debate, and to vote. That the majority in this chamber has decided to so clamp down on minority rights, that sometimes it feels as if we might not even bother to come to work on any given day, but I thought we still had the opportunity to challenge clearly erroneous rulings made by the Chair and yesterday's ruling, in respect to the majority required to adopt an Amendment on this Floor, was so egregious, so lacking in an understanding of the English language, that it seemed to me appropriate to make a Motion to challenge. I was not recognized to make that Motion, and I think that it is an outrage when a Member of this chamber, who doesn't have the opportunity to call an Amendment for a vote, doesn't have the opportunity to bring issues that are important to his or her constituents, to the attention of this full chamber, when it turns out we don't even have the opportunity to challenge the ruling of the Chair. I'm disappointed in your leadership. I'm disappointed in the people who occupied the Chair yesterday afternoon. I would hope that the Chair could assure me that Members will be recognized in the future to make Motions of that sort. Secondly, another point of personal privilege, I was honored, I was thrilled yesterday afternoon, to be able to offer a 'Grow Award' to a colleague of mine, who decided to ignore substantive committees, whose job it is to work on issues like changes in the public welfare system, who instead wanted to create a little task force to do the job instead.

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

That..."

Speaker Kubik: "Representative Currie. Representative Currie, could we, first of all, could we have the staff move away from you, so I can see you. Thank you. Representative Currie, I recognized you on your point with respect to the Rules. Okay, and I want to respond to your point on the Rules, because I do believe that you are in error in your statement with respect to the Rules, and let me explain what I mean. The ruling, yesterday, was on the Amendment. The Chair cited the Rule, House Rule 1-10, which indicates that a majority means a majority of those Members present and voting on a question, unless otherwise specified with respect to a particular House Rule for purposes of determining the number of Members present and voting on a question. A 'present' vote is not counted. Representative, if you will look through the Rules, you will also note that House Rule 1-13 applies and 1-13 indicates that a majority of those elected. And it says, a majority of those elected means a majority of the total number of Representatives entitled to be elected to the House, regardless of the number of elected or appointed Representatives actually serving in office. So long as 118 Representatives are entitled to be elected to the House, 'A majority of those elected' shall mean 60 affirmative votes; 71 affirmative votes shall mean three-fifths of the Members elected. In the case that you cited, the Rule indicated a majority. It did not indicate a majority of those elected, so the Chair was correct in its ruling. Representative Currie."

Currie: "Thank you, Speaker. I still would disagree. It says, a majority vote of the House. If you meant a majority vote in respect to the Rule 1, your initial site, then there

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

would have been a period after the word, vote. When you say a majority vote of the House, I think it pretty clearly means a Constitutional Majority or 60 Members of the House. Regardless of which of us is right, the particular point I rose on this morning was the lack of willingness of the Chair to give me the opportunity to challenge the ruling. It's come to a pretty poor pass when Members who can't offer Amendments, can't bring up ideas and issues for discussion and votes in this chamber, cannot even challenge a clearly erroneous ruling of the Chair. That was the point that I rose on this morning, and I'd hoped I would hear the Chair assure me that in the future, Members who are rising to make that Motion will have the opportunity to be heard."

Speaker Kubik: "Are you making a Motion, Representative?"

Currie: "I am not, this morning, making that Motion, but I am pointing out that last evening when I tried to make the Motion, I was not recognized in order to do so. The Chair proceeded to move along through other business, even though this issue was still very much alive and very much with us."

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

Lang: "Thank you, Mr. Speaker. You know, this ruling relative to how many votes it takes to adopt an Amendment, may come up again during this Session and I would just simply recommend to the Chair that, that you go in the back room, wherever it is you have to go, and draft the necessary Resolution to straighten this out. We know what you want the Rules to say and if that's what you want them to say, have them say that. All we're suggesting is that the Rules don't say what you would like them to say. It would be a simple matter to file a simple Resolution to amend the Rules so it

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

says exactly what the majority party wishes it to say. And if you would just simply do that, and you certainly have the votes to change the Rules any way you like, it would not affect the ruling you've previously made. That Bill is gone and you would not have this continued debate on what this Rule says in the future. So, Mr. Speaker, would you consider having this done, so that we don't have to have the debate as to how many votes it takes to adopt an Amendment in the future?"

Speaker Kubik: "Representative Lang, again, I think that if you review the Rules, and I would hope that you have reviewed the Rules, I think the Rules are very clear. In the instance where there is 60 votes required, the Rule indicates a majority of those elected. In the instance where an Amendment is involved, it says a majority. Now, I think it's very clear and I think, Representative, we've had a debate with Representative Currie and I will recognize you to respond, but I think that, that the ruling is very clear. Representative Lang."

Lang: "Well, with all due respect, Sir, the Rules are not clear. They could be made clear with a simple clarification and we just think it would be appropriate to do that. Perhaps more to the point, if you are wrong in your ruling and we are right, then any Amendment that is adopted with an erroneous ruling from the Chair and any Bill subsequently passed, based on that erroneous ruling, is void. And what you do by not clearing up this issue, by letting it hang and letting us continue to debate it and not clearing it up with a simple Resolution, you run the risk that any Bill you pass is a void Act and you have wasted the time of the General Assembly and the sponsors, who work so hard to pass their legislation, will not have good legislation on the

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

books. It will be void and we're trying to avoid that problem for you and for Members of the Majority Party. Surely not for us because we are not having our Amendments called, but we surely don't want Bills you pass in good faith to become irrelevant. And so we're just simply suggesting a one sentence clarification of your Rules, and you could pass that in five minutes, Sir."

Speaker Kubik: "House Bills - Second Reading. Mr. Clerk, I apologize. House Bills - Third Reading. House Bills - Third Reading. Mr. Clerk, what is the status of House Bill 884?"

Clerk McLennand: "House Bill #884, a Bill for an Act in relation to municipalities. Third Reading of this House Bill."

Speaker Kubik: "Mr. Clerk, would you please return this Bill to the Order of Second Reading. Mr. Clerk, what's the status of House Bill 886?"

Clerk McLennand: "House Bill #886, a Bill for an Act in relation to municipalities. Third Reading of this House Bill."

Speaker Kubik: "Mr. Clerk, please restore this Bill to the Order of Second Reading. Mr. Clerk, what is the status of House Bill 1270?"

Clerk McLennand: "House Bill #1270 is on the Order of Third Reading."

Speaker Kubik: "Mr. Clerk, please restore this Bill to the Order of Second Reading. Mr. Clerk, what is the status of House Bill 1755?"

Clerk McLennand: "House Bill #1755 is on the Order of Third Reading."

Speaker Kubik: "Please restore this Bill to the Order of Second Reading. Mr. Clerk, what is the status of House Bill 1796?"

Clerk McLennand: "House Bill #1796 is on the Order of Third

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

Reading."

Speaker Kubik: "Mr. Clerk, please return that Bill to the Order of Second Reading. Mr. Clerk, what is the status of House Bill 2278?"

Clerk McLennand: "House Bill #2278 is on the Order of Third Reading."

Speaker Kubik: "Mr. Clerk, please return that Bill to the Order of Second Reading. Mr. Clerk, what is the status of House Bill 2327?"

Clerk McLennand: "House Bill #2327 is on the Order of Third Reading."

Speaker Kubik: "Mr. Clerk, please return that Bill to the Order of Second Reading. Mr. Clerk, what is the status of House Bill 2331?"

Clerk McLennand: "House Bill #2331 is on the Order of Third Reading."

Speaker Kubik: "Mr. Clerk, please return that Bill to the Order of Second Reading. Mr. Clerk, what is the status of House Bill 2434?"

Clerk McLennand: "House Bill #2434 is on the Order of Third Reading."

Speaker Kubik: "Mr. Clerk, please restore that Bill to the Order of Second Reading. House Bills - Second Reading. Mr. Clerk, please read House Bill 16. Representative Lachner. Representative Lachner, do you wish that Bill called? Please read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill #16, a Bill for an Act that amends the Code of Criminal Procedure of 1963. Second Reading of this House Bill. Committee Amendment #1 has been referred to Rules. Committee Amendment #2 has been referred to Subcommittee. Committee Amendment #3 was withdrawn. Floor Amendments #4 and 5 have been referred to Rules. Floor



STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

Amendment #6, offered by Representative Lachner, has been approved for consideration."

Speaker Kubik: "Representative Lachner on Floor Amendment #6. The Gentleman from Lake, Representative Lachner, is recognized."

Lachner: "Mr. Speaker, Representative Durkin has this Amendment and has agreed to present this Amendment, and I would like to yield to Representative Durkin to present this."

Speaker Kubik: "The Gentleman from Cook, Representative Durkin, to present Floor Amendment #6. Representative Durkin."

Durkin: "Mr. Chair, what this Amendment will do is we're amending the Criminal Code in the Section of...in the venue area, Section 1-6, place of trial. We're adding the language that states that the state is not required to prove during trial that the alleged offense occurred in any particular county in the state when the defendant contests the place of trial under this Section. All proceedings regarding this issue shall be conducted under Section 14-1 of the Criminal Code. We're also setting forth procedures for that type of motion in the form that when a defendant seeks dismissal under the 1...under Section 1-14 of the charge, the defendant shall make a prima facie showing that the county is an improper place of trial. Upon such showing, the state shall have the burden of proving by a preponderance of the evidence that the county is the proper place of trial."

Speaker Kubik: "The Gentleman has moved for the adoption of Floor Amendment #6. And on that, is there any discussion? The Gentleman from St. Clair, Representative Hoffman, is recognized."

Hoffman: "Will the Sponsor yield?"

Speaker Kubik: "The Sponsor indicates he'll yield."

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

Hoffman: "Representative, I remember this Bill in Committee. I believe that there were some concerns regarding if this were to become law, it could potentially allow a Grand Jury or a State's Attorney in places like Madison County or St. Clair County to potentially try and indict an individual whose acts occurred in Cook County. Has that concern been taken care of with this Amendment?"

Speaker Kubik: "Representative Durkin."

Durkin: "Representative, I don't think this is a situation where we're going to have forum shopping on behalf of the prosecutors in different counties. You know we're going to have to rely on their good faith efforts, but I don't, you know we had a situation in Cook County a year ago. There was a homicide...there was a homicide which we believe was committed in Cook County, but the defendant was apprehended in downstate Illinois and the body was found downstate, along with the automobile. And by the virtue of the fact that there was a question of venue, the State's Attorneys of Cook County were sworn into the downstate courthouse and they prosecuted the case down there, just to avoid any type of complications doing from a venue motion. But I really don't see that it'll be a problem and I don't see a question of a state's attorney looking for a more convenient place to try a case."

Speaker Kubik: "Representative Hoffman."

Hoffman: "Well, I don't disagree with you. I understand what we're trying to get at. We're trying to get at something that I think as prosecutors, many people are...sometimes forget to ask the question of venue, number one, and then, number two, that specific example that you cited, I agree with that. The concern is that it allows that type of venue shopping, and it's not your intent to do any of that

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

or to allow that to occur. Is that correct?"

Speaker Kubik: "Representative Durkin."

Durkin: "That's correct, Representative."

Speaker Kubik: "Representative Hoffman."

Hoffman: "What's the difference between the original Bill and the Amendment as far as the concerns? I know that there were other concerns raised in Committee. I can't remember what they exactly were. Does this address those concerns and what is the difference?"

Speaker Kubik: "Representative Durkin."

Durkin: "What we've done, the original Bill stated that venue will no longer be included as annulment of the case in chief. We've...The Amendment will...what it states is that when a defendant is seeking its...any type of motion or any type of challenge to the venue of a case, what we're saying is that, bring it up in a pretrial motion. At that point, like is any other type of pretrial issue dealing with a 4th, 5th, or 6th Amendment issue, and then what you should do, if you're seeking any type of dismissal, you should, you know, make your motion. The state at that time will be...will have to establish a prima facie case as to the propriety...or as to why they believe the county was appropriate. And once they establish that, I mean, the defendant must establish a prima facie case. The state at that time only has to rebut that with...by a preponderance of the evidence."

Speaker Kubik: "Representative Hoffman."

Hoffman: "So, essentially what we're saying is, venue is still an element...is still an element; however, it'll be dealt with in a different type of fashion. Is that correc...Is that right?"

Speaker Kubik: "Representative Durkin."

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

Durkin: "No, receding is not an element."

Speaker Kubik: "Representative Hoffman."

Hoffman: "So, I guess my question is, what is it now? If it's not an element, will you still have to prove... What the prosecutor now... What you're saying is the prosecutor wouldn't have to prove anything with regard to venue and it would essentially...we're saying that the defendant has the burden of proof of proving that venue is not proper. Is that what's happening?"

Speaker Kubik: "Representative Durkin."

Durkin: "Venue is not an element and I believe that if you look through Chapter 38 and you see the definition of any crime, Representative, venue is not incorporated in...when the elements of every charge is set out. We're stating that this can be brought up at the... It should be brought up by the defendant. If they have a question as to the propriety of which county or a question of whether or not venue does lie in there, we're saying bring it up in a pretrial motion. It is... The venue has never been an element of a charge. It's never been an element of proving First Degree Murder or Aggravated Criminal Sexual Assault."

Speaker Kubik: "Representative Hoffman."

Hoffman: "I understand that. I think that the Amendment is a good one in that I think it sets out in a more expansive fashion what Representative Lachner's intent and your intent was originally. I think, therefore, I think we should adopt the Amendment. I think we still need to maybe talk about the issue of forum shopping just to clear that up on Third Reading, so we know that it's not the intent of anybody to allow that to occur, but otherwise I think it's a good Amendment."

Speaker Kubik: "Further discussion? The Gentleman from Bureau,

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

Representative Mautino."

Mautino: "Thank you, thank you. Will the Sponsor yield?"

Speaker Kubik: "The Sponsor indicates he'll yield."

Mautino: "On the Amendment, can you explain to me how this would work out, for example, in a case of murder where the defendant seeks to change the venue where's it going to be heard. Where would the burden of proof be there? Would it be on the state or on the defendant to prove that there's a necessary change?"

Speaker Kubik: "Representative Durkin."

Durkin: "What we've stated in the Amendment, if the defendant, if they have a question as to the venue, where as to if they believe that the county is not the appropriate forum where the case is being presented, what they need to do is if they can establish a prima facie showing that the venue is improper, that the county is not the proper place of trial, the burden shifts over to the state, in which time they would have the opportunity to rebut that prima facie showing by a preponderance of the evidence by stating that this was the appropriate forum. It'll be in the form of a pretrial motion."

Speaker Kubik: "Representative Mautino."

Mautino: "So in this situation that I'm referring to on here, in that same situation, the...it would not make it easier for the person who's being accused of committing this violent crime to change the venue. It would not place a larger burden on the county or on the state to prove it is the appropriate venue?"

Speaker Kubik: "Representative Durkin."

Durkin: "No, I believe what this does is that I think it just, it makes it...it does not...it's not a burden on the state. It will not be a greater burden on the prosecution."

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

Speaker Kubik: "Representative Mautino."

Mautino: "Thank you."

Speaker Kubik: "Any further discussion? Seeing no further discussion, Representative Durkin to close."

Durkin: "We'd ask that the Amendment be adopted."

Speaker Kubik: "The Gentleman has moved for the adoption of Floor Amendment #6. And on that, all those in favor will say 'aye'; those opposed will say 'no'. It's in the opinion of the Chair that the 'ayes' have it. The Amendment is adopted. Third Reading. Oh, I'm sorry. Any further Amendment, Mr. Clerk?"

Clerk McLennand: "No further Amendments. A fiscal note and judicial note have been requested on the Bill and they have been filed."

Speaker Kubik: "Third Reading. Mr. Clerk, please read House Bill 314. Representative Turner. Representative Turner, do you wish this Bill called? Please read the Bill, Mr. Clerk. House Bill 314."

Clerk McLennand: "House Bill #314, the Bill's been read a second time previously. Committee Amendment #1 was referred to Rules. Committee Amendment #2 was referred to committee. Committee Amendment #3 was withdrawn. Committee Amendment #4 was adopted. Floor Amendments #5 and 6 have been referred to Rules. Floor Amendment #7, offered by Representative John Turner, has been approved for consideration."

Speaker Kubik: "Representative Turner on Floor Amendment #7."

Turner, J.: "Thank you, Mr. Speaker. Amendment #7 to House Bill 314 becomes the Bill. It proposes a change to the Juvenile Court Act. The Bill as amended provides that a minor may be confined in a county jail if the confinement is implemented in such a manner that there will be

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

substantially no contact by sight or sound between the adult prison population and the minor."

Speaker Kubik: "The Gentleman has moved for the adoption of Floor Amendment #7. And on that, is there any discussion? The Chair recognizes the Gentleman from Cook, Representative Dart."

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

Speaker Kubik: "The Sponsor indicates he'll yield."

Dart: "Representative, the...the thrust of this Amendment... The Amendment becomes the Bill and the thrust of it is we're going to allow juveniles to be held in jails. Is that correct?"

Speaker Kubik: "Representative Turner."

Turner, J.: "Representative, it would allow a juvenile to be held in a jail as long as there is substantially no contact between the juvenile and the adult prison population."

Speaker Kubik: "Representative Dart."

Dart: "How is 'substantially no contact' defined?"

Speaker Kubik: "Representative Turner."

Turner, J.: "Representative, there is no definition provided in the Amendment or the statute for 'substantially'. I would suggest that the common definition, the dictionary definition would be utilized."

Speaker Kubik: "Representative Dart."

Dart: "Well, for legislative intent, I think we better be darn sure we know what we're talking about here because this is a...a major change here to allow juveniles to be held in adult jails, and there's some inherent problems with that. Obviously, we don't want children being held with people who are being held over for murder or rape or something or waiting to be sent to either the State Prison Facility or the case of a police station to be sent to a county

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

facility. So, I think we better be really clear here what...what the heck we mean by 'substantially no contact' and we ought to put some legislative intent here because this is...this is getting sort of crazy. I mean, if we don't...if we can't get this straight, we're really asking for a lot of problems here. Because these are little kids and they're potentially going to be in a cell next to a murderer, and they can be in a cell next to a child molester or a rapist. So, we better be real clear what we're doing here. So, we better put real loud and clear on the record what we mean by 'substantially no contact'."

Speaker Kubik: "Representative Turner."

Turner, J.: "Representative, I share your concern. The reason 'substantially no contact' and specifically the word, 'substantially' is placed in there is so that, for example, if a door would happen to open down the hall 50 feet or something, we would not want an attorney bringing a civil rights action to say that if you use no contact without using 'substantially' that that was in some way a violation. The intent of the Bill, however, is to make sure that there is no contact of any consequence whatsoever between the adult prison population and the juvenile. This Bill does not envision putting a juvenile in a jail adjacent to an adult as you suggested. We're just trying to make the language workable and practical and I felt...I think if we leave out the word, 'substantial', we create a risk so as to defeat the entire purpose of the Bill."

Speaker Kubik: "Representative Dart."

Dart: "Are we not going to be jeopardizing federal money by putting children in this type of environment?"

Speaker Kubik: "Representative Turner."

Turner, J.: "Representative Dart, I honestly can't answer the



STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

question, but I'll tell you what I believe to be the case, and that is that the federal statutes and/or regulations do provide for certain grant moneys. If indeed the State of Illinois or other state has a statute which prohibits incarceration of a juvenile with an adult in the same building. However, let me add to that very quickly, I'm not aware that the State of Illinois has indeed received any of those grant moneys whatsoever, but I can't answer it any better than that, I apologize."

Speaker Kubik: "Representative Dart."

Dart: My understanding is that I think we've received around \$2 million from the Feds that could be potentially jeopardized by this. The...to the Amendment, Mr. Speaker. I think, I understand the Sponsor of this is well intended in what he's doing, but I think this is a very dangerous precedent here. I, from my experience, much like the Sponsor is a State's Attorney, came in course of my duties, numerous situations. When you get into some of these smaller towns, the rules on how they operate are rather lax. A Bill such as this, which would allow them to house juveniles with adults, would send them a rather clear, loud mandate that that's exactly what they'll do. That is exactly what they do. And when you have vague language which talks about substantially no contact by sight, sound or otherwise, that would mean to them, 'Well, it was...the kid was two cells over from the child molester. The child was two cells over from the murderer.' And I don't care what the Sponsor tells me, that that's not the intent. I understand that's not the intent, but that's exactly what's going to happen here. I can guarantee that is going to be what happens. I've dealt with these police departments before, and you're now going to allow these juveniles to be held in those

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

types of facilities, and that's exactly what they're going to do. I can guarantee it, you can bet the farm on this. They will be doing that. There's no two ways about it. So by doing this, we will be allowing child molesters to be one cell over for a child who's been picked up over night for breaking windows or whatever and that's a..."

Speaker Kubik: "Further discussion? The Gentleman from Cook, Representative Pugh."

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

Speaker Kubik: "Indicates he'll yield."

Pugh: "Representative, am I under the impression that we're...about to make this Amendment become the Bill? This Amendment will become the Bill. Am I correct?"

Speaker Kubik: "Representative Turner."

Turner, J.: "That is correct, Representative."

Speaker Kubik: "Representative Pugh."

Pugh: "Representative, when we speak...when we speak of the minors being convined...confined with no contact to sight by sound of adult prisoners, are we talking about the 10 year olds, the 13 year olds or the 16 year old minors?"

Speaker Kubik: "Representative Turner."

Turner, J.: "Representative, the Bill refers to juveniles under 16 years of age."

Speaker Kubik: "Representative Pugh."

Pugh: "Representative, are you aware of what happens once an individual enters the correctional system and...and the new level of...of laws that take place once an individual is incarcerated?"

Speaker Kubik: "Representative Turner."

Turner, J.: "Representative, I'm not clear on what you're asking me. Could you rephrase that? I apologize."

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

Speaker Kubik: "Representative Pugh."

Pugh: "Are you aware that currently there is approximately three to five inmates per staff person that's incarcerated...that's incarcerated in the...in the criminal justice system?"

Speaker Kubik: "Representative Turner."

Turner, J.: "Representative, I was not aware of that, but I'm not...I'm still not clear whether you're referring to the Juvenile Department of Corrections or to county facilities across the state or to a particular facility."

Speaker Kubik: "Representative Pugh."

Pugh: "Can you...can you tell me what kind of offenses would classify these individuals, these youth, these...these children to be incarcerated with hardened criminals?"

Speaker Kubik: "Representative Turner."

Turner, J.: "It is a...in fact, a pretty rare case where a juvenile is incarcerated and...but essentially it can include any criminal offense. But the court has to make a specific finding that the juvenile is a clear and present danger to himself or herself or to members of the public before a court will hold a juvenile in detention."

Speaker Kubik: "Representative Pugh."

Pugh: "Well, is it...my question is, is this before a youth as adjudicated or after youth as adjudicated or does a youth have to be adjudicated at all?"

Speaker Kubik: "Representative Turner."

Turner, J.: "Representative, this Bill provides that when a court makes a finding, the juvenile needs to be incarcerated. It can be pre-adjudication or post-adjudication under this Amendment."

Speaker Kubik: "Representative Pugh."

Pugh: "So, if...if there is a case of parental abuse, would that classify a youth to be incarcerated with...with adults?"

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

Speaker Kubik: "Representative Turner."

Turner, J.: "No, that would not be a delinquency case. I think that would be a case of neglect or abuse and in a situation like that, my assumption would be that DCFS would become involved and take the child into protective custody, which as you know is something quite different than incarceration."

Speaker Kubik: "Representative Pugh."

Pugh: "To the Bill, Mr. Speaker."

Speaker Kubik: "Proceed."

Pugh: "Representative, oftentimes we in the hallow halls of...of Springfield attempt to correct a lot of discrepancies that we see within the...the judicial system, but this piece of legislation, I guarantee you, would...would not correct the wrong. As a matter of fact, it would enhance some criminal justice that's going on. Once an individual is incarcerated within the correctional system, there's a new set of laws which will govern his life and that's the law of survival, which means that he will become prey, especially a youth 10, 13 to 16 years old will become prey, will come a prime victim of older offenders. This individual will not by any means be rehabilitated..."

Speaker Kubik: "Representative, could you please bring your remarks to a close?"

Pugh: "An individual, once he's incarcerated, Representative, if he is 10, 13, 16 years old, he can very easily become a victim of rape. He can very easily be taken advantage of because of his youthful status. And you say that there will be no sight, sound or connection, but it is impossible with the overcrowding in the penal system, it is impossible for a youth not to be subjected to contact with older inmates. And the older inmate might not be...he might not

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

be 17, the older inmate might be 16. But, once an individual's manhood is taken away as a result of this criminal justice system, then we have created a monster. And this is exactly what this piece of legislation tends to do. And oftentimes we're not concerned about how these youths come out into the community. We're not concerned about the rehabilitation factor because they're not coming back to our particular communities. But the communities that these youths are coming back to are going to pay the cost of this miseducation that they're going to receive as a result of a failed system. We are...the records reflect that the criminal justice system is not working. So why are we going to send 10, 13, and 16 year old youths into a system where he can be trained to become a better criminal, a better part of the problem, instead of the solution. Why aren't we developing legislation that would allow these children to become a part or a portion of DCFS and create some...kind of counseling mechanisms that would allow them to become productive citizens...citizens. None of this legis...this legislation will not allow a youth to become a productive citizen. There is no mechanism within the criminal justice system that allows a youth to become rehabilitated and records reflect that. And it reflects that with the crisis we have in Corrections, and therefore I request a 'no' vote."

Speaker Kubik: "The Lady from Cook, Representative Jones, is recognized. Lou Jones is recognized."

Jones, L: "Thank you, Mr. Speaker. Will the...will the Sponsor yield?"

Speaker Kubik: "The Sponsor indicates that he will yield."

Jones, L: "Representative, at the present time, where are these youths...where are these minors being held at now?"

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

Speaker Kubik: "Representative Turner."

Turner, J.: "Representative, it's my understanding that there are specially constructed juvenile facilities in which the juveniles are currently held, and I believe that there are 16 in number throughout the State of Illinois."

Speaker Kubik: "Representative Jones."

Jones, L.: "Is there something wrong with where they're being held at now that you want to take them from that place and put them into an adult facility?"

Speaker Kubik: "Representative Turner."

Turner, J.: "No, Representative, there's nothing wrong with the juvenile facilities. That's not the intent of the Bill. What, and I didn't get into a...that's a very good question. I did not get into a great deal of detail when I explained the Amendment, but the...the purpose for this is that in most downstate counties, we do not have, most counties do not have a special juvenile detention center. As a result, when a juvenile does get in trouble and has to be incarcerated, counties have to take those juveniles to a special facility for juveniles. Now, that is fine and well and it's a good idea. But there are many counties that can keep the adult prison population or jail population separate from the juvenile population. And when they can do that and separate them, they can accomplish exactly the same thing as the juvenile, the special juvenile detention facility. And the bottom line is, is that for counties that don't have a special facility who could, except for the statutes, keep juveniles separate from adults must pay a tremendous amount of money to transport and then house the juveniles from their particular county where the offense was committed in a different county. And so what it has done has become a tremendous cost factor for counties that

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

do not have juvenile facilities. All we're trying to do is accomplish exactly the same thing that is being done, hold juveniles separate from adults, but have a tremendous cost saving to the taxpayers, because it has been a terrible burden on the counties, particularly in the downstate area."

Speaker Kubik: "Representative Jones."

Jones, L: "In the counties that you're mentioning that do not have the facilities to house the minors, how close or how near will these minors be to the adults that are in the facility?"

Speaker Kubik: "Representative Turner."

Turner, J.: "The Bill does not specify in number of feet or yards, as you know, as to how close they can be. That's why we've used the word, 'substantial'. And the intent is when we say, 'substantially separate by sight or sound or otherwise' is that...to demonstrate that the intent of the Bill is to make sure that there is no consequential contact of any kind whatsoever between the adult and the juvenile. But it does not spell out the number of feet or yards as I said, and the reason it doesn't do that, for example, you might have a wall separating the juvenile from the adult and they may never see each other, may not ever hear each other, but they may only be separated by a few feet. That would still accomplish the purpose of what we're trying to do. So, we tried to find language to accomplish the purpose and keep them from being in contact with each other and we think that the wording, 'substantially separated by sight or sound or otherwise' is a proper way to do that and mechanism to accomplish it."

Speaker Kubik: "Representative Jones."

Jones, L: "Will these juveniles be separated by the nature of the

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

offense?"

Speaker Kubik: "Representative Turner."

Turner, J.: "I suspect, Representative, that the persons in charge of making a decision where a certain class of juvenile offender is housed compared to another class, one being more serious than the other, would make a decision that certain...certain of them are held as I indicated in a different area. However, this Bill would not address the authority to make that decision. That would still be made within the confines of the authorities who are in charge of the incarceration."

Speaker Kubik: "Representative Jones."

Jones, L: "Representative, I think that's...that's dangerous. To give you an example, what if a young person, say seven or eight years old is picked up, maybe he's 10 or 11, for curfew. Maybe it's curfew and you can't get it...and maybe the authorities can not get in touch with his parents at that particular time, that young man or young lady is taken to the jail in this small community that you're talking about, this county that you're talking about, and what if there is..."

Speaker Kubik: "Representative, your time has expired. Could you bring your remarks to a close."

Jones, L: "What if another person is in there, could of been in there for rape or murder or whatever and you...you've already told me that you do...there's no certain place or you don't know how far this individual will be from this other individual. And I think you're taking young people and throwing them into an environment that could be harmful to them. I think I realize what you're saying and what you're trying to do because of the limited space that some of the counties have, but I think what you fail to realize



STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

is what the danger that you're putting some of the youngsters in when you say 16 or younger. It could be a three year old, it could be a five year old, it could be a six year old, but your Bill does not say this. And I think that in the Bill, you should spell out certain things because this...this can be very dangerous. You could be taking a child that has broken a window or trespassed and thrown him into a situation where another...another 16...15 or 16 year old might have killed somebody or raped somebody, and I think you should take a look. I think this...this piece of legislation is very dangerous and can be very harmful for the youngsters in the State of Illinois."

Speaker Kubik: "The Chair recognizes the Lady from Cook, Representative Shirley Jones."

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

Speaker Kubik: "The Sponsor indicates..."

Jones, S: "I know this is not your first Bill, so I'm serious today, okay."

Speaker Kubik: "The Sponsor indicates he'll yield."

Jones, S: "The...Representative Turner, if there was a riot in the...in the jail, and some of these kids are rioting in the jail and some of these kids got grabbed by the adults, and maybe three or four of them got killed by some of the adults, do you think we will have a lawsuit on our hands?"

Speaker Kubik: "Representative Turner."

Turner, J.: "Certainly without any question, we would have a lawsuit on our hands. However, the Bill, if followed and we have to trust our authorities to follow what the law is, I mean we're all responsible for doing that, would clearly state that there is no substantial contact by sight or sound and again, with the idea that there is no contact of

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

any consequence whatsoever. So, if what...under your scenario, there would be a lawsuit, but that will not happen under this Bill. The Bill does not authorize that and if I may digress just a bit, the Bill, as to the former speaker, would not take into consideration those children under 13 years of age. That's a separate part of the Juvenile Court Act, and this Bill does not deal with those. It deals with 16, 15 and 14 year olds. Thank you."

Speaker Kubik: "Representative Jones."

Jones, S: "Your Bill do not spell that out and also once...once there's a riot in the jail, regardless if they next door, across the way or wherever, a lot of these prisons will get those other kids and the other prisoners out. So, and...just say for instance one of the 10 year olds or five year olds or 13 year or 16 year old get raped in...in the prison. That's another lawsuit against it. This is a bad Bill. I would like for you to take this Amendment down and...and do a little more work on it. Maybe you can spell it out a little better than what it is now, because this really is a bad Amendment. Thank you."

Speaker Kubik: "The Chair recognizes the Gentleman from Vermillion, Representative Black."

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

Speaker Kubik: "The Sponsor indicates he'll yield."

Black: "Yes, Representative, and you know I stand in strong support of your Amendment. As I've listened to some of the questions from the other side, would you be amenable to an Amendment in the Senate that might in fact remove Cook County from the Bill and perhaps even come up with some language that would say if you were within 15 miles of an approved detention facility, perhaps you...that county

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

wouldn't be covered under the law as well? That might be something that could get us off dead center here. Would you be amenable to that kind of Amendment?"

Speaker Kubik: "Representative Turner."

Turner, J.: "Most certainly, Representative Black."

