

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

104th Legislative Day

March 27, 1998

Speaker Hartke: "The hour of 9 o'clock having arrived, the House will come to order. Our guests in the gallery may wish to rise and join us in the invocation. The invocation this morning and the prayer will be led by Pastor Lee Crawford, Assistant Pastor of the Victory Temple Church in Springfield. Pastor Crawford."

Crawford: "Let us pray. Behold how good and pleasant it is for brethren to dwell together in unity. So we come so humbly before You this morning, with weary minds and tired bodies, yet also with an open heart. So, with the heart we realize that how excellent is Your name and Your tender mercies. How glorious is Your love and Your compassion. How wonderful is Your strength to uphold us, to preserve, and to keep us in our right minds. So, with an open heart and an open mind, we kindly say thank You for our strength, thank You for our peace, thank You for our guidance. This we pray. Amen."

Speaker Hartke: "We will be led in pledge this morning by Representative Connie Howard."

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

Speaker Hartke: "Roll Call for Attendance. Representative Cross, any excused absences today on the Republican side?"

Cross: "There are, Mr. Speaker. Representative Lindner is excused again today. Thank you."

Speaker Hartke: "Representative Currie, excuses on the Democrat side?"

Currie: "I know of no excused absences on this side of the aisle today, Speaker."

Speaker Hartke: "Mr. Clerk, would you take the Roll? One hundred

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

104th Legislative Day

March 27, 1998

sixteen Members answering the quorum call, we do have a quorum. Page 2 of the Calendar appears House Bill 174, Representative Lang. Out of the record. May not be called again. House Bill 2307, Representative Hannig. Out of the record. House Bill 2370, Representative Gash. Out of the record. House Bill 2374, Representative Jones. Out of the record. House Bill 2436, Representative Hassert. Representative Hassert. House Bill 2436. Out of the record. House Bill 2443, Representative Capparelli. Out of the record. House Bill 2444, Representative Capparelli. Out of the record. House Bill 2469, Representative Fritchey. Out of the record. House Bill 2478, Representative Poe. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2478, the Bill's been read a second time previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. House Bill 2498, Representative Flowers. Representative Poe. Representative Poe. Mr. Clerk, what is the status of House Bill 2478?"

Clerk Bolin: "House Bill 2478, a Bill for an Act to amend the Illinois Public Aid Code. Third Reading of this House Bill."

Speaker Hartke: "Has it been read a second time?"

Clerk Bolin: "The Bill's been read a second time previously."

Speaker Hartke: "Would you like to call that Bill now, Mr. Poe? Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2478, a Bill for an Act to amend the Illinois Public Aid Code. Third Reading of this House Bill."

Poe: "Mr. Speaker, Ladies and Gentlemen of the House, this is a Bill that amends the Medicare Article of the Public Aid Code and what this does, is whenever we have a Medicaid

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

104th Legislative Day

March 27, 1998

audit and when you audit, that goes back sometimes 18 months, and has gone back as much as 30 months. And during that recovery period, the state can come back and collect overpayments. And what this Bill would do would make it so that the long-term care facility, if there were some findings where they had been underpaid, they could also recover their money during that same audit. Thank you, I'll answer any questions."

Speaker Hartke: "The Gentleman has explained his Bill. Is there any discussion? The Chair recognizes the Lady from Cook, Representative Crotty."

Crotty: "Thank you. Does the Representative... Representative Poe would you yield?"

Speaker Hartke: "He indicates he will."

Poe: "Yes."

Crotty: "Thanks. Could you tell me how far back could a person go to get the underpayments?"

Poe: "Currently to get an underpayment, you could only go back one year, but yet, the department can go back as 30 months, 2 years, whatever they select to go back to. And they can collect overpayments for a much longer period or even indefinitely, where if you're a long care provider and there's some findings during an audit, you can only go back one year. So, what I'm actually doing here is trying to level the playing field between our constituents and the department."

Crotty: "Okay. I can understand exactly where this Bill is going. The only problem I have is, being with one of those agencies at one time myself, that I would expect the agency to find out through their bookkeeping also that there's been a mistake in a relatively short time, and not go back to an indefinite amount of time. So, I was really hoping

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

104th Legislative Day

March 27, 1998

to talk to you yesterday, after looking at the Bill that maybe we can shore up at least a deadline on that?"

Poe: "Yeah, I offered to work with the agency and narrow up those scopes, and we work with them for 2 or 3 days. We moved this back on Second, and they chose not to narrow those time frames up, and let the Bill go the way it was. I think what you're saying is correct, and sometimes it's for unfortunate reasons we change auditors sometime in a long care facility or financial planners, and when they come in they find out that maybe someone was doing something wrong. This gives them a chance to go back and correct that also during an audit period."

Crotty: "All right. Is this in compliance with the federal law?"

Poe: "Currently, I guess I'm trying to... Our constituents are working with the Illinois Department of Public Health, and that's the problem I'm trying to correct. I feel that that's something that Illinois will have to work out with the feds."

Crotty: "I can only... I only know for a fact that the federal law themselves don't allow them to go back to an infinite amount of time."

Poe: "Is there... have you seen a ruling on that? Are you for sure?"

Crotty: "I'm positive."

Poe: "Oh, Okay. My staff is not positive of that, so I guess we got two different opinions."

Speaker Hartke: "Further questions?"

Poe: "The bills have to be submitted within one year, but yet, it doesn't address underpayments in that same statement."

Crotty: "And I'm all for addressing the underpayments, because I do know agencies do need their money. But if we go back to an indefinite amount of time, there's also an appropriation

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

104th Legislative Day

March 27, 1998

that the public aid office is working under. So, I have...
those are only my concerns, but I..."

Poe: "That's why I would have liked to have narrowed it up during
an audit period, and then I think the problem would have
been solved. And if that is a big concern, I think maybe
we can amend it in the Senate."

Crotty: "All right, and I'd be willing to work with you on that."

Poe: "Thank you."

Speaker Hartke: "Further discussion? The Chair recognizes the
Gentleman from Cook, Representative Parke."

Parke: "Thank you, Mr. Speaker, Ladies and Gentlemen of the
House. I would like to know if the Sponsor will yield?"

Speaker Hartke: "He indicates he will."

Parke: "Representative Poe, is the Department of Public Aid still
opposed to this Bill?"

Poe: "Yes."

Parke: "And why are they..."

Poe: "But also..."

Parke: "Why are they opposed to it?"

Poe: "Can't speak for the department."

Parke: "What have they shared with you?"

Poe: "Their concern originally was opening it up to indefinitely
and it was too wide of a scope, which I've already said I
held a Bill for three days giving them a chance to come up
with an Amendment, and they chose not to."

Parke: "Well, also doesn't this leave an unknown liability to the
department to try and figure out how to budget their money,
when it could go 18 months or that they just don't know
which payments they'll have to make and all of sudden, they
may have a whole bunch and not have the money allocated for
it? Wouldn't you see that as a problem?"

Poe: "My intent is the fairness to my long-term providers, that

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

104th Legislative Day

March 27, 1998

they have the same opportunity to collect their underpayments, as well as they have to pay their overpayments."

Parke: "Thank you, I appreciate the feedback. But I have a concern that we make it difficult for our agencies to budget. I know that we are trying to solve problems for constituents, and I see that as a legitimate concern. People want payment in a timely manner, but the concern that I have is that sometime agencies have a difficult time being able to figure out when they budget, how much to pay, and how to pay it if they don't know in a 12 month period, in a budgetary period, when they can do it. So, unfortunately, I will rise in opposition to this Bill."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Vermilion, Representative Black."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. I rise in strong support of the Bill. If for no other reason to send a message to the Department of Public Aid and the Department of Human Services that intermediate care facilities and long-term care facilities don't work for the Department of Public Aid and the Department of Human Services. It's the other way around. State Government is supposed to work for the providers of health care and rehabilitation care. The way they treat these agencies is almost borders on the criminal. I commend Raymond Poe for what he's trying to do. You know, back when we didn't pay our bills on time, well that's just the way it goes, we're a little short this month, so you'll have to wait 4 or 5 months for payment. And then, the auditors swoop in and go back 6, 7, 8 years and say, 'Oh my goodness, we overpaid you \$10 thousand, and we'll have that money tomorrow morning or we'll shut you down.' What a

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

104th Legislative Day

March 27, 1998

bunch of bologna. You know, the people at DHS and DPA need to get their own house in order before they threaten to close down nursing homes and intermediate care homes in my district. If you want to send a strong message to the bureaucrats, they work for the agencies, the agencies don't work for them. Vote 'yes' to protect the people who give the aged, the infirm, and those in need of care some protection from the bureaucrats, and their calculators, and their threats out of Springfield, Illinois. Vote 'aye'."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from DuPage, Representative Johnson (Tom)."

Johnson, Tom: "I rise in strong support of this piece of legislation, and I couldn't say it any better than my good friend, Representative Black, just said. You know, it's so crazy that our agencies can go in and go back and audit you and hey, if you're... if they find out they might have overpaid you by a dollar or two, they can make you pay it back at anytime. But if you show them in response to that audit that they underpaid you, you can't say a word. It's no set off, it's just government take, take, and get into everybody's pockets, and go back and just harass, and do whatever they want. This Bill levels the playing field and that's all it does. I urge strong support for this piece of legislation."

Speaker Hartke: "Further discussion? Seeing no one seeking recognition, Representative Poe to close."

Poe: "I just think this is a fair Bill to our patrons in Illinois, and I would ask for a favorable vote."

Speaker Hartke: "The question is, 'Shall House Bill 2478 pass?' All those in favor signify by voting 'aye'; those opposed 'no'. Polling is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk,

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

104th Legislative Day

March 27, 1998

take the record. On House Bill 2478, there are 112 Members voting 'present' or voting 'yes', 2 Members voting 'no' and 0 voting 'present', and this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 2498, Representative Flowers. Out of the record. House Bill 2634, Representative McAuliffe. Out of the record. House Bill 2636, Representative Winkel. Read the Bill. No, no, no, out of the record. On page 16 of the Calendar appears Senate Bill 1270, Representative Winkel. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1270, a Bill for an Act amending certain Acts in relation to pensions. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Winkel."

Winkel: "Thank you, Mr. Speaker. Senate Bill 1270 would allow the University of Illinois Fire Department... Fire Department... Firefighters to continue to participate in SIRS and be covered under the SIRS alternative formula for public safety officers. After the firefighting unit is dissolved on April 1, 1998, it's imperative that we pass this Bill, move it over to the Governor's Office as soon as possible. It needs to be signed into law by April 1, 1998 to fulfill an agreement among the University of Illinois Firefighters, University of Illinois, the Cities of Champaign and Urbana. I would ask for your 'yes' vote. I'd be glad to answer any questions."

Speaker Hartke: "Is there any discussion? Seeing no one is seeking recognition, the Gentleman asks for the passage of Senate Bill 1270. All those in favor signify by voting 'aye'; those opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On Senate

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

104th Legislative Day

March 27, 1998

Bill 1270, there were 115 Members voting 'yes', 0 voting 'no' and 0 voting 'present', and this Bill, having received a Constitutional Majority, is hereby declared passed. On House Bills - Second Reading, on page 4 appears House Bill 2637, Representative Winkel. Out of the record. Page 4 of the Calendar appears House Bill 2645, Representative Klingler. Out of the record. On page 4 appears House Bill 2652, Representative Kosel. Representative Kosel. Out of the record. House Bill 2687, Representative Saviano. Out of the record. House Bill 2688, Representative Saviano. Out of the record. House Bill 2690, Representative Saviano. Out of the record. House Bill 2721, Representative Brunsvold. Out of the record. House Bill 2746, Representative Hoffman. Out of the record. Page 5 of the Calendar, on House Bills - Second Reading, appears House Bill 2774, Representative Younge, Wyvetter Younge. Out of the record. On the same page appears House Bill 2768, Representative Younge. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 2768, a Bill for an Act concerning Home Rule Taxes. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments approved for consideration."

