

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

76th Legislative Day

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Speaker Brunsvold: "The House will come to order. Members will be in their Chairs. We will be led in prayer today by Pastor Keith Michaels with United Methodist Church of Warrensburg. Pastor Michaels is the guest of Representative Duane Noland. Guests in the balcony may want to rise for the invocation. Pastor Michaels."

Pastor Michaels: "Thank you. Let us pray. Almighty God, in whose power we now stand. By whom the whole world is supplied and upheld and the wondrous heavens lifted over our heads, bring all these works of Your hands before us now that we may forget our own foolish business and give mere praise to Your name. Amen."

Speaker Brunsvold: "We will be led in the pledge today by Representative Maggie Crotty."

Crotty - 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 Brunsvold: "I would like to remind everyone the House Floor is for Members and staff, all lobbying that's going on now should be removed. All people not privileged to the Floor should retire to the balcony. Mr. Cross, do you have your binoculars out this morning? Turn Mr. Cross on please."

Cross: "We're always looking, Mr. Speaker."

Speaker Brunsvold: "Could you search the heavens for my License Plate Re-plating Bill, please?"

Cross: "What does it look like? Are we... are we ready to go?"

Speaker Brunsvold: "Yes, Mr. Cross, we're checking to see if a committee is still meeting and then we will proceed."

Cross: "You're going to call some Republican Bills this morning?"

Speaker Brunsvold: "Absolutely."

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Cross: "You're a very kind man."

Speaker Brunsvold: "Mr. Cross, for what reason do you rise?"

Cross: "Excuse me, I had some John Turner deer jerky in my mouth. It is a big day here in Springfield, Mr. Brunsvold or Mr. Speaker. Representative Hassert's birthday is today, so, we should all wish Representative Hassert a birthday but we have some bad news. There's absolutely no cake."

Speaker Brunsvold: "No cake, Mr. Cross?"

Cross: "No cake."

Speaker Brunsvold: "No cake."

Cross: "And you know with his new AARP card you'd think he could of gotten a discount on cake but there is no cake. Ask him where the cake is."

Speaker Brunsvold: "Mr. Hassert, where is the cake?"

Hassert: "I'm going to say the cake's going to have to be here sometime later on today. I just forgot it was my birthday. I got up a little late this morning; it just didn't work out and Representative Cross reminded me of that. So, Alzheimer's is setting in."

Speaker Brunsvold: "Thank you, Mr. Hassert. Roll Call for Attendance. Mr. Clerk, take the... Mr. Clerk, take the record. Okay. Mr. Cross, for excused absences."

Cross: "There is one excused absence and I'm sure he would of enjoyed some birthday cake if he'd been here and we'd had birthday cake. That's Representative Black."

Speaker Brunsvold: "Representative Lang, Democrat Absentees."

Lang: "We have none, Sir. Thank you, very much."

Speaker Brunsvold: "Thank you, Mr. Lang. Mr. Clerk, take the record. We have 117 answering the Roll, we have a quorum and the House is ready to do business. Committee Reports."

Clerk Rossi: "Representative Barbara Flynn Currie, Chairman from the Committee on Rules, to which the following measures

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were referred, action taken on October 29, 1997, reported the same back with the following recommendation/s: to the Order of Second Reading, Senate Bill 1120, 'approved for consideration', Compliance Motion 1 to House Bill 1118, Motion 1 to House Bill 2030 and Motion #1 to House Bill 2179."

Speaker Brunsvold: "Supplemental Calendar announcement."

Clerk Rossi: "Supplemental Calendar #1 is being distributed. Committee Reports. Representative Calvin Giles, Chairman from the Committee on State Government Administration and Election Reform, to which the following Amendment was referred, action taken on October 29, 1997, reported the same back with the following recommendation/s: recommend 'be adopted' Floor Amendment 2 to House Bill 2321."

Speaker Brunsvold: "On page, or excuse me, on Supplemental Calendar #1, under Amendatory Veto Motions appears House Bill 1118. Amendatory Veto Motion #1, Representative Moffitt."