Speaker Kubik: "Representative Black."

Black: "...Yes. Yes. Thank you...thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. To the Gentleman's Amendment. With his willingness to amend the Bill in the Senate, and I...and in all honesty, I thought we had exempted Cook County and we probably should do so in the Senate. I think we could also, as mentioned by Members of the other side of the aisle, exempt a county if you are within say 15 miles of an approved juvenile detention center. But to the...with that promise, I would hope you could support it and if...if I could have a little order, Mr. Speaker. This is an extremely important legislative measure."

Speaker Kubik: "Representative Black."

Black: "I would hope that all of you realize that there are only 16 juvenile detention centers approved in this state. Now, the Chicago Tribune in an article back in the 20th of March pointed out that a juvenile offender in McHenry County, to find space for that offender, that Sheriff's Department may have to drive that juvenile all the way to East St. Louis, St. Clair County, to find a bed. Now that is silly. It's ludicrous, and let me...let me quote from an editorial in my home town paper, the Commercial News from Danville. Let me give you something that actually has happened. A 13 year old Vermilion County resident was charged with armed robbery, aggravated battery against a police officer and unlawful possession of a vehicle. Now, Ladies and

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

Gentlemen, that isn't tipping over an outhouse, that's a serious charge. He walked out of any supervision on the 17th of March because the last facility we appealed to for a bed was in Will County and they had no room. And so the police had no choice but to release that 13 year old back in the community. I don't think that's good public policy. I realize that many of you have tried to say the worst case scenario. Now, let's be honest with each other. No authority, reasonable authority, for fear of suit or worse would put a juvenile in a bull pen arrangement. That was done 50 years ago. It was wrong then. It's wrong now. We're not asking under any circumstances, would you ever put a juvenile in a cell with an adult offender. The Gentleman's Amendment makes that very clear, substantial separation of sight and sound. I think you will see the waiver come down from the Federal Government that will allow this. The current law isn't working, and juvenile offenders are no longer being charged with the crimes of 35 years ago of taking a watermelon from someone's watermelon patch. This is a very serious Bill. The Gentleman has crafted the Amendment. He's willing and amenable to an Amendment to alleviate some of the concerns that those of you from Cook County have, and rightfully so, you have an approved facility. But there are dozens of counties who do not. And what we are doing is putting juveniles charged with very serious offenses out on the street after eight hours or less of confinement because we can't find an approved...a bed in an approved facility. This is common sense legislation. I think you'll find that newspapers all over the state think it's common sense legislation. I urge an 'aye' vote. The Gentleman has given you his word. He will seek some Amendments that answer some of your

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

legitimate concerns, but we need to move this Bill in the process. Thank you very much, Mr. Speaker. I intend to vote 'aye' on the Amendment."

Speaker Kubik: "The Gentleman from Clinton, Representative Granberg, is recognized."

Granberg: "Thank you. Would the Gentleman yield?"

Speaker Kubik: "The Gentleman indicates he will yield."

Granberg: "Representative Turner, let me give you a...one idea. Representative Black and I discussed this briefly, and I think you're well intentioned with what you're attempting to do, but there are I think valid concerns raised by Members of the House on its applicability to various parts of the states, and certainly the concern about juveniles being subject to the proximity of very serious criminals. Representative Black had indicated we should move this to the Senate. I would ask you, Sir, we are on Second Reading; this is the appropriate place to amend a Bill. We are not trying to hold your Bill up because I think it is well intentioned, but I would ask you to consider putting a different Amendment on. Let's sit down and work it by population, by region, by proximity to a juvenile detention center, and we could resolve I think most of our concerns, and we can move this Bill along, and...because there are a number of people here do not want to support...pass this Bill out of this chamber to the Senate not knowing what can happen. And again, Mr. Turner, we're not trying to jeopardize your Bill, but I think we can make it applicable to what you're trying to do."

Speaker Kubik: "Representative Turner."

Turner, J.: "Well, thank you, Representative..."

Speaker Kubik: "Representative Turner. Representative Turner, one moment. Representative Black in the Chair."

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

Speaker Black: "Excuse me one second, Mr. Turner. I believe the Clerk has an announcement."

Clerk McLennand: "Rules is meeting immediately in the Speaker's Conference Room, in Churchill's, Representative Churchill's Office. Rules is meeting in the Majority Leader's Office."

Speaker Black: "Yes, Representative Turner."

Turner, J.: "Thank you, Mr. Speaker. Representative, I appreciate your comments and I am willing to work with you and I...I frankly appreciate the bipartisan...extension of an offer to work with us on this. And I want to accomplish what the Bill intends and that is to allow us in counties where we can separate juveniles from adults to be able to do so without this terrible cost. I'm willing to work with you at this stage or at any other stage, and I don't know if you have any specific Amendments in mind, but certainly if you do, I'm willing to discuss those as well."

Speaker Black: "Yes, I have two esteemed colleagues on the other side of the aisle seeking recognition. Representative Granberg, would you yield for just one second. Representative Mautino, we'll get right back to you. Representative Mautino."

Mautino: "Thank you. I had a question of the Sponsor and I wondered if he would yield?"

Speaker Black: "He indicates he will."

Mautino: "Representative Turner, is there anything in the Amendment that would... Let me preface this by saying when a county sends a child to a juvenile detention center, and I have...I have one of the juvenile, the 16 juvenile detention centers inside my district. There is a cost which is incurred and borne by that county. Is there anything in the Amendment or the Bill itself which would discourage a county for...or a smaller county for economic

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

reasons from keeping a juvenile inside the county jail system? Our jails are already stuffed at this point in time. For someone to say, 'Well, it'd be more cost effective to keep this juvenile in our county jail.' I guess I would want to know that we weren't going to leave that option open, but even if there is a bed available at a facility that for cost reasons that child is put in a...a county jail where they may do this just for economic reason or savings."

Speaker Black: "Representative Turner."

Turner, J.: "Representative, certainly there is no mandatory language in the Bill, and a county will have the option to utilize a juvenile detention center. And my guess is that many counties, even if we pass this legislation, will have a full county jail of adults and will still need in many instances to use juvenile facilities. But there isn't any mandatory language that they need to use a juvenile facility, nor is there any language that says however, that if there is space in their county jail, that their not allowed to do that. And I certainly...they will use cost as a factor in making this decision. If they could comply with the statute and save money, I'm sure that they're going to want to do that."

Speaker Black: "Yes, Representative Mautino, do you have further questions?"

Mautino: "Yes. The... I guess that would be probably one of my main concerns because, you know, in the real world, your county board is going to look at this and say, 'Well, it's going to cost me, you know, \$70 or \$90 a day to send this child to the facility where I can keep him here and maybe separate them by one or two cells.' So, I think when you do...and I understand and respect what you're trying to do

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

with the Bill, I just hope that that would be taken into consideration simply because in the real world, that's going to happen in the counties."

Speaker Black: "Representative Turner, do you want to respond?"

Turner, J.: "Yes, Representative Black. Actually not directly to the...to the last speaker, but with regard to the request made from my colleagues from the other side of the aisle, I've indicated to them that I'm willing to work on this legislation with them to put it in...a proper form that we all could live with. I just want to make certain that they are willing to work with me in the immediate future so that this Bill can be moved out of the House and over to the Senate in a timely fashion, so the Senate will have an opportunity to work with it and vote on it as well. And if they're willing to do that, then I would be willing to root it from the record for the time being until we get it in proper form and back on the House floor."

Speaker Black: "Representative Granberg, does that meet with your approval?"

Granberg: "Thank you, Mr. Speaker. Representative Turner, thank you very much. I know you're well intentioned and we appreciate your offer to take the Bill out of the record. We will meet with you immediately if you would care to. Again, we do not mean to...to deliberately stall this legislation whatsoever. It is well intentioned and we'll be more than happy to meet with you and come to an agreement on this...on this Bill."

Speaker Black: "What is your desire, Representative Turner?"

Turner, J.: "For purposes of the day, I will ask that this Bill be taken out of the record, with the understanding that we will seriously negotiate this with the Members from the other side of the aisle and bring it back out in this



STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

legislative Session in time so that it can go back...get over to the Senate in time for a vote there."

Speaker Black: "Thank you very much, Representative Turner. And, Representative Granberg, if our staffs could get together and work on that and I appreciate the bipartisan effort. At this time, the Chair would like to acknowledge Representative Mautino. Frank Mautino, is he in the chamber? Representative Mautino, the Chair would like to know if we were not...the bulk of us on the Floor were not informed that this, perhaps, is a '70's flashback day. Well, we also noticed your leather jacket with the 'Starsky and Hutch' emblem on the back is very fashionable. But perhaps you could tell us, all of us, when we're going to have these flashback days? Thank you. Mr. Clerk, on page three of the Calendar, what's the status of House Bill 412?"

Clerk McLennand: "House Bill #412, a Bill for an Act that amends the Environmental Protection Act. Second Reading of this House Bill. Amendment #1 was adopted in Committee. No Motions. No Floor Amendments. A fiscal note has been requested on the Bill as amended and it has been filed."

Speaker Black: "Third Reading, Mr. Clerk. On page three of the Calendar appears House Bill 508. Mr. Clerk, what's the status?"

Clerk McLennand: "House Bill #508, a Bill for an Act that amends the Illinois Municipal Code. Second Reading of this House Bill. Amendment #1 was adopted in Committee. Floor Amendment #2 has been referred to Rules. A fiscal note has been requested on the Bill as amended."

Speaker Black: "Yes, the status of the fiscal note, Mr. Clerk."

Clerk McLennand: "Well, the fiscal note is requested on the Bill as amended by House Amendment #2. House Amendment #2 is in

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

Rules and is not on the Bill, so the note is out of order.

No further note requests."

Speaker Black: "Thank you, Third Reading. Excuse me, the Chair sees that the Representative...the Lady from Cook, Representative Monique Davis' speak light is on. I don't see her. Is she seeking recognition? Thank you. Mr. Clerk, on page seven of the Calendar, there appears House Bill 1320."

Clerk McLennand: "House Bill #1320, Bill's been read a second time previously. No Committee Amendments. Floor Amendment #1..."

Speaker Black: "I don't see the Sponsor, Mr. Clerk. Could you hold the Bill on Second Reading? On page nine of the Calendar, there appears House Bill 1748. Mr. Clerk, what's the status?"

Clerk McLennand: "House Bill #1748 has been read a second time previously. No Committee Amendments. Floor Amendment #1...Floor Amendment #1, offered by Representative Roskam, is approved for consideration."

Speaker Black: "Third Reading. I'm sorry. Proceed, Mr. Clerk."

Clerk McLennand: "Floor Amendment #1, offered by Representative Roskam, is approved for consideration."

Speaker Black: "The Chair would recognize the Gentleman from DuPage, Representative Roskam."

Roskam: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Floor Amendment #1 is a clean up Amendment that was suggested and requested by Representative Hoffman. It merely takes out the part of this Department of Labor clean up Bill, which would have repealed the Illinois Farm Labor Contractor's Certification Act. This restores that Act and I would move its adoption and ask for your favorable consideration."

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

Speaker Black: "Thank you very much. Any discussion on the Amendment? The Gentleman from St. Clair, Representative Hoffman."

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

Speaker Black: "He indicates he will."

Hoffman: "This cleans up the problem that we had concerning the Farm Labor Contractor's Certification Act. Isn't that correct?"

Speaker Black: "Representative Roskam."

Roskam: "That's correct."

Speaker Black: "Representative Hoffman."

Hoffman: "It's my understanding that the rest of this is merely...the rest of this Bill then is merely technical changes. Is that right?"

Speaker Black: "Representative Roskam."

Roskam: "That's right."

Speaker Black: "Representative Hoffman."

Hoffman: "And this is being put forward by the Department of Labor, I believe?"

Speaker Black: "Representative Roskam."

Roskam: "That's right."

Speaker Black: "Representative Hoffman."

Hoffman: "I think we can probably discuss more of the merits on Third Reading, but this Amendment is good because I think what it does is it removes something that would have been a substantive change and I think that as far as the Amendment goes, it's a good Amendment and I think we're in favor of it."

Speaker Black: "Representative Roskam to close."

Roskam: "I'd ask for your favorable consideration."

Speaker Black: "Ladies and Gentlemen of the House, you've heard the debate on Floor Amendment #1 to House Bill 1748. All

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

those in favor of the Amendment signify by saying 'aye'; opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. The Amendment is adopted. Mr. Clerk, Third Reading. Any further Amendments?"

Clerk McLennand: "No further Amendments, but a fiscal note has been requested on the Bill as amended and has not been filed."

Speaker Black: "Representative Roskam? A fiscal note as amended has been placed on your Bill."

Clerk McLennand: "The fiscal note has been withdrawn."

Speaker Black: "The fiscal note has been withdrawn. Mr. Clerk, any further Amendments?"

Clerk McLennand: "No further Amendments."

Speaker Black: "Third Reading. On page nine of the Calendar appears House Bill 1795. Representative O'Connor. Is Representative O'Connor in the chambers? Take the Bill out of the record. On page 11 of the Calendar appears House Bill 2236. Representative Tom Johnson. Yes, Mr. Clerk, read the Bill. Representative Johnson's on his way."

Clerk McLennand: "House Bill #2236, a Bill for an Act that amends the Code of Criminal Procedure of 1963. Second Reading of this House Bill. Committee Amendment #1 has been referred to Rules. Committee Amendment #2 is referred to Subcommittee. Floor Amendments #3 and 4 referred to Rules. Floor Amendment #5, offered by Representative Tom Johnson, has been approved for consideration."

Speaker Black: "On the Amendment, the Gentleman from DuPage, Representative Johnson."

Johnson, Tom: "Yes, this Amendment #5 is a result of a lot of input from the state's attorneys and from defense bar and a number of other individuals on concern of the original Bill that provided that post-conviction petitions would have to

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

be brought within six months of a conviction at the lowest court level. That original Bill that was brought to my attention could create a glut of post-conviction petitions. Our goal here is to expedite those post-conviction petitions and expedite the whole appeal process as it relates to the death penalty. So this Amendment, I believe, achieves that, and as a result of a lot of discussions and negotiations, and would now require that a defendant would have to file their post-conviction petition within 45 days after the defendant files his or her brief in the appeal of the sentence before the Illinois Supreme Court. So, it's really the appeal of the...or the filing of the brief and the deadline of filing of the brief in the Supreme Court which will now trigger the filing of the post-conviction petition. And that's all this Amendment does is clarifies that and would ask for a Motion, 'do pass' on this."

Speaker Black: "Yes, on Floor Amendment #5, the Gentleman from Cook, Representative Dart, is recognized."

Dart: "Thank you. Just a couple quick questions. Representative Johnson, who were the parties you mentioned you worked this out with?"

Speaker Black: "Representative Johnson."

Johnson, Tom: "I spoke with some of the assistant state's attorneys, both in Cook and in DuPage, and with Mr. O'Reilly from the Public Defender's Office, worked with them and that's...those are the individuals."

Speaker Black: "Representative Dart."

Dart: "And this was the result, it was an agreement worked out as a result of all that? One quick question, too. Now, did the...Are the courts on board with this as well? Because I know it makes some changes in regards to the filing and

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

also makes...deletes language dealing with the issuance of the opinion from the Illinois Supreme Court. Were they consulted to make sure that this in no way causes problems with the way they operate their business?"

Speaker Black: "Representative Johnson."

Johnson, Tom: "I did not have any discussions with the courts on this. I don't believe the courts would care on this. I think we could have really clogged up the court system, the way we originally had it. I think there was some legitimate concerns raised there. I do believe that with the rewrite here, I believe we'll still be able to cut maybe two years off of the appeal time on death penalty cases."

Speaker Black: "Representative Dart."

Dart: "Thank you."

Speaker Black: "With no one out seeking recognition, Representative Johnson to close."

Johnson, Tom: "Just ask that this be adopted."

Speaker Black: "You've heard the discussion on Floor Amendment #5 to House Bill 2236. All those in favor of the Amendment signify by saying 'aye'; opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. The Amendment is adopted. Mr. Clerk, any further Amendments?"

Clerk McLennand: "No further Amendments."

Speaker Black: "Third Reading. On page 11 of the Calendar appears House Bill 2307. Mr. Clerk, read the Bill."

Clerk McLennand: "House Bill #2307, a Bill for an Act that amends the Public Utilities Act. Second Reading of this House Bill."

Speaker Black: "The Sponsor, I believe, is in a meeting. Take the Bill out of the record. We'll come back to it. On the Order of Third Reading, on page 14 of the Calendar appears

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

House Bill 178. Mr. Clerk, read the Bill."

Clerk McLennand: "House Bill #178, a Bill for an Act that amends the School Code. Third Reading of this House Bill."

Speaker Black: "And on that Bill, the Gentleman from Kane, Representative Hoeft."

Hoeft: "Thank you, Mr. Speaker. House Bill 178 is actually a combination of three different Bills that passed out of the Education Committee. The first of these Bills is the School Treasurer's Bond Reduction Bill. This will save the school districts considerable amount of money because they will reduce it from 100% of the requirement to 25%, which I'll explain later. The second is a Bill that will give the school districts greater flexibility in using substitutes. The third Bill is a Bill that will allow school districts to evaluate the services of the State Board of Education. Let me go through each of these in detail so we can have a discussion on them. There is a requirement in law that says that the school treasurer must have a bond equal to 100% of the greatest amount of money on deposit. That includes building bonds, life safety bonds, all sorts of bonds that cannot be cashed. It is a very difficult thing to believe that any...It's impossible for any individual to cash these bonds, and yet we are requiring the school districts to take out a \$1.15 per 100 bond on a charge on these bonds. I have been talking to the bonding companies and they say they do not understand this because it is virtually impossible for an individual to cash these. The state schools spend approximately one million dollars a year on these bonds. In the last 20 years, there has not been a single penny taken by a school treasurer. Yet, the school districts have spent 20 million dollars on this bond. We are asking that, that be reduced

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

to 25% of the highest amount on deposit and this will save the school districts and your district, your area, considerable amount of money. The second issue that this Bill addresses is the problem of substitute teachers. Substitute teachers are a concern of almost every school district 'cause you can't get these critters. The law says that if you have a bachelor's degree, you can get a substitute certificate and substitute in any classroom in a school district. Yet, an actual teacher, an active teacher cannot substitute in an area outside of their certificate. So, a high school teacher cannot substitute in elementary and an elementary school teacher cannot substitute in high school. Neither of that group can substitute in a special education class. That simply does not make any sense. The third of these Bills in 178 allows a school district board president to annually evaluate the services of the State Board of Education and the regional offices of education. This creates an accountability that has been missing for both the State Board and the regional office and allows all the services, educational services in the state from the individual school to the school district to the State Board of Education to annually be evaluated. This composite Bill passed out of Committee, each one of these, 20 - nothing. I know of no opposition to any of these Bills. I would ask that they be passed."

Speaker Black: "Thank you and on House Bill 178, the Gentleman from Cook, Representative Lang."

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

Speaker Black: "He indicates he will."

Lang: "Can you please explain the provision in this Bill relative to substitute teachers?"

Speaker Black: "Representative Hoeft."



STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

Hoeft: "In order to get a substitute certificate in the state, you need to have a bachelor's degree from an accredited school. That's all. With that substitute certificate, you can substitute virtually throughout any classroom in the school district. Yet, a person who holds a high school certificate, an elementary school certificate, or a special education certificate, cannot substitute outside their domain. Therefore, it limits the school district's flexibility in using substitutes on a basis of need."

Speaker Black: "Representative Lang."

Lang: "Relative to the section regarding the reduction of bond penalties, you indicate that the penalties will decrease if the individual provides surety. What will that surety cost these individuals?"

Speaker Black: "Representative Hoeft."

Hoeft: "The surety would be the bond, I would assume."

Speaker Black: "Representative Lang."

Lang: "Thank you. By the way, before I proceed, Mr. Speaker, we will remove this from Short Debate. I'm joined by the requisite number."

Speaker Black: "That's fine. That's fine."

Lang: "Thank you."

Speaker Black: "Absolutely."

Lang: "Representative, the State Board of Education did not oppose the proposal, relative to these reductions, but seemed to indicate that a larger percentage, such as perhaps 50% might make more sense. What was your comment to them regarding that?"

Speaker Black: "Representative Hoeft."

Hoeft: "The State Board of Education made absolutely no statements to me indicating anything other than full support for the 25% level."

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

Speaker Black: "Representative Lang."

Lang: "What savings will there be here and who will the savings be to?"

Speaker Black: "Representative Hoeft."

Hoeft: "The school districts in the State of Illinois spend approximately 1 million dollars a year on that bond. Kane County, my regional office, \$37,000 was spent by the nine school districts for that bond on an annual basis. I've asked the bonding authorities if they could please give me an estimation of the reduction. They said they could not, but it would be in the vicinity of about 25% of the cost that is now occurred."

Speaker Black: "Yes, Representative Lang."

Lang: "And how often in the past has this bond been paid out? How often have we had to call on the bonding company to pay out on the bond?"

Speaker Black: "Representative Hoeft."

Hoeft: "I did a State Board search. We went over to their records. In the last 20 years, the bond has never been used. Not a single penny has been taken."

Speaker Black: "Representative Lang."

Lang: "So, it would be your position that for the last 20 years, all the school districts have been paying thousands and thousands of dollars for no reason?"

Speaker Black: "Representative Lang. I'm sorry. Representative Hoeft, do you want to respond?"

Hoeft: "That is correct?"

Speaker Black: "Representative Lang."

Lang: "Well, it sounds like a pretty good Bill to me, Representative. I'll support it."

Speaker Black: "Any further questions? The Gentleman from Cook, Representative Dart."

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

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

Speaker Black: "He indicates he will."

Dart: "Representative, just a couple of quick questions here. The annual evaluation, why, I mean, what's the reason we need to do that? I mean, is there a problem right now with the State Board of Education that they are not providing services in such a way that we are suspect of their worth or why is it that we need to have these schools evaluate in that?"

Speaker Black: "Representative Hoeft."

Hoeft: "We, in the Legislature, have placed the educational institutions in this state under great scrutiny. We have a report card for every single school building. Thirteen pages going into details on test scores and student attendance, on mobility dropout, all of that. We have a report card on every single school district in the State of Illinois, allowing the public to take a look at the efficiencies of these. We have an accountability model for the educational community in every group in the state, with the exception of the State Board and the regional offices of education. I think it's time that we empower the school districts to also evaluate how well they do in certification, how well they do with their legal advice, how well they do in life safety. I think it's time, in fact, we find out what the boards of education believe is the service value from the regional office and from the State Board. Why don't we bring them also under an accountability model?"

Speaker Black: "Representative Dart."

Dart: "Yeah, I have no problem with the accountability. My real concern was, is there a... were there particular problems with how they were operating though that...For Chicago

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

public schools, for example, a lot of the accountability came about as a result of the problems they were having there and a lot of the other and different agencies when we have inspector generals and the like that we create, it's always in result of problems that are out there. Is there a particular problem that you have in mind that the State Board has been doing that we are targeting under or is this in general, just as you were saying for accountability purposes?"

Speaker Black: "Representative Hoeft."

Hoeft: "I believe the State Board of Education does an excellent job in many of the areas that they are working with. They're working under difficult conditions. This is not targeted at any single issue or any single person. I think it's good public policy to have an annual evaluation to create a base line, service base line, so we can look at this long term. This is not an attack upon the State Board or the regional office."

Speaker Black: "Representative Dart."

Dart: "Will there be any cost involved with this evaluation?"

Speaker Black: "Representative Hoeft."

Hoeft: "The State Board has a fiscal note that says it'll be very minimal. What it will take is a one page sheet of paper to be sent out to the 923 school districts. They then will have the opportunity. This is not a mandate. This is an opportunity to fill out the one page sheet and send it back. So, 900 stamps, two with the State Board, excuse me, to the school districts, 900 stamps back and the cost of the single piece of paper. That's the cost to the state."

Speaker Black: "Representative Dart."

Dart: "And, Representative, just so I'm clear then, they are not required to fill this out. If they wish to evaluate the

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

services, they can. Is that correct?"

Speaker Black: "Representative Hoeft."

Hoeft: "Absolutely."

Speaker Black: "Representative Dart."

Dart: "My final question is, if this has all been reported to the Lieutenant Governor, other than dispersing, what does the Lieutenant Governor do with this information?"

Speaker Black: "Representative Hoeft."

Hoeft: "I asked the Lieutenant Governor if this was the appropriate use of his office. I did not want an evaluation to come back and be tabulated by the individual agency being evaluated. So I went to his office, he said that this could be done without any additional costs. His responsibility is tallying it and giving it to the State Board, the General Assembly, and to any member of the press that would desire it."

Speaker Black: "Representative Dart."

Dart: "Finally then, just so I'm clear, the Lieutenant Governor, himself or herself, whoever it would be, they are not to do any evaluating, any work whatsoever. They're just to tally and disperse it. Correct?"

Speaker Black: "Representative Hoeft."

Hoeft: "They all...All they're going to do is tally it and let it be distributed."

Speaker Black: "Yes, the Lady from Cook, Representative Davis, are you seeking recognition on this Bill?"

Davis, M.: "My light's on, Sir. Thank you."

Speaker Black: "Proceed."

Davis, M.: "Okay. Representative Hoeft, I understand that this Bill will in some way affect substitute teachers in high school?"

Speaker Black: "Representative Hoeft."

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

Hoeft: "It will affect the school districts' use of substitute teachers, straight on through K-12."

Speaker Black: "Representative Davis."

Davis, M.: "Thank you, Mr. Speaker. Exactly how will that happen?"

Speaker Black: "Representative Hoeft."

Hoeft: "Substitutes are very difficult people to find. What this Bill does is allow a qualified elementary school teacher, who has an active certificate, to be able to substitute in high school, to be able to substitute in a special education class. That individual is not allowed to do that at this point. This would allow a school district to take a qualified high school teacher and allow that individual to substitute in an elementary school and a special education classroom. They are not allowed to do that at this point. This would allow a special ed, a type 10 certificated person, to substitute in elementary and high school. This will give the school districts greater flexibility to put qualified people in classrooms where the regular teacher is missing."

Speaker Black: "Representative Davis."

Davis, M.: "Representative, removing the...Is it the 200% bonding to 25%?"

Speaker Black: "Representative Hoeft."

Hoeft: "It is 100%. 100% to 25%."

Speaker Black: "Representative Davis."

Davis, M.: "Representative, why is it necessary to lower that bond amount? Why do you feel that's better? What's the purpose?"

Speaker Black: "Representative Hoeft."

Hoeft: "I think a bond must reflect the threat, and if there has been no loss from this and there is no physical way a

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

person can cash in life safety bonds or building bonds, why do we then require the school districts to spend tens of thousands of dollars to give to a bonding company, money to protect themselves against this?"

Speaker Black: "Representative Davis."

Davis, M.: "Am I correct, Representative, that those higher amounts have been on the books for a very, very, very long time and perhaps they were there before school districts had the abilities to so quickly audit the treasurer or the treasurer's reports?"

Speaker Black: "Representative Hoeft."

Hoeft: "I would say that's a fair statement."

Speaker Black: "Representative Davis."

Davis, M.: "I would also like to ask, Representative, about how many treasurers of schools are they or are we talking about, and would this affect...It'll affect each district's budget. Is that correct?"

Speaker Black: "Representative Hoeft."

Hoeft: "It would affect, well, let's answer the question sequentially, okay. There are 923 school districts in the state. Each one is required to have a business manager, okay, and that would be the numbers you're talking about. The effect on the budget would depend, obviously, on the size of the amount of money that they had bonded for. In Kane County, again, we're talking about \$37,000 is the cost of the annual bond for the school treasurers. Chicago public schools, that bond is probably very, very significant in cost."

Speaker Black: "Representative Davis."

Davis, M.: "And I'm just curious. Do you know who would lose that money?"

Speaker Black: "Representative Hoeft."

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

Hoeft: "The Boards of Education for curriculum, for computer technology, for salaries."

Speaker Black: "Representative Davis."

Davis, M.: "Who would lose the money, not who would use the money. Who would lose the money?"

Speaker Black: "Representative Hoeft."

Hoeft: "That's lose with an l? Okay. Lose the money, the bonding companies, the businesses."

Speaker Black: "Representative Davis."

Davis, M.: "Well, Representative, if we can reduce it to 25%, why don't we just reduce it to 10%?"

Speaker Black: "Representative Hoeft."

Hoeft: "And I'd be pleased to cosponsor that Bill with you next year if you want to introduce it. We're going to 25% at this particular point and I think that very, very adequately covers any possible threat in any school district in the state. The question of 25%, 15%, 20%, whatever, I want 25% because I think there is not a threat to any school district at that particular amount."

Speaker Black: "Representative Davis, bring your questioning to a close. Twenty seconds."

Davis, M.: "Representative, how did you think of this Bill?"

Speaker Black: "Representative Hoeft."

Hoeft: "As regional superintendent, I annually had to sign that bond and I wondered why we were spending money when we could spend it for children."

Speaker Black: "On this issue, the Gentleman from Whiteside, Representative Mitchell, to the Bill."

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

Speaker Black: "He indicates he will."

Mitchell: "Thank you. Representative Hoeft, isn't it in fact true that at any one time, the school treasurer would not



STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

have actual access to cash or to money that would even exceed 25% of the bonding power?"

Speaker Black: "Representative Hoeft."

Hoeft: "That is correct and that is the reason why 100% level is not in any way accurate...needed."

Speaker Black: "Representative Mitchell."

Mitchell: "And so your intention with this Bill is, pure and simple, is to save some school districts some money that can be used in the education of the children of that particular district?"

Speaker Black: "Representative Hoeft."

Hoeft: "I believe that this group, both sides of the aisle, want to focus on ways that we can help the district save money, create greater flexibility, and create greater accountability. And this Bill is something that we all can go back to our districts, be proud of, coming from this 89th General Assembly."

Speaker Black: "Representative Mitchell."

Mitchell: "On the issue of substitutes, don't you feel in fact that probably you're making honest men out of superintendents, former superintendents like myself, who in an emergency and in a crisis situation have had to use people with a certification and can do an excellent job at another area and may have to be put in there in an emergency situation, even though they are not allowed to do that?"

Speaker Black: "Representative Hoeft."

Hoeft: "As regional superintendent, I know superintendents would call me and say we do not have a legal substitute. Can we use a person who has a high school certificate in an elementary school classroom on an emergency basis? And I would say, yes. I want to make sure the districts are

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

protected legally so that if they did something like that and something happened in that classroom, they wouldn't be open to lawsuit."

Speaker Black: "Representative Mitchell."

Mitchell: "Thank you, Dr. Hoeft. I may have asked that same question myself if I were in your district at one time or another. And on the third issue, isn't the intent solely for improvement and allowing State Board of Education to look at those areas concerned of the individual district so that they can address those issues that maybe might slip by if they did not have this evaluation procedure?"

Speaker Black: "Representative Hoeft."

Hoeft: "I think the evaluation that we are going to put in here is going to be very beneficial to the State Board. They and the regional superintendents will be the ones coming up with the instrument, so they can ask the districts what areas they need improvement. I think that this is going to be a very positive thing for the State Board and the regional office and that's why it was created."

Speaker Black: "Representative Mitchell."

Mitchell: "Thank you, Mr. Speaker, to the Bill. I think Representative Hoeft has attacked three very vital areas to education that is going to make it a smoother running process and clear up some problems that have been there for many years. I certainly support this Bill and would recommend that everyone support it. Thank you."

Speaker Black: "Any further discussion? The Gentleman from Williamson, Representative Woolard."

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

Speaker Black: "He indicates he will."

Woolard: "In reviewing the records on treasurers' bonds, I'm sure that there have been some losses through the years. Have

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

any of those losses approached 25% in total in the losses that have been incurred?"

Speaker Black: "Representative Hoeft."

Hoeft: "We have not found one single penny taken by a school treasurer, a school business manager, in the State of Illinois. We have found cafeteria workers, we have found principals, we have found superintendents who have absconded with funds. But in our search, and it was fairly heavy and fairly diligent, we could not find a single penny taken from a school treasurer."

Speaker Black: "Representative Woolard."

Woolard: "And also reviewing those documents from the historical records, did you find that in most instances, the cash available to the treasurer on a daily basis ever exceeded 25% of the total funds available?"

Speaker Black: "Representative Hoeft."

Hoeft: "That is a fair statement. We did not find that it exceeded 25%."