Speaker Hartke: "Third Reading. Representative Younge, would you like to call that Bill on Third Reading now? Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 2768, a Bill for an Act concerning Home Rule Taxes. Third Reading of this House Bill."

Speaker Hartke: "Representative Younge."

Younge: "Thank you very much, Mr. Speaker. This Bill will permit a Home Rule Unit that has passed an ordinance in reference to sales tax to file that ordinance with the Department of Revenue twice a year, rather than once a year. The

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

104th Legislative Day

March 27, 1998

Amendment is written by the Department of Revenue, and it is in total support of this Bill. I move for the adoption and the passage of the Bill."

Speaker Hartke: "The Lady has explained her legislation. Is there any questions? The Chair recognizes the Gentleman from St. Clair, Representative Holbrook."

Holbrook: "Thank you, Mr. Speaker. Mr. Speaker, this is a good piece of legislation. It just makes our state government a little more responsible to our local governments and gives them a little more latitude to be able to help out in our communities, and I support it, and I'd ask for everyone's support. Thank you."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Madison, Representative Stephens."

Stephens: "Will the Lady yield?"

Speaker Hartke: "Indicates she will."

Stephens: "Representative, it's a little noisy on this side of the aisle. I wonder, it's early in the morning, could you go back and explain exactly what the Bill does, just one more time? And I wonder if we can have some order on the Republican side? Republicans party too much, I think it should be noted."

Younge: "Home rule units that pass ordinances in reference to sales tax have to file the ordinance with the Department of Revenue by the 1st of October, so that the tax will begin, enforcement will begin in January. This Bill would make that time for filing with the Department of Revenue twice a year. It would make it October and April."

Stephens: "Thank you, Representative. Do you have a specific municipality in mind that needs this second opportunity to raise taxes?"

Younge: "Yes, the Village of Cahokia needs this piece of

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

104th Legislative Day

March 27, 1998

legislation in order to correct a date filing with the department. Its Resolution and its referendum was after the filing date, and it needs this in order to be able to start the enforcement in July."

Stephens: "Well, I'm not sure why they need that extra opportunity, but I want everybody to understand that this gives municipalities a second opportunity within the same calendar year to adopt and file tax increases in the municipal sales tax. It allows those municipalities to begin collection of new taxes at an earlier date. I'm not sure why we have to go after the taxpayers twice a year, and actually move the date up, at which we can get money from them. I, with all due respect, Representative, and, Representative Holbrook, I have to stand in opposition."

Younge: "Mr. Speaker, may I just respond by saying, we're talking about a referendum that has been approved by the taxpayers and all we're talking about, this is a technical matter of filing an already approved referendum with the Department of Revenue. The Department of Revenue has drafted the Bill and is in favor of it, and it doesn't mind having two dates, rather than one."

Speaker Hartke: "Further discussion? Representative Currie."

Currie: "Thank you, Speaker and Members of the House. I rise in support of the Bill. The provision that Representative Younge's Bill would impose would apply to the special county occupation tax for public safety. The second opportunity for filing with the Department of Revenue is already available for other county imposed sales tax. That's the way we do business. This is no different except that it deals with the new tax that is on the books. The Department of Revenue is comfortable with this provision. There is no opposition to this Bill. It will help those

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

104th Legislative Day

March 27, 1998

people, who by referenda, have decided that public safety issues are important just to begin collecting the tax that they have already imposed at a convenient and expeditious time. This treats this tax the same way all the other taxes are treated. Don't blow this out of proportion. It's an administrative efficiency change, and it deserves your support."

Speaker Hartke: "Further discussion?"

Younge: "Mr. Speaker, would you take..."

Speaker Hartke: "Seeing no one seeking recognition, Representative Younge to close."

Younge: "Yes, would you take this out of the record, please. Take it out of the record."

Speaker Hartke: "Mr. Clerk, take this Bill out of the record, please. On page 5 of the Calendar, back on House Bills - Second Reading, appears House Bill 2800, Representative Righter. Out of the record. House Bill 2885, Representative Mitchell. Out of the record. House Bill 2921, Representative Ronen. Out of the record. On page 6 of the Calendar appears House Bill 2019, Representative Smith. Mike Smith. Out of the record. House Bill 2067, Representative Durkin. Out of the record. On page 6 of the Calendar appears House Bill 3127, Representative Kenner. Out of the record. House Bill 3128, Representative Hassert. Out of the record. On page 7 of the Calendar appears House Bill 3225, Representative Saviano. Out of the record. On page 7 appears House Bill 3235, Representative Schoenberg. Out of the record. House Bill 3236, Representative Myers. Representative Myers. Out of the record. House Bill 3273, Representative Kubik. Out of the record. On page 8 of the Calendar, on House Bills - Second Reading, appears House Bill 3356, Representative

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

104th Legislative Day

March 27, 1998

Wait. Out of the record. House Bill 3375, Representative Bergman. Out of the record. On page 9 of the Calendar appears House Bill 3520, Representative Saviano. Out of the record. On page 10 of the Calendar appears House Bill 3630, Representative McGuire. Out of the record. On page 13 of the Calendar, under House Bills - Third Reading, appears House Bill 196, Representative Hannig. Out of the record. House Bill 2385, Representative Capparelli. Out of the record. House Bill 2445, Representative Saviano. Out of the record. House Bill 2509, Representative Meyer. Out of the record. House Bill 2555, Representative Moffitt. Out of the record. House Bill 2560, Representative Hoeft. Roll it. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 2560, a Bill for an Act to abolish regional boards of school trustees. Third Reading of this House Bill."

Speaker Hartke: "Representative Hoeft."

Hoeft: "Thank you, Mr. Speaker, a clarification, please. A House rules within the first hour of the last day of a Session. Is a 40% vote required? Is that, is that policy?"

Speaker Hartke: "It takes 60 votes to pass a Bill out of this chamber."

Hoeft: "I just needed to know that. This is important. The House Bill 2560 has two distinct areas, the first is reducing the level of government, so we have in the State of Illinois by increasing the responsibilities to regional superintendents. And the second is, finally, capping the regional superintendents' salary so that it will become part of a formula based on the cost of living. There are two distinct areas. The first of which is moving the Regional Board of School Trustees from counties that would like to have it removed, local option. Many of the

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

104th Legislative Day

March 27, 1998

counties in the State of Illinois have this body on the ballot, and no one really knows what it's about. They serve no real purpose. In Kane County, they've asked themselves to be abolished. Other areas of the state, they are very valuable, and this will be an optional removal from this level of government by county. The second of these is the putting into a formula the regional superintendent's salary, which will be based on a percentage of the district, the average district's superintendent's salary in the State of Illinois. It will basically mean that the regional superintendents will get on an average 92% of the district superintendents' salaries. This will finally get this difficult situation off our... we will not have to vote on it every four years, and it is a good solution to a problem that we have faced time and time again. We last... earlier this week passed another county officials stipend Bill, and this is simply following through with that same theme. I would be interested in any questions."

Speaker Hartke: "The Gentleman has explained his Bill. Is there any discussion? The Chair recognizes the Gentleman from Cook, Representative Lang."

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

Speaker Hartke: "Indicates he will."

Lang: "Representative, the trustees today are reviewing annexation and deannexation petitions and boundary disputes. If we do away with the trustees, will then these decisions be left in the hands of the superintendent solely?"

Hoeft: "The law is very specific on how you change boundaries of school districts. There is not one of these that has occurred recently that does not end up in court for a

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

104th Legislative Day

March 27, 1998

judicial review. This simply says the regional superintendent will collect the data, will collect the facts, and make a finding, which can be then brought to the judicial review process and a judge would verify that. So, the regional superintendent would be the hearing officer for this, and the case would then be brought before a judge for his review."

Lang: "So, the superintendent would take the place of the trustees as being a hearing body, is that correct?"

Hoelt: "That is correct."

Lang: "Now, the law currently, though, is that you don't have to go to court. The trustees make a decision, and that is the decision unless somebody appeals it, is that right?"

Hoelt: "Correct."

Lang: "And so, it would be the same under your change, except it would be then one person making this decision, right?"

Hoelt: "Correct."

Lang: "Who spoke in favor and in opposition to this Bill in committee?"

Hoelt: "There was no recorded opposition in committee for this provision. There are approximately 15 regional superintendents who say that this is very, very valuable and they would like to keep it. The rest of the regional superintendents voiced the opinion that this should be changed."

Lang: "Have you heard from any school trustees who have an interest in whether or not their positions continue under the law?"

Hoelt: "This was initiated by the Kane County Board of School Trustees that said, 'Either give us meaningful responsibilities or abolish us.' They had not had a hearing in three years."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

104th Legislative Day

March 27, 1998

Lang: "So, what other responsibilities do they have besides those that I have enumerated?"

Hoelt: "That's it."

Lang: "And..."

Hoelt: "Representative Lang, in 1948 if you remember correctly, we had 14 thousand school districts in the State of Illinois. These were the administrators. This body was basically the school board of the county. When we consolidated that and went to the present number, which is about nine hundred, from 14 thousand to nine hundred, this group lost its purpose. They've lingered. We have them on the ballot; people don't know what they do. It's difficult at times even to find people who can run. This state has the largest number of governmental bodies of any state in the United States. We have the longest ballot. This is a way... a good government Bill because it will be a way of eliminating, by local choice, one more level of government. It's something we all can invest in."

Lang: "Yeah, I don't disagree with what you're saying, Representative. I just have some minor concern about vesting this power in one person in each of these areas. Does that concern you at all?"

Hoelt: "Absolutely, and you're correct in that. But the law is so specific in this, that if the individual does make an incorrect decision, that's why the judicial review process is so critical here. So, they will make the decision, and then the judge, if it's challenged, will take the law and apply it to the hearing officer's records, the transcripts."

Lang: "Have you made any change in the judicial review process at all?"

Hoelt: "No."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

104th Legislative Day

March 27, 1998

Lang: "All right. Thank you, I'll support your Bill, Sir."

Hoelt: "Thank you, Sir."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Cook, Representative Kubik."

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

Speaker Hartke: "Indicates that he will."

Kubik: "Representative, does this Bill affect Cook County?"

Hoelt: "This Bill has no effect on Cook County cause they do this through the township system, and we will maintain that."

Kubik: "So, the decisions regarding boundaries are made through the township system?"

Hoelt: "The township trustees make these decisions within Cook County. We will not touch that."

Kubik: "I thought..."

Hoelt: "... the same way."

Kubik: "I understand that they have the township board of trustees, but I thought that there was a regional board as well, that was, that made these sorts of decisions?"

Hoelt: "I do not know of any regional board for the County of Cook. They do it through townships, and the regional board... regional superintendent is not involved."

Kubik: "Okay. I somehow recall that there was a board, and I know that they were not an elected board. I thought they have been made an appointed board, but in any event this does not affect Cook County?"

Hoelt: "This does not affect Cook County."

Kubik: "Okay. What... okay, that's all the questions I have."

Hoelt: "Thank you."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Whiteside, Representative Mitchell."

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

Speaker Hartke: "Indicates he will."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

104th Legislative Day

March 27, 1998

Mitchell: "Representative Hoeft, could you give us kind of a scenario or a break down as to what kind of a change this would make in the regional superintendent's salary, today if we use the 95% of the mean? Pick an area and just show us what kind of increase, if so, or how close it would stay to the salary they have now."