Moffitt: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 1118, is an initiative of the Illinois County Treasurers' Association and what it would do would be abolish the Property Tax Protest Fund so it would be one less fund that they would have to maintain. The Governor's Amendatory Veto makes very acceptable changes; I Motion to except it. It provides a sunset date and provides that the fund has to be spent down all... it will be exhausted rather than not clarifying that. So, I would be happy to entertain any questions."

Speaker Brunsvold: "On that Motion, is there any discussion? The Gentleman from Cook, Representative Lang."

Lang: "Will the Sponsor yield?"

Speaker Brunsvold: "The Gentleman yields."

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Lang: "Representative, let me see if I can understand this, you're... What does this do with the Protest Fund?"

Moffitt: "It will eventually eliminate there being a separate Protest Fund. Anyone that pays under protest and is entitled to a refund will get their money back with interest, it's just that there does not have to be a statutory separate fund. Generally, there was not the right amount in that fund it would vary from year to year. The taxpayer will get their money, they will get it with interest, but there would just be one less fund that needs to be maintained by the county. It will simplify the bookkeeping. It's a recommendation of the County Treasurers' Association and is supported by several other groups just in the interest of more efficient government and cutting duplication and added fund keeping."

Lang: "Well, did the Governor mention a sunset provision in his Amendatory Veto Message?"

Moffitt: "Yes he did and it places a sunset on the expiration or the elimination of the fund instead of immediate it sets does gradually then sunset the fund."

Lang: "Well one other question. Was this... was this something you contemplated when you initially drafted the legislation?"

Moffitt: "You mean..."

Lang: "The issue about the deletion of the Protest Fund."

Moffitt: "That was the main intent of the legislation was to eliminate the fund and it still does that, it's just that the Governor put a... phased in, in effect with the sunset date and said that all the funds that are already in the Protest Fund would have to be expended, rather than left in limbo or be an unknown what was to be done with those funds. This guarantees that they will be spent down, the

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fund will be eliminated."

Lang: "Thank you, Representative, we'll support your Motion."

Moffitt: "Thank you."

Speaker Brunsvold: "Any further discussion? Any further discussion? Seeing none, the Gentleman from Knox, Representative Moffitt, to close."

Moffitt: "Thank you, I would just ask for your 'yes' votes on accepting this Amendatory Veto."

Speaker Brunsvold: "The question is, 'Shall the House accept the Governor's specific recommendation for change with respect to House Bill 1118?' This is final action. All those in favor vote 'aye'; all 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. And on this question, there are 117 voting 'yes', 0 voting 'no', 0 voting 'present'. This Motion, having received the required Constitutional Majority, the House accepts the Governor's specific recommendations for change regarding House Bill 1118. The Gentleman from Saline, Representative Phelps, for what reason do you rise?"

Phelps: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise for a Point of Personal Privilege."

Speaker Brunsvold: "Proceed."

Phelps: "It's our pleasure to introduce today Call for Education Coalition for Active Legislative Leadership for Education. We have with us today a group of superintendents throughout the state, regional superintendents, district superintendents, and teachers and school board members, the educational community who feel that the Illinois economy is strong and that the General Fund is large enough to accommodate, like it has not in decades, and that the Veto Session is the appropriate time for the issue of adequate

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funding for Illinois schools and kids in this state and they are here showing their support to be sure we do our job this Veto Session. I want to introduce them they're in the Gallery there if they will, let's give them a hand for coming today."

Speaker Brunsvold: "Welcome to Springfield."

Phelps: "Appreciate your support."

Speaker Brunsvold: "On the Supplemental Calendar, under Amendatory Vetoes, appears House Bill 2030. The Lady from Cook, Representative Ronen."

Ronen: "Thank you, Speaker, Members of the House. I would move that this Body accept the Amendatory Veto language. The Governor made some slight changes in the Bill which helps to expedite the eviction process for persons who are convicted of dealing drugs. It's a Bill that has widespread support, it came out of serious concerns in my district and I think they're concerns that every district shares. The changes the Governor made were ones that I recommended based on review from groups that had reviewed it. It just tightens up the language, makes the Bill more clear, does not change, in any substantive way, the purpose of the Bill and I would move that we accept the Amendatory Veto."