Speaker Black: "Representative Woolard."

Woolard: "So in other words, there's really no risk, if we look historically at the situations with the treasurers and local school districts at this time."

Speaker Black: "Representative Hoeft."

Hoeft: "That is the reason why we developed that 25% level. You were correct in your statement."

Speaker Black: "Representative Woolard."

Woolard: "In reality, what we are talking about here, and I think this is something that's important. We are talking about utilizing those funds that we have available to the local school districts to the best of our ability for the kids. Protection, sure this is important, but if we can hire an additional teacher or maybe in some of the larger

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

districts, several teachers in that system. With the money that we save on something that really is not at risk, it's just a law that we've had in existence for some time. I think we would be foolish not to attach in some fashion a change in that policy. I also agree with the previous speaker and his comments that there are other areas of this Bill which are significantly impactful in making sure and ensuring that the local control, the local superintendent, has the ability...the local principal has the ability to find quality individuals to substitute in the classroom on a daily basis. I think that we would be foolish not to pass this. I would encourage each and every one of you to join with us in support of a good Bill."

Speaker Black: "Thank you very much. With no one else seeking recognition, the Chair would recognize Representative Hoeft to close."

Hoeft: "Thank you, Mr. Speaker. Everyone that votes 'yes' for this can go back to their district and say, 'Look, we are trying to reduce our mandates. We are trying to reduce the fiscal needs of the district in terms of the law. We're trying to create flexibility for you and we're trying to create an accountability for the bureaucracy.' This is a Bill I think that symbolizes where we should be working, the direction we should be taking. I would ask for a positive vote."

Speaker Black: "The question is, 'Shall House Bill 178 pass?' All those in favor vote 'aye'; opposed vote 'nay'. Voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish. Mr. Clerk, take the record. On this question, there are 116 'ayes', no 'nays', no one voting 'present'. This Bill having received a Constitutional Majority is hereby

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

declared passed. The Gentleman from Peoria, Representative Leitch, are you seeking recognition?"

Leitch: "Yes, I am, Mr. Speaker and Ladies and Gentlemen of the House. On a point of personal privilege, it is indeed an honor to help our state celebrate the 48th birthday of our Majority Leader, Robert Churchill. So if you would join me in a round of applause for Majority Leader Churchill. I also was assigned the duty of testing his cake. It is a very good cake and it is available in the Majority Leader's Office, and I'm sure he would invite everyone in the chamber to go help him celebrate his birthday. Thank you, Mr. Speaker."

Speaker Black: "Thank you, Representative. Representative Leitch...Representative Leitch, did you say...Did you say you were... We will hurry with this because there won't be any left if Spangler and Deering get there quickly. But did you say that the Majority Leader was born in 1938?"

Leitch: "Yes, it was at least that long ago and frankly we thought Representative Spangler was off the floor and not in the chamber."

Speaker Black: "Well, happy birthday, Representative Churchill, and we'll all enjoy some cake. On page 14 of the Calendar appears House Bill 300. Mr. Clerk, Committee Report."

Clerk McLennand: "Committee Report. Committee Report from Representative Churchill, Chairman from the Committee on Rules, to which the following Bills and Amendments were referred, action taken on April 7, 1995, reported the same back with the following recommendations: 'do approve for consideration' House...Floor Amendment #3 to House Bill 597, Floor Amendment #2 to House Bill 974, Floor Amendment #1 to House Bill 1140, Floor Amendment #2 to House Bill 1200, Floor Amendment #6 to House Bill 1709, Floor

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

Amendment #8 to House Bill 2038, and House Joint Resolution #36. House Bill #300, a Bill for an Act that amends the Illinois Controlled Substances Act. Third Reading of this House Bill."

Speaker Black: "And on that Bill, the Chair recognizes the Gentleman from Cook, Representative Giles."

Giles: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I'm here to present to you House Bill 300. What House Bill 300 does is amend the Illinois Controlled Substances Act. Funds that are retained by the county from the drug assessment imposed upon persons convicted of or placed on probation or conditional discharge or supervision for a violation of the Act shall be used for community base treatment programs, pregnant women who are addicted to alcohol, cannabis or controlled substance, in addition to the needy care of minor and emancipated children of these women. What this Bill does is allow community based programs and organizations to better serve the constituencies in their area. There are 3,000 substance abuse affected births in Illinois each year. From 1985 to '94, there were 12-fold increase in substance affected births in Illinois. What this legislation does is allow the community base organization to not only give the actual treatment, but to monitor that young woman's whole livelihood, to make sure that she gets on the right track of life. Oftentimes when money's put into a hospital and a person is treated, that is where the treatment stops. As soon as that person leaves the hospital, that young lady and their child and their family receive no more treatment. So if assessments that are made by the courts for young women to be helped, then I believe that the community based organization can do a better job than not only providing

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

the treatment, but to further make sure that that young lady receives treatment throughout her pregnancy and also to make sure that her children receive the treatment that is needed. This Bill came before the Committee and it passed unanimously and I also ask for a unanimous vote from the floor chamber."

Speaker Black: "And on that Bill, is there any discussion? The Gentleman from Kendal, Representative Cross."

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

Speaker Black: "He indicates he will."

Cross: "Representative, does this apply just to Cook County or does it apply statewide?"

Speaker Black: "Representative Giles."

Giles: "This Bill applies to Cook County only."

Speaker Black: "Representative Cross."

Cross: "In looking through the Bill, Representative, I just want to clear up a few things. I think the idea is a good one, but it...it's my understanding from reading the Bill that the money collected by the county clerk is then transferred to the State Treasurer who would then disperse the money. Will this Bill prohibit any money from fines to be transferred for hospitalization?"

Speaker Black: "Representative Giles."

Giles: "Representative, no, it would not. At the current time, there are no assessments of these moneys that's going to the hospital. What this Bill will do is allow the community base programs and organization to make sure that moneys are assessed and to make sure that moneys will go into these programs. At this current time, even though it is in place for hospitals to receive assessments from the court, it is not...it is not being done."

Speaker Black: "Representative Cross."

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

Cross: "Well, Representative, and I'm not trying to give you a hard time at all, but where's that money going if it's not being done now?"

Speaker Black: "Representative Giles."

Giles: "Right now the courts are simply not making the assessments. The moneys that should be assessment...assessed the courts are not doing it, and so what community based organizations are saying if they can actually, not to take moneys from the hospital, if they can actually have moneys going to community based programs, that then they will sort of be a watchdog and somehow make sure that the judicial system assess these penalties."

Speaker Black: "Representative Cross."

Cross: "Representative, who is going to make... Well, let me ask you a couple of questions. Are you saying that the court is not assessing this portion of the fine at this time? The court's neglecting or ignoring this section of the statute?"

Speaker Black: "Representative Giles."

Giles: "Representative, just like we have a lot of laws on the books, it is on the books. However, the courts are simply not exercising that option at this time."

Speaker Black: "Yes, Representative Cross, you are about to expire. Your time is about to expire."

Cross: "Representative, who makes the decision where this money will end up going? Who's going to make the decision which community based programs will receive the money?"

Speaker Black: "Representative Giles."

Giles: "Representative, DASA, the Department of Alcohol and Substance Abuse will make that determination and will grant moneys to persons or community base organizations that are licensed by that department. That's how the money will be



STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

dispersed."

Speaker Black: "Representative Cross, bring your questioning to an end."

Cross: "Thank you, Mr. Speaker. Representative, is there any way we can...have you attempted through this Bill to let the courts know that this is important and to address that problem of--the courts not assessing this? Is there a way we can clean that up a little bit? And have you do that through this Bill?"

Speaker Black: "Representative Giles."

Giles: "Representative, that is the thrust of this Bill, to have some aggressive community based organizations to lobby and to sort of be a watchdog, to make sure that the courts make these assessments from the actual unwanted activity of drug dealings and drug traffickings in our communities, to make sure that these fines are assessed so that the women who are affected by these type of unwanted pregnancies and these type of drug infested situations, to make sure that moneys are placed and are assessed and used."

Speaker Black: "Thank you. Representative Cross, your time has expired. Representative...the Gentleman from Lake, Representative Salvi. This Bill is on Short Debate. Are you seeking recognition? Do you want to take the Bill off of Short Debate?"

Salvi: "No, Mr. Speaker, I would like to move the previous question."

Speaker Black: "It isn't necessary, no one is seeking recognition. The Chair would recognize the Gentleman from Cook, Representative Giles, to close."

Giles: "What this Bill actually will do is allow the community base organization that not only provide treatment to drug dependent women, especially women who are pregnant, but to

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

also to follow up on the process and that is something that is not happening, I know, in my community to make sure that this individual will have the proper treatment and to have a viable life-style afterwards, to make sure that this young lady is watched, to make sure that she is on the right track. And I urge a favorable vote for House Bill 300."

Speaker Black: "The question is, 'Shall House Bill 300 pass?' All those in favor vote 'aye'; all those opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 116 voting 'aye', none voting 'no', and none voting 'present'. This Bill having received the Constitutional Majority is hereby declared passed. The Gentleman from Clinton, Representative Granberg, are you seeking recognition?"

Granberg: "Thank you, Mr. Speaker, point of order. If Representative Smith would like to come down to the floor, he could probably get a better feel for how the process works or he could stay in the gallery and take notes, so..."

Speaker Black: "Representative Smith, are you visiting with constituents in the gallery? It's always nice to see a Representative taking care of constituent business. On page 20 of the Calendar appears House Bill 1004. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1004, a Bill for an Act amending the Township Code. Third Reading of this House Bill."

Speaker Black: "And on this Bill, the Lady from Cook, Representative Mulligan."

Mulligan: "Thank you, Mr. Speaker, Ladies and Gentlemen of the

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

House. House Bill 1004 would allow the townships in Cook County to do something that townships in the rest of the state can do, and that would be to hire an officer to serve warrants and summons to enforce ordinances. Currently, townships in Cook County now have to file suit in order to enforce an ordinance. Particularly one of the townships that I represent has a problem with garbage. They have a private scavenger service. If people do not want to pay a private scavenger, they dump their garbage in the Cook County Forest Preserves behind apartment complexes. The only way that the township can get any relief from this is to file a civil suit, which is costly and very expensive and very hard to identify. In other townships around the state, sheriffs' officers will enforce these ordinances, but in Cook County, our Cook County Sheriff's Police do other things, particularly work on gang crime and other issues. So right now what I'm looking for is for our townships to be allowed to do something that the rest of the state's townships can already do. I will stand for any questions and would hope for a favorable vote."

Speaker Black: "And on House Bill 1004, is there any discussion? The Gentleman from Cook, Representative Dart."

Dart: "Thank you, Mr. Speaker. I would like to take this off of Short Debate and I'm joined by the requisite numbers on our side."

Speaker Black: "Fine."

Dart: "Will the Sponsor yield?"

Speaker Black: "She indicates she will."

Dart: "Representative, has the Cook County...this applies only to Cook County, correct?"

Speaker Black: "Representative Mulligan."

Mulligan: "Yes, Representative, it does. The other counties

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

across the state can do this."

Speaker Black: "Representative Dart."

Dart: "Has the Cook County Sheriff's Office been involved whatsoever with this as far as either negotiations or saying they are for it or against it or anything?"

Speaker Black: "Representative Mulligan."

Mulligan: "No, they have not indicated. Right now though they will not do these things for the townships because basically when our township calls them, it has to do with actual crime, gang crime, different things like that. And so to file, this is not a job that they want to do, nor do the law enforcement agencies from the surrounding municipalities."

Speaker Black: "Representative Dart."

Dart: "So this would allow the township to then hire individuals to perform these duties, is that correct?"

Speaker Black: "Representative Mulligan."

Mulligan: "Yes, Representative, it is. They would have to go to school. They would not be allowed to carry a weapon and they would just be allowed to serve the ordinance violations and summons to get service for them to collect fines in court without filing civil suit."

Speaker Black: "Representative Dart."

Dart: "And this would be for the enforcement only of township ordinance violations, which would be no jail time whatsoever?"

Speaker Black: "Representative Mulligan."

Mulligan: "It's my understanding only ordinances under \$500 fines, ordinances that have a fine under \$500."

Speaker Black: "Representative Dart."

Dart: "The county sheriff or municipal officers can issue warrants or summons for violations of this order. Would

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

these enforcement officers be able to do the same thing?"

Speaker Black: "Representative Mulligan."

Mulligan: "It's my understanding that they would not be asked to do that. What they would be doing is just serving notice that they have violated an ordinance in order to get some kind of control over them in municipal court."

Speaker Black:—"Representative Dart."

Dart: "How much is this going to...obviously they can contract individually, but how much is this going to cost the individual townships?"

Speaker Black: "Representative Mulligan."

Mulligan: "It is permissive and I think it would be on the basis of how they desire to hire someone. They might hire a retired police officer or someone on part time, depending on what the need is, or they don't have to hire anyone if they don't have a problem. There's only several townships in Cook County that have large unincorporated areas that would probably want to do this."

Speaker Black: "Representative Dart."

Dart: "The...if it's a retired police officer, the like, even though he might have the authority, or an off duty police officer, to carry a gun themselves while they are performing these duties, they are prohibited from having the gun with them at that time?"

Speaker Black: "Representative Mulligan."

Mulligan: "It is my understanding in reading the way it was drafted before the statute, prior to this, which only amends that statute to add Cook County, that they would not be able to carry a gun."

Speaker Black: "Representative Dart."

Dart: "Now does this in any way change the present existing law? Cause it has language that the warrant for the arrest of an

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

accused person may be issued upon the affidavit of any person the township ordinance has been violated and the person making the complaint has reasonable grounds to believe that the party charged is guilty. Is that in any way changing the present law or the present scheme?"

Speaker Black: "Representative Mulligan."

Mulligan: "It is my understanding that it only adds Cook County, and in talking to other Representatives from other counties, they have their local sheriffs do a lot of this work, and in Cook County, we can't do that. We have to file civil suit, so I would think in other areas when they certainly...when they involve crime, we call the Cook County Sheriff's Police and they come and enforce those issues."

Speaker Black: "Representative Dart."

Dart: "Now on page 3 of the Bill where it talks about where they can contract with the sheriff's department, it seems to give the county sheriff or peace officer that is entered in this contract, the same powers to issue warrants and summons as they give to township enforcement officers. Won't that contract on what the sheriff's police presently have? Because the township enforcement officers have less of authority than the county sheriff's police officers. And by the language of the Bill, it seems to be saying that the county sheriff will only have the powers that the enforcement officers have. On page 3 of the Bill, that Section starting on line 13."

Speaker Black: "Representative Mulligan"

Mulligan: "They could still contract with them if they wanted to do it. It is my understanding that they don't desire to do that. The lesser things than actual crime, they do not enforce for us. So actually what they are looking for is

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

some other way to get a lesser violation fine enforced, and they cannot do this through the Cook County Sheriff's Police. So what they do now is their only avenue is to file civil suit. So it's less costly for them to hire someone to do this on say a part time basis for individual issues than it would be to file a civil suit. If they can even find the people that are doing it."

Speaker Black: "Representative Dart, I have given you an additional minute. Will you bring your questioning to a close?"

Dart: "Just a last question. My real question is directed toward the last section of the Bill, talks about if they contract with sheriff's police officers. Sheriff's police officers will have the authority and duties of an enforcement officer. My understanding that would, in fact, diminish their present role because enforcement officers have less roles and authorities. Is that not true?"

Speaker Black: "Representative Mulligan."

Mulligan: "Not necessarily, Representative, and it is not the intention of the legislation to do that. The sheriff's officer would always have that authority. It's just that in lesser cases, they don't care to do that."

Speaker Black: "On House Bill 1004, the Gentleman from Winnebago, Representative Scott, are you seeking recognition?"

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

Speaker Black: "She indicates she will."

Scott: "Representative, on page 2 of the Bill...do you have the Bill in front of you? Section D-5, it talks about the affidavit that is necessary and the person making the complaint having reasonable grounds to believe that the party charged is guilty of a violation. It's lines, approximately, 19-23. Do you see that?"

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

Speaker Black: "Representative Mulligan."

Mulligan: "I'm reviewing it right now. Go ahead and ask the question and then I'll look at it for the content."

Speaker Black: "Representative Mulligan, do you have a response?"

Mulligan: "He asked if I saw the Section, but I did not hear a question."

Speaker Black: "I'm sorry. Representative Scott."

Scott: "Thank you, Mr. Speaker. Is that changing what would normally be the process for issuing of...two questions. One is that changing the process that would normally be done for the issuing of a warrant, and second, to whom is that affidavit going to be filed, and who is going to issue that warrant?"

Speaker Black: "Representative Mulligan."

Mulligan: "It would be a township ordinance; like a municipality, their ordinances are not that extensive or as extensive as a municipality in this instance."

Speaker Black: "Representative Scott."

Scott: "My question would be, for example, would I go to a township officer and say...and give that person an affidavit and say I saw some violation or I'm willing to swear to some violation? Or would it work through a court? How is...because usually when we talk about affidavits and a warrant for an arrest, we are talking about an in court procedure."

Speaker Black: "Representative Mulligan."

Mulligan: "It's a civil township ordinance violation, not a criminal, but I think that that might be what they are looking for. Because in the instance that we are talking about, it's people dumping garbage, and if an apartment complex or somebody pays for a scavenger and other people don't want to, then what they do is they dump their



STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

garbage. And so if a neighbor or somebody saw another neighbor dumping garbage continually on their property, they don't want to pay for it when the neighbor doesn't. So they might go and swear that so and so is the one and then they would try to obtain service on them."

Speaker Black: "Representative Scott."

Scott: "There's a procedure for municipalities to enforce building code violations like dumping of garbage through what's called a code hearing department that the Legislature passed a couple of years ago. I believe it was Representative Maurine Murphy's Bill. And that allows in essence like the issuing of a ticket that can then be tried like a parking ticket can be. Is there any thought that perhaps that might be a little cleaner, a little...a better system than the whole issuance of a warrant and empowering a new set of officers to do something rather than just the issuance of a ticket, which could be done by any township official?"

Speaker Black: "Representative Mulligan."

Mulligan: "I don't think the township officials really want...they don't want to have that power for any township official. And I don't think the township government is complex as local municipalities, particularly in Cook."

Speaker Black: "Representative Scott."

Scott: "That's all I have. Thank you, Speaker."

Speaker Black: "With no one else seeking recognition, Representative Mulligan, to close."

Mulligan: "Thank you, Ladies and Gentlemen of the House. I would seek your favorable approval to allow the townships in Cook County to do what the townships across the state can do in other counties. Thank you so much."

Speaker Black: "The question is, 'Shall House Bill 1004 pass?'"

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

All those in favor vote 'aye'; opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 116 'yeas', no one voting 'no', none voting 'present'. And this Bill having received a Constitutional Majority is hereby declared passed. On page 21 of the Calendar appears House Bill 1108. Mr. Clerk, read the Bill."

Clerk McLennand: "House Bill 1108, a Bill for an Act amending the Metropolitan Water Reclamation District Act. Third Reading of this House Bill."

Speaker Black: "Yes, the Lady from Cook, Representative Lyons."

Lyons: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 1108 simply states, 'No reservoir may be constructed or operated that will hold more than 10 1/2 billion gallons of storm water, sewage, or any other liquid in the area described in the Cook and West Cook County.' It's straightforward. The genesis of this Bill is due to proposals in the past to expand this reservoir to 27 billion gallons. This will merely secure that any future expansion proposals will not be allowed. I'd be happy to answer any questions."

Speaker Black: "And on House Bill 1108, is there any discussion? The Gentleman from St. Clair, Representative Hoffman."

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

Speaker Black: "Representative Hoffman."

Hoffman: "Will the Sponsor yield?"

Speaker Black: "She indicates she will."

Hoffman: "Yes, Representative, I understand what this does, but why do we need it?"

Speaker Black: "Representative Hoffman. Where are we? Hoffman to Lyons. Representative Lyons. Back to Representative

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

Hoffman."

Hoffman: "I can understand why you'd be diverted, Mr. Speaker. I think I asked the question. I asked the question of Representative Lyons."

Speaker Black: "Representative Lyons."

Lyons: "What was the question?"

Speaker Black: "Don't ask me. Representative Hoffman."

Hoffman: "Well, Representative, the question was that I understand what this does, but why is it needed?"

Speaker Black: "Representative Lyons."

Lyons: "It's needed to give my constituents security that there will be no future proposals for expansion of this reservoir. The 10 1/2 billion gallon reservoir was agreed to. That's what the Army Corps of Engineers decided was sufficient and as I said, this is to make sure that there's no further proposals for expansion."

Speaker Black: "Representative Hoffman."

Hoffman: "I couldn't understand the specific reservoir you were talking about. What's the name of it?"

Speaker Black: "Representative Lyons."

Lyons: "It's in McCook."

Speaker Black: "Representative Hoffman."

Hoffman: "Are the neighbors...Number one, is this in your district and then, I assume the neighbors don't want it expanded and that's why we're doing this?"

Speaker Black: "Representative Lyons."

Lyons: "Yes, this is true. This thing has been going on for quite some time. The citizens have been very pro-active in opposing the expansion of this reservoir."

Speaker Black: "Representative Hoffman."

Hoffman: "Is there presently a specific proposal by the Metropolitan Water Reclamation District that would expand

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

this reservoir in such a way that would make it greater than 10.5 billion gallons of storm water?"

Speaker Black: "Representative Lyons."

Lyons: "Yes, there's been proposals to expand it to 27 billion gallons in the past."

Speaker Black: "Representative Hoffman."

Hoffman: "I apologize. I missed out on the answer, if you could repeat your answer."

Speaker Black: "Representative Lyons."

Lyons: "There has been past proposals to expand this reservoir to 27 billion gallons."

Speaker Black: "Yes, Representative Hoffman."

Hoffman: "Is the problem then, that this would take up some of the neighbors' property? And if so, is there still...I mean storm water has to go somewhere. Are there current flooding problems that would require this to be expanded and won't other people be affected if we don't have these reservoirs to catch the storm water?"

Speaker Black: "Representative Lyons."

Lyons: "We are willing in our community to take the 10 1/2 billion gallons that will help solve the problem. We're just not willing to take on 17 billion gallons more."

Speaker Black: "Representative Hoffman."

Hoffman: "I assume you've been active in this issue for some time in your community. I guess the question is, how long have you been active in this? Is the general community in support of this, because like I said, the problem could occur if we don't let the storm... I mean, I have the same problems in my community where the storm water has to go somewhere. Normally, the people below the bluffs are the ones who suffer when we don't have proper reservoirs."

Speaker Black: "Representative Lyons."

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

Lyons: "Is that a question? I'm not..."

Speaker Black: "Representative Hoffman."

Hoffman: "Yea, just the two final questions: How long have you been involved in this and are there other people who would, I guess, in my area what you would call below the bluffs, because that's where the storm water goes when there isn't proper reservoirs. Are there other people who are in opposition to this Bill?"

Speaker Black: "Representative Lyons."

Lyons: "I've been very active over a year now and all the Legislators in the area are in opposition just as well. In fact, the MWRD is not opposed to this either. There are no opposition. There's no opposition to this expansion, to this proposal."

Speaker Black: "On this question, the Chair would recognize the Representative from Clinton, Representative Granberg."

Granberg: "Thank you, Mr. Speaker. Inquiry of the Chair, first of all, Sir."

Speaker Black: "State your inquiry."

Granberg: "Are you available for pictures with other female staff members and secretaries? We've had some inquiries. They noticed that you were more than obliging to certain secretaries and they'd like to expand that list."

Speaker Black: "It's just part of the burden of being in the Chair. I try to serve. I'm here to serve, Sir."

Granberg: "We have a great deal of respect for you, Mr. Speaker, in every capacity. Representative, if the Lady would yield. I think you indicated there was no opposition to this Bill at the current time?"

Speaker Black: "Representative Lyons."

Lyons: "That's correct, not that I know of."

Speaker Black: "Representative Granberg."

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

Granberg: "Have any funds been expended for this project up to this point in time?"

Speaker Black: "Representative Lyons."

Lyons: "Not yet."

Speaker Black: "Representative Granberg."

Granberg: "So there has not been any obligation or any outlay for the studies, preliminary studies, architectural reports, preliminary plans?"

Speaker Black: "Representative Lyons."

Lyons: "The Army Corps of Engineers has done a study and determined that the 10 1/2 billion gallons would be sufficient to collect the rain water and sewage so that that study's been done and there's been an IEPA study that's about nine years old, but nothing recent."

Speaker Black: "Representative Granberg."

Granberg: "If this project does not go forward, what would be the alternative for those areas that are plagued by excessive drainage and storm water problems?"

Speaker Black: "Representative Lyons."

Lyons: "We're not stopping anything. At this point, we are agreeing to a 10 1/2 billion gallon reservoir."

Speaker Black: "Representative Granberg."

Granberg: "But there is no intention to limit the project whatsoever in the future?"

Speaker Black: "Representative Lyons."

Lyons: "Yes, they have agreed that the 10 1/2 billion gallons is sufficient and we have agreed to that."

Speaker Black: "Representative Granberg."

Granberg: "So the district has no plans on further expansion for necessary storage in the next century?"

Speaker Black: "Representative Lyons."

Lyons: "They have attempted to make this expansion in the past."

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

They have agreed now to the 10 1/2 billion gallons. We want to be sure that there's no future attempts to expand it."

Speaker Black: "Representative Granberg."

Granberg: "So this, in effect, would place a moratorium on any further expansion of the reservoir, Representative?"

Speaker Black: "Representative Lyons."

Lyons: "That's correct, Representative."

Speaker Black: "Representative Granberg, further questions? Yes, Representative Granberg."

Granberg: "Representative, and again, the Metropolitan Sewer Water Commission has voiced no objection to your legislation. They agreed that this reservoir should in fact be limited for any future activity?"

Speaker Black: "Representative Lyons."

Lyons: "At this point, yes, they have agreed. We want to make sure that that agreement stays valid."

Speaker Black: "Representative Granberg."

Granberg: "The only thing that I'm curious about, Representative, is that and I know your intention. I understand your district and I appreciate your concern, but things are certainly fluid, particularly in that area. And I'm worried that what happens in the future if there's a moratorium placed on any type of project that would deal with these very serious issues. So that is my concern, although I know it is in your district. It does not impact mine, so thank you, Representative."

Speaker Black: "The Gentleman from Lake, Representative Salvi."

Salvi: "Mr. Speaker, I move the previous question."

Speaker Black: "The previous question has been moved. All those in favor of the question being moved signify by saying 'aye'; opposed 'nay'. In the opinion of the Chair, the

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

'ayes' have it. Representative Lyons to close."

Lyons: "I would just urge your support of this Bill. Thank you."

Speaker Black: "The question is, 'Shall House Bill 1108 pass?'

All those in favor vote 'aye'; opposed vote 'nay'. Voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 112 voting 'aye', 2 voting 'no', and 1 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Ladies and Gentlemen of the House, if I could have your attention, the Chair appreciates your cooperation thus far this morning. I know all of us would like to adjourn at a reasonable hour today. I know many of you have plans and would like to be on the road. We have a number of Bills to go through, at least one very controversial issue. We will be adjourning today on the Death Resolution of a former Member. We would ask that you all stay in your seats, please. With your continued cooperation, we can get through with our business and adjourn, hopefully at a reasonable hour and I do appreciate your cooperation thus far. On page 22 of the Calendar appears House Bill 1258. Mr. Clerk."

Clerk Rossi: "House Bill 1258, a Bill for an Act amending the Uniform Commercial Code. Third Reading of this House Bill."

Speaker Black: "And on that Bill, the Gentleman from Livingston, Representative Rutherford."

Rutherford: "Thank you, Mr. Speaker. House Bill 1258 would amend the Illinois Uniform Commercial Code by deleting the requirements that crop security agreements and finance statements contain the actual legal description of the property involved."



STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

Speaker Black: "You heard the Gentleman's explanation. Is there any discussion? Yes, the Representative from Clinton, Representative Granberg."

Granberg: "Thank you, Mr. Speaker. I'm joined by the requisite number of my colleagues to take this Bill off Short Debate, please."

Speaker Black: "Representative Granberg, I'll acknowledge your request. This Bill came out of Committee 26 to nothing. You sure you want to take it off of Short Debate?"

Granberg: "Yes, Sir, there are a number of questions that have been raised."

Speaker Black: "Alright, that's your privilege. Proceed."

Granberg: "Will the Gentleman yield?"

Speaker Black: "He indicates he will."

Granberg: "Representative, does your Bill delete the real estate description on security agreements?"

Speaker Black: "Representative Rutherford."

Rutherford: "Yes."

Speaker Black: "Representative Granberg."

Granberg: "And what is the necessity in deleting that description, Sir?"

Speaker Black: "Representative Rutherford."

Rutherford: "Today when you have the legal description as a requirement, it increases the time involved with the loan. It increased the costs for the loan. It increases the complexity for the loan and actually, it doesn't provide any specific purpose at all. So, for example, the requirement of a real estate description isn't used today by the agricultural lenders. They provide the financing...They do not provide financing on a real estate by real estate description. Instead what they do, they normally take...They normally take the security interest in

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

all of the crops that are involved with it, rather than by specific parcels."

Speaker Black: "Representative Granberg."

Granberg: "So, Representative, would the goods then be readily identifiable and separated in the security agreement? How would the goods be described in the financing statement if they are not subject to the real estate description?"

Speaker Black: "Representative Rutherford."

Rutherford: "Yes, Sir, they would. They would be, for example, the crops of Farmer Granberg and that would be the inclusive description of that."

Speaker Black: "Farmer...or Representative Granberg."

Granberg: "So in that financing agreement, it would say the crops of... They would not have to say the 40 acres in section 21, northwest corner. That would not... no longer be required?"

Speaker Black: "Representative Rutherford."

Rutherford: "Yes, Representative, that is correct. They would no longer be required to put the specific legal description of the farm parcel. Again, crop loans such as this would be inclusive of all of the crops of Farmer Granberg or whoever the person may be."

Speaker Black: "Representative Granberg."

Granberg: "Representative, I'm just curious. If we had a 640 acre parcel and say 120 acres were farmed in soybeans or whatever, a security financing agreement would then state the readily identifiable goods on the 120 or 160 acres that are..."

Speaker Black: "Representative Rutherford. Yes, Representative Rutherford."

Rutherford: "I'm sorry. He's going to have to repeat it. I'm sorry."

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

Speaker Black: "Yes. Can you repeat the question, Representative?"

Granberg: "So, Representative, if you owned 640 acres of property and say 160 acres a quarter was farmed in a certain type of property goods, what would the security finance agreement then say? How would they describe that? When you said earlier that it was all inclusive, what happens if there are different acreages for different crops?"

Speaker Black: "Representative Rutherford."

Rutherford: "It would be filed under the name of the actual farmer, the producer himself."

Speaker Black: "Representative Granberg."

Granberg: "But my question was, if you have, hypothetically, 640 acres, 160 in one thing, 80 in another, 40 in something else, how would the security agreement define what property would have a lien on that, on those goods?"

Speaker Black: "Representative Rutherford."

Rutherford: "Right, the lien would still exist on the crop. The lien does not exist on the parcel of property, so the legal description is not necessary. If one was to go out...For example, if one was to go out and buy those 600 acres of land, that would then be the underlying security, legal description would be necessary. What we are talking about here is crop financing. So in this case, you are not actually taking security against that parcel of property, you're taking security against those beans or corns that are grown on those acreages."

Speaker Black: "Representative Granberg."

Granberg: "Thank you, Representative, but again the question is similar to this. Hypothetically, 640 acres, 160 in this, 80 in that, would the lien be on all the crops? So if I seek financing and I go to this bank or financial

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

institution and I seek financing, how would my security agreement read? How would that be adequately described? Would they just talk about a lien on the soybean crops that were put in? Or how would it be defined by section, if it's no longer defined by section or real estate description?"

Speaker Black: "Representative Rutherford."

Rutherford: "No, you would not be doing it section by section. What this would allow for, is that the security and the amount of crops up to the amount of the loan, so it would be for the crops up to that total amount of that loan."

Speaker Black: "Yes, Representative Granberg, you have a few seconds left. Proceed."

Granberg: "Well, the same question, Representative, because does the lien... How's the financing agreement describe... What do they put the lien on? Do they put the lien on the one type of crop? So if you have soybeans, corn, wheat, sorghum, whatever, would the lien fall on that one type of crop or would it fall on all the crops that were owned by the person seeking the lending or would be limited to the one crop? And if it would be limited to the one crop, how can they do that without a real estate description? Would they talk specifically about that type of crop or exactly how would they do it if you have different types of crops out in the field? Because as you know in our areas, that is exactly what happens."