Hoeft: "Regional superintendents are like any other elected county officials. They cannot have an increase in their salaries for four year period, and so this is that four year period review. We... the genesis of their capping of their salary came from 452 last year. The Reform Bill said that administration cost in the school districts in the State of Illinois shall not exceed 5% of the cost of living, whichever is less. So, we have capped the district superintendents, basically capped their administration cost. We've decided to take and put a formula, which says those over 500 thousand, which is three of the regional offices, will get 100% of last year's average district superintendent's salary. The next group will be 100 thousand to 499 thousand, and that will be 17 offices, and than the last is 25 offices that are less than 20... that are less than 100 thousand. This group will receive 90%. When you take it as a group, it is a 92% of the average district superintendent's salary in the state. It is an increase in the salaries of the regional superintendents over that four year period of 9%."

Mitchell: "Is that... is that a 9% annual, or 9% over the... over the total of the four years?"

Hoeft: "It is a 2.4% annual increase, 9% total."

Mitchell: "Okay. I have no further questions. Thank you, Doug."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Bureau, Representative Mautino."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

104th Legislative Day

March 27, 1998

Mautino: "Thank you, Mr. Speaker. The Sponsor yield?"

Speaker Hartke: "Indicates he will."

Mautino: "On the section on the IEC, is that what would be completely permissive. That's going to allow for local control in determining the role in the future of those... of those facilities that are in contention?"

Hoefl: "Maintains their concept of local control that is entirely up to the county board."

Mautino: "Thank you very much, to the Bill."

Speaker Hartke: "To the Bill."

Mautino: "I commend Representative Hoefl on the work that he's done to bring this all together. I think that it makes sense, it's good state policy, and it also will address the concerns of the regional superintendents. So with that, I simply ask for an 'aye' vote."

Speaker Hartke: "Further discussion? Seeing no one seeking recognition, Representative Hoefl to close."

Hoefl: "This is a bipartisan issue supporting those individuals from both sides of the aisle that work for the school districts. It is a good solution to a long-standing problem. I would ask an 'aye' vote."

Speaker Hartke: "Representative Hoefl has asked for the passage of House Bill 2560. All those in favor of the Bill will vote 'yes'; all those opposed will 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 House Bill 2560, there are 84 Members voting 'yes', 25 Members voting 'no', and 3 Members voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. On page 13 of the Calendar appears House Bill 2509, Representative Meyer. Mr. Clerk, read the Bill."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

104th Legislative Day

March 27, 1998

Clerk Bolin: "House Bill 2509, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of this House Bill."

Speaker Hartke: "Representative Meyer."

Meyer: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. The March 1998 governing magazine stated and I quote, 'Most police departments keep no statistics on it, but few dispute the aggressive driving. That aggressive driving is at or near the top of today's safety concerns.' A poll of Washington D.C. area residents conducted by the American Automobile Association last year found that motorists fear aggressive drivers, even more than they do drunk drivers by 44% to 31%. The National Highway Traffic Safety Administration estimates that roughly 1/3 of all motor vehicle crashes and about 2/3 of the roughly 42 thousand crash fatalities that occur each year can be attributed to aggressive driving behavior. House Bill 2509 addresses the problems of aggressive driving and road rage, which are growing at an apparent epidemic rate. House Bill 2509 establishes offensive aggressive driving, provides that any person who operates any vehicle carelessly or heedlessly without watchful attention, concern, caution, or regard for the rights or the safety of others, or in a manner that endangers or is likely to endanger any property or any person, including a driver or passengers of the vehicle, and committing any three or more of specific driv... different standard moving violations is guilty of aggressive driving. It provides that any person convicted of aggressive driving is guilty of a Class B Misdemeanor. A second or subsequent commission of the offense of aggressive driving is a Class A Misdemeanor. It establishes the offense of road rage, provides that any person who intentionally, with malice, uses any vehicle in

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

104th Legislative Day

March 27, 1998

such an unlawful manner as to endanger the bodily safety or property of another driver, bicyclist, or pedestrian is guilty of road rage. It provides that if the violation of road rage results in great bodily harm or permanent disfigurement to another, that person shall be guilty of aggravated road rage. Aggravated road rage is a Class 4 Felony. It also provides that an individual convicted of aggravated road rage, which is a Class 4 Felony, shall be given mandatory sentencing of a minimum of 48 consecutive hours of imprisonment, provides that this imprisonment shall not be subject to suspension or shall the offender be eligible for probation in order to reduce the sentence. It provides that the clerk of a court shall report the conviction of road rage or aggressive driving, even when suspension is granted, to the Secretary of State. It provides that the Secretary of State shall immediately revoke their driver's license or permit of any driver who's convicted of two road rage offenses within a 12 month period. I know of no opposition to this Bill, and I ask for your support in passing this legislation. Thank you."

Speaker Hartke: "The Gentleman has explained his legislation. Is there any discussion? Seeing none, the Gentleman asks for the passage of House Bill... Excuse me, I didn't see your light, Representative Black. The Chair recognizes Representative Black."

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

Speaker Hartke: "Indicates he will."

Black: "Representative Meyer, what will the burden of proof be on the arresting officer that a person was intentionally driving his or her vehicle in such a manner to endanger the bodily safety or property of another driver, bicyclist, or

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

104th Legislative Day

March 27, 1998

pedestrian? What's going to be the burden of proof?"

Meyer: "Representative, I believe it would be beyond a reasonable doubt, certainly what we're looking at in road rage is where that person intentionally uses the vehicle as a weapon. For instance, running another driver off the road, pushing into an intersection, ramming the car. Those are the types of things that would be, I think, subject to this type of a charge. The burden of proof, of course, would still be on the arresting officer, or the ticketing officer."

Black: "Could not every one of those offenses be an accident? My car planes on wet pavement and forces somebody in the ditch. My brakes slip at an intersection, and I bumped the car in front of me. What's going to determine whether it was an honest accident or driver error and an intentional attempt to harm someone?"

Meyer: "Well, certainly, that is something that the arresting officer would have to make the determination on. It's certainly possible that those... all those things can happen. They certainly happen everyday, but what we're talking about is actually using that vehicle as a weapon. It is a high burden of proof, but where it exists, well, that should not be treated as a normal accident, and there should be an arrest made on it."

Black: "Aren't all of the offenses you mention in your Bill already applicable under reckless driving, aggravated reckless driving, speeding? Aren't all of those things available to the arresting officer in one form or another?"

Meyer: "I would say yes on the surface. However, Representative, I think there's a very important difference here. Reckless driving is reckless driving with an intentional disregard. However, what we're talking about in this Bill is road

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

104th Legislative Day

March 27, 1998

rage, which is an intentional use of that vehicle as a weapon."

Black: "And so, that becomes the definition of road rage in your Bill? Intentionally driving my vehicle to cause bodily harm, is that the definition of road rage?"

Meyer: "Well, Representative, of course, in the legislation the road rage is defined intentionally, with malice, uses of a vehicle endangers the bodily safety or property of another. An aggravated road rage would be if the great bodily injury or permanent disfigurement results from that action."

Black: "Do you anticipate that any motorist charged with road rage will demand a jury trial?"

Meyer: "I'm sure that that is a great possibility, but I don't think that that makes a piece of legislation bad. I think the burden of proof is always on the officer to make sure that... or on the state's attorney to make sure that that charge is brought forward in those cases where it's warranted."

Black: "Are there any other states, in the union, who have enacted a Road Rage Bill similar to this?"

Meyer: "Well, I've been in contact with the National Conference of State Legislators; currently there are 17 Aggressive Driving Bills or Road Rage Bills, depending on how the state defines the event, that had been proposed. Virginia has passed one that includes a driver's education requirement, and the rest are going through their respective Legislatures. Our Bill, however, in looking at what's been proposed now to other states, is not out of line with their way of thinking either, Representative."

Black: "In fact, according to our staff, aren't most states specifically, Arizona, California and Maryland, rather populous large states, in fact, aren't they cracking down

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

104th Legislative Day

March 27, 1998

on these aggressive drivers, if that's the right definition, by using their existing careless and reckless driving statutes?"

Meyer: "And, Representative, I don't think there's anything wrong with that. This is not to supplant what we already have in existence, but what it does do is make a five-tier system for law enforcement to use in working with those drivers that find it to their advantage to put the rest of our lives and our property in danger. Prosecuting this is just another tool."

Black: "If we establish a statutory reference to road rage, using my automobile as a deadly weapon, are we going to create a ferocious owner's identification card so that I can't buy an automobile unless I have a FOID card?"

Meyer: "Well, Sir, you may do that in Vermilion County, but I guarantee you up in Will and Dupage and Cook, we're not going to do that."

Black: "Well, it would be the logical next step. Let's register these reckless drivers, these road rage drivers, and make them get a special ID card to drive. Well, thank you very much, Representative. Mr. Speaker, to the Bill, Ladies and Gentlemen of the House."

Speaker Hartke: "To the Bill."

Black: "I have the utmost respect for the Sponsor and I do not disagree, nor quarrel with the intent of his legislation. I think all of us who are in this Body, we drive probably as many miles a month as anybody in the State of Illinois, and we have witnessed, I'm sure, what the Gentleman is after, and I wish him well. I wish him no, no ill will in his attempt to address what he perceives to be a problem. I just stand and simply say that existing statutes can and have been used to go after these ridiculous drivers. I

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

104th Legislative Day

March 27, 1998

don't think we need to create a whole new statute in the Illinois Vehicle Code and Criminal Code. I come back to what I said yesterday. These laws are only as good as we have officers on the street to enforce them. Our state police force is at least 300 troopers short. We put state troopers on the road in cars that have 150 to 200 thousand miles on them. State troopers are using a radio system that was state of the art 25 years ago. Instead of constantly enhancing penalties, and everybody involved in road rage charge is going to ask for a jury trial and further clog the courts. I think the issue at hand is to ask why the Bureau of the Budget and others have not implemented operation kick start, which would put a sufficient number of state trooper cars on the road each year? It's incumbent upon us to ask why the General Assembly does not adequately staff the Illinois State Police. I'll guarantee you, you put more troopers out on the road, you'll do more to curve those idiot drivers than all the laws in the world. The very fact that they would drive in such a stupid reckless manner shows that they have no regard for the law. They aren't going to follow the law because it's on the books. The only thing they understand is a police vehicle who pulls them over and throws the book at them, and we have the book in our hand. We don't need to create more books, more laws, more offenses, more problems that clog the courts, ask for a jury trial. Ask yourself if you sit on this trial, and there is no compelling evidence of intent to harm somebody, are you going to find that person guilty? The average jury probably will not. I say again the solution is to address the shortfall in the Illinois State Police and our sheriffs' deputies, and our city police departments. I

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

104th Legislative Day

March 27, 1998

cannot in good conscience vote for this Bill. I think it's far, far too open ended. It will trample somebody's rights, clog the courts. In all due respect to the Sponsor, and in all due respect to the issue he's trying to address, I can't vote for it in good conscience."

Speaker Hartke: "Representative Johnson, for what purpose do you rise?"

Johnson, Tom: "Point of personal privilege, if I may, Mr. Speaker. I would like the Membership and the Body here to wish my wonderful secretary over here a Happy Birthday, Sandy Huffman. She is, of course, one of our resident bakers, who does all these wonderful birthday cakes for everybody else. Now, I tried to make one last night, and it didn't work, but, Sandy, Happy Birthday."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Cook, Representative Fritchey."

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

Speaker Hartke: "Indicates he will."

Fritchey: "I must be doing something right, because I'm honored to be on the same side of an issue with Representative Black. To the Sponsor, I've got a question. Again, I think we find another Bill that has nothing, too, but good intent. And I guess I would be a little more comfortable if I could understand a scenario where an individual could be charged with this new crime of road rage, where they couldn't right now be charged with reckless driving. And if it's just a difference in sentencing, won't we be better off just changing sentencing provisions, rather than putting a whole new offense on the books?"

Speaker Hartke: "Representative Meyer."