Speaker Brunsvold: "The Lady has moved for the acceptance Motion. And on that question, is there any discussion? The Gentleman from Kendall, Mr. Cross."

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

Speaker Brunsvold: "The Sponsor indicates she'll yield."

Cross: "Carol, there are couple of problems and not... none with the Bill in a substantive manner that we have and just in looking over the Governor's language there are two or three issues that I think just need to be cleaned up and I don't

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know if the Governor can provide an amended Veto Message but you might want to take a look before you move forward with these three areas. The Governor's Veto Message recommends the following on page 5, line 22 and it just reads by inserting #2. It doesn't tell us where to insert #2, and I don't know how that can be corrected. We're assuming it belongs after or on page 5, line 22, but you might want to take a look at that."

Ronen: "I will, thank you."

Cross: "Third, and #2 added by the Governor's Veto Message, it would provide that the tenant or occupant knew or should of reasonably known that the substance was used or possessed. Our reading is that the term substance is used instead of cannabis, narcotics, or controlled substance which is used in two other places in the Bill and we're... there's some uncertainty whether the Governor's language when he uses substance is meant to include cannabis, narcotics, or controlled substances. They may seem small, I don't think they are. You might want to hold on to it because I don't know what moving forward would do and I'm not asking or bringing this up to give you a hard time but I think we need to... these need to be addressed. You might want to pull it out of the record a minute and see if there is a way to handle it. And as I said I'm not... I just think we have some problems, not substantively but technically."

Ronen: "No, I understand and I'm sensitive to those. I'm wondering if we could move it forward and try to work on that and if there are, do some trailer language in a trailer Bill to clarify. The reason I'm anxious to push forward is that this there are so many groups worked so hard on this and are anxious to move forward."

Cross: "I don't know that anyone on this side wants to vote 'no'."

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I think it's a good Bill, the underlying Bill, or the Bill itself, with this language is good, but I... you're forcing yourself, and I was just suggesting maybe the Governor can provide an Amended Veto and I don't know that."

Ronen: "Is that possible to do..."

Cross: "You might want to ask someone on your side."

Ronen: "I'm looking, I'm looking around to see if there is somebody here."

Cross: "Or I guess the alternative is you do a trailer Bill, whatever your prerogative is."

Speaker Brunsvold: "Representative Ronen."

Ronen: "I will... Mr. Cross, thank you very much, as we're discussing this I will take this out of the record and we'll come back and I appreciate your support."

Cross: "I think you're going to get 'yes' votes on this side."

Ronen: "I'm counting on that."

Cross: "You... I believe you are..."

Ronen: "Okay."

Cross: "I can't speak for everybody, but I just would... let's see if we can clean that up somehow."

Ronen: "Okay."

Cross: "Thanks."

Ronen: "Okay."

Speaker Brunsvold: "Representative Ronen has requested the Bill be taken out of the record. Supplemental Calendar #1 under Amendatory Veto Motions appears House Bill 2179. Representative Turnhouse, Tenhouse."

Tenhouse: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 2179 is a Bill that passed out of here unanimously in both Chambers provided that Class B Misdemeanor to commit a second or subsequent offense of a motor vehicle for non insurance and really if a driver is

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found to be driving without a license or without insurance the arresting officer is directed immediately impound the motor vehicle. It was agreed to by everyone, but the Governor pointed out a fact that should of been caught earlier on by all of us and that it makes his Amendatory Veto makes the Bill stronger because it makes a specific recommendation for a change so that a person found guilty of a second or subsequent offense would be suspended for non insured should be required to pay an enhanced Class B Misdemeanor and so it increases the fine, makes the Bill a better Bill. I stand in support of the Governor's Amendatory Veto."

Speaker Brunsvold: "On that Motion, is there any discussion? Is there any discussion? Seeing none, the Gentleman from Adams, Mr. Tenhouse to close."