Speaker Black: "Representative Rutherford."

Rutherford: "Right, you would describe it by the crop so that it would cover whatever the amount of the loan is. If you're using it for beans, for corn, for wheat, you would suggest that it would be the beans, the corn, and the wheat. Does that do it?"

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

Speaker Black: "On this question, the Gentleman from Effingham, Representative Hartke."

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

Speaker Black: "He indicates he will."

Hartke: "Representative Rutherford, how does this piece of legislation affect, let's say, the supplier of the chemicals or the fertilizer or the seed corn that was furnished as input for the crop?"

Speaker Black: "Representative Rutherford."

Rutherford: "This would have no effect on that, Representative. This would be merely using the description with regards to the crop security with the bank for the loan. It would not affect the vendors."

Speaker Black: "Representative Hartke."

Hartke: "Would you be taking then priority in the case of a failure away from the fertilizer dealer who actually furnished the fertilizer and the seed corn dealer who furnished the seed and the chemical to produce the crop? You would take a priority then over those individuals?"

Speaker Black: "Representative Rutherford."

Rutherford: "No, Representative, this would not change the priority at all. All this does is change the extra criterion that needs to be filed with the bank in regards to the crop security."

Speaker Black: "Representative Hartke."

Hartke: "But is it not true, what you're trying to do is take the...expand the collateral of the bank."

Speaker Black: "Representative Rutherford."

Rutherford: "No, not at all. In fact, you of course being on the Agriculture Committee when this Bill was presented, you know this Bill is supported by the Illinois Farm Bureau."

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

This Bill is supported by the Illinois Community Bankers Association. I mean, what we're talking about here is the fact that you cannot put a legal description on a bushel of corn. What we are talking about here is the financing for crops, not the financing for the purchase of parcels of property."

Speaker Black: "Representative Hartke."

Hartke: "I understand that, but I'm a farmer and if I've got a thousand acres and I only wanted a small loan on my crop production, and so if I don't have the description there of that piece of property that I'm putting up, he then can say, 'Well, it's for all of your land, just not 40 acres or 120 acres.' And so I see that as an expansion, then, of the collateral for the bank 'cause he has now not just 200 acres that he has a lien on, he has a lien on everything. Before when you put down the precise titles and deeds and lands and leaps and bounds and so forth, a legal description of that land, that was all the bank could go after in case of a total failure. Isn't that right? And with your elimination of that, we would then be...he would have a lien on all of it."

Speaker Black: "Representative Rutherford."

Rutherford: "No, Representative, if I could clarify that if you said what the collateral was, was the land, that is not the case. The collateral is the crop. I mean, I want to make sure that that's a very clear distinction here. We are talking about the crop being the collateral. Your scenario of where the entire acreage of crop would be the collateral and you only had a small loan, keep in mind that that collateral is only good for the amount of that loan. I mean, so you're only going for that portion of the acreage...or of the crop itself."

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

Speaker Black: "Representative Hartke."

Hartke: "I understand that, so what you're asking for is then, a farmer then, when he puts up a portion of his crop for collateral, you're saying, 'No, no, no, a portion is not going to suffice, we want it all. We want all of your crops to pay for and security for this loan', although the loan was only for a portion of the input costs and so forth for that crop. And I think you're trying to take the entire crop as collateral. If there's a failure on, let's say, it turns very dry in a neighboring county and there's where you have the lien against those crops with that description, would that not say, well, you have then the proceeds from all of the production?"

Speaker Black: "Representative Rutherford."

Rutherford: "No, it does not require that you put all of the crop under that specific farmer's farm ground under this collateral. What you could put into it is a certain amount of bushels. What we're doing is eliminating the description of the specific, the technical legal description of the parcels of land, and you're defining it as ..."

Speaker Black: "Yes, proceed, Representative Rutherford."

Rutherford: "No, that's fine, I was finished."

Speaker Black: "Alright. Representative Hartke, your time has expired. Do you want to bring your questioning to a close?"

Hartke: "Well, I can see where, especially the lending institutions would like this because it then cleans up their books and so forth and makes the time necessary to make sure, you know, to proceed with these loans a whole lot easier, but it also, I'm concerned about the farmer that may be committing more than he thinks he is committing

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

when he signs that lien. Is there provisions then to notify the farmer or some kind of warning, you know, like it may be dangerous to your financial ability, because you're pledging your entire crops for this loan to the amount of the loan?"

Speaker Black: "Representative Rutherford."

Rutherford: "Was that a question? I don't think that was a question, Mr. Speaker."

Speaker Black: "At this point, the Chair would recognize the Lady from Cook, Representative Schakowsky."

Schakowsky: "Thank you, Speaker. I'd like to yield my time to Representative Hartke."

Speaker Black: "That is fine. Representative Hartke, proceed."

Hartke: "Thank you, Representative Schakowsky. Is there some provision in this language that lets the farmer know or the individual know who is seeking the loan that he is now pledging all of the crops on his land to the amount of that lien? Is there some kind of a warning label or in verbal or written language that the farmer must sign off on?"

Speaker Black: "Representative Rutherford."

Rutherford: "Representative, the farmer would not be required to have all of the crop within this description. They could define it for the collateral to be so many bushels. So I think that does respond to your concern, that you would not have to have the entire crop of a specific farmer under the description within this collateral."

Speaker Black: "Representative Hartke."

Hartke: "Okay, Representative Rutherford, let me give you an example. I want to, I need \$2,000, okay. So I go to the bank and I say, 'Well, now I've got 20 acres here, going to do 100 bushel an acre, there's your 2,000 bushels and I'm pledging you 1,000 of those bushels at \$2.00 a bushel.'



STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

Would you sign such a lien?"

Speaker Black: "Representative Rutherford."

Rutherford: "It's rather specific, Representative. I'm not a banker so I really ... Is it a good deal?"

Speaker Black: "Representative Hartke."

Hartke: "Well, my point is, if you pledged just a 1,000 bushels and you said production. If you pledged a 1,000 bushels to satisfy the loan, if the price of corn dropped by 50¢ a bushel, the farmer could then say, 'Wait a minute, I pledged a 1,000 bushels and there it is. I'm sorry you gambled on the amount of the loan.' I think that you're in error there, Representative."

Speaker Black: "Representative Rutherford."

Rutherford: "Well, the issue on the amount and the corn and the price dropping, that can happen right now. I mean, it can happen presently under the whole scenario of describing it by the legal description."

Speaker Black: "Representative Hartke."

Hartke: "No, because with the legal description there, the bank is only entitled to the crop production off of that legal description. Correct?"

Speaker Black: "Representative Rutherford."

Rutherford: "I believe that is correct."

Speaker Black: "Representative Hartke."

Hartke: "And so with a catastrophe and an almost total crop failure, on that particular description, the bank would not be able to collect that because that is all he's entitled to under the law and under the lien because it has the description of that production listed. Alright, now what you're seeking to do it to eliminate that in granting the bank more collateral because he now has the ability to collect on all of the production, which may not be enough

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

to even meet the loan. So what you're doing is expanding the bank's clause into this individual for his entire production or up unto the amount of the loan."

Speaker Black: "Representative Rutherford."

Rutherford: "Representative, the loan agreement would state that it would be for all crops that would be grown within that specific county. If, for example, you go to multi-county, then you have to file it under the UCC under each of those counties."

Speaker Black: "Representative Hartke."

Hartke: "Did you say in each of those counties? Counties or townships?"

Speaker Black: "Representative Rutherford."

Rutherford: "The UCC's are filed in the counties."

Speaker Black: "Representative Hartke."

Hartke: "Yes, I understand that, but if I only now gave the description of the land in one county and I have land in three counties, does that mean that this would then give the bank the right to file that UCC in all three counties? You see before with the land description just being on one parcel of land or two, whichever is agreed to between the bank and the farmer, that was all that the bank was entitled to...to get into. But you're saying now you're eliminating..."

Speaker Black: "Representative Hartke, you've had 10 minutes, bring your questioning to a close."

Hartke: "Right now you're eliminating all of those land descriptions, so you're actually giving the bank more collateral than he may ever need. If the farmer needs another loan, for example, on possibly the rest, he would then put that bank into a second position on any other production that may be on the land. Is this also on

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

livestock or just crops?"

Speaker Black: "Representative Rutherford."

Rutherford: "Yes, it is also on livestock."

Speaker Black: "Representative Hartke, 20 seconds."

Hartke: "So you're actually saying that you're...what you're doing is not only eliminating the land description, but you're also including all of the production, whether it be livestock or grain on this piece of property that's produced?"

Speaker Black: "Representative Rutherford, do you want to respond to that question?"

Rutherford: "I just like to clarify that if the loan is for crops, it will say crops. If the loan is for livestock, it will say livestock. They would not be mixed and that's all that I ..."

Speaker Black: "Representative Hartke, your time is expired. Next up on the Board, the Gentleman from Lake, Representative Salvi."

Salvi: "Mr. Speaker, I move the previous question."

Speaker Black: "Representative Salvi has moved the previous question. And on that question, all those in favor signify by saying 'aye'; opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. Representative Rutherford to close."

Rutherford: "Thank you, Mr. Speaker. House Bill 1258 helps to streamline the loan process for farmers. It's a positive movement for our production agriculture community. It has come out of the AG Conservation Committee with 10 'no' votes and 25 'yes' votes. It is supported by the Illinois Farm Bureau and the Community Bankers. I would ask for a favorable Roll Call. Thank you."

Speaker Black: "The question is, 'Shall House Bill 1258 pass?'"

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

All those in favor vote 'aye'; opposed vote 'nay'. Voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 114 'ayes, no one voting 'no', 1 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. With the indulgence of the House at this time, the Chair would like to recognize the students from St. Michael's School of 'Raydom'. I'm joined in welcoming you by Representative John Jones and Representative Terry Deering. Mr. Clerk, on page 24 of the Calendar appears House Bill 1486. Read the Bill."

Clerk Rossi: "House Bill 1486, a Bill for an Act in relation to aggregate mining operations. Third Reading of this House Bill."

Speaker Black: "On House Bill 1486, the Gentleman from Cook, Representative Hassert."

Hassert: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 1486 amends the Surface Mine, Land Conservation and Reclamation Act. Authorizes the Department of Mines and Minerals to establish rules governing blasting and operation of aggregate mine operations, provides that the regulations of blasting operation is exclusive state function, authorizes the Department to impose and collect fees for the various purposes, provides that the fees collected under the Act shall be deposited in an aggregate operation regulatory fund, a special fund in the State Treasury. I'll be happy to answer any questions."

Speaker Black: "And on House Bill 1486, are there any questions? The Gentleman from Clinton, Representative Granberg."

Granberg: "Thank you, Mr. Speaker. Will the Gentleman yield?"

Speaker Black: "He indicates he will."

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

Granberg: "Representative Hassert, I believe you talk about a fee. What is the current fee?"

Speaker Black: "Representative Hassert."

Hassert: "What is the current fee? There is no current fee."

Speaker Black: "Representative Granberg."

Granberg: "Well, this would initiate a new fee for a new program. Is that correct?"

Speaker Black: "Representative Hassert."

Hassert: "Yes, this would create a new fee to regulate this new, I wouldn't say it's a new program. It's going to establish the...basically, a program to regulate something that hasn't been regulated, desperately needs to be regulated."

Speaker Black: "Representative Granberg."

Granberg: "How much you anticipate, how much revenue do you anticipate will be raised in these new fees for this new regulation?"

Speaker Black: "Representative Hassert."

Hassert: "Approximately \$350,000 per year."

Speaker Black: "Representative Granberg."

Granberg: "Representative, obviously there must be some problems and people complaining about this type of activity. Can you describe where these occurrences are, where they're located, and what types of problems they're having?"

Speaker Black: "Representative Hassert."

Hassert: "Representative, this is I think mostly up in the northern part of the state, but any place that has aggregate mining, stone quarries that do blasting. Right now there is no regulations governing blasting within the State of Illinois. So if there is a problem, there's not an agency, there's not a federal agency, there's not a state agency that can come out there and check the situation out. So anybody that's revolved around a quarry

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

or has a quarry in their area that faces the problems of blasting, the vibrations, the noise, the potential of flying rocks and that, there's no avenue for them to seek out and complain. And this would establish those rules and regulations to give them at least some clarity to where they can go to check out if the mining operations are within compliance."

Speaker Black: "Representative Granberg."

Granberg: "Representative, I have one in my area. I have never heard any complaints from anyone about this type of operation, but there are numerous complaints in the northern part of the state concerning blasting and aggregate mining?"

Speaker Black: "Representative Hassert."

Hassert: "Yes, there has been numerous complaints, depending on if you're located... a mining operation obviously that's located in an urbanized area and is closer to homes, obviously are going to have more problems than an area, possibly within your area, that's maybe a little bit more rural oriented, but if you're within an urbanized area and you have homes around...surrounding the site, there has been numerous complaints about the level of blasting."

Speaker Black: "Representative Granberg."

Granberg: "And the \$350,000 in revenue that would be raised in these new fees for this new regulation, would that be used as explicitly for the aggregate operations, this type of program, or would money be shifted from GRF to some other line item or other operation?"

Speaker Black: "Representative Hassert."

Hassert: "It would be strictly used for aggregate blasting in a segregated account, so it cannot go into the General Revenue Fund."

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

Speaker Black: "Representative Granberg."

Granberg: "Representative, is this the initiative of the administration or is this the Department of Mines and Minerals who's requesting this new fee and this new regulation?"

Speaker Black: "Representative Hassert."

Hassert: "Actually, this is an initiative out of the aggregate industry themselves."

Speaker Black: "Representative Granberg."

Granberg: "Why would the aggregate industry themselves want a regulation put upon them, and I assume that they would raise the revenue themselves to regulate themselves?"

Speaker Black: "Representative Hassert."

Hassert: "Due to the complaints within certain areas, there has been an attempt by local municipalities, local counties, townships to try to regulate these things and there's becoming a patchwork of regulations throughout the state, and it was necessary to try to come under one uniform regulatory body to try to regulate this system."

Speaker Black: "Representative Granberg."

Granberg: "I'm sorry, Representative, I thought you indicated that this was an initiative of the aggregate mining industry, not the counties or the towns or villages, but the industry themselves."

Speaker Black: "Representative Hassert."

Hassert: "Basically, it is the initiative of aggregate industry with a patchwork of type of regulations throughout the state. Certain companies become a financial disadvantage because they have to meet tougher requirements or lesser requirements, so this gives them uniformity throughout the state, knowing what they would ..."

Speaker Black: "Representative Granberg, your time has expired."

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

This time the Chair would recognize the Lady from Cook, Representative Lyons."

Lyons: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of this Bill. I do have a lot of constituents in my district who complain due to the quarries surrounded by their residences and homes. They're concerned not only about the disturbing vibrations that they experience, but also they're concerned about the structural damage that it might be causing. The blasting that goes on, I get calls about all the time and my constituents now will have an avenue of recourse. They will be able to call the Department of Mines and Minerals to check out what they consider to be blasting that's harmful to their homes and their communities. So I strongly urge support of this Bill."

Speaker Black: "Any further discussion? The Gentleman from Effingham, Representative Hartke."

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

Speaker Black: "He indicates he will."

Hartke: "Representative Hassert, most can see that Representative Lyons and myself are hyphenated sponsors on this legislation. Can you answer me now, I think it's in here. Are they required to keep records of their blasting dates, times, and so forth, under this legislation?"

Speaker Black: "Representative Hassert."

Hassert: "Yes, they'll be required to keep records of the time of blasting, their blasting. They also have to become licensed to blast with that facility which they do not have now."

Speaker Black: "Representative Hartke."

Hartke: "Will the records also include the amount of blasting



STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

material used and the... maybe seismographs of the effect on the area?"

Speaker Black: "Representative Hassert."

Hassert: "Yes, this will all be part of the regulation, the amount of blasting used, how they use it, the engineering behind how they're using it."

Speaker Black: "Representative Hartke."

Hartke: "And it's my understanding that in working with the Associations that they have developed this over the last several years and reached an agreement and it is a self-imposed rules and regulations as well as fees, so that they would have some type of protection, not only for them, but for the consumers as well, if damage is done by the blasting and rumbling that's going on in the area because then they would have records to prove whether they did or did not or whether it was a natural occurrence, whether it be an earth tremor or what it may be. Is it also true that these records are there, and...but yet they're protecting the trade secret so to speak of the individuals as they do this blasting?"

Speaker Black: "Representative Hassert."

Hassert: "That's correct, Representative."

Speaker Black: "Representative Hartke."

Hartke: "Well, thank you very much for those answers. I think that you should be complimented and the Department of Mines and Minerals in working on this piece of legislation. I know that many are going to say that this is another fee increase and so forth, but as I look at it, the industry has worked long and hard to accommodate the general public and provide the aggregate that's needed to fix our roads and streets and parking lots and everything else that we use their products for and be responsible citizens in the

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

State of Illinois to protect the people of the State of Illinois and so I support the legislation."

Speaker Black: "Further discussion on the Bill? The Gentleman from Madison, Representative Steve Davis."

Davis, S.: "Thank you, Mr. Speaker. Would the Gentleman yield?"

Speaker Black: "He indicates he will."

Davis, S.: "Representative, I too, have a quarry in my district and I do think this is a good Bill, but I do have a couple of questions that I would like to ask. The regulation of the blasting, do you envision that the Department would have somebody on site full time or are they just going to send somebody down to give training courses to the employees of the quarries? And right now, under the current regulations, are the employees, do they have to be licensed to do the blasting?"

Speaker Black: "Representative Hassert."

Hassert: "Representative, no, I do not anticipate the Mines and Minerals will have anybody on site full time. I think they will set up a course, if there's complaints or if there's any kind of a...If there's no problem at the site, they will probably do a twice annual inspection, not an inspection, but going out to the site twice per year."

Speaker Black: "Representative Davis."

Davis, S.: "Are there going to have to be some major forms and a lot of paper work for these quarries to fill out under this legislation, or is this going to be a one form type of regulatory form to fill out - one page?"

Speaker Black: "Representative Hassert."

Hassert: "Representative, outside of just the blasting records themselves, which they'll have to maintain, there'll be nothing else."

Speaker Black: "Representative Davis."

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

Davis, S.: "Do they have to maintain those records right now under the current law?"

Speaker Black: "Representative Hassert."

Hassert: "No, Representative, there's no current law in place."

Speaker Black: "Representative Davis."

Davis, S.: "So, under this legislation, are they going to control the time of day that they can blast?"

Speaker Black: "Representative Hassert."

Hassert: "When we formulate the rules, that'll be addressed within the rules process."

Speaker Black: "Representative Davis."

Davis, S.: "The \$350,000 price tag on this, what exactly is that money going to be used for? Will that money be put into a fund to reimburse property owners whose properties may be damaged by blasting?"

Speaker Black: "Representative Hassert."

Hassert: "No, Sir, that'll be basically to operate the program from Mines and Minerals to purchase the necessary equipment, the seismograph type of equipment and also to pay the people on staff that will go out there and regulate this industry."

Speaker Black: "Representative Davis."

Davis, S.: "Do we have a number that you could tell me that the staff increase that the Department's staff will increase due to this legislation?"

Speaker Black: "Representative Hassert."

Hassert: "There will be no new head count. They will use people within their own department due to the fact that some of the other areas of Mine and Minerals and such in the coal production is starting to slow down. They will use other people from that type of an industry to phase into this industry to regulate that, so there'll be no new people

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

added to the payroll."

Speaker Black: "Yes, Representative Davis."

Davis, S.: "To the Bill, Mr. Speaker. I think this is a good piece of legislation and I think that Representative Hassert did put some thought into this, and I know that the Department backs this piece of legislation and I, too, would urge an 'aye' vote on this."

Speaker Black: "And on House Bill 1486, is there further discussion? Yes, the Gentleman from Cook, Representative Lang."

Lang: "Thank you, Mr. Speaker. Before I ask my questions, a parliamentary inquiry. May I proceed?"

Speaker Black: "Yes, state your inquiry."

Lang: "Thank you, Sir. This Bill seems to preempt home rule and create exclusive state powers in this area, and I would ask the Chair if I'm reading the Bill correctly and if so, I would ask the Chair to so rule that the Bill would require a three-fifths vote."

Speaker Black: "Yes, the Parliamentarian will look into your inquiry. While he's doing that, Sir, do you have questions of the Sponsor?"

Lang: "Thank you, I will proceed. Will the Sponsor yield?"

Speaker Black: "Yes, he indicates he will."

Lang: "Thank you. Representative, can you tell us if I'm reading this Bill correctly and the Bill preempts home rule, can you tell us why we need to do that?"

Speaker Black: "Representative Hassert."

Hassert: "I'm sorry. Could you repeat the question?"

Speaker Black: "Representative Lang."

Lang: "Well, perhaps it would be easier to just start with the question. Does this Bill, in your opinion, preempt home rule?"

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

Speaker Black: "Representative Hassert."

Hassert: "Yes."

Speaker Black: "Representative Lang."

Lang: "Well, that ought to take care of the parliamentary inquiry. The Sponsor says it preempts home rule. Representative, why do we need to preempt home rule?"

Speaker Black: "Representative Hassert."

Hassert: "Representative Lang, this is in relation, this is a preemption of home rule powers, not related to taxation so this requires, just my understanding, a simple majority vote."

Speaker Black: "Representative Lang."

Lang: "Can you repeat that, Sir? I didn't hear what you said."

Speaker Black: "Representative Hassert."

Hassert: "This preemption of home rule powers is not related to taxation so it reflects, it does not require the majority vote or super majority vote."

Speaker Black: "Representative Lang."

Lang: "Well, that's not true. We'll wait for a ruling from the Parliamentarian, but the real question is, why are you taking the powers away from municipalities here? You're one of the champions of local control. Why do we want to take it away at this time?"

Speaker Black: "Representative Hassert."

Hassert: "Two things: First of all, we're trying to level the playing field across the state. There's one uniform, basically, way to regulate this industry and secondly, most communities do not have the staff nor the expertise to regulate this type of blasting. I don't know, maybe in the City of Chicago, they have experts on blasting, but I know in the suburbs and some of the other communities, they do not hire people who are geologists or engineers or

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

something that regulate blasting, so the expertise would be within the Mines and Minerals. So that's one very good reason to basically look at it from the people that could actually have the capabilities and understandings of what they're looking at."

Speaker Black: "Representative Lang."

Lang: "Well, how do you pick and choose, Representative, between the Bills and the issues in our society in Illinois today that where we should have local control and where we should not? You can make that argument for almost any endeavor in Illinois. Almost any Bill here that involves municipalities or involves state control, you can argue one way or the other and come up with any number of reasons as to why we should or shouldn't have local control. You have always been a person on this House Floor that has voted for local control. Where do you draw the line? How do you make that determination?"

Speaker Black: "Representative Hassert."

Hassert: "Basically on this decision is based on public safety and what's best for the citizens of the State of Illinois, and I think it speaks for itself. I don't think you can basically tell me that most communities, smaller communities or even counties, have the capabilities of having people on staff to regulate blasting, nor could they afford to have people on staff just to regulate a quarry within their municipality and have the expertise to do so. So I think you have to look at it from a logical perspective and look at who has the capabilities, who has expertise to look into these type of things for public safety reasons."

Speaker Black: "Representative Lang."

Lang: "Perhaps I missed this, but perhaps you can tell me what

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

the Department will do with the \$350,000 that they're going to raise?"

Speaker Black: "Representative Hassert."

Hassert: "Use it for regulatory operations."

Speaker Black: "Representative Lang."

Lang: "Was there any other way to do this without a fee increase?"

Speaker Black: "Representative Hassert."

Hassert: "No."

Speaker Black: "Representative Lang."

Lang: "Could we not have put \$350,000 in the budget for this regulation without having a fee increase?"

Speaker Black: "Representative Hassert."

Hassert: "No."

Speaker Black: "Representative Lang."

Lang: "Well, why not? Why can't we put the \$350,000 in the budget?"

Speaker Black: "Representative Hassert."

Hassert: "I don't know. Just no. I just decided this would be the best way to fund it within their own industry to create. They're willing to have this fee imposed upon them to regulate their industry, so why not instead of taxing other people within the State of Illinois, let the industry themselves pay for their regulation. I can't find a better way of doing things as providing a fee from their own industry, instead of putting it on the backs when we have other pressing issues within the State of Illinois that could use those funds. Let the industry, basically, pay for it themselves."

Speaker Black: "Representative Lang, your time is about to expire. Do you have another question?"

Lang: "No, but I would like a few seconds to make a comment."

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

Speaker Black: "Proceed."

Lang: "Thank you, Mr. Speaker. While we're waiting for a ruling from the Parliamentarian as to the home rule issue, I would just simply like to state that these continual fee increases should be watched out for by Members of the Body. Certainly the freshmen Members on both sides of the aisle and targets should be very wary of these continual fee increases. In the name of not taxing anybody, we continue to give people fee increases so we can say, 'Well, we didn't tax anybody.' But guess what, folks? These fee increases are taxes. You can call them fee increases, but they're taxes and for those who are interested or concerned about that problem, I would recommend 'no' or 'present' votes. And Mr. Speaker, can we get a ruling from the Parliamentarian as to my inquiry?"

Speaker Black: "Yes, thank you very much, Representative Lang. On behalf of the Speaker, the Parliamentarian advises me that under Article 7, Section 6, Subsection G of the Illinois Revised Statutes, that if indeed this Bill fell under that subsection G, dealing with taxation and the removal of powers already enjoyed by cities, it would require extraordinary majority. In the opinion of the Parliamentarian, it falls under Subsection H and therefore, does not require an extraordinary majority. And further discussions on House Bill 1486? Representative Meyer?"

Meyer: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I stand in strong support of this Bill. I have a working quarry in my district and I believe that it does present a life safety problem in that there is no current regulation of the blasting that occurs, and I'd like to explain it to this Body, the significance of how it affects my district and other districts that lie south of it. The



STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

quarry happens to have been in place since about the turn of the century, so there's a history of that quarry being there. At the time that the quarry started, there were no homes around, maybe a few farm houses, but there wasn't a population that was built up that would be affected by that quarry. We all know that during the past decades, the City of Chicago has developed into the suburban areas and of course, as that development pushes further and further out from the center of Chicago, now some of those areas that previously did not have residence there, now they're heavily populated. So is the case in my district. To further compound that problem, not only now are there residents in that portion of my district that is adjacent to this quarry, but there is also a developed landfill. And that developed landfill, Ladies and Gentlemen of the House, is a significant life safety problem because if in fact the blasting from that quarry would cause the clay base, the liner of that landfill to crack and to break, it could in fact taint the water supply for tens of thousands of people in the State of Illinois. And I suggest to you, Ladies and Gentlemen of the House, that this goes beyond a home rule issue. It, in effect, does affect the life safety of tens of thousands of people in not only a portion of my district, but also further downstate. Because, Ladies and Gentlemen of the House, that water supply flows from the north to the south and anyone drawing water off of that water table, if, in fact, that quarry, the blasting, caused the clay liner of that landfill to break, would have a water supply that they could no longer use. I think it's imperative that we do regulate the type of blasting that occurs, how it affects those people living in the close proximity to the blasting, as well as those living

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

downstate and the water supply of those people. I stand in strong support and would urge an 'aye' vote on this and appreciate any support that other Members of the House could give me on it."

Speaker Black: "Further discussion? The Gentleman from Washington, Representative Deering, your light was on late. I'll grant you an opportunity. Are you seeking recognition?"

Deering: "Thank you. Thank you, Mr. Chairman. Will the Sponsor yield for a question?"

Speaker Black: "We're having a hard time hearing you on that mike stand. Can you get one a little taller?"

Deering: "Well, I thought maybe about yielding my time, but I could just yield my microphone if I wanted to. But I do have a question for the Sponsor, if he'll yield."

Speaker Black: "The Gentleman will yield."

Deering: "Representative, you say the aggregate industry, the association is in support of this Bill. Is that correct?"

Speaker Black: "Representative Hassert."

Hassert: "Yes."

Speaker Black: "Representative Deering."

Deering: "What about the individual operators? Now I talked to some of my quarry owners down in my district and because of the fee increase in this Bill, they're not for this, so I don't know if we have 100% support statewide. Is this...Is this limited to just an area in Northern Illinois or does this cover the whole state?"

Speaker Black: "Representative Hassert."

Hassert: "It covers the whole state, statewide."

Speaker Black: "Representative Deering."

Deering: "Will any of these fees go for safety projects for possible existing safety violations at existing quarries

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

that are in operation? Will they be able to use any of these moneys to upgrade some of their practices or facilities?"

Speaker Black: "Representative Hassert."

Hassert: "No, they will not receive fees back, but the agency will provide training for the blasting aspects of it and that will not be a charge to them. That will be...similar to what's in the coal mining."

Speaker Black: "Representative Deering."

Deering: "And a final question, Representative. If a person is in violation of this, if they do not register with the Department and do not pay the fees, will there be a civil penalty assessed?"

Speaker Black: "Representative Hassert."

Hassert: "They will first be notified that they're in violation of not paying the fees. If they persist in not paying the fees, then, yes, there could be a civil penalty assessed upon them."

Speaker Black: "Representative Deering."

Deering: "Okay, that leads to a two-part question."

Speaker Black: "Excuse me, Representative Deering, you told me your last question was your last question. Now, you've got a tall microphone stand. Now do you mean you're going to tell tall tales or what?"

Deering: "Just a slight misunderstanding on my part, Mr. Speaker. I'm almost concluded."

Speaker Black: "I certainly hope so."

Deering: "Any of these penalties, civil penalties, will they be misdemeanors? Will they be felonies, whatever? And also, if they refuse to file and pay these fees, will we be able to come in and shut these operations down?"

Speaker Black: "Representative Deering, excuse me for just one

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

moment. The Capitol architect has asked that you and Representative Spangler not be on the same side of the floor at the same time. Will you clear a little room there, please? Thank you. Representative Hassert, would you like to respond to Representative Deering's question?"

Hassert: "My understanding is that there will be no misdemeanors or any other penalties, whether it'll be a civil penalty and I'm not sure about if there a possibility of shutting them down."

Speaker Black: "Representative Deering, your third last question."

Deering: "Thank you, Mr. Speaker, for keeping so eloquent track of me. So you don't know then if we would shut them down. So for instance, if one of my quarry people that's operating on a close bottom line, if they refuse to file, they might be assessed a penalty. But if one of my quarry operators, they might be assessed a penalty, but they refuse to...still refuse to file. They could still stay in operation then, is that what you're saying?"

Speaker Black: "Representative Hassert."

Hassert: "Representative, this Bill does not spell out the rules and regulations which will go through the next year of procedures in setting up the rules and regulations. So all this, with the industry's input, public hearings, and all this will be spelled out over the next course of the year to develop these rules and regulations."

Speaker Black: "Representative Deering, your fourth last question."

Deering: "Oh, I snookered you, Mr. Speaker. It's the closing comment."

Speaker Black: "Outstanding, proceed."

Deering: "You know I understand what you're trying to do here,

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

but I think in a time when we're looking at less government and less fees and less business regulations, that maybe we could have addressed this situation in your district a little bit differently than impacting the whole state. We have done that before. I don't plan on supporting this Bill. I think I may have been the only one in Committee that didn't vote for it because of the fees. But I think another fee increase on small business is just another burden that I don't think we need to be doing at this time."

Speaker Black: "With no one else seeking recognition, Representative Hassert to close."

Hassert: "Thank you, Mr. Speaker. Just to reemphasize, the industry has worked over the last three or four years on this Bill. They've come to agreement. They've agreed to assess a fee upon themselves to pay for this program. It's not going to cost the taxpayers of Illinois, so it's a necessary program. It's pretty hard to believe that over the last 10 years or 15 years, that we have not had any regulations in place dealing with blasting. I think this is a good Bill and I ask for your support."

Speaker Black: "The question is, 'Shall House Bill 1486 pass?' All those in favor vote 'aye'; all those opposed vote 'nay'. Voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. Representative Hassert?"

Hassert: "Mr. Speaker, can I put this on postponed consideration?"