Meyer: "Yes, Representative, what you need to really focus on is this is an intentional act. It is not a reckless act. It

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

104th Legislative Day

March 27, 1998

is a very intentional act where you are using that car to go out and try and do damage to another person, to another person's property. You may try to maim or kill them. It is a very intentional act, very focused. It's not a broad base as others have maybe depicted it, and I believe that it's something that we should really have on our books in order to work with those individuals that are out there doing those types of actions."

Fritchey: "My understanding is that reckless driving also, it requires a willful act. And I guess if you could maybe then tell me what the difference between willful and intentional is?"

Meyer: "Well, reckless driving is a willful or wanton disregard. This is an action with malice."

Fritchey: "In that case, if it was an action with malice, wouldn't the appropriate charge be assault with a deadly weapon?"

Meyer: "That is certainly one charge that you could make; however, it is in past experience in talking to people that have tried cases have seen these types of cases before, that it is something that is very rarely used because an automobile is not normally been defined as a weapon. But in this case, what we are doing is saying that with road rage, it's a very intentional, with malice, act."

Fritchey: "Is it the State Police that told you that an automobile has not been found a deadly weapon? I don't think that's accurate."

Meyer: "I'm sorry, I couldn't hear your question."

Fritchey: "I believe and maybe I'm mistaken. I believe that an automobile can and has been found to be considered a deadly weapon when it's used intentionally to go after somebody."

Meyer: "Yes, it can be, but it needs to be filed by the state's

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

104th Legislative Day

March 27, 1998

attorney's office. This allows the police officer to write the ticket at that spot charging that individual."

Fritchey: "We're talking in nuances and gray zones here, and I guess with no disrespect to any of the fine law enforcement officers we have on the street, is it their responsibility to try and make a determination whether somebody should be charged with an intentional act as opposed to a willful conduct, as opposed to reckless conduct? Or should we just have them write every possible ticket and then let the courts sort it through? I'm not asking this facetiously. I really don't understand. I don't think that you want or that we should be in the position of having law enforcement officers play lawyers in deciding what the appropriate standard is and how many counts we can throw at an individual for the same act."

Meyer: "Well, Representative, the police officers on the street make that decision everyday in the conduct of their business. And all this does is give them another tool for them to use in making sure that they get those drivers that are intentionally trying to do bodily harm to another person or do physical damage to person's property off the streets. And it's going to make our streets safer for us. I would have to remind you, Representative, that up in the Chicago area at least, the Triple A has done a survey of people and what they feel about road rage and aggressive driving. And in a recent survey conducted and just published in their monthly magazine, they indicated that 18% of the people feel that they have witnessed, several times a day, others... other drivers driving dangerously. Twenty-one percent recognize that they've witnessed that weekly, 32% several times a week, and 30% on a daily basis. We have to do something in order to combat this problem we

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

104th Legislative Day

March 27, 1998

have, and it's growing. All you have to do is to pick up a newspaper, a magazine, watch the television, the news, some of the journal reports on the television, and you can see that this is growing at epidemic proportions. Seventeen states in this country now have introduced legislation combatting it. We happen to be one of it, and I'm proud to sponsor this legislation."

Fritchey: "I think that we're actually ahead of the curve here, because we already have legislation on reckless driving. With respect to your statistics, individuals witnessing cars that have been driven dangerously or recklessly were still not qualified for punishment under your proposed legislation. Reckless driving, dangerous driving is covered and prohibited under the law now. What you're doing here, I think, is adding a, perhaps, an unnecessary, although well-intentioned layer here. But I think we are just adding another level of confusion and layering to this. To the Bill, Mr. Speaker. And again, at the risk of being redundant, I'm sure there's nothing but the best of intentions here. Representative Black stated much more succinctly and clearly than I could hope to that good intentions don't always make for good laws, I think. I think these types of acts have been covered already. We're adding new offenses that without necessity or without real purpose or goal here. I'm reluctant to vote against this Bill, but I think at some point we need to start to draw the line and say that we have sufficient laws to cover these acts, and I will likely vote against this Bill. Thank you, Mr. Speaker. Thank you to the Sponsor."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Winnebago, Representative Scott."

Scott: "Thank you, Mr. Speaker. Representative Meyer, I have to

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

104th Legislative Day

March 27, 1998

agree with what a lot of Representative Black and what Representative Fritchey said. Having prosecuted traffic for a couple of years and done a few thousand traffic cases, I think you've got some problems here. And let me ask you about a couple of them, and we've covered some of this ground before. So, I'd ask if the Sponsor would yield?"

Speaker Hartke: "He indicates he will."

Scott: "The first paragraph, Section (a) 11-503.5, Section (a). When I look at that as a former prosecutor, I think you've got a real vagueness problem there. It's kind of the issue a lot of people were talking about here. But when you say intentionally drives a vehicle in such a manner as to endanger the bodily safety, what exactly does that mean? What does that mean to you?"

Meyer: "Representative, we're having a very hard time hearing over in this part of the House, if you could respond... refer to that. Section (a) I heard, and now I don't know where you go from there."

Scott: "Let me ask... I'll try it one more time. I'll try to project more than I do. The first paragraph, paragraph (a) in 11-503.5, right at the bottom of the... bottom of the next to last page of the Bill. Okay, specifically, the words, 'intentionally drives his or her vehicle in such a manner as to endanger the bodily safety or property', it goes on from there. What exactly does that mean?"

Meyer: "Representative, the Section that you referred to has been changed somewhat by refining that definition in Amendment 2."

Scott: "Okay."

Meyer: "And..."

Scott: "Why don't you tell me how it's changed then, because I

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

104th Legislative Day

March 27, 1998

don't have that right in front of me right now."

Meyer: "Okay, let me read it to you. Any person who intentionally, with malice, uses any vehicle in such an unlawful manner as to endanger the bodily safety or property of another driver, bicyclist, or pedestrian is guilty of road rage."

Scott: "Okay, what does that mean to you? Because the reason I ask, I'm not trying to be smart or anything, but the problem is whenever you have a criminal law, there's a vagueness standard, and so courts have to look and say, now does the average person who might be subject to arrest, under this law, does he... can he understand exactly what conduct is being prohibited here? So, that's the nature of the question I'm trying to get to. So, from a court's perspective, what exactly does that mean to you?"

Meyer: "Any person that intentionally uses a vehicle to endanger somebody is addressed in this part of the law."

Scott: "See, and the problem I have is, if that's what you mean by this, you've just described aggravated assault, aggravated assault with a deadly weapon, attempted murder, and everything else that carries a much stiffer penalty than the law that you've got right here. My argument is, if that's what you really mean, you're actually weakening the criminal law because you give prosecutors the ability, if they really think that a person used his or her car as a weapon to intentionally endanger someone, you give them the ability to charge something that's a far lesser offense than the other things that are on the books right now, and I know that's not what we mean to do."

Meyer: "Well, Representative, what I'm saying here is that this is a tool for the arresting off... for an officer that's on the street, that is involved in this type of an action and

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

104th Legislative Day

March 27, 1998

writing a ticket for it, they certainly can write that ticket. The state's attorney can always charge with a higher charge. I'm not taking that away from anybody, but this is giving that officer on the street an opportunity to charge them with something that is different, that is a higher level than reckless driving, which is a willful wanton disregard. This intentional with malice."

Scott: "See, I think that's a difference without a distinction. I think that in terms of a Constitutional analysis to that... just go out into the street and explain to the average driver, explain to us here, what's the difference between willful and wanton disregard for the safety of others and the actual malice standard that you're using here. I'll guarantee you that in trying to prove it, you're not going to have any difference at all."

Meyer: "Well, Representative, I would submit to you again, and I've stated it several times, one is reckless, one is intentional; and there's a big difference there, at least in my mind."

Scott: "Right, but you've got two problems here, as I see it. Believe me, I don't like people that drive like goof balls anymore than anybody else does. And we all run into them on the road, and that's not the issue here because none of us like that, and we'd all like to do things that are right. But we don't want to pass a Bill that either (a) is going to get thrown out or (b) will result in having people get charged with lesser offenses than they can get charged with now. I'm just saying that in terms of actually proving, if you can actually prove, actual malice that the person actually intended to use his car as a weapon to endanger somebody, you should never charge a traffic offense. You should charge a criminal offense under

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

104th Legislative Day

March 27, 1998

aggravated assault or aggravated battery if he actually does harm to them or attempted murder. Why would you even want to charge this?"

Meyer: "Representative, this Bill does not do anything to weaken existing laws."

Scott: "Sure it does."

Meyer: "It does not, Sir. A state's attorney can always charge with a higher charge."

Scott: "You're talking about from the terms of the code. I'm talking about in terms of practicality. And those of us who have prosecuted these things understand that when there's a lesser charge that's there, that's what ends up getting charged a lot. And, Jim, I understand what you're trying to do, but I think your net effect of what you're doing here is to actually weaken the criminal law. And I think that if you've got the actual proof that you can prove the crime the way you've described it here and you could actually prove that, I think you weaken the law by providing a lesser offense than something that can already be charged. Because I guarantee you, if I'm a prosecutor and I could prove that a guy willful... not willfully but with actual malice intended to cause bodily harm to somebody, I'm not going to charge with a traffic offense. And if you end up charging that, you've ended up weakening the law in practical terms. I realize you haven't changed anything in the code, but I'm just saying in practical terms. I think you've done something that you don't mind doing and so even though, I mean I understand and agree with the spirit of what you're trying to do. I don't think you make it here, and I think actually you end up hurting the body of law and I'd have to vote 'no'."

Speaker Hartke: "Further discussion? Seeing that no one is

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

104th Legislative Day

March 27, 1998

seeking recognition, Representative Meyer to close."

Meyer: "Well, thank you, Ladies and Gentlemen of the House, for the hearing on this Bill. I believe that this Bill provides another tool for the police officer to use on the street in order to curb the aggressive driver, in order to curb the road rage that is out there. I believe that any person that is charged with road rage, if there's a reason to charge them with a higher charge, that that is still available to the state's attorneys. But it does give our police officers a tool to use, right at the scene, at the present time that the incident is taking place. This Bill does nothing to diminish any type of court action that can be taken against someone that is attempting to kill someone. Reckless deals with a different state of mind. This is a very intentional type of action when you charge someone with road rage. I would just ask for your support and your vote on this legislation. Thank you."

Speaker Hartke: "The Gentleman has asked for the passage of House Bill 2509. All those in favor of the Bill vote 'aye'; those opposed vote '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? Mr. Clerk, take the record. On House Bill 2509, there were 79 Members voting 'yes', 17 Members voting 'no', and 15 Members voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. For what reason does the Gentleman from Livingston, Representative Rutherford, rise?"

Rutherford: "Thank you, Mr. Speaker, will the record reflect that on House Bill 2560 I inadvertently pushed... pressed a button and would like the record reflect that I intended to vote 'no'."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

104th Legislative Day

March 27, 1998

Speaker Hartke: "The record will so reflect. On page 13 of the Calendar, on House Bills - Third Reading, appears House Bill 2570, Representative Hoffman. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 2570, a Bill for an Act amending the Criminal Code of 1961. Third Reading of this House Bill."

Speaker Hartke: "Representative Hoffman."

Hoffman: "Thank you, Speaker, Ladies and Gentlemen of the House. This Bill would address a cork in the law. Essentially what happens now with regard to aggravated robbery is that if you were to use a gun and threaten somebody, that you're going to rob them, it would be aggravated robbery. If you actually threaten somebody with a knife, it would not be aggravated robbery. It makes no sense. What it does, it clears up a cork in the law, and I ask for an 'aye' vote."

Speaker Hartke: "The Gentleman has explained his legislation. Is there any discussion? The Chair recognizes the Gentleman from Kendall, Representative Cross."