Tenhouse: "Mr. Speaker, Ladies and Gentlemen of the House. I simply ask for a 'yes' vote in accepting the Governor's Amendatory Veto. Makes a good Bill better."

Speaker Brunsvold: "The question is, 'Shall the House accept the Governor's specific recommendations for change with respect to House Bill 2179?' This is final action. All those in favor vote 'aye'; all 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. And on that Motion, there are 117 voting 'yes', 0 voting 'no', 0 voting 'present'. And this Motion, having received the required Constitutional Majority, the House accepts the Governor's specific recommendation for change regarding House Bill 2179. Supplemental Calendar #1 appears House Bill 2030, the Lady from Cook, Representative Ronen."

Ronen: "Thank you, Speaker, Members of the House. After review... thank you, Mr. Cross, for pointing out those

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issues. After review here with our legal staff, what we would like to suggest to do is in relation to one issue, that of numbering the two points that are in that section that we leave that to Enrolling and Engrossing because our review indicates that there really is only one place where it can go. In relation to your second issue on substance we feel the language is clear enough. So, with leave of this Body, I would again recommend that we accept the Amendatory Veto language."

Speaker Brunsvold: "Is there any discussion? And on the question, the Gentleman from Kendall, Mr. Cross."

Cross: "Thank you, Mr. Speaker. I would just let everyone know on our side of the aisle, substantively, this is a good Bill and we should support this Motion and presumedly Representative Ronen can handle those technical issues and I would encourage everybody to vote 'yes'. Thank you."

Speaker Brunsvold: "Any further discussion? Any further discussion? On the question, the Lady from Cook, Representative Monique Davis."

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

Speaker Brunsvold: "She Indicates she will."

Davis, M.: "Representative, you are accepting the Amendatory Veto, can you tell us how does it change the original language of your Bill?"

Speaker Brunsvold: "Let's give the Lady your attention, please. Proceed, Representative Davis."

Davis, M.: "Yes, I was just..."

Ronen: "Was your question how we're changing the Bill?"

Davis, M.: "Yes."

Ronen: "Well, we're tightening the language to make it clear that the expedited eviction procedures are only to be used on people convicted of drug dealing and we took out language

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that made it... that would of been, we thought, a little too loose. So, the general substance of the Bill stays the same that we're trying to help expedite the process for landlords to evict people who are no... they know are dealing drugs and reeking havoc on those apartment dwell... other apartment dwellers."

Davis, M.: "So, Representative, are we saying that if a tenant, in public or private housing, if they are convicted of a drug offense, they can be evicted, is that correct?"

Ronen: "They always could be evicted. We're just helping to streamline the process so that people who have been convicted can't continue to stay there and cause problems for other residents."

Davis, M.: "How is the process being streamlined?"

Ronen: "By giving the court from 14 days to seven days."

Davis, M.: "How many?"

Ronen: "To seven days for the court to act."

Davis, M.: "And then after seven days the tenant is evicted?"

Ronen: "Yeah. It was 14 days and we're shortening it to seven."

Davis, M.: "Okay. And how did the Governor's Message change this? What language did he add?"

Ronen: "We didn't add any... well we added some and took out some. We wanted to make it clear that a tenant could not be immediately evicted that there had to be that process of, the due process and that seven days had to be there. There was some language in there that that was part of Public Housing Law that seemed to indicate that the landlord could take over the apartment immediately and we took out that language to make sure that..."

Davis, M. "Okay. So, in other words, in other words you're..."

Ronen: "... there was some concern raised, there was concern raised by the Chicago Collation for the Homeless, the

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Lawyers' Committee for Fair Housing, and I work with all of them, and they were the ones that recommended these changes."

Davis, M.: "Okay. So, some of these groups are satisfied with this Amendatory Veto?"

Ronen: "They're totally satisfied and supportive now."

Davis, M.: "Okay, then we support your acceptance of this Veto."

Ronen: "Thank you very much, Representative."

Davis, M.: "You're welcome."