Speaker Black: "You can put this on postponed consideration. On this Bill, House Bill 1486, there are 59 voting 'aye', 52 voting 'no', 3 voting 'present'. This Bill, having failed

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

to receive a Constitutional Majority, the Sponsor has requested...is defeated and the Sponsor's requested it to be put on postponed consideration and that will be granted. Ladies and Gentlemen, if I could have your attention. We still have a number of Bills on Third Reading and some of those Bills will be extremely important to each and every Member. We will adjourn today on a Death Resolution of a former Member. We have some business to take care of at this time. I would urge you not to leave the Capitol. I would urge you not to get on your way. If you'll come back just as soon as conferences are over and cooperate, we can still adjourn at a reasonable time. At this time, the Chair would recognize the Gentleman from Rock Island, Representative Brunsvold."

Brunsvold: "Thank you, Mr. Speaker. The Democrats would like a conference and we will try to be as quick as possible and return to the floor so we may get our work done."

Speaker Black: "Do you think we can wrap up our business in 30 minutes, Representative?"

Brunsvold: "No, but I would say an hour and we'll try to get back as soon as possible."

Speaker Black: "Let's say that the House will plan on convening at 1:15 p.m. Hopefully, you can get your business done at that time. The Republicans will also have a conference in their Committee Room. If all Republicans would go to their conference, all Democrats to theirs. Please try and be back on the floor at 1:15. We have some very important business to conduct today. We would appreciate your cooperation."

Clerk McLennand: "Attention, Republican Members. Attention, Republican Members. The Republican Conference will meet in Room D-1 in the Stratton. Introduction - First Reading of

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

Senate Bills. Senate Bill #146, offered by Representative Kenner, a Bill for an Act that amends the Code of Civil Procedure. Senate Bill #273, offered by Representative Ronen, a Bill for an Act that amends the State Employees Group Insurance Act of 1971. Senate Bill #416, offered by Representative Hoeft, a Bill for an Act relating to education. Senate Bill #447, offered by Representative Parke, a Bill for an Act concerning the leasing and ownership of condominiums. First Reading - Introduction of these Senate Bills."

Speaker Johnson, Tim: "The hour of 1:15, having come and gone, the House will now be in order. I'd like to announce first that visiting us today from Representative Ann Zickus's district is the Willow Springs eighth grade class. They're in the Speaker's Gallery. Welcome to Springfield. Now, Mr. Clerk will now proceed to the Order of House Bills - Third Reading. Mr. Clerk, read House Bill 753. The Chair recognizes the Gentleman from Vermilion, Representative Black, to proceed on House Bill 753."

Clerk McLennand: "House Bill #753, a Bill for an Act that amends the Emergency Telephone System Act. Third Reading of this House Bill."

Speaker Johnson, Tim: "Representative Black, proceed."

Black: "Yes, thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 753, first of all let me say, has nothing to do with cellular emergency service or access. That's a Bill we're still trying to work on. What this Bill does is after the modified final judgement some years ago by the Federal Judiciary and broke up the Ma Bell system as we know it, all kinds of changes have come into the telecommunications business. One of those changes now is that if you have a 911 service, and all but I think

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

24 counties do, that the telephone that you're dialing 911 from is supposed to, if you're on an enhanced system, show that 911 public service answering point where that telephone is located. Now, what has happened and this Bill came about, the genesis came about from an emergency situation in a dormitory at an Illinois college that has a common PBX or a common switchboard. And the 911 system employed in the community was an enhanced 911 system. But when they called from the dormitory, the only identifier on the enhanced system was showing the address and phone number of the university, not particularly where the telephone was located. What we're attempting to do with this location, excuse me, this legislation, is to amend the Emergency Telephone System Act and establish a business offense of not less than \$1,000 or more than \$5,000 for a violation of the private switch residential service and private switch business service for 911 services. In effect, what the Bill does is to say that ..."

Speaker Johnson, Tim: "If we could give the Gentleman your attention."

Black: "What in effect the Bill does is to say that the local telephone carrier is not liable for the wiring beyond its...when it brings the wire up to your residence or business. If you contract with a private installer to put those phones in a dormitory or a business that would have several dozen, if not hundreds of extensions, that installer must wire those telephones to show where that telephone is, in fact, if you dial 911. Under current law, we're holding the local carrier responsible for that and that carrier may, in fact, not be the person who installed those phones or ran those lines. I think it simply makes imminent good sense and be glad to answer any questions you



STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

have about House Bill 753."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Rock Island, Representative Brunsvold, on the Bill. Give the Gentleman your attention. Representative Brunsvold, proceed."

Brunsvold: "Thank you, Mr. Speaker. Would the Gentleman yield?"

Speaker Johnson, Tim: "He indicates he will."

Brunsvold: "I think everyone on the floor and the new people should know that Representative Black and I worked years now on the 911 systems and cellular switching and so on. Bill, how are we going to justify or how are we going to make sure that the proper effort is put forth to make sure that all the switching places have what they're suppose to have? Because we kind of put the telephone company in charge of making sure that this law was obeyed by the citizens when they should have the switching. Who's going to make sure that this gets done?"

Speaker Johnson, Tim: "Representative Black."

Black: "To the best of my knowledge, Representative, I think one of the reasons for this Bill is to put the onus on that private contractor or installer. I think, and you probably know better than I, the Federal Government has mandated this by what, '96 - '97, something like that. It's something that the private installers know they have to do. Obviously, some are not happy with it. One in my district, particularly, is not happy with it, but I think when you make it a business offense for failure to comply of not less than a \$1,000 or more than \$5,000, I would hope that would be the impetus. In fact, for the private installers to see to it that when they wire that system, the system is capable of going through that base exchange and identifying where that phone is on a 911 call."

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

Speaker Johnson, Tim: "Further questions? Representative Brunsvold."

Brunsvold: "Thank you. The private installers would be whom, Representative Black? Who are we talking about here? Who's going to do the installing then?"

Speaker Johnson, Tim: "Representative Black."

Black: "Yes, well since the modified final judgement, there are any number of companies out there. I don't want to get into trade names or anything, but, I mean, it could literally be the Black/Brunsvold Telephone Installation Company. I think if you get in the yellow pages today, of course, we didn't see this a few years ago, but there are literally dozens of companies who will come to your business or your district office or even your home and will run that wire from the communications, the telecommunications company junction box, on into your home, wire up your home with all kinds of extensions and what have you and it is quite a booming business. It's no longer you have this option now. It used to be, you could have anybody you want install your telephone as long as it was Illinois Bell and now, there are several, probably hundreds of contractors out there who do that."

Speaker Johnson, Tim: "Representative Brunsvold, further questions?"

Brunsvold: "Yes, Bill, does this take...delay the time period which this has to happen? I know we had meetings earlier this year and one of the requests was that we postpone the deadline time by about six months, I think it was. Is that included here in this Bill?"

Speaker Johnson, Tim: "Representative Black."

Black: "No, Representative, that is not. There is a delay provision in a Bill I think Representative Leitch is

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

sponsoring. All this Bill does is to set up the business offense to clarify because some companies have said, 'Well, we're not going to do it because we don't have to.' This Bill says they are going to have to or pay the penalty. Representative Leitch, I believe, has a Bill that does delay that effective date."

Speaker Johnson, Tim: "Further questions? Representative Brunsvold."

Brunsvold: "Thank you. I've completed my questioning, but would like to take this off Short Debate, Mr. Speaker. Thank you, Mr. Black."

Speaker Johnson, Tim: "Is...There's requisite number of hands so the Chair recognizes the Gentleman from Effingham, Representative Hartke. Representative Hartke, proceed."

Hartke: "Yes, will the Sponsor yield?"

Speaker Johnson, Tim: "He indicates he will."

Hartke: "Representative Black, I think I know what you're trying to do here and I'm not sure I have a whole lot of objection, but I got a question. In our offices across the way at the Stratton Office Building, if I pick up my phone and dial 911, would the emergency system arrive at that location here in a governmental building?"

Speaker Johnson, Tim: "Representative Black."

Black: "I'm not sure. I don't know how we're wired and I think that would be one of the problems that we're trying to get at. My assumption would be, we're probably not wired to the central switch board in that level yet, and if you were feeling ill and I know at your age, sometimes that happens, and you dial 911 on your office extension, it might not show up on the enhanced system as to where the phone actually is located. I really don't know the answer to that. Maybe if somebody's in our voice range that works on

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

our state phone system, they could answer it. I really can't."

Speaker Johnson, Tim: "Further questions? Representative Hartke."

Hartke: "Yes, then that would set up a penalty for whoever we have now. It applies to governmental bodies as well, a cost to state government. Has there been a fiscal impact note been requested on this piece of legislation?"

Speaker Johnson, Tim: "Representative Black."

Black: "Not to my knowledge."

Speaker Johnson, Tim: "Representative Hartke."

Hartke: "Well, I haven't requested one 'cause I really never thought about it till now, but this could be quite expensive to state government because although now this legislation would, I guess, go back on the installer that moves the phones around as we change offices and so forth because they have the contract for our phone system here. That phone company then would probably want to void their contract with the State of Illinois or the State of Illinois, if we wanted to have that designation or whatever by office, by phone, would be quite expensive to the State of Illinois itself and the universities and our junior colleges as well as all businesses in the State of Illinois. You know, Effingham County just went through a 911 referendum and we're setting it up now. Fedders Corporation, for example, has a 20 acre ..."

Speaker Johnson, Tim: "If we could give the Gentleman some attention, I think it's difficult to hear. Representative Hartke, proceed."

Hartke: "...has a 20 acre building site, and I'm sure there are various phones at various locations. Now, if someone in the back part of the shipping area would pick up the phone

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

today or six months from now, call 911, the head office would have no idea and when the emergency vehicle showed up, they wouldn't know who called, but someone maybe in the back office would. Does that mean, in this legislation mean that that carrier now has got to be responsible for a fine because he didn't put it throughout the entire system?"

Speaker Johnson, Tim: "Representative Black."

Black: "Well, that question is exactly why we need to pass this law and I don't think it's going to be costly. The very thing you mentioned is going to be required by federal law. I believe it takes effect and Joel can correct me. I believe it's January 1 of '97. All systems must be identifiable from the phone location. That is federal law...or will be federal law. It's already passed. It has an implementation...about 18 months, two years out. What has happened here is the local exchange company has no way of running trunks in this building if they don't have the contract. We may contract with Lincoln Land Communication or what have you. The responsibility must then be on your contractor to make sure that those phones are indeed wired in through the private base exchange, which may in our case have thousands of phones. So that your phone, when you dial 911, that enhancement will show that you are in the Stratton Office Building and in your office. It's the very thing...The question you asked is the very reason why this Bill needs to be passed because you can't have them roll up to the Capitol, say somebody dialed 911, not when we have thousands of telephones."

Speaker Johnson, Tim: "Representative Hartke."

Hartke: "Yes, would this then apply to private residents as well?  
I have several extensions in my home, also one on my

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

farmstead. That would also apply to the private individuals. Correct?"

Speaker Johnson, Tim: "Representative Black."

Black: "Thank goodness, we both have good staff. Mona reminded me that it would not affect a private residential, unless you put in a private base exchange because you had so many phones. Now, I've been to your home and I know you have quite an operation and you probably do have a private base exchange for all of your various entrepreneurial things that you have going on. So if you did have a private base exchange in your home, then this would apply."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Lake, Representative Salvi."

Salvi: "Mr. Speaker, I move the previous question."

Speaker Johnson, Tim: "The question is, 'Shall the main question be put?' All in favor vote 'aye'...say 'aye'; opposed say 'no'. The 'ayes' have it. The main question is put. On House Bill 753, Representative Black to close."

Black: "Thank you very much. I appreciate the attention you've given to this Bill and ask for an 'aye' vote."

Speaker Johnson, Tim: "The question is, 'Shall House Bill 753 pass?' All in favor vote 'aye'; opposed vote 'no'. The voting is open. This is final action. Representative Johnson in the Chair. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 115 voting 'yes', none voting 'no', none voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. The Chair would recognize in the center aisle a former Member, our esteemed former colleague, Representative Fred Turk. Fred, welcome to Springfield. Proceeding on the Order of House Bills - Third Reading, Mr.

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

Clerk, read House Bill 1398."

Clerk Rossi: "House Bill 1398, a Bill for an Act amending the Board of Higher Education Act. Third Reading of this House Bill."

Speaker Johnson, Tim: "The Chair recognizes the Lady from St. Clair, Representative Younge, on the Bill."

Younge: "Thank you, Mr. Speaker and Members of the House. House Bill 1398 would authorize the Board of Higher Education and the Department of Commerce and Community Affairs to make an economic and educational feasibility study for the future development of Parks College in Cahokia, Illinois. In Cahokia, there is a 1,000 student aerospace engineering college owned by St. Louis University. St. Louis University of St. Louis has decided that it is going to move the college to St. Louis. This effort is to, by feasibility study, determine the interest of the State of Illinois in aerospace engineering education in Southern Illinois and this is the only college that teaches that. The Higher Board of Education believes that the study should be made and is interested and willing to make it, as does DCCA, and this Bill is cosponsored by Representative Wirsing. And I move for the passage of the Bill."

Speaker Johnson, Tim: "Any further discussion? Seeing none, we'll hold for one moment. Oh, I'm sorry. The Chair recognizes the Gentleman from St. Clair, Representative Hoffman. Representative Hoffman on the Bill. Representative Hoffman, do you wish to proceed?"

Hoffman: "Will the Sponsor yield?"

Speaker Johnson, Tim: "Indicates she will."

Hoffman: "Representative, this is with regards to the Parks Air College, it's my understanding. Is there any way that we can keep that. I just have read the news accounts of it

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

being moved. And is there any way that we can keep that school affiliated with St. Louis University in Illinois?"

Speaker Johnson, Tim: "Representative Younge."

Younge: "I think that it may be a possibility. It should be continued to be worked on as one of the alternatives. The problems are deterioration of physical facilities and the lack of money to operate the school. And the purpose of the Bill and the feasibility study is to determine how those resources could be made available and work with St. Louis University as one of the alternative ways of continuing the education."

Speaker Johnson, Tim: "Proceed."

Hoffman: "If it were to move, are there any ideas that we may have that we could use the facility for?"

Speaker Johnson, Tim: "Representative, in response."

Younge: "Yes, Representative Hoffman, as you know, Parks Air College is located adjacent to the Downstate Metropolitan Airport and it is thought that a high tech industrial park type facility, an incubator, might be an alternative use, so this will be one of things the feasibility would be studied."

Speaker Johnson, Tim: "Further questions, Representative?"

Hoffman: "I think that this is a good Bill and it certainly needs passage. I just... The only other question I have, does St. Louis University now own that building and do you think they'd be willing to either sell it for a minimal amount of money or deed it to the State of Illinois or another governmental entity or someone else, once we decide what type of use would be good for that area?"

Speaker Johnson, Tim: "Representative Younge in response."

Younge: "Thank you, Representative Hoffman, for asking that question. As you know, the property was originally given



STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

as a gift from Oliver Parks to St. Louis University, and so I think that that should be one of the considerations as to how to get it back and so that will be taken to consideration."

Speaker Johnson, Tim: "Are you concluded, Representative? Further questions?"

Hoffman: "I would just urge an 'aye' vote."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from DeKalb, Representative Wirsing. Representative Wirsing, proceed."

Wirsing: "Thank you, Mr. Speaker. As Chairman of the House Higher Education Committee, I need to speak to this Bill because in Committee there was some concerns about not necessarily the study, but there was some concerns about the ability to fund it and get it done. The agreement at that time was to allow this Bill to come out of Committee and for Representative Younge and myself to see if we could resolve these problems and if we could, that the Bill would move forward, and that is why it is before us today. The understanding and the agreement that Representative Younge and I and other agencies have come to is that we would like to proceed with this Bill because the study is needed to make the determination as Representative Younge has indicated and move it out of here, which will put it in the process then of possibly finding the funding for the study. This is an agreement that we had come to and I think it coincides with comments made by other Members of the Higher Education Committee on that particular day. We want to move it to the Senate so that, as I said, the process to see if there can be funds found for doing the study that are available. With that in mind and with that explanation, I do urge an 'aye' vote on this piece of

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

legislation."

Speaker Johnson, Tim: "Thank you, Representative. The Gentleman from Lake, Representative Salvi, for what purpose do you rise?"

Salvi: "Mr. Speaker, I move the previous question."

Speaker Johnson, Tim: "The question is, 'Shall the main question be put?' All in favor say 'aye'; opposed 'no'. The 'ayes' have it. The main question is put. Representative Younge to close."

Younge: "I ask for the passage of this Bill. Thank you."

Speaker Johnson, Tim: "The question is, 'Shall House Bill 1398 pass?' All in favor vote 'aye'; opposed vote 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill, there are 115 voting 'yes', none voting 'no', none voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Proceeding on the Order of House Bills - Third Reading. Mr. Clerk, please read House Bill 1596."

Clerk McLennand: "House Bill #1596, a Bill for an Act that amends the Electronic Fund Transfer Transmission Facility Act. Third Reading of this House Bill."

Speaker Johnson, Tim: "On the Bill, the Sponsor, the Lady from Kane, Representative Deuchler, proceed."

Deuchler: "Mr. Speaker, Ladies and Gentlemen of the House, I bring before you House Bill 1596. It repeals the Electronic Fund Transfer Transmission Facility Act and replaces it with a new Electronic Fund Transfer Act, EFT Act. The operation of the EFT Act shall be overseen by the Commissioner of Banks and Trust...Trusts. Banks, savings banks, and savings and loans and credit unions are granted

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

rights of access to the terminals and EFT networks operating within Illinois. It authorizes the deposits of funds to an account by an EFT terminal. It authorizes financial institutions to use EFT terminals to allow consumers to pay bills electronically. It repeals previous restrictions and definitions of the types of hardware to be used by an EFT network and replaces these definitions with language intended to be flexible and consistent with technology. It provides that an EFT terminal must be in a publicly accessible location and electronically accessible to customers of more than one financial institution. This EFT Act shall not apply to electronic transactions consummated by a private citizen from his home by means of a telephone or a personal computer. It also sets up two committees. The first is an Illinois EFT Advisory Committee consisting of the Commissioner of Banks and Trusts and 10 members to be appointed by the Governor and the second Committee, an Illinois Electronic Data Processing Advisory Committee, which will consist of the Commissioner and 8 members to be appointed by the Governor. A number of groups are supporting this legislation. The legislation also passed out of Committee with a 19 to no opposed. Some of the groups supporting 1596: the Commissioner of Banks and Trusts, Illinois Bankers Association, Community Bankers, the Illinois Credit Union, League of Savings Institution, CASH Station, EFT Illinois, Illinois Retail Merchants, and numerous individual financial institutions. Be willing to answer any questions."

Speaker Johnson, Tim: "The Gentleman from Clinton, Representative Granberg, proceed."

Granberg: "Thank you, Mr. Speaker. Representative Deuchler, I

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

heard you indicate, I believe, that your legislation enacts or increases the size of two boards or actually allows for the appointment of two advisory boards. Is that correct, Ma'am?"

Speaker Johnson, Tim: "Representative Deuchler."

Deuchler: "Representative Granberg, there is no net gain in boards, if that's what you're asking. I would eliminate two previously existing boards and replace them with two new ones."

Speaker Johnson, Tim: "Further questions, Representative Granberg?"

Granberg: "Thank you, so there is no net or no increase in the boards. There's just reappointments under your new Act. Is that correct?"

Speaker Johnson, Tim: "She indicates that's correct. Further questions?"

Granberg: "Yes. Representative, I believe you indicated that this Act has not been amended or brought up to date since its enactment in 1979. Is that correct?"

Speaker Johnson, Tim: "Representative Deuchler."

Deuchler: "That is correct."

Speaker Johnson, Tim: "Representative Granberg."

Granberg: "And so that is essentially the reasoning for your legislation was to bring this Act up to date into compliance with any new changes or technological changes in the industry?"

Speaker Johnson, Tim: "Representative Deuchler."

Deuchler: "Yes."

Speaker Johnson, Tim: "Further questions?"

Granberg: "You also indicated, I believe, Ma'am, that this came about from the financial group such as the Bankers' Association. This was their initiative, is that correct?"

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

Speaker Johnson, Tim: "Representative Deuchler."

Deuchler: "The Bill was put together by the Commissioner of Banks and Trusts. These other groups that I listed are supporting the legislation that came from that office."

Speaker Johnson, Tim: "Further questions, Representative Granberg?"

Granberg: "Thank you. Does the Commissioner of Banks and Trusts have the ability to regulate EFT fees?"

Speaker Johnson, Tim: "Representative Deuchler."

Deuchler: "That is correct and that continues under this Bill."

Speaker Johnson, Tim: "Representative Granberg."

Granberg: "Has the Commissioner or his office indicated if he tends to make any changes on the fees in place today, pursuant to your legislation?"

Speaker Johnson, Tim: "Representative Deuchler."

Deuchler: "Would he please repeat the question?"

Speaker Johnson, Tim: "The Gentleman could repeat the question and if we could have a little bit more quiet so that the Sponsor can hear the question of the interrogator, the Chair would appreciate it. Proceed. Isn't that a nice thing to call you, Representative? The interrogator. Proceed."

Granberg: "Thank you. Representative Deuchler, has the Commissioner indicated whether he intends to cap EFT fees pursuant to your new legislation?"

Speaker Johnson, Tim: "Representative Deuchler."

Deuchler: "No, he has not."

Speaker Johnson, Tim: "Representative?"

Granberg: "It's my understanding that numerous pieces of legislation have been proposed to this Act to cap EFT fees, and I did not know if that was his intention with the passage of your legislation because of the growing concern

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

about ever increasing EFT fees. Has the Commissioner indicated his complete support for your legislation?"

Speaker Johnson, Tim: "Representative Deuchler."

Deuchler: "Yes, Commissioner does support the legislation."

Speaker Johnson, Tim: "Representative Granberg, any further questions?"

Granberg: "Yes."

Speaker Johnson, Tim: "Proceed."

Granberg: "And the...in the negotiations on your legislation, I think you indicated that all the banking organizations are in support. Was there any input by any consumer organizations in the negotiations on your Bill?"

Speaker Johnson, Tim: "Representative Deuchler."

Deuchler: "I really don't remember if any of them signed slips or not, but certainly would have been welcome to testify."

Speaker Johnson, Tim: "Representative Granberg."

Granberg: "Well, were you involved in the negotiations which led to this Bill?"

Speaker Johnson, Tim: "Representative Deuchler."

Deuchler: "Yes, and some of the preliminary work. I assume that you were getting at consumer protection with your question and certainly the consumer protection issues that were contained in existing law are verbatim requirements of federal law, and this was also carried on and incorporates the provisions by reference in the new Act, so consumer protection is covered."

Speaker Johnson, Tim: "Representative Granberg, if you could bring your questions and comments to a close. Proceed."

Granberg: "I am. In your negotiations over your legislation, so you do not know if in your involvement, there was any representation by consumers. Was the Illinois Retail Merchants Association involved in the negotiations?"

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

Speaker Johnson, Tim: "Representative Deuchler."

Deuchler: "Yes, they were and I have told you about the protections incorporating federal law."

Speaker Johnson, Tim: "Thank you, Representative. The Chair recognizes the Gentleman from Lake, Representative Salvi."

Salvi: "Mr. Speaker, I move the previous question."

Speaker Johnson, Tim: "The question is, 'Shall the main question be put?' All in favor say 'aye'; opposed 'no'. The 'ayes' have it. The main question is put. And on the Bill, Representative Deuchler to close."

Deuchler: "To just ask for an affirmative vote, please."

Speaker Johnson, Tim: "The question is, 'Shall House Bill 1596 pass?' All in favor vote 'aye'; opposed vote 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill, there are 112 voting 'yes', none voting 'no', 2 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 1721."

Clerk Rossi: "House Bill 1721, a Bill for an Act concerning the leasing and ownership of condominiums. Third Reading of this House Bill."

Speaker Johnson, Tim: "On the Bill, the Sponsor, the Gentleman from Cook, Representative Parke, proceed."

Parke: "Thank you, Mr. Speaker. Senate Bill 44...excuse me, 1721 affects the condominium law and it has been provided to me by the Chicago Bar Association. This proposal...proposed legislation will include the Illinois Condominium Property Act and the Illinois Code of Civil Procedure. Condominium Law Subcommittee of the Real Property Law Committee of the Chicago Bar Association has long been in the opinion that the Illinois Condominium Property Act needs to be amended

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

extensively to correct ambiguities...ambiguities, well, you know what I mean, and inconsistencies and update the Act to deal with operational concerns of the Condominium Associations. The latter strategy was implemented in 1992 and 1993 when the Subcommittee drafted substantial revisions to the Act. This current proposal is consistent with such prior legislation. In furtherance of this process, the proposed legislation will clarify ambiguities in the Illinois Condominium Property Act and will enhance condominium operations by balancing the duties and responsibility of the Board of Managers with the interest of the members of the Condominium Association. Unit owners and condominium associations and master associations, town homes and other types of home owners associations to a lesser extent will be mostly directed by the proposed legislation. This proposal will enable attorneys, unit owners, board members, managers, and the courts to interrupt the Illinois Condominium Law. I would like to highlight a number of sections for you so that you can understand. Again, this is a technical cleanup of the Act. One, Section 2-1, unless otherwise expressed provisions in this action...in this another Section of the Act, the provisions of the Act are applicable to all condominiums in the state and any portions of a condominium instrument that is not consistent with this Act is void. The bylaws of a condominium must provide the method of filling vacancies among the officers which shall include the authority for the members of the board to fill vacancies for the unexpired portion of the term. It corrects...It corrects drafting errors and provides that condominium associations have the right to terminate certain long term contracts made prior to turnover of control from the developer to the



STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

unit owners' commencement...commences with election of the first unit owner board of managers and runs for a period of six months from the electo. And provides that the cancellation is effective 30 days after mailing notice to the other party of the contract, clarifies the board of managers of the condominium associations and the power expended assessments that is levied. In affecting the Civil Court of Procedure, Section 9102A7, makes this Section of the Code of Civil Procedure consistent with the previous amended Section 18n of the Condominium Property Act by permitting the use of the evidence remedied for the non-monetary default of the unit owners or tenant. In addition, Section 91042d requires the issuance of a 10 day notice and provides a formal notice if the condominium association is proceeding directly against a tenant for eviction under Section 18n of the Illinois Condominium Property Act. I hope this gives you some understanding of the complexity of this legislation, but I understand that there is no one in objection to this Bill. I stand ready..."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Cook, Representative Ellis Levin, but in his absence, the Chair recognizes the Lady from Cook, Representative Erwin, proceed. Representative Erwin on the Bill."

Erwin: "Thank you, Mr. Speaker. I thought you were going to recognize Representative Feigenholtz, but ..."

Speaker Johnson, Tim: "Pardon?"

Erwin: "Never mind."

Speaker Johnson, Tim: "Proceed."

Erwin: "I rise in strong support of House Bill 1721."

Speaker Johnson, Tim: "If we could give the Lady your attention. Representative Erwin, proceed. Representative Gash,

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

control yourself. Representative Erwin, proceed."

Erwin: "She's had a rough week. Too much caffeine. Thank you, Mr. Speaker. I rise in support of House Bill 1721. Representative Parke did a fine job of going through the legalities, which I can't say I totally understand, but let me just say that I think that this Body should rest assured that the work of the subcommittee that developed this piece of legislation is very fair in its approach in terms of not representing or advantaging, if you will, one sector versus another. So in condominiums, I happen to live in one myself, and I've been on a condominium board, this legislation does not disadvantage residents versus board members, developers versus residents. It is a fair, and I think not only a fair piece of legislation, but very ably addresses many issues which the courts have dealt with in the Condominium Act and seeks to clarify this Act, so that in fact, there is less litigation and makes condominium living an easier, more hospitable environment. So, I would certainly urge your 'aye' vote. Thank you."

Speaker Johnson, Tim: "Thank you, Representative. The Chair recognizes the Gentleman from Lake, Representative Salvi."

Salvi: "Mr. Speaker, I move the previous question."

Speaker Johnson, Tim: "The question is, 'Shall the main question be put?' There's been a request for a Roll Call. Is that correct? Okay, the question is, 'Shall the main question be put?' All in favor vote 'aye'; opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Motion, there are 65 voting 'yes', 47 voting 'no', and the previous question is put. The Chair recognizes the Sponsor, Representative Parke, to close."

Parke: "Thank you. This is a technical Bill. It is a cleanup

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

for the most part, it is a clean-up piece of legislation and that again, we've heard no opposition to it and would ask for a favorable Roll Call."

Speaker Johnson, Tim: "The question is, 'Shall House Bill 1721 pass?' All in favor vote 'aye'; opposed vote 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 115 voting 'yes', none voting 'no', none voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 1793."

Clerk Rossi: "House Bill 1793, a Bill for an Act amending the Environmental Protection Act. Third Reading of this House Bill."

Speaker Johnson, Tim: "It's 1793. The Bill's...having been read, the Chair recognizes the Lady from Will, the Sponsor, Representative Ciarlo. Representative Ciarlo, proceed."

Ciarlo: "Thank you, Mr. Speaker. House Bill 1793 provides funding for the continuation of a critical water pollution control program...activities that support the state's waste water revolving (sic - revolving) loan program. The loan program benefits local communities by providing low interest financing for construction, expansion, and upgrading of waste water treatment and conveyance facilities. Activities that support the loan program include: water quality monitoring, discharge permitting, field surveillance, compliance monitoring, and enforcement. This Bill provides funding for these important activities without -- do you hear me -- without increasing general revenue fund support or increasing the cost to the loan recipients by redirecting a portion of the current interest payment without increasing the total fixed loan rate. Such

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

a deal, this is the best! Proponents of this Bill are the Environmental Protection Agency, the Chemical Industrial Council of Illinois, the Illinois Manufacturer's Association, the State Chamber of Commerce, the Municipal League, and the Rock River Water Reclamation District. And as far as I know, there are no known opponents to this Bill."

Speaker Johnson, Tim: "On the Bill, the Chair recognizes the Gentleman from Clinton, Representative Granberg. Proceed."

Granberg: "Thank you. Would the Lady yield?"

Speaker Johnson, Tim: "She indicates she will."

Granberg: "Representative, I believe you indicated this creates two separate funds within the Environmental Protection Agency. Is that right?"

Speaker Johnson, Tim: "Representative Ciarlo."

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

Speaker Johnson, Tim: "Representative Granberg."

Granberg: "And I believe currently there is just one fund for these amounts. Is that correct?"

Speaker Johnson, Tim: "Representative Ciarlo."

Ciarlo: "Yes, Representative, there's one fund right now."

Speaker Johnson, Tim: "Representative Granberg."

Granberg: "I don't know if I understood why we're actually dividing one fund into two separate funds. What is the purpose in creating two separate funds? Is there an increase in federal funding, for example? Is there an increase in a special fund, for example? What is the rationale for doing this?"

Speaker Johnson, Tim: "Representative Ciarlo."

Ciarlo: "Representative, the establishment of the second fund is to redirect a portion of the repayment to establish the administrative agency to provide this continued funding for

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

the local municipalities."

Speaker Johnson, Tim: "Further question, Representative? Proceed."

Granberg: "Are they limited? Can they not do that currently?"

Speaker Johnson, Tim: "Representative Ciarlo."

Ciarlo: "The U.S. EPA requires that we establish a second fund in order to maintain both of those accounts."

Speaker Johnson, Tim: "Representative Granberg."

Granberg: "But I had thought, Representative, that when we had the one account, that was sufficient for the Federal EPA. That is no longer the case?"

Speaker Johnson, Tim: "Representative Ciarlo."

Ciarlo: "Yes, in order to do this, you are correct."

Speaker Johnson, Tim: "Representative Granberg."

Granberg: "So in order to comply with the Federal U.S. EPA, we now have to divide the one special fund into two special funds. Is that correct?"

Speaker Johnson, Tim: "Representative Ciarlo."

Ciarlo: "Yes, Representative, that is my understanding."

Speaker Johnson, Tim: "Representative Granberg."

Granberg: "And did we currently, I mean, did we add a section in your legislation, Representative, that was previously discontinued? Is that correct?"

Speaker Johnson, Tim: "Representative Ciarlo."

Ciarlo: "Excuse me, Representative, I didn't understand your question. Would you please repeat it?"

Speaker Johnson, Tim: "The Gentleman can repeat the question and the chamber could direct your attention to Representative Granberg and his questions, we can hear better and proceed more orderly. Representative Granberg, proceed."