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

Speaker Hartke: "Yes, indicates he will."

Cross: "Jay, no one could hear a single thing you said over here. Could you repeat everything you said?"

Hoffman: "That's why I said it the way I said it."

Cross: "What?"

Hoffman: "That's why I said it the way I said it."

Cross: "What did you say?"

Hoffman: "Basically, what this... what happened in our area, this is an initiative of the Madison County State's Attorney. What happened is an individual was at an ATM in Edwardsville, Illinois, and a person came up and threatened them with a knife. Okay. I have a knife, I'm going to stab you, give me all your money. If that person would of said,

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

104th Legislative Day

March 27, 1998

I have a gun. I'm going to shoot you. It would have been aggravated robbery. But because of a cork in the law, by threatening them with a knife, it only becomes an aggravated battery. If he would of pulled out the gun, or pulled out a knife or pull out any other, I guess, it's a dangerous weapon, and said, 'Here's a gun, I'm going to shoot you or here's a knife, I'm going to stab you.' It would of been... obviously, it would have been armed robbery. But the mere threat, what this does, it essentially says that if you threaten a person with a dangerous weapon, just like if you were to actually use that dangerous weapon, it doesn't matter, you understand what I'm saying?"

Cross: "This happened at an ATM machine?"

Hoffman: "It happened outside of an ATM machine, yes."

Cross: "So, this is a Banker Rage Bill? Is that what you're saying?"

Hoffman: "No, it's not."

Cross: "Jay, did you... So any of the... any of the... In paragraph (c), any of the dangerous weapons you've listed would now be included in that, in the same scenario used with a knife?"

Hoffman: "Yes, what we did is we just took what they use for armed robbery, for armed robbery, which is when you actually use the dangerous weapon, and we use the same instruments and made it consistent with aggravated robbery."

Cross: "You said this came out of the state's attorney's office, in your area?"

Hoffman: "Yes."

Cross: "Did Assistant State's Attorney Bradford have anything to do with this Bill? I mean, it's... Is it wrong to ask

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

104th Legislative Day

March 27, 1998

that?"

Hoffman: "No, I don't think he did, no."

Cross: "I just don't want us to neglect giving people credit where it's deserved. Well, it looks like a good Bill, Jay. Thank you."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Madison, Representative Stephens. He declines recognition. The Chair recognizes the Gentleman from Cook, Representative Pugh."

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

Speaker Hartke: "Indicates he will."

Pugh: "Representative, could you explain to me how an individual will commit a robbery using a sandbag?"

Hoffman: "Representative, what this does, it just mirrors the language that already exists in Illinois statutes regarding armed robbery. We're not adding anything new; we're just saying that if you use the threat of any of these instruments that could hurt somebody. We just mirrored and made it consistent in Illinois law."

Pugh: "So, this is not an attempt to enhance a penalty? This is to correct a flaw that you saw in the law?"

Hoffman: "Well, what it does is it, yes. It's not an attempt to enhance. What it is... is to say that the problem in the law and the quirk in the law is, if you went up to a person and you had a dangerous weapon and you said, 'I'm...' and you pull it out, a gun, a knife, a baseball bat and you said, 'Here's my dangerous weapon. I'm going to use this on you, give me your money.' That would be armed robbery under Illinois law. If you went up to them, and said, 'I have a knife, I have a knife, I'm going to stab you.' But you don't wield the knife, it would not have been

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

104th Legislative Day

March 27, 1998

aggravated robbery under Illinois law. But if you would have said, 'I have a gun and I'm going to use it on you.' It would of been aggravated robbery. So, what this does is it just says with regard to the threat of utilizing a dangerous weapon, it's going to be consistent with... if you actually did use it."

Pugh: "So, and I'm just not clear, Representative, you're stating that this implies that this Bill... If an individual threatens to use a sandbag or threatens to use a sling shot, that he would be charged with an aggravated assault?"

Hoffman: "No, no. It would be aggravated robbery. It's the threat of it, yes."

Pugh: "So, Sir, wouldn't that be an attempted aggravated robbery... so..."

Hoffman: "No... no..."

Pugh: "Wouldn't that be attempted aggravated robbery if there was no actual crime committed? Wouldn't it be...?"

Hoffman: "No, it would only be... it would only be aggravated robbery if you say to a person, 'I have a knife, I have a knife, give me all your money.' And you rob the person. If you don't successfully rob the person, you're right, it would be attempted aggravated robbery. That doesn't... This doesn't change the issue with regard to attempt. You have to be successful in carrying out the act."

Pugh: "I have no further questions."

Speaker Hartke: "Further questions, Representative Pugh? Further discussion? The Chair recognizes the Gentleman from Logan, Representative Turner."

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

Speaker Hartke: "Indicates he will."

Turner, J.: "Representative, did the State's Attorneys' Association support this measure?"

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

104th Legislative Day

March 27, 1998

Hoffman: "Yes. The State's Attorneys' Association is... is in favor of this measure."

Turner, J.: "Well, I obviously support your Bill, and I think that you've addressed..."

Hoffman: "You should, you're a Cosponsor."

Turner, J.: "I noticed that very significant situation here. The only question I have, is the sentence for aggravated robbery then going to be the same as it is for armed robbery, because it looks like they are different?"

Hoffman: "No, it... there's still a distinction. But what it says is it doesn't matter what type of dangerous weapon you use in order to be guilty or be charged with an aggravated robbery. Right now, I believe that... Right now, I think that armed robbery is a Class X. Is that right, John? Then this would say just like aggravated robbery currently is a Class I."

Turner, J.: "Okay, and I think that does make sense the way you structured that good Bill. Thank you."

Hoffman: "Thank you, Mr. Turner."

Speaker Hartke: "Further discussion? Seeing no one is seeking recognition, Representative Hoffman to close."

Hoffman: "I think this is a reasonable proposal that clears up a quirk in the law, and I ask for an 'aye' vote."

Speaker Hartke: "The Gentleman has asked for the passage of House Bill 2570. All those in favor of the Bill vote 'yes'; all those 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 House Bill 2570, there were 112 Members voting 'yes', 0 voting 'no', and 3 Members voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Turner in the Chair."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

104th Legislative Day

March 27, 1998

Speaker Turner, A.: "And we're off. Mr. Clerk, what's the status of House Bill 2768?"

Clerk Rossi: "House Bill 2768 is on the Order of House Bills - Third Reading."

Speaker Turner, A.: "Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 2768, a Bill for an Act concerning Home Rule Taxes. Third Reading of this House Bill."

Speaker Turner, A.: "The Lady from St. Clair, Representative Younge."

Younge: "Mr. Speaker, this Bill was debated just a few moments ago. It will allow the Village of Cahokia to file with the Department of Revenue an ordinance that it has passed by a front door referendum. And I move for the passage of the Bill."

Speaker Turner, A.: "The Gentleman from St. Clair, Representative Holbrook, for what reason do you rise?"

Holbrook: "Thank you, Mr. Speaker. Mr. Speaker, this just helps out a front door referendum that was passed. Department of Revenue agreed to set up their cycle to be more responsive to our communities, and I would urge an 'aye' vote on this issue. Thank you."

Speaker Turner, A.: "The Lady from DuPage, Representative Pankau, for what reason do you rise?"

Pankau: "Thank you, Mr. Speaker. Although it will not affect any of my municipalities, there was a situation that happened locally to me and my district about two years ago. The Village of Bloomingdale wanted to purchase some land. They went to the voters in the March election. They passed a referendum by 80 some odd percent, huge majority, to increase the sales tax and to therefore purchase the land. After the referendum, they found out that they would not be able to implement that tax until the following January 1st."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

104th Legislative Day

March 27, 1998

And because it takes approximately three months from the time you begin to collect the tax to the time the municipality actually sees any of the money, it was almost an entire year from the time that they put it in place to the time they started receiving any money. They had to float a loan, for that interim time, making it a much more expensive proposition than they had figured. I understand that this may be tough to explain, but honestly, people, this is common sense. I urge you to vote for it. Thank you."

Speaker Turner, A.: "The Gentleman from Madison, Representative Stephens, for what reason do you rise?"

Stephens: "After consulting with my State Senator, I'm not so sure this is such a bad Bill. I would... I would advise Members on our side of the aisle that it does have tax implications, but I think that the prior Representative characterized it fairly when she said it was common sense. So I am not opposed to the out... to the Bill."

Speaker Turner, A.: "The Lady from St. Clair to close."

Younge: "I move the passage of the Bill."

Speaker Turner, A.: "The question is, 'Shall House Bill 2768 pass?' All those in favor should vote 'aye'; all those opposed vote 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall... The Clerk shall take... The Lady from St. Clair, Representative Younge."

Younge: "Postponed Consideration."

Speaker Turner, A.: "Have all voted who wish? The Clerk shall take the record. The Lady requests Postponed Consideration. And the Bill will so be placed. On the Order of Third Readings, page 13, we have House Bill 2650. Representative Persico. Out of the record. House Bill

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

104th Legislative Day

March 27, 1998

2656. Representative Burke. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 2656, a Bill for an Act amending the Metropolitan Water Reclamation District Act. Third Reading of this House Bill."

Burke: "Mr. Speaker, I would ask that this Bill be brought back to the Order of Second Reading for the purpose of an Amendment."

Speaker Turner, A.: "Return the Bill to Second, Mr. Clerk. Are there any Amendments, Mr. Clerk? The Bill will remain on Second. On the Order of Third Readings, we have House Bill 2842. Representative Kubik. Out of the record. House Bill 2884. Representative Schakowsky. Out of the record. House Bill 2969. Representative Hannig. Out of the record. Representative Saviano, on House Bill 2986. Out of the record. Representative Kubik, on House Bill 3088. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 3088, a Bill for an Act amending the Service Occupation Tax. Third Reading of this House Bill."

Speaker Turner, A.: "The Gentleman..."

Kubik: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I'm joined with Representative Currie on this Bill. The Bill at the present time is a Vehicle Bill. The purpose of the Bill is for the Department of Revenue, the Taxpayers' Federation and the Illinois Retail Merchants are working on trying to resolve some procedural questions with respect to the Service Occupation Tax. So, what we'd like to do is send this Bill to the Senate so that they can continue their negotiation. Their ultimate aim is to come up with an agreed Amendment to this Bill, and then we would place it on in the Senate. So, that is what we plan to do with this Bill, and I'd appreciate your support."

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

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

104th Legislative Day

March 27, 1998

Parke."

Parke: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Will the Sponsor yield?"

Speaker Turner, A.: "He indicates he will."

Parke: "Representative, if there is no agreement on this Bill, what's going to happen?"

Kubik: "I assume it's going to stay in the Senate. We have specifically set this Bill aside for the Taxpayers' Federation and the Department of Revenue to resolve it. So, it's my understanding that we will use it for that purpose."

Parke: "Well, let me ask you one last question? Is the Illinois Retail Merchants' Association supportive of the direction you're going with this legislation?"

Kubik: "The Illinois... Well, Terry, they're involved in the negotiations, and they're part of the negotiation process. So, I'm... And they want to come up with an agreed Bill. So, I don't mean to speak for them. All I can say is that they're part of this process, and they're one of the organizations that brought some of the procedural questions to the table with the department."

Parke: "What if they said that they did not support the agreement? Would the agreement still go? What if they objected to the final agreement? Would you still move it?"

Kubik: "Our goal is for an agreement across the board with the de... you know."

Parke: "I want to know how nebulous this is. I want to know... if there's not an agreement with all the parties, are you going to move the Bill?"

Kubik: "Terry, I can't give you that commitment because I don't know exactly all of the issues that they're speaking about. I know some of the issues they're talking about. They may

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

104th Legislative Day

March 27, 1998

not agree with every issue, but my guess is, and the goal is, that we would have everybody in agreement before we move this Bill. And my guess is that's what would happen simply because they're one of the parties that brought some of these problems to the table."