Speaker Brunsvold: "Further discussion? Further discussion? Seeing none, the Lady from Cook to close."

Ronen: "Thank you, Mr. Speaker. I thank you, Mr. Cross for pointing out those concerns and we will address them. I would ask the Body to pass this... accept this Amendatory Veto that so many people in my district worked so hard to develop. Thank you."

Speaker Brunsvold: "The Lady has moved for the acceptance of the Governor's Amendatory Veto. And on that question, 'Shall the House accept the specific recommendations of the Governor regarding House Bill 2030?' All those in favor 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? Mr. Clerk, take the record. And on that Motion, there are 116 voting 'yes', 0 voting 'no', 0 voting 'present'. And this Motion, having received the required Constitutional Majority, the House does accept the Governor's specific recommendations for change regarding House Bill 2030. The Chair is prepared to recess for committees. Mr. Clerk, please read the Committee Schedule."

Clerk Rossi: "The following committees will be meeting; at 11:00 a.m., Agriculture and Conservation in D-1; also at 11:00

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a.m., Children and Youth, in C-1; 11:00 a.m, Elementary and Secondary Education, in 118; 11:05 Elementary and Secondary Education, in 118; 11:10 Elementary and Secondary Education, in 118; 11:30, Higher Education, in 122-B; at 12:00 noon, the Appropriation Public Safety Committee will meet in 122-B; at 12:05, the Appropriation Public safety Committee will meet in 122-B; at 12:00 noon, the Health Care Availability and Access Committee will meet in 114; at 1:00 p.m, the Executive Committee will meet in 118; and at 1:00 p.m., the Personnel and Pensions Committee will meet in 122-B."

Speaker Brunsvold: "Allowing Perfunctory time for the Clerk, the House does now stand in recess until 2:00 p.m. Again Members, that is 2:00 p.m. this afternoon, the House will reconvene."

Speaker Brunsvold: "The House will come to order. All people not having access to the Floor should retire to the balcony. All individuals that do not have access to the Floor should retire to the balcony. Mr. Clerk, Committee Reports."

Clerk Rossi: "Representative Judy Erwin, Chairman from the Committee on Higher Education, to which the following Conference Committee Report was assigned, action taken on October 29, 1997, reported the same back with the following recommendation: 'be adopted' Conference Committee Report #1 to House Bill 1485. Representative Monique Davis, Chairman from the Committee on Elementary and Secondary, to which the following Amendments and Bills were referred, action taken on October 29, 1997, reported the same back with the following recommendation/s: 'be adopted' Floor Amendment 1 to House Bill 1685. 'Do pass as amended,' 'short debate' House Bill 2365. Representative Charles Morrow, Chairman from the Committee on Appropriations Public Safety, to

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which the following Bills and Amendments were referred, action taken on October 29, 1997, reported the same back with the following recommendation: 'be adopted' Floor Amendment 1 to House Bill 2350. Supplemental Calendar #2 is being distributed."

Speaker Brunsvold: "On Supplemental Calendar #2, under Total Veto Motions, appears House Bill 154. Total Veto Motion #1, Representative Cowlshaw."

Cowlshaw: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. This Bill was negotiated last spring with absolutely every entity that had any interest in the issue of quality journalism instruction for students in our public high schools and universities, as well as the quality of the student newspapers that are produced in those institutions. This is the compromise that was reached and that everyone agreed to before the end of all those negotiations including not only all of the school related groups and lawyer related groups, but also, of course, the Illinois Press Association. This Bill passed in this Chamber by a margin of 109 'yes' to 4 'no'. It passed in the Senate, where Senator Kathy Parker was its Sponsor, by a margin of 57 to nothing. The Governor totally vetoed this Bill. I believe that in the process of that decision being arrived at, the Governor was given some very poor advice by members of his staff, who in the veto message, clearly did not understand the intent of this legislation, which is only to improve the quality and the professionalism of journalism training, not only through course work but also through student newspapers. The intent is not, of course, to interfere with the rightful censorship of materials that might be involved in these student newspapers. That is why the Bill sets forth, a