Granberg: "Thank you, Representative. Representative, the question was, it's my understanding that your legislation

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

adds a section that was previously discontinued under prior law, that it reinstates a provision. Is that true?"

Speaker Johnson, Tim: "Representative Ciarlo."

Ciarlo: "No, I do not believe so, Sir."

Speaker Johnson, Tim: "Representative Granberg."

Granberg: "Thank you. And then on your Amendment, Representative, I believe Amendment #1 was adopted to the Bill?"

Speaker Johnson, Tim: "Representative Ciarlo."

Ciarlo: "Yes."

Speaker Johnson, Tim: "Representative Granberg."

Granberg: "On that Amendment, Representative, on line 17, beginning on line 17, line 17-20, could you please explain this language to me? I'm not quite sure if I understand the purpose behind this?"

Speaker Johnson, Tim: "Representative Ciarlo."

Ciarlo: "Representative, it limits the amount of money that can be used for this purpose."

Speaker Johnson, Tim: "Representative Granberg."

Granberg: "When you indicate that, Representative, do you mean then for each special fund that is now created under your law that would limit the use of those dollars? Is that what you're indicating?"

Speaker Johnson, Tim: "Representative Ciarlo."

Ciarlo: "It limits the amount of money that can be diverted into that fund, Representative."

Speaker Johnson, Tim: "Representative Granberg."

Granberg: "It limits the amount of money that can go into both funds?"

Speaker Johnson, Tim: "Representative Ciarlo."

Ciarlo: "Just the support fund. In other words, the administrative arm."

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

Speaker Johnson, Tim: "Representative Granberg."

Granberg: "Alright, I think I understand now. So you are attempting to limit the amount of funding that can be spent just on administrative services for the fund? Is that the intention?"

Speaker Johnson, Tim: "Representative Ciarlo has nodded in assent. Further questions, Representative Granberg?"

Granberg: "So, Representative, let me just try to understand this correctly. You're creating two special funds because a federal EPA mandate that requires the segregation of dollars and these are passed through dollars from the Federal EPA?"

Speaker Johnson, Tim: "Representative Ciarlo."

Ciarlo: "These are portions of the repayment of the loan program."

Speaker Johnson, Tim: "Representative Granberg to close. Finish your comments."

Granberg: "Thank you. And Representative, just following through on the financial aspect of your Bill, I believe, but Mr. Speaker, if I could, I'd like to have this removed from Short Debate. Representative Lang has questions besides the financial impact of this Bill."

Speaker Johnson, Tim: "The Bill will be removed from the Order of Short Debate and the Chair recognizes the Gentleman from Cook, Representative Lang. Proceed, Representative."

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

Speaker Johnson, Tim: "Indicates she will."

Lang: "Representative, hi. Hi there. During your explanation of your Bill, you used the term, 'such a deal'. I don't know if that's some special formal legislative term I'm not familiar with, but when you explained the Bill, I missed what the 'such a deal' was. I think I know what the term

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

'such a deal' means, but I'm not sure I know what the deal was. Can you explain to me?"

Speaker Johnson, Tim: "On the terminology, Representative Ciarlo."

Ciarlo: "Well, 'such a deal', we're going to be able to continue giving all of these wonderful services to the municipalities and to all of the people that require this loan assistance program without getting any additional funds from the General Revenue Fund or without increasing the rate to the municipalities for this loan program. Now, isn't that a wonderful deal, Representative?"

Speaker Johnson, Tim: "Representative Lang. Representative Lang, do you have further questions...or further answers?"

Lang: "Does this not create a slight decrease in funds that might be available to the loan program?"

Speaker Johnson, Tim: "Representative Ciarlo."

Ciarlo: "With 'such a deal', there is a slight decrease."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Well, I hardly know what to say when a Bill is presented to me this way. I'm finished."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Lake, Representative Salvi."

Salvi: "Mr. Speaker, I move the previous question."

Speaker Johnson, Tim: "The question is, 'Shall the main question be put?' All in favor vote 'aye'...say 'aye'; opposed 'no'. The 'ayes' have it and the Chair recognizes the Lady from Will, Representative Ciarlo, to close."

Ciarlo: "What else can I say? We should all vote for 'such a deal'."

Speaker Johnson, Tim: "The question is, 'Shall House Bill 1793 pass?' All in favor vote 'aye'; opposed vote 'no'. The voting is open. This is final action. Have all voted who



STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

wish? Have all voted who wish? Have all voted who wish?  
Mr. Clerk, take the record. On this Bill, there are 114  
voting 'yes', none voting 'no', none voting 'present'.  
This Bill, having received a Constitutional Majority, is  
hereby declared passed. Mr. Clerk, read House Bill 1842."

Clerk Rossi: "House Bill 1842, a Bill for an Act amending the  
Illinois Insurance Code. Third Reading of this House  
Bill."

Speaker Johnson, Tim: "The Gentleman from Cook, the Sponsor,  
Representative Pedersen. Proceed."

Pedersen: "Thank you, Mr. Speaker and Ladies and Gentlemen of the  
House. House Bill 1842 amends the Insurance Code. It  
requires that the insurance agent at an insurance agency,  
who is responsible for compliance with the insurance laws  
and Administrative Code, must be an officer or director of  
the corporation or a partner of a partnership. The reason  
they want to make this change, it came from the  
professional independent insurance agent, is that some  
agencies have designated an employee or some other person  
with no authority or control over the actions of the firm  
to fill this spot. Consequently, there's no effective  
accountability for improper activity by the firm. So it  
just requires one of the officials of the firm to be named  
rather than a clerk. So it's a simple request and I would  
ask for a favorable vote."

Speaker Johnson, Tim: "On the Bill, the Chair recognizes the Lady  
from Cook, Representative Fantin."

Fantin: "Thank you, Mr. Speaker. I want to relinquish my time to  
Mr. ...Representative Lang."

Speaker Johnson, Tim: "Your request will be granted.  
Representative Lang, proceed."

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

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

Speaker Johnson, Tim: "He indicates he will."

Lang: "Representative, has there been any indication that someone who is not an officer, director, or partner that's being appointed to do this job now is not doing the job properly?"

Speaker Johnson, Tim: "Representative Pedersen."

Pedersen: "Well, there must be some concern or the professional independent insurance agents wouldn't be requesting it. They seldom ask for more regulation or more requirements from the state unless there is some concern."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Well, Representative, you gave a really good explanation of what the Bill does. You said that it's in case the person who's appointed to do the job leaves, there won't be anyone to do it. So I just simply asked you if the people that have been doing the job now, have not been doing the job properly. If there's any policy reason why the person who is this go between has to be an officer, director, or partner."

Speaker Johnson, Tim: "Representative Pedersen."

Pedersen: "I don't know what more to tell you than what I did a minute ago. All we're saying is that a responsible person in the firm ought to be responsible for complying with the Administrative Code, and we're talking about an officer, director, you know, partner, those kind of people."

Speaker Johnson, Tim: "Representative Lang, any further questions?"

Lang: "Many. But, you know, there's a lot of people that have started to answer questions like Zeke Giorgi around here. I'm not understanding any answers. Representative, wouldn't it be just as easy..."

Speaker Johnson, Tim: "Well, perhaps it would help in

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

understanding questions if both sides of the aisle were to give Representative Lang your attention. So if we could have a little more quiet in the chamber and, Representative Pedersen, it would be appreciated. Proceed."

Lang: "Thank you. Wouldn't it be just as easy, Representative, to have them name a person and a successor or two people or require them if the person leaves their employ to give a new name? Why should these insurance companies be bound to use the person you say they should use, if there's no indication there's be any abuse in the system."

Speaker Johnson, Tim: "Representative Pedersen."

Pedersen: "These are not insurance companies. These are insurance agencies and we're just talking about the owners or the officers, the directors or partners, those kind of people who are responsible for running the company."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Well, I have to ask the same question, Sir. The question is why, why do we want to make this change? You indicated in your opening statement about the Bill that it's because sometimes the people that are appointed to these positions leave and then there's nobody. And I'm simply asking you, why don't we just require the insurance companies to name another person if that person leaves? Why should they be required to name somebody you choose as opposed to somebody they choose?"

Speaker Johnson, Tim: "Representative Pedersen."

Pedersen: "What we're talking about here is complying with insurance laws and Administrative Code, and it's a responsibility that goes with the authority in running the company, and they just feel it should be someone who has the responsibility, who could fulfill the responsibility."

Speaker Johnson, Tim: "Representative Lang."

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

Lang: "Who's this magical 'they', you keep talking about, Representative? This is your Bill. Who's they? They feel. They want. This is your Bill."

Speaker Johnson, Tim: "Representative Pedersen."

Pedersen: "Well, it's my Bill and I agree with this, but it came from the professional independent insurance agents."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Well, have they documented any problems in the system with having a non-partner, non-officer, or non-owner do this work? Aren't there some really qualified non-owners that know insurance law well enough to comply with all the necessary state laws?"

Speaker Johnson, Tim: "Representative Pedersen."

Pedersen: "The Department of Insurance has run across it a few times."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Do you have any examples of these abuses you would like to share with the Body?"

Speaker Johnson, Tim: "Representative Pedersen."

Pedersen: "I didn't bring any."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Someone asked me to ask you, Sir, if this has anything to do with 14 year olds on Zambonies at ice skating rinks? There's nothing in here about that, is there?"

Speaker Johnson, Tim: "If you wish to respond, Representative Pedersen?"

Pedersen: "All I can say is if they got a driver's license, they should probably be able to drive the Zambonies."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Well, Representative, what about the possibility here that you're going to be cut...this is really a jobs Bill, isn't it? The people that won't be able to do these jobs will be

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

out of work. You're going to be putting some people out of work here, aren't you?"

Speaker Johnson, Tim: "Representative Pedersen."

Pedersen: "No."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Well, Mr. Speaker, to the Bill, if I may."

Lang: "I guess it's a harmless enough Bill, but it'd be nice if when Bills were presented on the floor of the House, we knew what they were for. No documented abuses or problems in the system ..."

Speaker Johnson, Tim: "Go ahead, I'll let you finish. Proceed."

Lang: "Thank you. Have been shown by the Sponsor to indicate any problem here. In fact, I think it can be demonstrated that for each of the insurance agencies that want to make this change or will need to make this change under this new law, someone's going to lose a job. Maybe two people will lose a job. Maybe some of these companies have two people complying or three people. So for those of you who are concerned about jobs, for those of you who are concerned about government intrusion into business, which is what this is, I don't know why we need to tell these insurance companies or these insurance agencies, who should be doing this work. So for purposes of government involvement in business, which we should not be, and for purposes of diminishing job opportunities in Illinois, I'm not going to vote for this Bill."

Speaker Johnson, Tim: "Thank you, Representative. The Chair recognizes the Gentleman from Lake, Representative Salvi."

Salvi: "Mr. Speaker, I move the previous question."

Speaker Johnson, Tim: "The question is, 'Shall the main question be put?' All in favor say 'aye'; opposed 'no'. The 'ayes' have it and on the Bill, Representative Pedersen to close."

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

Pedersen: "Thank you, Mr. Speaker. The previous questioner is right. There's certainly no harm in this Bill. The insurance agency does not have to have a full time person to do this. It's an incidental job. There would be no jobs lost and it's just common sense that a responsible person in that agency should be in charge of meeting these requirements. I ask for an 'aye' vote."

Speaker Johnson, Tim: "The question is, 'Shall House Bill 1842 pass?' All in favor signify by voting 'aye'; those opposed by voting 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill, there are 107 voting 'yes', 3 voting 'no', 4 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Speaker Daniels in the Chair."

Speaker Daniels: "House Bill 2038. Read the Bill. Order of Second Reading."

Clerk Rossi: "House Bill 2038, a Bill for an Act amending the Unified Code of Corrections. Second Reading of this House Bill. Committee Amendments 1, 2, and 4 have been referred...Committee Amendments 1 and 4 have been referred to Rules. Committee Amendment #2 has been referred to subcommittee. Committee Amendment #3 has been adopted to the Bill. Floor Amendments 5 and 6 have been referred to Rules. Floor Amendment #7 has been approved for consideration and is offered by Representative John Turner."

Speaker Daniels: "The Gentleman, Representative Turner, on Floor Amendment #7."

Turner, J.: "Thank you, Mr. Speaker. As to Amendment... As to Amendment #7, it's an Amendment to House Bill 2038. The

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

original Bill, it called for truth in sentencing provisions to be applied to murder cases and this particular Amendment added several crimes of significant nature involving violent offenses. And I would ask for the adoption of that, Mr. Speaker. And I would respectfully request that we reserve our debate as to Amendment #7 and Amendment #8 until we get to the Bill itself."

Speaker Daniels: "The Gentleman from St. Clair, Representative Hoffman."

Hoffman: "Representative, Amendment #7 is the substance of your proposal. Is that right? I just want to clear up...is that the substance of your proposal that we heard last night in committee?"

Speaker Daniels: "Representative Turner."

Turner, J.: "That is correct, Representative."

Speaker Daniels: "Representative Hoffman."

Hoffman: "I had told the Representative that rather than debate it twice, we could debate it on Third Reading as long as we all get a full debate, if the Speaker would commit to that."

Speaker Daniels: "The Gentleman from Washington, Representative Deering. Further discussion? Being none, Representative Turner moves the adoption of Amendment #7. All those in favor signify by saying 'aye'; opposed 'no'. The 'ayes' have it. The Amendment is adopted. Further Amendments?"

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

Speaker Daniels: "Amendment #8, Representative Turner."

Turner, J.: "Thank you, Mr. Speaker. By way of explanation is to Amendment #8, it was raised in committee last night by one of my colleagues at the technical language in the Bill, which included Amendment #7, which we just discussed. It

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

might in some way be construed to allow good time credit on a natural life or death sentence. This Amendment addresses that concern and I would ask for adoption of the Amendment and again ask that my colleagues from the other side of the aisle reserve debate for the Bill itself."

Speaker Daniels: "The Gentleman from St. Clair, Representative Hoffman."

Hoffman: "Representative, this Amendment is...is with regard to a technical concern that I raised last night, is that correct?"

Speaker Daniels: "Representative Turner."

Turner, J.: "That is correct, Representative."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Once again, Representative, we would reserve debate if we have the commitment of the Speaker that we could fully debate this issue on Third Reading. If that commitment is so given."

Speaker Daniels: "The Lady from Cook, Representative Davis."

Davis, M.: "I was...Mr. Speaker, Mr. Speaker, I was inquiring about the distribution of Amendment 7 and 8 because there are many of us on this floor...we don't have copies of that Amendment...of those Amendments."

Speaker Daniels: "The Clerk has advised me that these Amendments have been distributed. Does anybody have an extra copy they can give to Representative Davis? Do you have one now, Representative Davis?"

Davis, M.: "Eight. We have seven, we'd like eight."

Speaker Daniels: "Okay."

Davis, M.: "Thank you, Sir."

Speaker Daniels: "We're talking to your Pages to make sure that you get them. Okay. Understand that your side now has the Amendments 7 and 8, anybody that wants them? Okay."



STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

Further questions? Further discussion? The Lady from Cook, Representative Shirley Jones."

Jones, S.: "Mr. Speaker, maybe one of two Members on this side might have Amendment 7 or 8, but the people back here do not have the Amendments. Thank you."

Speaker Daniels: "We'll talk to your Pages. Further discussion? Representative Hartke."

Hartke: "Mr. Speaker, I think...I think Representative Davis wants to discuss it. I think she, in the confusion just didn't get her light on."

Speaker Daniels: "Representative Davis."

Davis, M.: "Thank you very much, Mr. Speaker. According to Amendment #8, we're deleting something in reference to an inmate serving natural life...a natural life sentence? I think he's saying that they should receive no good conduct credit, is that correct?"

Speaker Daniels: "Representative Turner."

Turner, J.: "That's correct. If you're sentenced to natural life, you do not get good time credit."

Speaker Daniels: "Representative Davis."

Davis, M.: "My understanding is that this does restore the good time for those who participate, earned good time, those who participate in educational pursuits or drug rehabilitation. So this Amendment #8 restores that, is that correct?"

Speaker Daniels: "Representative Turner."

Turner, J.: "Representative, this Amendment simply clarifies the purpose of the Bill itself which is to implement truth and sentencing provisions for murderers and other violent offenders. It was raised last night at the committee level, the question of whether or not the technical language would in some way afford a person sentenced to natural life or death good time credit. This language,

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

when put into the Bill, simply clarifies so that no one can say there's any ambiguity at all, that an individual sentenced to natural life or death cannot earn good time credit and they cannot now under existing statute."

Speaker Daniels: "Representative Davis."

Davis, M.: "Are you aware, Representative, that 39 states are talking about addressing the racial disparity of prisoners based upon their lack of adequate counsel?"

Speaker Daniels: "Representative Turner."

Turner, J.: "Representative, I was not aware of that. However, that is frankly not pertinent to this particular Bill."

Speaker Daniels: "Representative Davis."

Davis, M.: "It's pertinent, Sir, when you talk about the fact that you're removing the opportunity for someone who has been sentenced to natural life. You're removing from them the opportunity to gain any good time. You know there are people who are sentenced to natural life and who serve 35, sometimes more or less, years who because of good time, they are eventually released. And in 39 states in this country, the Legislators are looking at the disparity that exists of prisoners. Usually they are African-Americans and they don't have the money for adequate counsel; therefore, they find themselves on or in prison for natural life or the death row, you know, sentence. And because of that, we think it is horrendous to deny them the opportunity to work on good time. Usually they have been denied adequate counsel. Many times they don't have the dollars for the counsel that other people can afford. So once they're sentenced, should we also remove their opportunity to get good time?"

Speaker Daniels: "Representative Turner."

Turner, J.: "Thank you, Mr. Speaker. Representative, this Bill

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

does not remove that opportunity; the opportunity does not exist under our current statute. This Bill does not affect an individual sentenced to a natural term of imprisonment for life or the death penalty cases."

Speaker Daniels: "Representative Davis."

Davis, M.: "Mr. Speaker, Mr. Speaker, this Bill is on Second, it has received the Amendments. We will be debating it on Third with the Amendments at some future date, is that correct?"

Speaker Daniels: "Shortly."

Davis, M.: "Well, we're going to ask that you don't have it on Short Debate because we're talking about the lives of human beings."

Speaker Daniels: "No. We'll be debating it shortly, not on Short Debate."

Davis, M.: "Okay. Shortly."

Speaker Daniels: "I'll be happy to call on you..."

Davis, M.: "We have a little hearing problem."

Speaker Daniels: "I understand."

Davis, M.: "We beg of you, Mr. Speaker, to allow ample debate on this serious issue."

Speaker Daniels: "I want to hear from you."

Davis, M.: "And I will address it again with you, Sir, in reference to the disparity of those who are sentenced to life in prison and those who sit on death row and those who have the dollars and those who just don't. We'll talk about it next time. Thank you."

Speaker Daniels: "Representative Davis, you'll be the first person I call upon when this Bill is called on Third Reading, after the Sponsor. Further discussion? Being none, the Gentleman moves for the adoption of Amendment #8. All those in favor signify by voting 'aye' or saying 'aye';

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

opposed, 'no'. The 'ayes' have it. Amendment #8 adopted.  
Further Amendments?"

Clerk McLennand: "No further Amendments. A fiscal note and a correctional budget and an impact note have been requested on the Bills as amended by Amendment #8. A corrections impact note has been filed on the Bill as amended by both Amendments #7 and 8."

Speaker Daniels: "Representative Turner, do you have a Motion? Representative Turner moves that the fiscal note is inapplicable. All those in favor signify by saying 'aye'. Okay. The Motion is, 'Is the fiscal note inapplicable to Amendment #8?' All those in favor vote... Do you want to talk, Representative Lang? Once again, we're happy to hear from you. Representative Lang, advise us of your wisdom, Sir."

Lang: "Well, thank you, Sir. I appreciate that. This is a debatable Motion, is it not, Sir?"

Speaker Daniels: "Have at it."

Lang: "Well, thank you. I don't know how the Fiscal Note Act could be inapplicable, Sir. We're talking about people being incarcerated or not incarcerated. We're talking about a cost to the State of Illinois, a higher cost or a lower cost? Clearly, clearly there is a cost to this. Your own press release indicates a cost of about \$300 million."

Speaker Daniels: "Excuse me, Sir. Remember to address Amendment #8. There has been a fiscal note that has been filed. For your refreshing recollection, on a ten year cost, it's about \$314 million. On a five year cost, which are the figures your side is using, it's \$25 million, is the fiscal impact. This is the note on Amendment #8, which was a technical change as was discussed in the debate. So,

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

further debate? Representative Lang."

Lang: "Thank you, Mr. Speaker."

Speaker Daniels: "Further discussion? Representative Granberg."

Granberg: "Question of the Clerk, Mr. Speaker. Was the fiscal note filed on Amendment 7 as well? As amended?"

Clerk McLennand: "The corrections impact note has been filed on House Bill 2038, as amended, by House Amendments #7 and 8."

Speaker Daniels: "Was a fiscal note filed on Amendment #7? It served as both, Sir, yes, on 7. Question is, does it apply on #8? The Gentleman's Motion is that the fiscal note is inapplicable to Amendment #8. Representative Granberg."

Granberg: "Question of the Chair, Mr. Speaker. It's my understanding that Amendment #8, although you say it's technical, both 7 and 8 would have the fiscal impact on other agencies. I think the only agency we've heard from is Corrections, on Amendment #8 as well. So, my question, Sir, is...now I understand there was no fiscal note request on 7 or there's no fiscal note filed on Amendment #7?"

Speaker Daniels: "They accepted the fiscal note filed to Amendment #7 as the corrections note and a fiscal note. Representative Granberg."

Granberg: "You know it's my understanding, Mr. Speaker, that is...that is a corrections note, it is not a fiscal note, when we made the fiscal note request. And although it is a very important issue, we just want to understand for all the Members what all the costs are so we can make an enlightened vote."

Speaker Daniels: "Correct."

Granberg: "Which I know you would be in favor of, on all state agencies because this is just a corrections impact note, Sir."

Speaker Daniels: "Right. So the question is, 'Is the fiscal note

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

applicable to Amendment #8?' Amendment #7 has been adopted. So further debate, Representative Granberg?"

Granberg: "Mr. Speaker, the question is, before we go to Amendment #8, the Bill cannot be debated unless the fiscal note has been filed to Amendment #7 because we put the request in, not only for the corrections impact note but for the fiscal note as well."

Speaker Daniels: "The Clerk advises us that they have accepted the fiscal note and the corrections note as one, filed on Amendment #7. That's the advice. Now, if you'd like to take whatever action you want on that, with the appropriate time, I'll recognize you for that purpose. But right now we're on a Motion on Amendment #8. Further discussion? Representative Granberg."

Granberg: "Mr. Speaker, I know we all want to deal with this issue because it is very, very important. But the question again, Sir, as I understand, you want to go to Amendment #8. But this has a serious fiscal impact, not only Corrections, on all the state agencies, whether the court system, probation system, county, all public aid, on all the systems. That note was not filed, Sir, to the Bill as amended. So we would just like to know the total cost before we vote on the...but, Mr. Speaker, I believe that if we're on the same documents, that this is the corrections impact note, not a fiscal note for all the...for the impact on all the state agencies involved. Is that correct?"

Speaker Daniels: "The Clerk's Office has advised me they've accepted this as a fiscal note as well. Now if you would prefer, Sir, we can dispose of the Motion on Amendment #8 and then I'll recognize you on Amendment #7 before we move it to Third, if you would like. Or we can combine one Motion for 7 and 8, which do you prefer?"

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

Granberg: "...and then come back."

Speaker Daniels: "The Gentleman has moved that the fiscal note be inapplicable to Amendment #8. All those in favor signify by saying 'aye'; opposed, 'no'. The 'ayes' have it. And the ruling is, the fiscal note is inapplicable and the Motion carries. Now...Representative Granberg, on Amendment #7. It is the ruling of the Chair that the note filed is both a corrections note and a fiscal impact note. And this has been done on several occasions, as the Clerk's Office advises me. So the ruling of the Chair is such. Now you have two options, Sir. One, you can move to overrule the Chair or in accordance with the appropriate statute, you can, if joined by a majority of Members of the House, ask that no action be taken on this legislation. You would require, of course, the majority of the Members of the House. So, Representative Granberg."

Granberg: "I have two questions, Mr. Speaker. I assume that this case would be the majority Members of the House would be 60?"

Speaker Daniels: "No, we'll let you do a majority of voting on the issue, if that's what you prefer."

Granberg: "And secondly, Sir, on the Motion to override the Chair. I would make that Motion because, Sir, this is a very serious issue. We all, all of us want to consider it, but there is clearly more of a fiscal impact than the corrections note. And the corrections note clearly states, corrections impact note alone. And this has an impact on our...on our court system; it has an impact on parole probation. It clearly impacts a number of areas. We just need to know the total fiscal impact on an area of this importance. So I would move to overrule the Chair, Sir."

Speaker Daniels: "The ruling of the Chair is that the fiscal note

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

has been complied with and the filing is accepted by the Clerk's Office on Amendment #7 is appropriate as well as the corrections impact note. The Gentleman, Representative Granberg, has moved to overrule the Chair. The question is, 'Shall the Chair be overruled?' All those in favor signify... 'Shall the Chair be sustained?' The question is, 'Shall the Chair be sustained?' All those in favor signify by voting 'aye'; opposed by voting 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 62 'aye', 52 'nay'. And the Chair's ruling is sustained. Third Reading. Mr. Clerk, Third Reading, call House Bill 2038."

Clerk McLennand: "House Bill #2038, a Bill for an Act that amends the Unified Code of Corrections. Third Reading of this House Bill."

Speaker Daniels: "The Chair recognizes the Gentleman from Logan, Representative Turner."

Turner, J.: "Thank you, Mr. Speaker. House Bill 2038, as amended, is a meaningful and responsible truth in sentencing measure. The primary focus of the Bill is two fold. First, it requires the sentencing court to publicly state the amount of time the convicted felon will actually be incarcerated. Second, it is to target violent non-probational criminals..."

Speaker Daniels: "Excuse me. Excuse me, Sir. Representative Turner. Okay, Ladies and Gentlemen. I know there are strong feelings on this legislation on both sides of the aisle. Okay, Representative Turner."

Turner: "Thank you, Mr. Speaker. The second focal point is to target violent non-probational criminals by requiring them to serve at least 85% of their sentences. There are three



STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

distinct tiers in this Truth in Sentencing Bill, the first of which deals with the most serious of all offenses, first degree murder. First degree killers under this Bill will be required to serve 100% of the sentence imposed by the judge at the sentencing hearing. No longer will convicted murderers be set free on an early release program to kill or injure again. The second tier of felonies to which truth in sentencing will apply consists of a list of 10 specific offenses, and for the record I think it's important to read those in. They are as follows: attempt to commit first degree murder, solicitation of murder, solicitation of murder for hire, intentional homicide of an unborn child, aggravated criminal sexual assault, criminal sexual assault, aggravated battery with a firearm, heinous battery, aggravated battery of a senior citizen and aggravated battery of a child. These crimes are violent non-probationable offenses. Persons convicted of these crimes will serve a minimum of 85% of their sentences. The third tier of felonies to which truth in sentencing will consist of six additional Class X or Super Class X felonies. Again, for purposes of the record, I believe it's important to read those six offenses into the record. They are as follows: aggravated kidnapping for ransom, home invasion, armed robbery, aggravated vehicular hijacking, aggravated discharge of a firearm, armed violence with a category I or category II weapon. When a defendant is convicted of these offenses, if the court makes a finding that a victim received great bodily harm, then these Class X felons who caused the bodily harm to an innocent victim will also be required to serve 85% of their sentence. This Bill is reasonable, this Bill is responsible, this Bill is practical. It takes into

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

consideration the fiscal impact to our taxpayers. It also provides a much needed measure of additional safety for our entire population. It advises victims and the public in general the amount of time that a convicted felon will serve. I urge for all Members in this House to support and I will gladly answer any questions that they may have. Thank you, Mr. Speaker."

Speaker Daniels: "The Lady from Cook, Representative Davis."

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

Speaker Daniels: "He indicates he will."

Davis, M.: "My understanding, Representative, is that this Bill will cost over \$314 million?"

Speaker Daniels: "Representative Turner."

Turner, J.: "The projected cost of this Bill would be \$314 million over a ten year period."

Speaker Daniels: "Representative Davis."

Davis, M.: "Representative, have we increased educational funding by 314 million?"

Speaker Daniels: "Representative Turner."

Turner, J.: "As you know, Representative, that is a separate issue. The budgetary process is still being worked on, as you know as well, and also I might add that under other Bills proposed by individuals on your side of the aisle, the cost would be much, much more than the \$314 million over the ten year period that we're talking about in this particular proposal."

Speaker Daniels: "Representative Davis."

Davis, M.: "Representative, about how many prisoners..."

Speaker Daniels: "Excuse me. Excuse me, Representative Davis..."

Davis, M.: "...are we talking about?"

Speaker Daniels: "...Ladies and Gentlemen. Ladies and Gentlemen. Caucuses on both sides of the aisle. Please remove those

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

caucuses to the rear of the chamber. Representative Davis."

Davis, M.: "About how many prisoners are we talking about? Are you talking about what number per year or what number over a ten year period?"

Speaker Daniels: "Representative Turner."

Turner, J.: "The estimated population impact over a ten year period is 3,716 inmates."

Speaker Daniels: "Representative Davis."

Davis, M.: "And, Representative, for that 314 million and those 3,017 (sic - 3,716) people, what reduction can we promise the Illinois taxpayer in crime? Tell me what kind of prediction could we make for a reduction in crime based on our spending this 314 million."

Speaker Daniels: "Representative Turner."

Turner, J.: "A tough crime Bill like this, of course, will have a deterrent effect on perpetrators of crimes and it also will significantly reduce the rate of recidivism."

Speaker Daniels: "Representative Davis."

Davis, M.: "Are you aware that most murders are committed by people who are your friends, relatives or neighbors? That most murders are committed by people who are related to you, in your family, boyfriend, husbands, wives? Are you aware of that?"

Speaker Daniels: "Representative Turner."

Turner, J.: "I was not aware of that and I have no..."

Speaker Daniels: "Representative Davis."

Davis, M.: "Well, to the Bill, Mr. Speaker."

Speaker Daniels: "To the Bill."

Davis, M.: "I know it sounds to the public like an excellent thing to do. We're going to keep those murderers in prison 85% of their sentence. Another question, Representative,

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

is what are they going to be doing all that time? Are they going to learn to mend their ways? If they spend 85% of their sentence in there, when they come out, will they be any different? Have we changed their behavior? Will they still be committing crimes? Or will we have made them better students, I mean, better people? I don't know. Because if we're going to keep them longer, there has to be some, some method and some reason for us to make sure that this recidivism is not increased or continues to occur. So what happens to them while they're in prison?"

Speaker Daniels: "Representative Davis, you were addressing the Bill, is that a question?"

Davis, M.: "It's a question."

Speaker Daniels: "Representative Turner."

Turner, J.: "Well, Representative, while they are in prison, they're not outside of prison committing further crimes. What they do in prison, whether or not they try to rehabilitate themselves, that's certainly up to them. Those opportunities are still afforded to those individuals."

Speaker Daniels: "Representative Davis."

Davis, M.: "As...as good as this Bill may sound to people, I know that it is nothing but a good public relations and a good politicking Bill. It's going to make people vote for you because you're tough on crime. But until the disparity in reference to race is erased, you know this and I know this, our African-American people...prisoners and most of those African-Americans cannot afford good or adequate council and the fact that appealing the process in Illinois is extensively long and costly and they cannot afford the appeal. We had two very, what shall we call it, renowned or newsworthy murders..."

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

Speaker Daniels: "Rep...could you bring your remarks to a close."

Davis, M.: "I am going to do that. One is the 'Olds Case', there's nobody arrested for that murder. Another one occurred in Crete, Illinois from somebody who moved from Palos Park, Illinois. There's a big diverse...shall I say it's a disparity in what happens in our courtroom; it's based on race and it's based on dollars. And I see this legislation as not helping crime; I see it hurting a group of people and not victims. It's not...it will not allow ample or fair representation to people who are accused of crime and who are always guilty, always guilty. And they don't have the dollars that other people have to not serve one day for those same crimes. So here what you want to do is remove... A good time coming because they've been good that day, what about that?"