Parke: "Thank you."

Speaker Turner, A.: "The Lady from Cook, Representative Wojcik."

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

Speaker Turner, A.: "He indicates he will."

Wojcik: "Representative, according to my records, I see that we voted yesterday on this Bill on the Agreed Bill list. Was it removed?"

Kubik: "I removed the Bill from the Agreed Bill list because there was... we were waiting for an Amendment and an agreement. This Bill was specifically set aside for an agreement between those three parties. They have not reached an agreement. They indicated to me today that it's going to take them awhile to reach an agreement. So, we thought the best procedural way to handle this would be to send it into the Senate as a vehicle with virtually nothing in it. Let them reach their agreement, put an Amendment on in the Senate and then bring it back to the House and see if the House agrees with the agreement. So... but I didn't feel it was fair to them to pass the Bill if they could reach an agreement by yesterday, and they could not."

Wojcik: "Okay. Thank you very much."

Speaker Turner, A.: "The Lady from Cook, Representative Currie."

Currie: "Thank you, Speaker and Members of the House. As I understand it, the Taxpayers' Federation, the Retail Merchants, the Municipal League, and the Department of Revenue actually have language, and what is happening now is that they are checking that language out with

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

104th Legislative Day

March 27, 1998

constituent members of each of those organizations. So I think that we're very close to agreement and Representative Kubik is interested in using this Bill just for that purpose. And as they are close enough to have language that is in principle agreeable, it seems a good idea to give them time to check it out with their membership list. And not to have this available, I think, would stymie the process. So I hope we will have your support for this Bill."

Speaker Turner, A.: "Representative Kubik to close."

Kubik: "I think Representative Currie has explained the Bill very well, and I'd appreciate your support."

Speaker Turner, A.: "The question is, 'Shall House Bill 3088 pass?' All those in favor shall vote 'aye'; all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there 82 'ayes', 27 'noes' and 3 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Third Reading. Representative McCarthy, on House Bill 3126. Out of the record. Representative Bugielski. Out of the record. Representative Wood, on House Bill 3173. Out of the record. I'm sorry. Representative Durkin, on House Bill 3180. Out of the record. Representative Waite, on House Bill 3292. Out of the record. Representative Erwin, on House Bill 3339. Out of the record. I'd call mine, but I can't do it from here. Representative Kubik, on House Bill 3406. Out of the record. Representative. Representative Zickus, on 3428. Out of the record. The Gentleman from Cook, Representative Acevedo, for what reason do you rise?"

Acevedo: "Mr. Speaker, the last Bill we voted on, I wish to go

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

104th Legislative Day

March 27, 1998

down on the record as a 'yes' vote. I didn't get a chance to press my button."

Speaker Turner, A.: "Let the record so reflect. Representative Zickus on House Bill 34... Out of the record. Representative Parke, on House Bill 3485. Out of the record. Representative Morrow, on House Bill 3593. Out of the record. Representative McKeon, on House Bill 3636. Out of the record. Representative Gash. Out of the record. Mr. Clerk, what's the status on House Bill 3513?"

Clerk Rossi: "House Bill 3513 is on the Order of House Bills - Third Reading."

Speaker Turner, A.: "That Bill would like to be moved back to Second. Representative Murphy requested it be moved back to Second. The Gentleman from Logan."

Turner, J.: "Mr. Speaker."

Speaker Turner, A.: "The Gentleman from Logan."

Turner, J.: "Thank you, Mr. Speaker. It's good to be back. You know, as most of you know, I've been gone awhile and while the weather wasn't good, on the one hand, it's nice to be back. I've been doing an evaluation of my life and my political philosophy, and I've made some changes, as you can see. I had a lot of time out West to examine the hog farm issue, and... on the one hand, and on the other I tried to examine out in some of the western states the large law firm issue and, Representative Hartke, I'm real sorry I didn't get to examine that far enough. But it's good to be back, and I would appreciate an immediate Democrat caucus, because I understand several Representatives over there are trying to take my place. I encourage that. I think it's good for you, all on the Democrat side to try to replace me as Speaker, and I wish you would do that in your caucus. So... And I would also

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

104th Legislative Day

March 27, 1998

call for an immediate vote on the Hog Farm Bill. So thank you very much, Mr. Speaker, for calling on me."

Speaker Turner, A.: "The Gentleman from Cook, Representative. The Gentleman from Effingham, Representative Hartke, for what reason do you rise?"

Hartke: "Mr. Speaker, as Caucus Chairman of the Democrats, you like to request a four hour... maybe not."

Speaker Turner, A.: "On the Order of Second Readings. Representative Reitz, on House Bill 2573. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 2573, a Bill for an Act amending the Unified Code of Corrections. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed. The Notes that have been requested on the Bill have been filed."

Speaker Turner, A.: "Read the Bill. Third Reading. The Gentleman from Cook, Representative Kubik, on House Bill 2842. Read the Bill, Mr. Clerk. Representative Kubik."

Kubik: "Mr. Speaker, could we move this Bill to the Order of Second Reading for purposes of an Amendment to be filed?"

Speaker Turner, A.: "Mr. Clerk, back to Second, please. On the Order of Third Readings, we have House Bill 2573. The Gentleman from Washington, Representative Reitz. Randolph."

Clerk Rossi: "House Bill 2573, a Bill for an Act amending the Unified Code of Corrections. Third Reading of this House Bill."

Speaker Turner, A.: "Representative Reitz."

Reitz: "Thank you, Mr. Speaker. This Bill would prohibit contact visits at security facilities, prison facilities, that contact visits for anyone that has refused a drug test or is guilty of using drugs, or has been deemed a C grade

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

104th Legislative Day

March 27, 1998

prisoner."

Speaker Turner, A.: "The Gentleman from Kendall, Representative Cross, for what reason do you rise?"

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

Speaker Turner, A.: "He indicates he will."

Cross: "Representative, I'm sorry what... this would prohibit contacts... contact visits if you were a Level C, is that correct?"

Reitz: "Yes, a C grade, if they disobey rules or regulations that make them be deemed a C grade prisoner. We're working with the department to clarify the definition of a C grade prisoner."

Cross: "Is this an initiative? It appears it's not an initiative of the Department of Corrections, is that correct?"

Reitz: "That's correct."

Cross: "Have you talked to the Department of Corrections about the cost to separate visitors and inmates?"

Reitz: "Yes, we have talked to them, and they are currently working on that. But they're in the process of moving toward... in this direction, with a lot of their facilities, and they are working toward that. I'm not sure we have, you know, a real time line in this, but it's a move in the right direction. We're going to hope. I know the Prison Reform Committee, the Ten Point Program, that they have there is going... if that goes through as established right now would prohibit contact visits altogether in maximum security, I believe."

Cross: "Representative, if I'm reading the Department of Corrections' impact statement, one to six million dollars in construction cost, is that your understanding?"

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

104th Legislative Day

March 27, 1998

Reitz: "Yes. I mean if that's what the department says. As I said, they're moving in this direction anyway."

Cross: "Have they indicated to you how they intend on paying to do the upgrade or the changes?"

Reitz: "They said, as I said, they're presently working on that in a number of facilities. All the new facilities will be... have the ability to have non-contact visits. Most of them, I know in the facility that is in my district in Menard, they are working toward doing that in the segregation unit. They may need a few more places if people are deemed C grade and not in seg. But they're going to... I guess it's our job to make sure they have enough money to pay for it."

Cross: "Well, Representative, I don't disagree with the concept. I think we need to be very careful about the cost, and I hope you'll continue to work with or will at least start to work with the Department of Corrections on that issue. Thank you."

Reitz: "We sure will, Representative."

Speaker Turner, A.: "The Gentleman from Cook, Representative Pugh. For what reason do you rise?"

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

Speaker Turner, A.: "He indicates he will."

Pugh: "Representative, can you tell me the difference between a C number inmate and a C Class...a Class C inmate?"

Reitz: "Representative, I don't have the department's definition with me at the present time, but it's someone that has disciplinary action taken against them. As I said, we're working with the department trying to more narrowly define that issue so that it works. Our... an inmate that has been segregated because of disciplinary action, but most of

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

104th Legislative Day

March 27, 1998

them we're trying to, as I said, more narrowly define the definition so that they can control this and make it more workable."

Pugh: "And has the Department of Corrections taken a position on this Bill?"

Reitz: "They're neutral as far as I know."

Pugh: "As far as you know, have you contacted the Department of Corrections?"

Reitz: "Yes. I talked with their representative this morning. Missy said they, in fact, had some notes filed on this that they said for an Amendment, and there was not an Amendment. The department is totally in agreement with this concept move, as I said, they're moving in this direction. Their concerns are fiscal with how we're going to pay for this, and as I said, you know, we'll work on this in the future, and they are making a move toward this at the present time."

Pugh: "So, we're saying that... The analysis that I'm reading said that at any give time, 70% of the inmate population, 70% of the inmate population will be in this C number or C Class? Seventy percent of the population?"

Reitz: "Possibly. Under their present criteria, as I said, they're going to, and if we have to do that statutorily to define, you know, what a C grade inmate is, then we'll do that. But, you know, it's fairly broad right now, but they're working; either they to do it departmentally or we'll do it here."

Pugh: "So, the cost, the cost that we referred to is just for one prison. So, if 70%... if the 70% of the inmates are going to be in this C Class, then that cost would probably be times 16, since we have 16 prisoners (Sic-prisons). Am I correct?"

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

104th Legislative Day

March 27, 1998

Reitz: "No, I think the costs are total. It is not per prison.

The cost is corrections at state as a whole."

Pugh: "And what was that cost again?"

Reitz: "I'm not... they don't know yet. I mean, a lot of it's based on what's going on right now and how many... how many cubicles, I guess, they would actually need at each prison. And a lot of that, Representative, will be determined on, you know, as we define this, more narrowly define this C grade definition."

Pugh: "So. So, you're asking us to pass a piece of legislation that has a dramatic fiscal impact on the budget of the State of Illinois, but we don't know how much it's going to cost?"

Reitz: "The intent, hopefully, is to make, you know, make the prisons safer for, you know, for the inmates for the correctional officers... cut down on the flow of drugs into the prison. That's the main intent, more than anything else, is to cut back on that. You know, unfortunately we have a problem within our prison system. You know, I think we have a responsibility as Legislators, you know, to house the people that are serving their sentences, but we have, you know, we have more of a responsibility to safeguard the guards and so they can go home to their families at night."

Pugh: "To the Bill, Mr. Speaker. I submit to you, Sir, that if we're going to stem the flow of drugs into the prisons, that we need to be more vigilant about the officers that we hire, because the officers are responsible for searching individuals coming in and out of the prisons. The officers are responsible for the amount of drugs that come into the prisons. Oftentimes they are the cause of the amount of drugs that come into the prisons and that if we're... that this piece of legislation, although your intent might be

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

104th Legislative Day

March 27, 1998

honorable, is merely going to contribute to the inhumane treatment that the prisons are allowing our individuals at this point in time. So, I respectfully request a 'no' vote."

Speaker Turner, A.: "The Gentleman from Logan, Representative Turner, for what reason do you rise?"

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

Speaker Turner, A.: "He indicates he will."

Turner, J.: "Representative, as I'm sure you're aware, Representative Tom Johnson has done a tremendous amount of work on the prison reform, and I'm wondering, have you discussed with him the particular provisions of your Bill and whether or not he's supportive?"

Reitz: "Yes, I discussed this with Representative Dart; he's one of the Co-chairs of the committee. This is just a step in the right direction and we don't know... it doesn't go as far as the Prison Reform Committee has recommended, and we don't know when the... when or if we'll move on that, this Session or when we will."