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whole list of things that may be used as justifiable reasons for a school administrator to refuse to permit something to be published in that school newspaper. I believe that if we expect to teach young people to be responsible, we have to give them the opportunity to make the decisions for which they are going to be held responsible. I believe this is good legislation. I believe it discourages unjust censorship by adults of student materials. I further believe that it is a balanced Bill, and that the justification by the Governor's staff for the override was misguided, misinformed and just plain wrong. If we could pass this Bill with no opposition from anyone, by a margin of 109 to 4, it seems to me that we certainly ought to be able now to override that veto. I will be glad to answer any questions, and I would only ask of those 109 of my colleagues who supported this Bill, which is cosponsored by Representative Barbara Flynn Currie, to continue to vote 'yes' by supporting this override Motion."

Speaker Brunsvold: "The Lady has moved to override the Governor's Veto, and on that question, the Gentleman from Kankakee, Representative Novak."

Novak: "Yes, thank you, Mr. Speaker. Will the Lady yield?"

Speaker Brunsvold: "The Lady indicates she will."

Novak: "Representative Cowlshaw, I received many letters from students around the state concerning this Bill, and I can recall years ago when I was a student teacher at Paris High School, in Edgar County, that was a major issue then back in the early 1970's, about student publications and their ability to exercise their freedom of expression. Why did the Governor... why was this... since this Bill was so overwhelmingly supported in both Chambers, why did the

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Governor choose to veto this? I mean, I'm trying to read between the lines of the Governor's Veto Message. What is your gut feeling?"

Cowlshaw: "Well, thank you for your inquiry. I am like you, a little perplexed by this override. I read the message carefully. I have, of course, no way of knowing how many people participated in the writing of that message, but it seems to me, as I mentioned before, that the purpose of this thing has just totally escaped them. I really don't believe there is any justification for looking upon this as some sort of involvement with what is normally regarded as a under the law as a quote, 'public forum'. There is no intention for this to relate to that type of activity at all. And secondly, the issue that is raised in the veto message about the possibility of this increasing liability for school districts, I think it does just the opposite. Now, there is a place within the state law, that would justify for example, a principal saying, 'You may not publish this material because I regard it as libelous or because I don't believe it is factual.' For those reasons, there would be an substantiation in the law for doing that. But, as has recently been the case with one school in Illinois, there would no longer be any justification under the law or in any other way, for a school official to say to students, 'You cannot publish this article, even though you can substantiate everything as being factual,' which indicates that several of our school administrators went to 2 day conferences in glamorous places, but the school district paid for them to be there for five days. Either the newspaper is there for students to express their views that are logical and effective views, and train them to be good investigative reporters, or it is there as the pep

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rally for the school district. Now, if you want it to be the pep rally for the school district, don't call it a newspaper."

Novak: "Representative, thank you. You know, I agree, and I think that on our campuses, and I'm not talking about college, we're talking about high school campuses here. There is really very little difference. I think we should encourage a robust discourse of ideas about issues and considerations of things what goes on at a high school community, and I don't think there should be any impediments to that. I know in... I'm not an attorney, but I know in constitutional cases dealing with censorship, there's a phrase called 'prior restraint'. I know that's based upon some constitutional law back in the 50's; I think there were fundamental landmark cases. Is there still... does the school administrator, under this Bill, superintendent or a principal, still have the authority to exercise prior restraint over a student prior to the publication of a newsletter?"

Cowlshaw: "This legislation, Representative, makes a clear distinction between those occasions on which it is justified for there to be prior restraint and those occasions on which there is no justification. As I said, there is a whole list of things in this legislation that an administrator could, as the expression goes 'hang his hat on', if he chose or she did, to cause a story done by students to be changed, to be discarded entirely, to have names omitted, or whatever. There is still that kind of jurisdiction on the part of the adults associated with the school district, but beyond those kinds of points, as long as the students have written things that are honest and straightforward and well researched and factual, and are

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not libelous, that are not defamation of character, that will not incite a riot and that whole list, then the school district, if it has that newspaper, it's obligated to publish those worthwhile products of its student writers."