Speaker Daniels: "Representative Davis, your time is expired."

Davis, M.: "Okay."

Speaker Daniels: "Okay. The Gentleman from Will, Representative Wennlund."

Wennlund: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House. This is an opportunity, the likes of which this House has never seen before. It's an opportunity to respond to what the voters demanded, I mean demanded last November of 1994. People are fed up with the violent society that we live in; they are absolutely fed up. This is your opportunity to respond to something the voters said loud and clear, 'Throw them away, lock up the key and throw away the key. Lock them up and throw away the key.' That's all I heard the entire campaign season. This is your opportunity. This Bill...this Bill deals with the most serious crimes against persons and those that cause great bodily harm. Those are the ones that people in this

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

society fear. This Bill sends a real message to the criminal element. It sends a real message to the recidivist who return time after time because they know they don't have to serve all their time. They know that every day they serve, they get one day off, plus any other time that they may get off. Because criminals are not serving their full sentences. This Bill tells the criminal element, 'Look, if you do the crime, you will do the time, all of it.' That's what the voters back home, that's what the folks back home have asked us to do and demanded that this General Assembly take action. Throw them away, put...lock them up behind the bars and throw away the key. This is the only thing some of them will ever understand. The only reason the death penalty is not the deterrent it should be is because it is not carried out swiftly and with certainty. This Bill will enable law enforcement, will enable prosecutors and Corrections, it will enable them to do what the voters of this state have demanded. And it's an affordable program over ten years. It doesn't depend on funny money from the Federal Government. It's an affordable program over a ten year period. This is your opportunity to do something that every one of your constituents will agree with. They will tell you, 'We don't care what it costs. Lock them up and throw away the key.' This is your opportunity to do just that. The voters back home will appreciate, of all the actions you've done here in this General Assembly this year, this will be the most appreciated by your constituents and the people of Illinois. Let's get on with it, vote for it and send that message, 'If you do the crime, you will do the time, all of it.'

Speaker Daniels: "The Gentleman from Washington, Representative

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

Deering."

Deering: "Thank you, Mr. Speaker. I'd like to yield my time to my esteemed colleague, Representative Hoffman."

Speaker Daniels: "The Gentleman from St. Clair, Representative Hoffman."

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

Speaker Daniels: "He indicates he will."

Hoffman: "Well, Representative, you explained this Bill earlier and the previous speaker had made reference to, if you do the crime, you're going to do the time, under this Bill. How much time, Representative, how much time or let me put it this way, would you serve 85% of your sentence under this Bill if you commit a second degree murder?"

Speaker Daniels: "Representative Turner."

Turner, J.: "No, Representative Hoffman, as you know, we have tried to focus our attention on the most serious offenses in the statute, and we tried to combine that with instances where great bodily harm has occurred. That is a Class II felony, would not be included in this particular Bill."

Speaker Daniels: "Representative Hoffman."

Hoffman: "I...I would say that the victim of that second degree murder would think that that is an awful, serious crime, Representative. What about aggravated arson, aggravated arson, Representative? Would you, under this Bill, serve 85% of the sentence under this Bill? Are we throwing away the key when a person commits aggravated arson, Representative?"

Speaker Daniels: "Representative Turner."

Turner, J.: "Well, Representative, an aggravated arson is a Class X and anyone convicted would serve, as you know, six to 30 years. They would have an opportunity to earn day for day good time."

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

Speaker Daniels: "Representative Hoffman."

Hoffman: "So an aggravated arsonist, Representative, who gets sentenced to six years would have an opportunity to serve less than half of that. Is that correct?"

Speaker Daniels: "Representative Turner."

Turner, J.: "Representative, I think this is probably something that we're going to have to repeat time after time. Now I have the Criminal Code here, and I'm sure you have one in front of you. And we can go through it and list every single crime that's in it, and certainly you can read just like I can, and I will acknowledge at the outset so there won't be misunderstanding...any misunderstanding later on. Every single crime is not listed, you pointed out a couple of those. I've indicated, we've tried to take the serious crimes. We've tried to take the crimes where great bodily harm has been caused. This is a meaningful Bill, it's a responsible Bill, it's one that we can afford. I might add that I think you, yourself, had proposed a Bill and the fiscal impact of your Bill, as I understand it, would be about \$7.3 billion over ten years versus the \$314 million over ten years. We're trying to bring a Bill to this floor that can get out of this House, into the other chamber, out of that chamber and possibly be signed by the Governor. We're trying to deliver something to the people of the State of Illinois and be responsible in doing so."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Well, Representative, I think that I've made available to my colleagues and I won't go through the whole list. But just for the record, we have a list of two, I believe, two pages of, I believe, very violent crimes that I think need to be addressed in any type of truth in sentencing, if we're going to send out press releases and we're going to



STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

say what a tough Bill we have. I would just say that we on this side of the aisle have over a hundred Bills, have put on what we believe is a comprehensive Truth in Sentencing Bill. We have just heard that this is our first opportunity, that this opportunity has never been seen before in this House. Well, that's bunk because the Speaker of the House last year carried a Bill that we passed over to the Senate. Representative, you weren't here and maybe you don't...didn't read about it, but I know you weren't here at that time, but I introduced a Bill very similar to what the Speaker of the House had. We passed that over to the Senate and everybody on this side of the aisle supported it last year. But now, when we as Democrats move forward with a comprehensive Truth in Sentencing Bill that Republican State's Attorney Jack O'Malley says is affordable and it says is doable, then you trot out erroneous figures and say that it's not affordable. Representative, I have a few more questions. I'm going to read you a quote, 'Our truth in sentencing proposal is the bench mark ground zero for how we should be treating criminals. Too many times we have heard of a dangerous felon who commits another heinous crime while out on early release. That simply cannot be allowed to occur. The violence party is over.' And I believe that was your quote, wasn't it, Representative?"

Speaker Daniels: "Representative Turner."

Turner, J.: "I believe that was my quote, except for the last sentence. I struck that from the press release, Representative Hoffman."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Well, I have a copy of your press release and maybe I got a copy, I believe we got a copy that was handed out at

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

the press conference. And it says that the violence party is over, that we are not...we're going to ensure that heinous criminals are locked up. Now, Representative, would you consider a child pornographer, a residential burglar or a vehicular hijacker a heinous criminal?"

Speaker Daniels: "Representative Turner."

Turner, J.: "I'm sorry, Mr. Speaker, I could not hear the question."

Speaker Daniels: "Okay. Ladies and Gentlemen of the House. Caucus in the Republican side of the aisle, can you please move to the rear. And Democratic side of the aisle, please move to the rear. Representative Hoffman, could you repeat your question?"

Hoffman: "Thank you, Mr. Speaker. My question simply was, and we had read a quote and we had talked about a quote that was used in the press conference that too many times we have heard of dangerous felons who commit another heinous crime while out on early release. My question was, do you believe, Representative, that a child pornographer, a person who commits vehicular hijacking or a person who commits aggravated robbery or residential burglary are heinous criminals?"

Speaker Daniels: "Representative Turner."

Turner, J.: "Representative, as I've indicated, there are many serious crimes listed in the Code. It is impossible and irresponsible to list every single crime that is listed in the Criminal Code."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Well, I guess my point, Representative, is I think that everybody should know, although I think this...I would like to say and I am pleased that we're finally voting on Truth in Sentencing Bill. But people should know that there are

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

a lot of crimes in this state, a lot of victims in this state, a lot of people who do heinous acts in this state, who will not fall under your Bill. There are a lot of people, such as child pornographers, vehicular hijackers, aggravated robbers, residential burglars and the list goes on and on, on and on who are not going to serve 85% under your Bill. And I would just say if we're going to put out press releases, let's put out press releases about the Bill. Let's not mislead the public. Now, Representative, I want to read from a House Joint Resolution, which I believe you are a Sponsor of, is that right? This would be House Joint Resolution 36. And in your House Joint Resolution you say, the public... 'WHEREAS, public safety, as well as the integrity of the justice system, demands a criminal serve the sentences handed down by the courts, and that truth in sentencing laws be passed that effectuate those sentences.' Are you familiar with that statement, Representative?"

Speaker Daniels: "Representative Turner."

Turner, J.: "Yes."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Well, I, too, am familiar with that statement and I just wanted to say that your Bill, your Bill is absolutely, absolutely contrary to the very statement that you have in the House Joint Resolution that you're going to be proposing, regarding truth in sentencing. Because what it does not do, what it does not do is stop the revolving door criminal justice system in Illinois. What it does not do is put heinous people behind bars to serve the time that they're sentenced. And what it does not do is heed the warning and heed the call from the people of the State of Illinois. From Cook County who voted for 85% truth in

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

sentencing across the board, from St. Clair County who voted to have truth in sentencing across the board, from Madison County who voted to have truth in sentencing across the board, from your own Speaker who last year passed the Bill that would have had truth in sentencing across the board, from me, who we have put forward a 100 times this Session truth in sentencing across the board. But now what we have is we have a Bill that puts out a press release that says that we're going to close the door, slam the door, on violent criminals. Well, Representative, the door is wide open because there are several pieces of...there are several items that are not included in this Bill. What I am saying to you, Representative, we're willing to work together on this. We're willing to work and make sure that heinous criminals serve their time. We believe it's important and I think you believe it's important. But to simply pass a Bill that leaves out the type of heinous offenses such as second degree murder, such as vehicular hijacking, such as armed robbery, I think is absolutely, absolutely unconscionable because that's what this Bill does. And with that, I would just ask you, I'm going to vote for this Bill and I'll tell you why I'm going to vote for this Bill. The reason I'm going to vote for this Bill... The reason I'm going to vote for this Bill is because hopefully we can send it on the process. We can get it over to the Senate. They can send back a Bill that really deals with all the violent crimes in the State of Illinois and looks victims in the eye when they're in court and they say, 'We're not going to lie to you anymore. We're going to tell the truth to you. We're not going to say anymore that a person is going to serve 10 years, and he served three, and we're not going to say anymore that

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

we're going to continue the revolving door criminal justice system that we've become accustomed to in Illinois."

Speaker Daniels: "The Gentleman from DuPage, Representative Tom Johnson."

Johnson, Tom: "To the Bill. I rise in strong support of this measure and will only echo the earlier remarks of the Sponsor, Representative Turner. There has been a great deal of discussion beginning at the...even before this Session began, as it relates to the whole issue of truth in sentencing. We said very early on that what we needed to do was work responsibly, target our efforts, target our resources so that we could get at the most serious offenses in this state and make sure that to the extent that resources are available, those individuals who commit personal bodily harm on other individuals are going to be put away and spend the time that they so well deserve. I would submit to this chamber that this is not an issue of Republicans and Democrats, though that is what the other side of this aisle and the statements of the past Representative has attempted to make it. There is no topic in this state that lends itself more to demagoguery than truth in sentencing. This Bill that you have before you is a careful, deliberative and targeted piece of legislation. It will make sure that those individuals who commit harm on other individuals will spend the time. You say that maybe it doesn't cover enough. This Criminal Code of the State of Illinois contains almost a thousand pages of different crimes, of enhanced penalties, low penalties. We can all disagree or agree what may or may not go in. What we have attempted to do with this piece of legislation, and it has been done in conjunction with the top law enforcement officer of this state, Attorney General Ryan, we have

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

targeted this piece and done it well. This piece, based on some preliminary estimates of the Department of Corrections, will stop recidivism to the extent of about 15 to 20% of those crimes that it reaches. That, in and of itself, as it relates to these numbers, if you look at the fact that it will touch 3,700 projected inmates over the life of the next ten years, that will in essence protect over 150,000 victims. Combine that times their families and you see the real impact of this piece of legislation. This is significant, Ladies and Gentlemen, and I would urge your support and I know that on the other side of this aisle, there are many on that side of the aisle that believe this is an excellent piece of legislation, and I submit that anybody who votes against this piece is voting in a very irresponsible manner and I urge everyone's support. Thank you."

Speaker Daniels: "The Lady from Cook, Representative Erwin."

Erwin: "Thank you, Speaker. I rise in support of House Bill 238 (sic - 2038). Let me just say that as a first time Member of the Judiciary Committee, I must share with you that the Members of our Committee spent a great deal of time this Session listening to the Department of Corrections, listening to our new Attorney General discuss the difficulties that face those that we incarcerate. The state has budget problems which we're all too, too well aware of. I must say that I think the Chairman of our Committee and the Minority Spokesman did a yeoman's job in terms of trying to handle difficult, difficult...let alone the politics of it of all of these issues. And so I really would like to commend both Representative Hoffman and Representative Johnson. Truth in sentencing is an issue that I think Republicans and Democrats, most of them, agree

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

on. It is in the details of this in which some of us may disagree. I rise in strong support of this Bill today because I think it takes us in the right direction. For some of you, it may not be a perfect document. There are seldom perfect pieces of legislation that are approved by either chamber of this General Assembly. But I think House Bill 2038 moves us in the right direction in facing up to the reality that criminals must serve the sentences that they are sentenced to; they must pay their time. And so, I'm delighted to support it; I would urge the Members on my side of the aisle who may feel we have a better plan and indeed we may. But today, on this date, we have House Bill 2038 before us and for that reason, take a step in the right direction, and let's all support this Bill."

Speaker Daniels: "The Gentleman from Vermilion, Representative Black."

Black: "Yes, thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. I think the previous speaker has framed the issue at hand very well. If you'd just stop and think, yesterday, yesterday I heard from the other side of the aisle, our bond rating was in trouble and the state is in debt. Today, if I'm hearing correctly, the argument seems to be back and forth, our plan is tougher than yours, your plan isn't as tough as ours, our plan spends billions, your plan spend millions. For heaven's sakes, isn't that...if you just stop and step back for a second, it sounds like that old school yard argument that we all went through years and years ago at the elementary school level when we'd sit in there and on the playground and say my brother's tougher than your brother. You know, I really think...I even put out a press release on this Bill, I'm not going to put out a press release on this Bill. I know

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

how my constituents want me to vote, I know exactly how they want me to vote. Yes, absolutely. You know this Bill does not put jaywalkers in for life. You know this Bill doesn't put a deadbeat, non-custodial parent in prison for the rest of his or her life. But what the Bill does, is what the previous speaker on your side of the aisle said I think very clearly and very eloquently. It frames the issue; it's what all of us know we have to do, perhaps in increments, perhaps in small steps. But you know we also need to think about not only what the public wants us to do, but as what the Sponsor of this Bill said 20 minutes ago, it's what we can afford. It's what's reasonable, and it's that first step on sending a very clear message to those who do not want to follow the rules of society, you're going to pay a very heavy price. And let's not forget in all of this demagoguery of who wants to lock up the most people for the longest term of years. You know, we've got some pretty hard working correctional officers out there who do this job day after day after day, seriously understaffed, and I think it's time we realized that our resources are finite, not only financial, but our human resources in the Department of Corrections are finite. Representative Turner has crafted a Bill that very few of you are going to vote against for all your rhetoric notwithstanding. Now let's just back up from the microphones for awhile, let's not worry about the war of press releases. This is a good Bill. It's a solid, good, first step on where all of us want to end up. I suspect this Bill will receive far more votes than necessary to pass. Let's just tone down the rhetoric. We're all beyond the age where we go around here saying, 'My brother's tougher than your brother. My daddy beat up your daddy.'



STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

The Bill before us is a good Bill, Representative Erwin phrased and framed the issue exactly correct. No Bill has ever passed out of here in perfect shape, but I'll bet you this Bill is going to pass, pass with a good margin. I think it's time to put our vote where all of the rhetoric and all of the press releases are. Vote 'yes' and let's get on with the business of the House."

Speaker Daniels: "The Gentleman from Cook, Representative Blagojevich."

Blagojevich: "Thank you, Mr. Speaker. Thank you. I have long been an advocate of a targeted version of truth in sentencing, so imagine the hypocrisy of me if I somehow did not support this legislation. I support it for a host of reasons, I'm not going to nit-pick or quibble where we might do a little bit better. I would hope that we can all work with you as this Bill moves to the Senate to try to perhaps make it a more better Bill, if possible. You might want to consider arson and some other crimes that you may want to put in there, I think that would be more effective. And I would like to work with you, frankly, in trying to make sure we get it passed out of the Senate and do whatever it takes, whatever is necessary to see that Governor Edgar signs this into law. A targeted version is reasonable. I supported it last year, in fact, sponsored a Bill that was targeted because I recognized the need to have something done about the more dangerous, more violent criminals in our society. And do it now, do it immediately, not wait because of budgetary problems, but target it and do it now. I don't think there are many people in our society who would disagree that we ought to lock up violent felons or all felons for their entire sentences. But there are realities that we all have to

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

recognize, and I think most of them have been made very clear in this debate today. When our constituents elected us to this office, they charged in us an obligation to act in good faith, to redress their problems and to seek solutions to the problems that confront society. It seems to me that we have an obligation to work with you in a good faith manner to try to make the best possible Truth in Sentencing Bill pass in this Session immediately. So whatever I can do to help and whatever we can do in the Senate, I'm prepared to do it. I've shed some blood on this issue. I've visited certain leaders' offices and so forth to try to get the passage of truth in sentencing done in the last Session. I would invite anyone who wants to join me, anywhere, to talk to anybody who has the position or the ability to pass the Bill in the Senate and then to get the Governor to sign it. So whatever I can do to help, I'm there and whatever you need some particular input, I'd be happy to provide that to you. Take a look at arson, take a look at robbery, I think that would make your Bill better. I think you're on the right track and I applaud you. Thank you."

Speaker Daniels: "The Lady from Sangamon, Representative Klingler."

Klingler: "Thank you, Mr. Speaker. I rise in support of this Bill. I think this Bill is a very excellent, balanced approach recognizing the problems of protecting our citizens from violent crime, while also recognizing that we need to reserve funds in the state for our many other important needs. I've been interested in listening to the arguments from the other side of the aisle that are inconsistent. On the one hand, I hear the argument that this Bill is not tough enough, that we should be going to

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

virtually 100% of the crimes for this Bill, and even though the cost has been estimated at \$7.3 billion. On the other hand, other spokesmen have said, 'We shouldn't be spending as much as this Bill proposes. We need to save money for children, we need to save money for DCFS, we need to save money for education.' And I agree with that. We cannot put all of our resources into one, one situation, as important this protection of violent crime is. This Bill protects our citizens from the violent crimes, from the murders and the violent felonies, but it also leaves us resources that we can direct to the children because, yes, Members on the other side of the aisle, we are going to support education. We're going to support education downstate, and we are not going to let funding lapse here. We are going to address issues at DCFS and of the Medicaid. This Bill is a good Bill and I strongly support it."

Speaker Daniels: "The Lady from Cook, Representative Flowers."

Flowers: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Representative Turner, sitting here listening to this, I was reminded of the kids' song, 'Jump' that we used to jump rope to. Like, 'Take the keys and lock them up, lock them up', but then what? After we lock them up, Representative Turner, can you please tell me, would I then be able to go and say to my constituents that we have made the State of Illinois a better place because we have locked these criminals up longer? That's number one. But before...before you answer that question, because I was thinking about that child's song, I was looking on the list that is not applicable here. If you were to be charged with soliciting a child for juvenile prostitution, you will not have to serve all of your time. If you were charged with juvenile pimping, you would not have to do all of your

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

time. If you are charged, Sir, with child pornography, you would not have to do all of your time. What type...if you're charged with child abuse, you would not have to do all of your time. Why are we doing this to the children? Don't you think they are worthy if someone, if an adult do them harm, that that adult should be punished to no end? Isn't a child worthy of being included into this legislation, Sir?"

Speaker Daniels: "Representative Turner, will you yield?"

Indicates he will. Representative Turner."

Turner, J.: "Representative, I'll take your latter question first and then respond to your original question. After having done so, I think you need to take a close look at this Bill, apparently you haven't looked at some of the very significant crimes that are included. For example, it's indicated in the Bill that aggravated criminal sexual assault, criminal sexual assault, intentional homicide of an unborn child, aggravated battery of a child, all of those offenses are included in this Bill and those are under the second tier where a person convicted of those offenses will serve at least 85% of their time. I'd like to more over indicate to you that you and some of your colleagues keep indicating that a person won't serve all of their time at all or serve 100% of their time. And to be specific, you're assuming that they will earn their day for day good time. Now I will acknowledge that in many instances that does happen, but a person is sentenced to a specific determinate number of years, and they serve those years unless they earn good time. So I think it's significant in our discussions here today that we consider that. And finally, your first question was, which seems to be a little bit inconsistent with your latter argument, but

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

your first question was, will locking up these people be better for the public? Is it safer for the public? And the answer to that is, unequivocally, absolutely, yes. Certainly if a convicted murderer is locked up, pursuant to a sentence handed down by the court, and if that convicted murderer cannot get out of prison on any good time basis and must stay incarcerated, that convicted murderer is not going to get out and kill or maim or hurt again and that is significant. And you can tell the people that live in your district that that does afford them a measure of protection. And the same goes with the crimes that include a minimum of 85% of their time to be served. If they're in prison, if they're incarcerated, they're not out on the streets hurting or maiming people who are completely innocent."

Speaker Daniels: "Representative Flowers."

Flowers: "Representative Turner, I beg to differ with you.

And first of all, I would like to clarify your remarks. I said not just lock them up but lock them up for a long time. Because right now, men or people are locked up already, and to me, what has been my experience is they come out to be better criminals. They have not learned by the time that they've served. But my whole point is that I think we're doing the people of the State of Illinois a disservice by alluding to the fact that we're really doing something for them. If we're going to do it, let's do it right. Right now we have two sets of rules and I don't know why we have these two sets of rules. Because if I get killed by fire or if I get killed by a bullet, I'm just dead, as dead, as dead could be. So the fact of the matter is, if we're going to do it, let's do it right. Thank you very much."

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

Speaker Daniels: "The Gentleman from Lake, Representative Salvi."

Salvi: "Thank you, Mr. Speaker. Mr. Speaker, this Bill will deter crime. It will deter crime as effectively as any proposal on this...in this Body at a reasonable cost. It will deter crime by ensuring that convicted criminals are not returned to the streets of our communities to terrorize our citizens again. We'd like to rehabilitate, but frankly the central point of this Bill is that if a convicted criminal is in jail, as Representative Turner has said, he's not out on the street committing crime. It sends a strong message to prospective criminals that they will, in fact, be incarcerated for the sentence imposed upon them. These reasons alone are sufficient basis for every Member of this House to support this Bill. But, Mr. Speaker, this Bill does much more. It is an important step in reducing the cynicism that pollutes much of our public debate. It tells the people of this state that when a judge imposes a sentence, it will be served. Under our current system, citizens have no faith that convicted violent criminals will be put away for the full period of time that this law...that the law demands. This lack of faith corrodes our criminal justice system. Truth in sentencing is an important step toward restoring faith in the citizens of this state that government can work, that it can be true to its word. I strongly support House Bill 2038 and I hope every single Member of this Body will vote 'yes'."

Speaker Daniels: "The Gentleman from Cook, Representative Lang."

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

Speaker Daniels: "Indicates he will."

Lang: "Thank you. Representative, first of all, I would like to thank you, many of my colleagues would like to thank you for finally getting a Truth in Sentencing Bill up there on

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

the board for us to talk about and debate. This side of the aisle, as you know, has been talking about truth in sentencing for a very long time. And so we appreciate your efforts, as a new Member of this Body, to...to bring this process along and to give us a chance to debate on this. And let me tell you with the outset, I intend to support your Bill, but that does not mean that I don't have some questions, and if I might proceed. One of your Members on your side of the aisle indicated that this was a Bill the likes of which we have never seen before. Well, that's not really true. As you know, we passed three times a Truth in Sentencing Bill to the Senate last year. Why the differences between this Bill and the one that was sent to the Senate with the votes of most of your colleagues last year?"

Speaker Daniels: "Representative Turner."

Turner, J.: "First of all, Representative Lang, thank you for your kind comments. I very much appreciate that and I'm being sincere. I think the difference is, frankly, that you use the term, you passed a Bill, and frankly this House has passed a Bill, but it's not law. What we're trying to accomplish today is move a measure out of here that will become law. Because passing a Bill through this House or the other chamber that doesn't become law, doesn't afford the public one bit of protection. If it doesn't become law, it's frankly useless to them. All it is, is something that we can all put in our campaign brochures. The purpose of this Bill is to try to pass out of here something that is responsible and meaningful, that will have a chance to be signed. And that is the difference and I think you will have to agree that's a very significant difference."

Speaker Daniels: "Representative Lang."

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

Lang: "Well, why is it the previous Bill did not become law? Do you know?"

Speaker Daniels: "Representative Turner."

Turner, J.: "I was not here at that time, Representative Lang. You could probably give a historical account better than I. But a Bill, as you know, does not become law unless it passes both Houses and is signed by the Governor."

Speaker Daniels: "Representative Lang."

Lang: "Well, that's not the answer I was going for, but let me go on in the interest of time. The reason we need truth in sentencing, we would both agree, is because there is early release going on. That's correct, isn't it?"

Speaker Daniels: "Representative Turner."

Turner, J.: "Actually, Representative, it's a two-fold concept. As I explained earlier, one of the points of truth in sentencing is to tell the public the truth about what the sentence is going to be and that's in this Bill. And the other aspect of it is for the individuals who indeed commit these violent crimes will serve most of their time, at least 85% of their time."

Speaker Daniels: "Representative Lang."

Lang: "Yes, but the reason they're getting out early is the good...day for day good time that they're getting and so they're getting out dramatically earlier than that. And isn't it true that it was Governor Edgar who proposed the Bill in the 88th General Assembly that was passed out of here, he signed into law, that created the plan whereby there is early release happening?"

Speaker Daniels: "Representative Turner."

Turner, J.: "Again, Representative Lang, I was not here. It was my understanding, however, that Representative Homer from your side of the aisle had actually sponsored that Bill,



STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

but I don't know if we need to be assessing blame. But I think what's important for all of us to understand is that while there's been a lot of talk this year and in years past, there still isn't anything on the books. Let's get something on the books, that's what this legislation is all about."

Speaker Daniels: "Representative Lang."

Lang: "Well, thank you, Representative. Let me just establish, so the Body knows, that Governor Edgar in one of his first years in office proposed early release because he was very concerned about the budget crunch. He said, 'Let's get some of these folks out of the prison, so we don't have to build new prisons.' That was his privilege, but that's why we're in the position we are today. It was Governor Edgar's proposal to empty the prisons that has caused us the problem we're in today. Let me say that I'm supporting this Bill, not because it's as good as it can be, because it isn't, not because it does everything we need to do to keep violent criminals behind bars, because it doesn't, but because sometimes in this General Assembly we need to take a small bite of the apple. We would prefer to take a larger bite of the apple. We would prefer, on this side of the aisle, to resolve this as we tried to do last year, which was blocked by Pate Philip. As we tried to do over a 100 times this year, which was blocked by the Majority Party, but we'll settle for this small bite of the apple today. I would invite you to join me to do that and work on this later."

Speaker Daniels: "The Gentleman from Cook, Representative Pugh."

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

Speaker Daniels: "Indicates he will."

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

Pugh: "Representative Turner, could you explain to me the last piece of this legislation?"

Speaker Daniels: "Representative Turner. Oh, excuse me."

Pugh: "Page... Page 12, lines 34 and page 13, line 1, where it refers to the offender and the commission of the offense living in...with a population less than 25,000?"

Speaker Daniels: "Representative Turner."

Turner, J.: "Representative, the page number that you just referred to I have is being... referring to the great bodily harm section, so I'm not sure we're on the same page, so to speak. Could you repeat to me what part of the Bill that is causing you concern? I'll try to address your question."

Speaker Daniels: "Representative Pugh."

Pugh: "I'm speaking to the Amendment. The Amendment became the Bill, am I correct? Amendment 7 became the Bill..."

Speaker Daniels: "Representative Turner."

Pugh: "...the last page, the absolute last portion of the Amendment."

Speaker Daniels: "Representative Turner."

Turner, J.: "Yes, Representative, the Amendment 7 became the Bill with the very technical changes in Amendment #8."

Speaker Daniels: "Representative Turner."

Turner, J.: "What is your question, Representative?"

Speaker Daniels: "Representative Pugh."

Pugh: "Why are we referring to municipalities that have a population less than 25,000?"

Speaker Daniels: "Representative Turner."

Turner, J.: "Representative, we have not changed that part of the statute, it remains the same. There is...this Bill, with the Amendments, does not change that language. It is exactly the same as it was statutorily before."

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

Speaker Daniels: "Representative Pugh."

Pugh: "Representative, are you...are you familiar with the Class X felony laws that came into effect in 1978 and the similarities that that has to do with this new legislation that you're introducing?"

Speaker Daniels: "Representative Turner."

Turner, J.: "I am familiar with the Class X felony law and legislation, yes."

Speaker Daniels: "Representative Pugh."

Pugh: "Are you familiar with the fact that as a result of that legislation, we have 700 inmates that are lingering...lingering in this criminal justice system that nobody knows what we're going to do with them? Right now, we're talking about a judge being required to make an individual serve 85% of their time, but we're not giving any attention to the sentencing guidelines that the judge has to go by. Has that been considered at all in your legislation?"

Speaker Daniels: "Representative Turner."

Turner, J.: "Representative, that is a separate issue."

Speaker Daniels: "Representative Pugh."

Pugh: "How can we separate that issue if the judge is going to be required and mandated to serve...to sentence individuals under what's going to be called a new law under its old categories? If his hands are going to be tied, the judge will be and we will also...how are we going to, and this is a two part question, how are we going to pay for the additional time that we incarcerate these individuals? I'm assured that the Federal Crime Bill, which is in jeopardy right now, was used to help support this effort. But now that that's in jeopardy, how will we pay for the inordinate amount of time that we're going to incarcerate these

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

individuals?"

Speaker Daniels: "Representative Turner."

Turner, J.: "Actually, Representative, the possibility of receiving federal funds and what they may have been, if we were to receive them, was not used in the calculations that we have talked about as far as the dollar value. We're going to pay for it just like, of course, we pay for every other thing that government does through the people. We're working on the budgetary process, and I think that when you're looking at affording safety to the public, that one of the top priorities has to be to take money for that purpose. And certainly while it does carry a hefty price tag, and no one's going to dispute that 300...\$314 million is a lot a money, it is not nearly as much money as \$7.3 billion that has been...would be needed if we were to accept other proposals from that side of the aisle."

Speaker Daniels: "Representative Pugh, you have 46 seconds left."

Pugh: "Mr. Speaker, to the Bill. I think if we...if we as leaders and as Legislators step up to our rightful place as leaders, we could refer to, and this is a war that we're in right now, we're in a war on crime. And Martin Luther King stated when we were about to enter the war in Vietnam and he asked the question that courage asks the question, 'Is it safe?' Vanity asks the question, 'Is it popular?' Expediency asks the question, 'Is it politic?' But conscience asks the question, 'Is it right?' I submit to you, is it right for us to, because we lack the moral courage to create an equal playing field to allow for all peoples to be educated, do we lack the moral courage that's needed to allow for our children to compete with all other children? Do we lack the moral courage that we need in order to assure that America lives up to what it was built

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

on, the opportunities mandated to all its citizens? Do we lack moral courage to make sure that we are not building a system that is perpetuated by crime, that we're not building a system that is perpetuated by incarcerating individuals who have not had the opportunity to be educated?"

Speaker Daniels: "The Lady from Cook, Representative Mulligan."

Mulligan: "Thank you, Mr. Speaker. I rise in support of this Bill. We've heard two opposing views on the other side of the aisle. One that the Bill is not stringent enough and one that it is too stringent. I think that what we have here is a very good proposal. It costs a reasonable amount of money, not an astronomical amount of money, and it looks at an issue that we feel is very important to our constituents and our communities and in their communities. Because much of the crime that is perpetrated is not just in our community, it's in their community upon their constituents, just like it is on ours and probably much more so. Rehabilitation is a good thing, but I think we all realize that by the time a young person has committed a crime, we may have passed the point where we can rehabilitate them or with any kind of great effect do anything for that person so that we can break this cycle. In a proposal that costs billions of dollars, such as one that has been proposed before this on the other side of the aisle, it leaves us no room to have any money to address the issue on the bottom side of the scale that says let's change our residence and perhaps make this a better society for all of us, particularly their constituents and ours. And yet, our proposal, which is a reasonable amount of money, addresses an issue of both protecting citizens right now from crimes, protecting families that have to go back

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

and say, 'Please, don't let this person out on parole. Please, don't let them back in our community. Please, don't let them come back at me because I testified against them.' And yet, it still leaves us enough money to address the issue of early childhood education and to break the cycle. I think we proposed a very good Bill here, one that may not keep everybody in prison as long as we would like to, but it certainly leaves us some leeway to work on the other end of the spectrum and yet addresses an issue that all of us have been crying for. I certainly support this Bill. I commend the Representative, both he and Representative Johnson, for the many hours they have spent in working on this Bill. And I wholeheartedly support it and I'm glad that we have this opportunity to vote for it."