Turner, J.: "Representative, perhaps you didn't hear me. I didn't ask if you talked to Representative Dart; I asked if you talked to Representative Johnson, Tom Johnson?"

Reitz: "No, other than in committee and Representative Johnson has said, you know, he would rather move this through. Is that right, Representative Johnson? He would rather move this through, you know, as a whole. But, as I said, this does not go as far... you know, and as I said, I talked to Representative Dart then as Chair or Co-chair and was led to believe, you know, we could move parts of this and this... you know, this does not go near as far. But I think it's a step in the right direction and should hopefully cut down on the drug flow into the prison. And

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

104th Legislative Day

March 27, 1998

I'm hopeful that this will be a cost saving measure in the long run."

Turner, J.: "Well, you know, if we use Representative Johnson's name enough in debate, we might get him to turn his light on. But I do have another question, before he does that. How are you defining a contact visit?"

Reitz: "How do I define contact visits? Was that the question?"

Turner, J.: "Yes."

Reitz: "The ability for physical contact between the inmate and whoever comes to see them."

Turner, J.: "Well, are you talking about unsupervised visits between the person visiting and the prisoner?"

Reitz: "No, all visits are supervised, but what we have right now is, you know, lack of staff to... there may be 30 or 40 visitors and two guards. It's just... It's not physically possible for them to watch everyone that is in there visiting and, you know, this would just help in that respect."

Turner, J.: "All right. Well, maybe I should approach it from the other way. I presume since the language says that contact visits would be prohibited, non-contact visitations will be allowed. What would those be?"

Reitz: "Non-contact? We'll have a glass or some sort of partition, just so there is no physical contact. You know, the guards in my area have told me that, you know, they have the...the visitors have the ability to pass drugs just by a simple kiss. And, you know, possibly pass, you know, drugs in that method or just having, not having, the ability to watch them at all times, you know, when they're in the visiting room."

Turner, J.: "So, inmates who are in Class C status will still have some visitation privileges under your Bill?"

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

104th Legislative Day

March 27, 1998

Reitz: "Yes. No, we're not denying anyone visitation. We're just denying the contact part to try and stop and hopefully... you know, hopefully I'm hoping that this will, you know, will be an incentive for, you know, for the inmates to, you know, to obey the rules and regulations. To, you know, when asked if there is reason to take, you know, to take a drug test and that's all we're shooting for is to improve the climate within the prison for the inmates to help, you know, the people in there that, you know, the drugs are a problem and to help the guards."

Turner, J.: "Thank you."

Speaker Turner, A.: "The Gentleman from DuPage, Representative Johnson."

Johnson, Tom: "Yes, thank you, Mr. Speaker and to the Bill. I spoke out in committee on this, because as this chamber knows, we have had a committee hard at work now for almost three years dealing with prison reform and prison management. It was an agreement that I thought that we had with the Speaker, and I believe it is a fair representation. And even after speaking with Co-chairman Dart, that Bill's affecting the Department of Corrections, and these types of Bills would be more appropriate to bring before the Prison Reform Committee as it looks at comprehensive reform within the Department of Corrections. This particular Bill basically is a cherry picking of one concept that is being studied in light of total reform within the Department of Corrections. This particular Bill represents a portion of recommendations that we are in the process of putting together in terms of a 10 point proposal, now, in which hearings are scheduled. We're not sure, quite honestly, as a Reform Committee whether this particular piece is appropriate or not in light of the

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

104th Legislative Day

March 27, 1998

overall reform that's necessary. This is a very difficult Bill for anybody in here to vote 'no' on, and I'm not going to tell you all to vote 'no' on. But when one gets involved with looking at the Department of Corrections and the necessary changes that need to be made there, I only submit that most of these issues are very interrelated. You cannot just pick at one area and expect that that is going to have a real impact or not. In fact, it might have a negative impact. The one thing I have learned in three years is that it is a very complex issue to turn around and get meaningful reform to stop the drugs, the gangs, et cetera, within the prisons. And I think the committee as a whole has done a very, very good job of understanding, first of all, trying to understand the ramifications of each of these particular components. I would urge in here today that the Members consider the integrity of that committee and the work that has gone into it and hopefully the work that the proposals that will shortly be coming out of it. I would wish that people in here would vote 'present' today so that the commitments that were made by this Speaker and the Speaker before would be that we would be dealing with these prison issues in a comprehensive fashion. Now, if this is politically expedient for our future campaigns to vote for this, I'm not going to tell you not to because it very well might be part, and I'm sure some of the issues in terms of contact visits throughout the system, not just for C grade prisoners, are being considered within the package that will be coming out of the Prison Reform Committee. But I do think it's important that we keep the integrity intact of what we all agreed was going to be a process here to look at this in total. I, for myself, this morning will be voting 'present', not so

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

104th Legislative Day

March 27, 1998

much that I disagree with the concept behind this, but that it is not really put into the proper context of all of the issues that we are dealing with in DOC. Thank you."

Speaker Turner, A.: "The Gentleman from Randolph, Representative Reitz. For what reason do you rise?"

Reitz: "Mr. Speaker, I'm going to... I appreciate Representative Johnson's comments. I appreciate everyone's patience with this, and I appreciate Representative Johnson's comments. We're going to try to meet with both Co-chairs of this, Representative Dart and Representative Johnson, and try to make this more amicable, hopefully. But, you know I believe, and I believe you know we've been studying this issue for a long time. This does not go as far as the Prison Reform Committee's proposal does, and I think the time to study is over, but I would ask that we pull this out of the record. I will discuss it with them over the weekend, and I would like to call this for a vote next week."

Speaker Turner, A.: "The Gentleman's request will be so granted. Take the Bill out of the record. The Gentleman from Cook, Representative Morrow, on the Order of Third Reading, you have House Bill 3593. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 3593, a Bill for an Act concerning budget items for a South Suburban Airport. Third Reading of this House Bill."

Morrow: "Yes, thank you, Mr. Speaker. We'd like to move this Bill back to Second Reading for the purpose of an Amendment."

Speaker Turner, A.: "The Gentleman's request is... will be so granted. The Gentleman from Bureau, Representative Mautino, on House Bill 3481. Read the Bill, Mr. Speaker... Mr. Clerk."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

104th Legislative Day

March 27, 1998

Mautino: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Today, I bring House Bill 3481. We voted on this Bill the other day; there were some misunderstandings. I believe that we've had a lot of the questions answered. This refers to the GED testing, and it will allow the State Board to do this by rule, and I believe a number of the superintendents have been in contact. We've had some meetings in the interim, and I would ask for your support. Be happy to answer any questions."

Speaker Turner, A.: "Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 3481, a Bill for an Act to amend the School Code. Third Reading of this House Bill."

Speaker Turner, A.: "The Gentleman from Vermilion, Representative Black."

Black: "Thank you very much, Mr. Speaker. I rise in reluctant support of this Bill. I spoke out against it yesterday. I've subsequently talked to both of my regional superintendents, and unfortunately, they're caught in a dilemma. Without the ability to combine the two fees, they simply cannot pay for the GED Test, which means they couldn't offer it. Well, that's even worse than the scenario that I talked about the other day where the price... my price might be such that we are not able to get people to take the test that so desperately need to take it and want to take it. So, it's been explained to me that they're going to combine the application fee with the current testing fee, which really will not increase the price, and they'll have to look at the ever increasing price of the GED. They had a 38% increase in the fee from the testing company just last year. I think that's unconscionable, and what's even more unconscionable is it's the only company in the United States that make the GED

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

104th Legislative Day

March 27, 1998

Test. So, I think it would behoove the State Board of Education to see if we can't come up with another testing company, or better yet another test. And my only concern and my challenge to Representative Mautino is that we make certain that we monitor this very closely through the Joint Committee on Administrative Rules and that we keep the fee to the absolute minimum necessary to cover the cost from the testing company. And I know you'll do that."

Mautino: "Absolutely. That is my intention and also for your information, on May 1st, there is a meeting between California, Florida, New York, and Texas where we're going to be trying to work out something for an alternative testing. But currently, there's only one company which makes this test, and the State Board does not have the flexibility that it needs. So, it puts the onus on the superintendents. I simply ask for an 'aye' vote. And I thank you for clarifying that."

Black: "I think that's... I think you've hit the key. I think a 38% increase in that test fee in one year is unconscionable, given that the cost of living has not been going up to any appreciable extent or inflationary pressures have been almost nonexistent. And I hope that they do come up with another company or another test. A little competition wouldn't hurt, and I know that you will monitor this very closely so that we will not allow the fee to get to a point where those who must take this test would not be able to afford it. And I know there's a supplemental coming to help do that very thing. So, I... while I'm still concerned about it, I do rise to support your effort because, unfortunately, we have no option or alternative at this point. And I'd be glad to work with you on the issue."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

104th Legislative Day

March 27, 1998

Mautino: "That's what happens with so many things within the state, and I appreciate that. Thank you very much."

Speaker Turner, A.: "The Lady from Cook, Representative Davis. For what reason do you rise?"

Davis, M.: "Will the Sponsor yield, Mr. Speaker?"

Speaker Turner, A.: "He indicates he will."

Davis, M.: "Thank you, Mr. Speaker. Representative Hannig, or Mautino, has the board, the State Board attempted to raise the cost of the exam?"

Mautino: "No, they have not."

Davis, M.: "You know... Well, this legislation gives the State Board leeway to raise it to whatever they choose, of course going through JCAR. But in my opinion, a better method of solving the problem would have been to simply raise the fee by three dollars, or four, or five, and then let that be standard. But what this legislation does, it gives the State Board of Education free rein on raising that cost, without having to come to the Legislature and that does concern me."

Mautino: "Well, it actually..., the point that you bring up. I think the intent of the State Board on this is pretty well shown by the fact that the State Board did not increase. They basically, they ate the cost increase of the 200 thousand in the last round, and it certainly would not be my intent to cause these fees to rise. But we're expecting another very substantial increase because of the test, at this point and on this date, it's status to be completely redesigned. So, when a superintendent may have to, within a five-week period, make a decision on whether he can or cannot afford to give this test, I think it's best done through rules and JCAR. Now, if they abuse that, I would be the first to join with you to come in and make that

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

104th Legislative Day

March 27, 1998

change. But it is not the intent, but it will offer the flexibility necessary to ensure that we can keep providing these tests, as Representative Black so eloquently stated."

Davis, M.: "Representative, are you aware that Chicago does not have, or Cook County I should say, does not have a regional superintendent to kind of be on top of the GED issue as the other counties in the State of Illinois have?"

Mautino: "No, no. In Chicago you don't have a, I'm very well aware that you don't have, a regional superintendent. I believe that office was voted out four years ago, by us."

Davis, M.: "And are you aware, Representative, are you aware that since the State Board has taken over the authorization of GED Testing, that the number of people passing the test in Chicago and Cook County is down by five or six thousand per year?"

Mautino: "I understand that there was a dip in that number for awhile, but the State Board has now contracted with the community college within the college system within the City of Chicago to help increase that level and to provide this service for so many that are in need."

Davis, M.: "Representative, can you give me the names of the members on JCAR?"

Mautino: "My apologizes, Representative, I couldn't hear you over the noise in the chamber."

Davis, M.: "I said, can you give me the names of the members on JCAR?"

Mautino: "Representative Ryder, Representative Novak, Representative Woolard, Representative Rutherford, Representative Mary Lou Cowlshaw, and six people from the sleeping chamber."

Davis, M.: "Okay. You can see where my concern is. Here again, we'll have a group of people where..."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

104th Legislative Day

March 27, 1998

Mautino: "And also, Representative Coy Pugh."

Davis, M.: "Is Coy Pugh on JCAR?"

Mautino: "Yes, he is."