Novak: "Thank you, Representative."

Speaker Brunsvold: "Further discussion? The Gentleman from Effingham, Representative Hartke."

Hartke: "Thank you, Mr. Speaker, Members of the House. Will the Sponsor yield?"

Speaker Brunsvold: "The Sponsor yields."

Hartke: "Representative Cowlshaw, I think I was one of the 104 or maybe nine that voted for this legislation, but, I too have received some correspondence from the alliance, citing the liability factor that may be there. But, you don't have any idea why the Governor vetoed your legislation?"

Cowlshaw: "No, Representative, and I must tell you that, although Representative Currie had this Bill before I did, and I have it now, that in both of our cases, I think we would say, this isn't our Bill. This Bill belongs to the Illinois Journalism Education Association. I have been in conversations with their board members and officers with great frequency over the last several weeks, and frankly, they are as mystified as I am about why after having agreed to this and been part of the negotiations and all that last spring, why that group would somehow have decided that it is now no longer holding the same position that it had then."

Hartke: "Well, it's good to see that you're taking this position and supporting our constitutional rights and freedom of speech, is that right?"

Cowlshaw: "Absolutely."

Hartke: "Maybe the Governor was in a bad mood over some other

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piece of legislation maybe that he was supporting last spring that maybe somebody didn't vote for or something, could that be?"

Cowlshaw: "Well, maybe it was a mild case of indigestion."

Hartke: "Maybe in your case or just in mild cases or..."

Cowlshaw: "Mild cases, I guess."

Hartke: "Mild cases. Okay, well, thank you very much. I think I'm going to support your effort to override the Veto."

Cowlshaw: "Thank you."

Speaker Brunsvold: "Further discussion? The Gentleman from Cook, Mr. McCarthy."

McCarthy: "I stand for a Point of Personal Privilege please."

Speaker Brunsvold: "State your point."

McCarthy: "Thank you. Mr. Chairman (sic-Speaker) I'd like to introduce to the Members of the House, my Police Chief and a resident of my seatmate's district, Representative Crotty, Tim McCarthy, our Police Chief from Orland Park. So, I would like you to welcome him to Springfield."

Speaker Brunsvold: "Welcome to Springfield. Further discussion? The Lady from Cook, Representative Currie."

Currie: "Thank you, Speaker and Members of the House. I rise in support of Representative Cowlshaw's Motion. Not only as a Cosponsor of the Bill, but as the former editor of my high school newspaper. The problem is, that in 1988, the United States Supreme Court changed the rules about liability and ability of students to have free expression through their local school journals. The Supreme Court's decision was an invitation to legislatures to set the appropriate balance between student and school board authority. I think the Governor got bad advice when he decided to veto this Bill, for it's my view, that without the protections of House Bill 154, school boards are fully

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open to claims of liability if suits are brought before them. In fact, the experience of other states that have taken the Supreme Court's invitation to draft rules providing for the appropriate relationship between school boards, school managers and students, those states have not seen lawsuits as a result. Many states have taken the route of House Bill 154. There are clear opportunities for school boards and school managers to prohibit before the event, release of information that is not factual, that is in fact, libelous, or that could cause immediate damage or harm to the school institution or its members. So, I join with Representative Cowlshaw. The Governor got bad advice. Let's restore House Bill 154 as we overwhelmingly passed it last spring."

Speaker Brunsvold: "Any further discussion? Any further discussion? Seeing none, the Lady from DuPage to close, Representative Cowlshaw."

Cowlshaw: "Thank you very much, Mr. Speaker, and thank you to all of my colleagues, not only those who voted for this Bill last spring, those of you who have spoken in its behalf today and all of those of you who may vote for this Override Motion in a moment. Mr. Speaker, I simply want to take this opportunity to thank, in particular, all of the members of the Illinois Journalism Education Association. Those are people who are our journalism teachers throughout Illinois. There are people who are members of that association in every single State Representative district. I also want to thank all of the students who work for, edit, or write for student high school newspapers. Many of them have written letters not only to their own State Legislators, but I know because of the letters I've received, that some of them have written letters that they

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have sent to every single State Legislator all over the state. I think that shows that our high school students in Illinois, are headed well into becoming really fine citizens who deserve to have their freedom of speech protected. I move to override the Total Veto of the Governor on House Bill 154."