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

Granberg: "Thank you, Mr. Speaker. Will the Gentleman yield?"

Speaker Daniels: "Indicates he will."

Granberg: "Representative Turner, I heard Representative Flowers' remarks earlier and they touched on an issue that I've always viewed with a great deal of importance. And that is three offenses that I'm particularly concerned with, I believe, were not covered by your Bill. And they would all deal with children. That is the victims of child pornography, the victims of ritualized abuse of a child and the victims of permitting the sexual abuse of a child. And I believe they are not covered by your Bill, is that correct?"

Speaker Daniels: "Representative Turner."

Turner, J.: "That is correct."

Speaker Daniels: "Representative Granberg."

Granberg: "What is...could you explain to me why those particular

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

offenses would not be covered by the provisions of your Bill? Because it would seem to me that the victims of those offenses, the ritualized abuse of a child, child sexual abuse, those victims should be entitled to the right to see the perpetrators remain in jail for at least 85% of their crimes."

Speaker Daniels: "Representative Turner."

Turner, J.: "Representative, it's a fair question, I'll respond to the best of my ability. We have tried, as I've indicated before, to focus our attention on the most serious offenses. In doing so, in focusing on the most serious offenses, you will find that the Legislature over the years have designated certain types of offenses as more serious than others. And those types of offenses are generally called Class X felonies or Super X felonies, from time to time, Class I or Class II felonies. But the key significance to those offenses is that they are non-probationable. If a person is convicted of those offenses, they must go to prison; they must serve time in the Department of Corrections. The offenses to which you refer certainly are serious. There are many serious offenses in the Code that are not in the Bill, and we all acknowledge that, but we have to be fiscally responsible. So what we have focused on is taking those offenses where probation is not an option, the ones that you refer to are distinguishable. They're distinguishable in as much as probation is an option for those, and even though they're serious, they haven't been deemed over a time period, a time honored period, by this Legislature to be as serious as the ones that we have focused on."

Speaker Daniels: "Representative Granberg."

Granberg: "Thank you. I appreciate your explanation. I look at

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

one other offense that deals with protection of children, which I have always been involved in. And that is the exploitation of a child. It is my understanding that that is, in fact, a non-probationable offense so why was that not, in fact, included in your legislation?"

Speaker Daniels: "Representative Turner."

Turner, J.: "I hate to be redundant but it wasn't included because it simply, we didn't believe was responsible to include every single felony that might have been here. We tried to take, by far and away, the majority...the most of them, almost all of them, as to being serious, as to causing bodily harm and as to being non-probationable. But again, as it's been pointed out by your colleagues, you can go down the list and find one here or there that's not included in the Bill."

Speaker Daniels: "Representative Granberg."

Granberg: "Thank you, Representative Turner, I appreciate your explanation. To the Bill, Mr. Speaker. I know we can cite all these different things, but when we're talking about children and the victims of child exploitation, the victims of child sexual abuse, the victims of child pornography, certainly in my mind, they deserve to be treated just like the victims of other serious crimes, because they are very serious. And we talk about protecting our children, I believe the people who actually...the animals that commit these grievous acts on our kids should be locked up and should not have a chance to get out. That is my concern, Representative Turner. In regard to the other provisions, when we passed truth in sentencing before, last year, if we had done that, do you have any idea the people that would have avoided tragic incidences. I'm not asking a question, it's more rhetorical. Because I've heard previous speakers



STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

say, 'Well, we're not going to keep jailwalkers...jaywalkers in prison forever', and all these different types of things, but these are serious offenses. In fact, in my district three weeks ago, I had an older couple in their late 70's, their car was hijacked and the perpetrator tried to commit...tried to kill them both, shot both of them in the head. This would never of happened if we'd had truth in sentencing last year. That...the kid who did this was out at...was released from prison after serving less than a third of his sentence. How many other tragic stories could we have avoided in this state if we had not done the political thing and not passed truth in sentencing? If we had let that pass and become law and disregarded the politics, how many tragedies could we have avoided in this state? I'm merely pointing out that politics did get into it because this did not become law, this was not addressed until this year. It's a watered down version, but it's better than nothing and I appreciate your time."

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

Turner, A.: "Thank you, Mr. Speaker and Ladies and Gentlemen of the Assembly. Will the Gentleman yield for a question?"

Speaker Daniels: "He says he will."

Turner, A.: "I never thought that it would be the day that a Turner would be questioning a Turner and I think this is quite historic here today. Let me first of all say that I...when I met Representative Turner, I first approached him and told him that I was looking forward to sponsoring some legislation that we could introduce together and I'd like the board to have said Turner - Turner. Unfortunately, on this Bill it will not say that, and I'm

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

not certain if the Roll Call is going to even reflect that. But that has nothing to do with the esteemed Gentleman and what he's trying to do here today. But I do have a couple of questions that I'd like to ask him. Representative, the first question is, is this Bill applicable only to people who have been convicted before? In other words, if I go out and commit one of those crimes that you've listed here, say first degree murder, well, I won't say murder, let's say criminal sexual assault. I believe that's a crime that's covered under this particular Code. If I go out and I commit that crime, do I qualify or would this particular legislation be applicable to me, and this is my first offense?"

Speaker Daniels: "Representative John Turner."

Turner, J.: "Yes, Representative. If you commit that crime, you would qualify."

Speaker Daniels: "Representative Art Turner."

Turner, A.: "Let me, for the record, clarify I don't intend to commit that crime. The next one is, did you think about the idea of the death penalty? Or I mean did you consider that? As long as we're going to this extreme, I would assume that the death penalty would probably be cheaper because you wouldn't have to keep the guys locked up as long. And the money that we intend to use to keep these people in prison for this 85% or however much that good time is, could be used to do some other things. Was that ever discussed?"

Speaker Daniels: "Representative John Turner."

Turner, J.: "We did not discuss the provisions set forth in the death penalty section of the Criminal Code, Representative."

Speaker Daniels: "Representative Art Turner."

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

Turner, A.: "Also, what is being...what thought or just how will you be dealing with the issue of correctional officers? As it stands now, and you know I don't spend a lot of time around those institutions, but my guess would be that because people have good time, that gives them an incentive to act, you know, in a certain way because they'd like to get out. The very fact now that I'm being locked up for say 30 years, 40 years, and I know that I have no reason to get out. I would, my guess would be, is that the security or the correctional officers in these institutions, that their lives or their safety would now be raised to another level as a result of no good time in the institutions. Am I, in fact, correct? And if so, is there something that also adds more time to people who, in fact, attack correctional officers or how or what thoughts or discussion to that issue?"

Speaker Daniels: "Representative John Turner."

Turner, J.: "Representative, we did discuss that on the...many times in the committee process, and it's important to remember that the provisions of 85% means that the person, if they do the correct things, if they do rehabilitate and if they do behave themselves in the Department of Corrections can still earn up to 15%. That does give them incentive to do those things. And under your example you indicated, what if someone was sentenced to 30 years? Well, certainly 15% of 30 years would be a significant amount of time that they could have taken off of that sentence. I...my math's not too good but I think that's 4 1/2 years. So there's still that incentive for them."

Speaker Daniels: "Representative Art Turner."

Turner, A.: "I noticed in the legislation that this...the term 'great bodily harm', and I'm not an attorney, so I'm not

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

clear as to what's considered great bodily harm. Could you give me an example of great bodily harm? Especially in the case of say, I think home invasion I believe is included here and it says that if someone commits great bodily harm. What's great bodily harm? One broken arm? Two broken arms? A lick up the side of the head? What? What do you call great bodily harm?"

Speaker Daniels: "Representative John Turner."

Turner, J.: "Representative Turner, that's a very good question.

Great bodily harm would be determined on a fact...on a case by case basis. It is a factual question. I cannot give you a definition for great bodily harm. It is something that a court will have to decide at the sentencing hearing stage. When the court determines all of the factors in aggravation and mitigation, the court will hear evidence as to what the type of injury was, whether or not the person received treatment, whether or not the person perhaps had to go to the hospital and all of those considerations, including the age of the victim. And so it will be determined on a case by case basis. It is a fact question for the court to decide and as far as giving you an example, clearly if someone lost an arm or a leg, that...without any question, I believe, would be found to be great bodily harm in any case, by any judge. On the other hand, if a person received a cut to the head or the arm, depending on the number of stitches, it would just be on a case by case basis. It is impossible for me to say. There would be a hearing though. The defendant would have a right to counsel. The defendant would be represented in the hearing and certainly the prosecution would have the right to present their case and let the court hear all the facts and make the decision whether or not a finding of

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

great bodily harm could be made."

Speaker Daniels: "Representative Art Turner, your time is concluded. Can you bring your remarks to a close?"

Turner, A.: "I think Representative Jones wants to yield to me her five minutes. I mean, Shirley Jones was being recognized or is that possible?"

Speaker Daniels: "She hasn't been recognized but if you could...I'll give you another minute if you'd bring your remarks to a close. I already gave you a minute, so you're on your seventh minute now."

Turner, A.: "Am I?"

Speaker Daniels: "Yes, Sir."

Turner, A.: "This issue is so important. Okay. It flies when you're having fun, too. Let me, let me then say this. And I guess it's the last answer that the Gentleman gave me is one that concerns me. I have been around here for 15 years. I have watched the statute books grow at least another 18 inches in the 15 years that I have been here. I don't consider the neighborhoods that much safer. I don't consider...let me say this that I think Representative Davis mentioned earlier in terms of the disparity of people that are incarcerated in the penal system, in terms of the number of African-Americans and Hispanics there...that are currently serving in that system. And it's the disparity in terms of the way that the law enforcement, in terms of the police officers and the State's Attorneys decide who's going to get charged with what crime that worries me. I'll use, for example, the crime of residential burglary. Residential burglary carries a mandatory three year sentence and right now I'm...four years, I'm not a lawyer. And I'm researching right now because I venture to say that there are more young African-American kids charged with

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

residential burglary than there are young kids in DuPage County or other parts of this state that get charged with residential burglary. They get charged with burglary and it's just disparity in terms of how the laws are enforced in this state that concerns me. I think it's very hypocritical for us to stand here, willing to spend \$314 million to continue to lock people up. We're doing it at great, great speed. We're on a fast track here to do so and we're not willing to spend that same \$314 million to educate our young people. Because if they have an education, it sort of takes away the need for crime. In fact, you can educate them that crime does not pay and is not the answer. I rise to let my community know that certainly I support safe neighborhoods. I didn't vote for it here. My 'no' vote had nothing to do with not wanting a better neighborhood, but it is the disparity and the way laws are applied in this state that I will continue to not support Bills like this one being brought forth today. It's unfortunate, Representative Turner, that I cannot support you on this legislation. I don't think this is the answer. But it's the day I find that we're willing to go on the fast track to work on prevention instead of dealing with the problem after the fact that I'd be willing to say, 'Hey, let's march hand in hand.' To those, this issue certainly is not a partisan issue. The Bill will receive over 100 votes, so it's not a Democrat, it's not a Republican issue. But certainly when you look at the jails in the State of Illinois, you can definitely tell that there are some people who go to jail and there are others who do not go. Thank you."

Speaker Daniels: "The Gentleman from Grundy, Representative Spangler."

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

Spangler: "Thank you, Mr. Speaker. Ladies and Gentlemen of the General Assembly, let's take a hypothetical situation. Let's say that the State of Illinois won the universe lottery; they had \$100 billion. I can assure you that at that point in time the expansion of the crimes covered under this program would probably be almost inclusive as what your Bill was. Unfortunately we have to look at all the different issues facing the State of Illinois, our outstanding liabilities, and all of us know what they are. This is a prudent, economically feasible Bill. These people have done a lot of work; you have done a lot of work. I'll close by simply stating, let's get on with this thing and certainly let's have an 'aye' vote. Thank you."

Speaker Daniels: "The Gentleman from Champaign, Representative Tim Johnson."

Johnson, Tim: "Thank you, Mr. Speaker and Members of the House. This entire Session of the Legislature, we've heard from the other side of the aisle on every issue, whether it's related to this or not, and it usually isn't, talks about truth in sentencing. There's probably at least a half a dozen or more Members on this side of the aisle who've received mailings in their district claiming that they voted against truth in sentencing legislation and when, in fact, that didn't happen. This is the first vote that we've had this Session on the issue of truth in sentencing. And quite frankly, the first vote that we've had in two decades that's meaningful in the area of truth in sentencing and the serious overwhelming problem of crime in Illinois and around the country. Without politicizing the issues, the difference between this Bill and its alternatives are dramatic. Cost should not be a primary factor, but cost is not irrelevant. This Bill would cost

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

about \$5 million a year over the first five years of the program. Its counterpart would cost \$7.5 billion over ten years of the program. We've heard people on the other side of the aisle oppose the Bill because it's too tough. We've heard people on the other side of the aisle support the Bill because they support the Bill. I'm not sure what the alternative is; I'm not sure what the proposal is. I haven't heard it yet, but we have something before us that is a landmark piece of legislation, that's a pioneer in the area of truth in sentencing, that's a pioneer in terms of getting tough on crime, that puts violent offenders, murderers behind bars and keeps them there. It eliminates the vagueness, it eliminates the discretion that has existed in Illinois law for too long. And for the first time in this state, in this century, and I would contend that Illinois is a pioneer around the country after the passage of this legislation in the House and the Senate and its signature by the Governor. Contrasting again the legislation on the other side of the aisle fails to distinguish first degree murder, on the one hand, from shoplifting and \$150 bad check on the other. This legislation says first degree murders, solicitation to commit murder, rape, criminal sexual assault and those offenses that are accompanied by serious bodily harm ought to mean mandatory terms. They ought to mean what they say and they ought to put people behind bars and, 'Throw away the key' as Representative Wennlund has said. This piece of legislation is one that not only deserves support from this side of the aisle, but frankly after all the talk, all the mailings, the first piece of legislation we voted on is here now today. And I think Representative Turner, Representative Johnson, O'Connor, both Jones' and the many



STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

others who put together this piece of legislation are to be commended, more than commended, on putting together a piece of legislation that makes sense economically. But more than that, makes sense in responding to the one problem, the one issue, that in poll after poll, question after question, coffee shop after coffee shop, people are screaming and yelling about, with good reason, and that is the dramatic expansion and burgeoning crime rate in Illinois. This is a tremendous piece of legislation, it's pioneer, it's cost effective and it makes sense for the people of Illinois. And I urge a 'yes' vote."

Speaker Daniels: "The Lady from Cook, Representative Wojcik."

Wojcik: "Mr. Speaker, I move the previous question."

Speaker Daniels: "The question is, 'Shall the main question be put?' All those in favor signify by saying 'aye'; opposed, 'no'. The 'ayes' have it. Main question is put. Representative Turner to close."

Turner, J.: "Thank you, Mr. Speaker. I appreciate the questions from my colleagues on the other side of the aisle. I appreciate the kind comments from my colleagues on this side of the aisle and certainly from Representative Erwin and Blagojevich, Representative Lang and to some extent even Representative Hoffman, I guess. I certainly believe and I think everyone else believes that this is a very good Bill. It is a move in the right direction; it is a significant and meaningful truth in sentencing measure. I would urge my colleagues on both sides of the aisle to support it. I do feel compelled however, based upon some of the comments to at least in my close indicate that this is responsible and this does have a chance to become law. Because we have done this, put this together, with the assistance of many, many people to do it in a responsible

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

fashion. And we've taken a very difficult issue. We've taken into consideration the most serious felony offenses. We've taken into consideration the factor of great bodily harm. We've taken into consideration the fiscal impact of the State of Illinois. And it's easy to say that there have been other Bills before this House. It's easy to say that somebody's Bill may be tougher or some Bill from the past may have been tougher or that somebody has a Bill today that is tougher. But let me give you some figures. A five year study, over five years I should say, this Bill would cost \$25,388,000, the Bill that we have before us that we're going to vote on. Now that's a lot of money, there's no question about it. But in contrast, the irresponsible Bill that some Members have been advocating today would cost over a five year period \$1.9 billion. Now we have to be responsible and if you want to know why certain legislation is not passing...has not got through both Houses and been signed by the Governor in the past is because it has not been responsible. And when I took a look at these dollar figures, I was trying to calculate in my mind how much more \$1.9 billion was than \$25 million, and I couldn't figure it out because those numbers are pretty big. So I asked my staff to bring in a calculator and I attempted to use the hand held calculator. Unfortunately \$1.9 billion wouldn't fit into it, so I was not able to use that either. But the...if my calculations are correct, the irresponsible Bill that has been advocated today would cost over a five year period 76 times more than the \$25 million that this Bill is going to cost. So if you want to talk about doing something irresponsible, if you want to talk about political posturing, then that's what we're seeing when we talk about a Bill that can't become

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

law, won't become law, shouldn't become law. It doesn't serve the people of the State of Illinois to pass out a Bill that doesn't get signed and doesn't provide safety for the public. I urge Members to support this Bill; I appreciate the chance to present it."

Speaker Daniels: "The Gentleman has moved for the passage of House Bill 2038. The question is, 'Shall House Bill 2038 pass?' All those in favor signify by voting 'aye'; opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 104 'ayes', 6 voting 'no', 4...105 'ayes', 6 voting 'no', 4 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Supplemental Calendar, #1. House Joint Resolution 36. Read the Resolution, Mr. Clerk."

Clerk McLennand: "House Joint Resolution 36 has been offered by Representative John Turner and approved for consideration by Rules."

Speaker Daniels: "Representative Jones, the Lady from Cook, for what purpose do you rise?"

Jones: "I just would want to wish everybody a Happy Easter."

Speaker Daniels: "Thank you. The Gentleman, Representative Turner, on House Joint Resolution 36."

Turner, J.: "Thank you, Mr. Speaker. This Resolution establishes the Illinois Truth in Sentencing Commission, and it directs that Commission to continue to develop legislation procedures to ensure that criminals sentenced to prison in Illinois will serve at least 85% of their time. There will be 13 members on this Commission. Their primary duty will be to develop and monitor legislation facilitating the implementation of truth in sentencing laws and the

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

Commission is directed to review the funding provision of the Violent Crime Control Act of 1994 and any subsequent federal legislation. The Commission shall present its findings and recommendations to the Governor and the General Assembly no later than March 1, 1996. I would urge that we adopt this Resolution today."

Speaker Daniels: "Any discussion? The Gentleman from St. Clair, Representative Hoffman."

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

Speaker Daniels: "He indicates he will."

Hoffman: "Representative, it's my understanding that this will be a Commission that will be set up in order to study the expansion of the Bill that you just passed. Is that correct?"

Speaker Daniels: "Representative Turner."

Turner, J.: "Yes, in part, Representative, and to monitor the federal laws. As you know, there may be some federal funding available and to continue to look at the truth in sentencing measure and improve upon it, if possible, and measure the benefit that we believe it's going to have for the people of the State of Illinois."

Speaker Daniels: "Representative Hoffman."

Hoffman: "You're aware that last year we had hearings in the Judiciary Committee on truth in sentencing issue? Is that right, last year?"

Speaker Daniels: "Representative Turner."

Turner, J.: "I'm sorry, I didn't hear your question, Representative."

Speaker Daniels: "Representative Hoffman."

Hoffman: "The question is, are you aware that we had hearings last year in the Judiciary Committee when the Speaker of the House passed out a Bill, when I passed out a Bill, when

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

Representative Blagojevich passed out a Bill dealing with truth in sentencing? We had hearings last year in the Judiciary Committee. Were you aware that we had those hearings?"

Speaker Daniels: "Representative Turner."

Turner, J.: "Well, I wasn't aware of it at that time, but I've been informed that you had those hearings. I have no reason to doubt that and I believe that you did, yes."

Speaker Daniels: "Representative Hoffman."

Hoffman: "You're also aware that we had a Subcommittee on truth in sentencing which was established within the Judiciary Committee this year and we had hearings on the issue of truth in sentencing. Correct?"

Speaker Daniels: "Representative Turner."

Turner, J.: "Yes."

Speaker Daniels: "Representative Hoffman."

Hoffman: "And in those hearings, we had victims of violent crimes who testified. We had, I believe, a sheriff testify and we had some, I believe, other law enforcement officers testify and various individuals, including the Attorney General of the State of Illinois, testify regarding various issues, including truth in sentencing. Isn't that right?"

Speaker Daniels: "Representative Turner."

Turner, J.: "Yes."

Speaker Daniels: "Representative Hoffman."

Hoffman: "And last year, the State's Attorney of Cook County went all over the state holding informal gatherings regarding truth in sentencing. Are you aware of that?"

Speaker Daniels: "Representative Turner."

Turner, J.: "Yes, Representative."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Well, I guess the problem is and I read to you earlier.

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

I mean, this is just one more study and I think we'll probably all support it, only because it seems like we study a lot of things around here, but I think the point that was made by Representative Granberg needs to be addressed. How long are we going to wait? How long are we going to continue to study? How long are we going to spin our wheels and people continually get out of jail early, commit violent crimes, hurt people and make families and victims' families suffer? What we have done and what we heard in the hearings is we had victims of crimes testify. Everybody at the hearings was sympathetic. Everybody said we want to do something that's right. Everybody said that we'd like to address the issues, including the issues of the individual from Belleville, who came and testified about the brutal murder of her son-in-law by an individual who was out on early release because of property crimes. She testified and she didn't make the distinction about what is a Class X felony, what is probational, what is not. The only distinction she made is that her son-in-law was no longer alive. The only distinction that she made is the grief that her daughter has been feeling ever since that. So now what we're going to do is we're going to study it some more. I just submit to you, Representative, why can't we sit down together? Why do we have to form another Commission? Why can't we sit down together, you and I, this side of the aisle, that side of the aisle, come up with a piece of legislation that by your own admission, by virtue of the fact that you are passing this Resolution, by your own admission, you believe that the previous Bill we passed does not go far enough? Because what you're saying in this Resolution is that public safety, as well as the integrity of the justice system, demands that criminals

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

serve the sentence as handed down by the court. Your previous Bill did not do that in totality. Your previous Bill did it in some instances, but not all violent offenses and I guess what I'm asking is, why do we have to wait? Why do we have to continue to study? I think the chips are on the table. We should come and come with some kind of comprehensive package that we've been trying to do and trying to work with you on. However, I haven't seen it come back to this side. What I'm asking is, can't we just work together? We can form this Committee, but let's not wait till all these findings are in. Let's move forward and let's make sure that the people are safer in the streets 'cause that's what I think the people are demanding."

Speaker Daniels: "The Lady from Sangamon, Representative Klingler."

Klingler: "Speaker, I rise in support of this effort. We all believe that truth in sentencing is important, that we let residents know what crime a criminal will be sentenced to. This does have an impact on the Department of Corrections. It does need to be evaluated. We've heard Members from the other side of the aisle indicate today that they wanted this to be expanded even further. But before we can have a further expansion of truth in sentencing, which many of us would like, we obviously have to have a Commission to study the financial impact on the Department of Corrections. I would support this as being extremely important and that we ought to be able to move forth very carefully in this area. Thank you."

Speaker Daniels: "The Lady from Cook, Representative Wojcik."

Wojcik: "Mr. Speaker, I move the previous question."

Speaker Daniels: "The question is, 'Shall the main question be

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

put?' All those in favor signify by saying 'aye'; opposed 'no'. The 'ayes' have it. Representative Turner to close."

Turner, J.: "Thank you, Mr. Speaker. I urge that this Resolution be passed today. Just in a very, very brief response to what Representative Hoffman had indicated, certainly didn't make...I made no admissions that he had suggested. I think it's important to point out that the Bill that we just passed is supported by the chief law enforcement officer in the State of Illinois, the Attorney General. I also believe without any question..."

Speaker Daniels: "The Gentleman's moved for the passage of House Joint Resolution. All those in favor signify by voting 'aye'; opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 103 'ayes'...102 'ayes', 3 voting 'no', and 7 voting 'present'. This Resolution, having received a Majority, is hereby declared adopted. Representative Churchill in the Chair."

Speaker Churchill: "Mr. Clerk, are there any announcements?"

Clerk McLennand: "The schedule has been released for the next couple of weeks. Members should note that Friday, April 21st and Monday, April 24th are now scheduled Session days. Friday, April 21st and Monday, April 24th are now scheduled Session days."

Speaker Churchill: "Ladies and Gentlemen of the House, tonight we will close and we will close this week with the Adjournment Resolution on the death of a former Member, the Honorable William E. Wayland. As is our custom, will all the Members please rise? For what reason does the Gentleman from Cook, Representative Madigan, rise?"



STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

Madigan: "Is this the last order of business and if it is, Representative Currie would like to make an announcement before you shut down."

Speaker Churchill: "We will be finishing with the Death Resolution of a former Member. Representative Currie."

Currie: "Thank you, Speaker. I did want to make an announcement and had my light on before we moved to this order. In fact, when you announced it was time for announcements is when I put my light on. I just wanted to remind the Members that this is the last day of the Session week and all of us children are instructed and reminded to clean off our desks so that important papers don't get wisked away while the chamber is being cleaned over the next 10 day period, and while I have this opportunity, I wish you all a happy holiday and we'll see you in 10 days time."

Speaker Churchill: "Thank you, Representative Currie. We always look forward to you reminding us of those things. We will close this evening on the Resolution of the Death of a former Member. Mr. Clerk, please read House Resolution #5."

Clerk McLennand: "House Resolution #5, offered by Representative Black. WHEREAS, the Members of the House were saddened to learn of the death of William E. Wayland of Danville on December 30th, 1994 at Fort Myers, Florida; and WHEREAS, he was born on February 25th, 1905 in Danville, the son of Joseph and Rhoda Brock Wayland; and WHEREAS, he was married to Esther L. French on July 11th, 1923 in Williamsport, Indiana; she preceded him in death on January 31st, 1989; and WHEREAS, Mr. Wayland operated a trucking business and later then an insurance and real estate office; and WHEREAS, known in Vermilion County as 'Mr. Republican', Bill Wayland was a former precinct committeeman, sheriff,

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

treasurer, probate clerk and magistrate judge, justice of the peace, Danville township supervisor, Vermilion County Board member, Illinois State Representative, and State Senator; and WHEREAS, he was a member of St. James United Methodist Church, Olive Branch Masonic Lodge 38, Danville Scottish Rite Bodies, the Gao Grotto, Ansar Shrine, the Oak Hill Cemetery Board, the Elks Club, and the American Business Club; and WHEREAS, his passing will be deeply felt by his family and friends, especially his son and daughter-in-law, Bill and Mary Alice Wayland; his daughter and son-in-law, Lou Ann and Andrew Young, his grandchildren, Susan Kelly, Nancy Link, Suzanne Arnett, Cheryl Risch, Joan Gillett, Deborah Hosch, William Young, and William Wayland III; and 17 great-grandchildren; therefore, be it RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE 89TH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we note with sorrow and regret the death of our former colleague, William E. Wayland, and extend our sincere condolences to his family and friends; and be it further RESOLVED, that suitable copies of this Resolution be presented to the family of William E. Wayland."

Speaker Churchill: "The Gentleman from Vermilion, Representative Black."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. Bill Whalen was my mentor from the time I can remember. In fact, got my father involved in politics when my father served on the Vermilion County Board, which Mr. Whalen also was Chairman of the Vermilion County Board for many years. Truly a remarkable man and I know Bill well enough to know that he would say to me, keep it short. He didn't like ceremony or eulogies. He held practically every elected office from the State Legislature on through

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

Vermilion County. Just a remarkable man, one whose advice I have always tried to follow and whose footsteps I have tried to walk, and day after day, I'm reminded how much I fail to live up to the example that the Bill Whalens of this world and the people who have been mentors to all of us when we go into public life. We need to be more like them. They knew...They seem to have a knack for constituent service for keeping things on a level other than personal. He was truly, I wish you could all have known him. He had just a remarkable heart and was just a beautiful person to know. Always up, never a bad word to say about anyone or anything and on behalf of his family, I thank you very much for this observance and the man was 89 years old and had never been ill a day in his life, and in fact, that magnificent heart of his stopped while he was picking oranges at his winter residence in Fort Myers, which is exactly the way that he would have wanted to go. And I know on behalf of his family and his many, many friends and the people who try so hard to follow in his footsteps, we thank the Members of the House for this recognition and this Gentleman will truly be missed. There are so few like him today."

Speaker Churchill: "Representative Black now moves for the adoption of House Resolution 5 and upon that adoption that the House stand adjourned until Tuesday, April 18th at the hour of 11:00 a.m. All those in favor signify by saying 'aye'; any opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it and allowing perfunctory time for the Clerk, the House now stands adjourned until Tuesday, April 18th at the hour of 11:00 a.m."

Clerk McLennand: "Perfunctory Session will be in order. Being no business, the House Perfunctory Session stands adjourned

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

41st Legislative Day

April 7, 1995

until Tuesday, April 18th, 1995 at the hour of 11:00 a.m."

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
DAILY TRANSCRIPTION OF DEBATE INDEX

96/04/25  
12:55:15

APRIL 07, 1995

HB-0016	SECOND READING	PAGE	8
HB-0178	THIRD READING	PAGE	39
HB-0300	THIRD READING	PAGE	54
HB-0314	SECOND READING	PAGE	14
HB-0314	OUT OF RECORD	PAGE	32
HB-0412	SECOND READING	PAGE	33
HB-0508	SECOND READING	PAGE	33
HB-0753	THIRD READING	PAGE	103
HB-0884	RECALLED	PAGE	7
HB-0886	RECALLED	PAGE	7
HB-1004	THIRD READING	PAGE	58
HB-1108	THIRD READING	PAGE	66
HB-1258	THIRD READING	PAGE	72
HB-1270	RECALLED	PAGE	7
HB-1320	HELD ON SECOND	PAGE	34
HB-1398	THIRD READING	PAGE	111
HB-1486	THIRD READING	PAGE	84
HB-1486	POSTPONED CONSIDERATION	PAGE	101
HB-1596	THIRD READING	PAGE	114
HB-1721	THIRD READING	PAGE	119
HB-1748	SECOND READING	PAGE	34
HB-1755	RECALLED	PAGE	7
HB-1793	THIRD READING	PAGE	123
HB-1796	RECALLED	PAGE	7
HB-1842	THIRD READING	PAGE	129
HB-2038	SECOND READING	PAGE	134
HB-2038	THIRD READING	PAGE	144
HB-2236	SECOND READING	PAGE	36
HB-2278	RECALLED	PAGE	8
HB-2327	RECALLED	PAGE	8
HB-2331	RECALLED	PAGE	8
HB-2434	RECALLED	PAGE	8
SB-0146	FIRST READING	PAGE	103
SB-0273	FIRST READING	PAGE	103
SB-0416	FIRST READING	PAGE	103
SB-0447	FIRST READING	PAGE	103
HR-0005	ADOPTED	PAGE	195
HR-0005	RESOLUTION OFFERED	PAGE	193
HJR-0036	ADOPTED	PAGE	192
HJR-0036	RESOLUTION OFFERED	PAGE	187

SUBJECT MATTER

HOUSE TO ORDER - REPRESENTATIVE KUBIK	PAGE	1
PRAYER - REVEREND DAVID ASHBY	PAGE	1
PLEDGE OF ALLEGIANCE	PAGE	1
ROLL CALL FOR ATTENDANCE	PAGE	1
REPRESENTATIVE KUBIK IN CHAIR	PAGE	2
COMMITTEE REPORTS	PAGE	2
INQUIRY OF RULES - REPRESENTATIVE CURRIE	PAGE	2
INQUIRY OF RULES - REPRESENTATIVE LANG	PAGE	5
COMMITTEE REPORTS	PAGE	53
RECESS	PAGE	102
HOUSE RECONVENES	PAGE	103
REPRESENTATIVE TIM JOHNSON IN CHAIR	PAGE	103
ADJOURNMENT	PAGE	195
PERFUNCTORY SESSION	PAGE	195
PERFUNCTORY SESSION - ADJOURNMENT	PAGE	195