Davis, M.: "Okay. All right. Well, that makes me feel a little better. Then we know someone from our community will obviously be available in that committee to help make decisions. You know, to the Bill, Mr. Speaker. I'm very concerned when any agency comes to the Legislature and asks us to trust them in reference to their ability to raise fees. They tell us it'll be three dollars or it'll be four dollars, and yet there is nothing in this legislation that will limit the amount in which they can raise those fees. Representative, I trust that you will be with me if they attempt to raise them beyond five dollars."

Mautino: "Absolutely."

Davis, M.: "They have said it would be three dollars. But if it's more than five dollars, because the people who are taking GED exams many times are living with family members attempting for a second chance to get their lives together, and they don't have income, just a lot of disposable income. Sometimes they have to take the test over to finish a particular part, and they should not be gouged price wise so that they cannot complete their education and be prepared for college. I'm going to trust, along with you, Mautino, that the State Board of Education perhaps, for once, will do the right thing. We will support your legislation."

Mautino: "Thanks, Monique."

Speaker Turner, A.: "The Gentleman from Bureau to close."

Mautino: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. The issue has been debated. I think we've resolved or brought to light the intent of what we're

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

104th Legislative Day

March 27, 1998

trying to do with this legislation, which would to protect and ensure that should we receive massive increases in the cost of these tests, that we can still offer them to the public and give that flexibility. And I've given my commitment to work with the Representatives that have their concerns. So I would appreciate an 'aye' vote."

Speaker Turner, A.: "The question is, 'Shall House Bill 3481 pass?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there is 72 'yes', 40 'noes' and 0 'presents'. This Bill, having received the Constitutional Majority, is hereby declared passed. Is there any Member wishing to have a Bill called at this point? The Gentleman from Madison, Representative Stephens. For what reason do you rise?"

Stephens: "To make sure that Representative Hoffman doesn't have any more Bills that he wants called. Just to make sure that you've called all of his legislation."

Speaker Turner, A.: "The Gentleman from Cook, Representative Parke. For what reason do you rise?"

Parke: "Thank you, Mr. Speaker. You said do we have any Bills? Yeah, I'd like my... doubling of the state deduction from one thousand to two thousand for a deduction on our Income Taxes. It's still in Rules, I'd like to have it called out of Rules, so I could present it to the Body. So if you're looking for a Bill to call, I'd like to call that one."

Speaker Turner, A.: "Okay. We will pass that information on to the Chairman of Rules Committee."

Parke: "All right. Well, thank you, I would appreciate that."

Speaker Turner, A.: "We're just talking about Bills that are on the Calendar currently, Representative."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

104th Legislative Day

March 27, 1998

Parke: "Thank you."

Speaker Turner, A.: "The Lady from St. Clair, Representative Younge."

Younge: "Thank you, Mr. Speaker. The Educational Appropriation Committee will meet at 1:00 on Monday, rather than 11:00, as indicated in the Calendar. It will be 1:00 p.m. on Monday."

Speaker Turner, A.: "Did everyone hear that announcement? The Education Approp. Committee will meet at 1:00 on Monday, instead of 11:00, as printed in the Calendar. One o'clock for the Appropriation Education Committee. Mr. Clerk."

Clerk Bolin: "Senate Joint Resolution #59."

"RESOLVED, BY THE SENATE OF THE NINETIETH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that when the Senate adjourns on Thursday, March 26, 1998, it stands adjourned until Tuesday, March 31, 1998, at 12:00 noon; and when the House of Representatives adjourns on March 27, 1998, it stands adjourned until Monday, March 30, 1998, at 1:00 p.m."

Speaker Turner, A.: "Mr. Clerk. You've heard the Motion, all those in favor shall say 'aye'; all those opposed say 'no'. The opinion of the Chair, the Resolution is adopted. Agreed Resolutions, Mr. Clerk."

Clerk Bolin: "House Resolution 368, offered by Representative Noland. House Resolution 369, offered by Representative Currie. House Resolution 370, offered by Representative Currie. House Resolution 372, offered by Representative Schakowsky. House Resolution 373, offered by Representative Granberg. House Resolution 374, offered by Representative Slone. And House Resolution 376, offered by Representative Granberg."

Speaker Turner, A.: "Representative Currie moves for the adoption

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

104th Legislative Day

March 27, 1998

of the Resolutions. All those in favor shall say 'aye'; all those opposed say 'no'. The opinion of the Chair, the 'ayes' have it, and the Resolutions are adopted. Representative Black. Allowing Perfunctory Time for the Clerk, Representative Black moves that the House stands adjourned until Monday, at the hour of 3:00 p.m. All those in favor should say 'aye'; all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it, and the House is adjourned until Monday at the hour of 3:00, allowing Perfunctory time for the Clerk. Three p.m. Monday."

Clerk Rossi: "The House Perfunctory Session will come to order. Introduction of House Bills. House Bill 3879, offered by Representative Stephens, a Bill for an Act to amend the Unemployment Insurance Act. First Reading of this House Bill. Introduction of Resolutions: House Resolution 375, offered by Representative Cross. It's assigned to the Rules Committee. Introduction of Resolutions: House Resolution 382, offered by Representative Granberg, is assigned to the Rules Committee. Second Reading of House Joint Resolution Constitutional Amendment #2. Second Reading of House Joint Resolution Constitutional Amendment #17, offered by Representative Boland."

"RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETIETH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that there shall be submitted to the electors of the State for adoption or rejection at the general election next occurring at least 6 months after the adoption of this resolution a proposition to add Section 25 of Article I of the Illinois Constitution as follows:

ARTICLE I

BILL OF RIGHTS

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

104th Legislative Day

March 27, 1998

(ILCON Art. I, Sec. 25 new)

SECTION 25. UNIVERSAL HEALTH CARE COVERAGE

Health care is an essential safeguard of human life and dignity, and there is an obligation for the State of Illinois to ensure that every person is able to realize this fundamental right. On or before May 31, 2002, the General Assembly shall by law enact a plan for universal health care coverage that permits everyone in Illinois to obtain decent health care on a regular basis.

SCHEDULE

This Constitutional Amendment takes effect upon approval by the electors of this State."

Clerk Rossi: "Second Reading. House Resolution Constitutional Amendment #20, offered by Representative Lang."

"RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETIETH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that there shall be submitted to the electors of the State for adoption or rejection at the general election next occurring at least 6 months after the adoption of this resolution a proposition to amend Section 15 of Article VI of the Illinois Constitution as follows:

ARTICLE VI

THE JUDICIARY

(ILCON Art. VI, Sec. 15)

SECTION 15. RETIREMENT - DISCIPLINE

(a) The General Assembly may provide by law for the retirement of Judges and Associate Judges at a prescribed age. Any retired Judge or Associate Judge, with his or her consent, may be

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

104th Legislative Day

March 27, 1998

assigned by the Supreme Court to judicial service for which he or she shall receive the applicable compensation in lieu of retirement benefits. A retired Associate Judge may be assigned only as an Associate Judge.

(b) A Judicial Inquiry Board is created. The Supreme Court shall select two Circuit Judges as members and the Governor shall appoint four persons who are not lawyers and three lawyers as members of the Board. Not more than two of the lawyers and two of the non-lawyers appointed by the Governor shall be members of the same political party. The terms of Board members shall be four years. A vacancy on the Board shall be filled for a full term in the manner the original appointment was made. No member may serve on the Board more than eight years.

(c) The Board shall be convened permanently, with authority to conduct investigations, receive or initiate complaints concerning a Judge or Associate Judge, and file complaints with the Courts Commission. The Board shall not file a complaint unless five members believe that a reasonable basis exists (1) to charge the Judge or Associate Judge with willful misconduct in office, persistent failure to perform his duties, or other conduct that is prejudicial to the administration of justice or that brings the judicial office into disrepute, or (2) to charge that the Judge or Associate Judge is physically or mentally unable to perform his duties. All proceedings of the Board shall be confidential except the filing of a complaint with the Courts Commission. The Board shall prosecute the complaint.

(d) The Board shall adopt rules governing its procedures. It shall have subpoena power and authority to appoint and direct its staff. Members of the Board who are not Judges shall receive per diem compensation and necessary expenses; members who are Judges shall receive necessary expenses only. The General Assembly by law shall appropriate funds for the operation of the Board.

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

104th Legislative Day

March 27, 1998

(e) An independent A Courts Commission is created consisting of one Supreme Court Judge selected by that Court as a member and one as an alternate, who--shall-be-its-chairman, two Appellate Court Judges selected by that Court as members and three as alternates, and two Circuit Judges selected by the Supreme Court as members and three as alternates, and two citizens selected by the Governor as members and two as alternates. Members and alternates who are Appellate Court Judges must each be from a different Judicial District. Members and alternates who are Circuit Judges must each be from a different Judicial District. Members and alternates of the Commission shall not be members of the Judicial Inquiry Board. The members of the Commission shall select a chairperson to serve a two-year term.

The Commission shall be convened permanently to hear complaints filed by the Judicial Inquiry Board. The Commission shall have authority after notice and public hearing, (1) to remove from office, suspend without pay, censure or reprimand a Judge or Associate Judge for willful misconduct in office, persistent failure to perform his or her duties, or other conduct that is prejudicial to the administration of justice or that brings the judicial office into disrepute, or (2) to suspend, with or without pay, or retire a Judge or Associate Judge who is physically or mentally unable to perform his or her duties.

(f) The concurrence of four ~~three~~ members of the Commission shall be necessary for a decision. The decision of the Commission shall be final.

(g) The Commission shall adopt comprehensive rules to ensure that governing its procedures are fair and appropriate. These rules and any amendments shall be public and filed with the Secretary of State at least 30 days before becoming effective.

(h) A member of the Commission shall disqualify himself or herself, or the other members of the Commission shall disqualify a

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

104th Legislative Day

March 27, 1998

member, with respect to any proceeding in which disqualification or refusal would be required of a Judge under rules of the Supreme Court, under rules of the Commission, or by law.

If a Supreme Court Judge is the subject of a proceeding, then there shall be no Supreme Court Judge sitting as a member of the Commission with respect to that proceeding. Instead, an alternate Appellate Court Judge not from the same Judicial District as the subject Supreme Court Judge shall replace the subject Supreme Court Judge. If a member who is an Appellate Court Judge is the subject of a proceeding, then an alternate Appellate Court Judge shall replace the subject Appellate Court Judge. If an Appellate Court Judge who is not a member is the subject of a proceeding and an Appellate Court Judge from the same Judicial District is a member, then an alternate Appellate Court Judge shall replace that member. If a member who is a Circuit Judge is the subject of a proceeding, then an alternate Circuit Judge shall replace the subject Circuit Judge. If a Circuit Judge who is not a member is the subject of a proceeding and a Circuit Judge from the same Judicial District is a member, then an alternate Circuit Judge shall replace that member.

If a member of the Commission is disqualified under this Section with respect to any proceeding, that member shall be replaced by an alternate on a rotating basis in a manner provided by rule of the Commission. The alternate shall act as member of the Commission with respect to that proceeding only.

(i) The Commission and shall have power to issue subpoenas.

(j) Members and alternates of the Commission who are not Judges shall receive per diem compensation and necessary expenses; members and alternates who are Judges shall receive necessary expenses only. The General Assembly shall provide by law for the expenses and compensation of the Commission.

(Source: Illinois Constitution.)

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

104th Legislative Day

March 27, 1998

SCHEDULE

This Constitutional Amendment takes effect upon approval by the electors of this State. Second Reading of this Constitutional Amendment."

Clerk Rossi: "Introduction and First Reading of Senate Bills. Senate Bill 1292, offered by Representative Brunsvold, a Bill for an Act in relation to certain property held by museums. And Senate Bill 1475, offered by Representative Tom Johnson, a Bill for an Act amending the School Code. First Reading of these Senate Bills. The House Perfunctory Session stands adjourned."