Speaker Brunsvold: "The question is, 'Shall House Bill 154 pass, the Veto of the Governor notwithstanding?' This Motion requires 71 votes. This is final action. All those in favor vote 'aye'; opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Record yourself. Have all voted who wish? Mr. Clerk, take the record. On this question, there are 98 voting 'yes', 19 voting 'no', 0 voting 'present'. This Motion, having received a Three-fifths Majority, the Motion to override prevails, and House Bill 154 is declared passed, notwithstanding the Governor's Veto. On the regular Calendar, on page 5, on Total Veto Overrides, appears House Bill 381. The Gentleman from Rock Island, Representative Boland."

Boland: "Thank you, Mr. Speaker. House Bill 381 passed out of the House, overwhelmingly, and I believe it was 115 to 2, passed, I believe, unanimously out of the Senate. What it does is give an extension, it allows the counties to give an extension to senior citizens who missed their property tax assessment freeze, due to medical reasons and they produce a medical excuse from a doctor and so I would urge a 'yes' vote on overriding the Veto."

Speaker Brunsvold: "The Gentleman has moved to override the Veto of the Governor. On that question, is there any discussion? The Gentleman from Kendall, Mr. Cross."

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

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Speaker Brunsvold: "The Sponsor yields."

Cross: "Representative, at one time it appears that the Township Officials opposed this Bill. Do you know if their opposition has gone away as a result of the Governor's language?"

Boland: "I really don't know. I didn't know they were opposed to it in the first place. My wife is a Township Official, so, I'm rather surprised by that."

Cross: "Well, our analysis lists one and only one opponent, Township Officials of Illinois. You're not aware if their opposition is gone then?"

Boland: "No, I'm not aware of that. I wasn't even aware that they were opposed."

Cross: "All right. Thanks a lot for your answer."

Speaker Brunsvold: "Further discussion? The Gentleman from Effingham, Mr. Hartke."

Hartke: "Yes, Representative, would you yield for a question?"

Speaker Brunsvold: "The Gentleman yields."

Hartke: "Representative Boland, refresh my memory, I do believe the Township Officials were opposed. What do they estimate the cost of this for the local governments?"

Boland: "I cannot recall right offhand, I don't have the analysis in front of me, it was rather, if it was anything, it would be very, very small because all it does is basically delay the senior citizen being able to have their assessment, their property assessment freeze. Where this arose, Representative, was a constituent came into my office, and I'm sure this has happened in many other Representatives' offices, came in, she was in the hospital, had missed her deadline, and was basically out of luck, as far as getting her assessment freeze, and so I put forth this Bill to try to address that problem."

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Hartke: "I have another question, downstate I know this is different for Cook County, but downstate, what is the window for seniors to apply for this exemption?"

Boland: "I don't have that right in front of me right now, Representative."

Hartke: "What date is the deadline?"

Boland: "I'm not sure right now, you caught me unaware here."

Hartke: "Well, I'm not sure either but I think it's around..."

Boland: "June 30th is the deadline."

Hartke: "I'm sure that this will cause some burden on some townships for those seniors who miss a deadline but I'm sure it's going to be minimal and I'll support your attempt to override the Governor's Veto."

Boland: "Thank you."

Speaker Brunsvold: "Further discussion? Is there any further discussion? Seeing none, the Gentleman from Rock Island, Mr. Boland to close."

Boland: "Thank you very much. This had 49 Cosponsors here in the House, and I believe it's a good Bill that definitely gives a little bit of a window for those seniors, and someday we all hope to be seniors so that if they miss the deadline due to a medical reason, they can still qualify. I would urge a 'yes' vote."

Speaker Brunsvold: "The question is, 'Shall House Bill 381 pass the Veto of the Governor notwithstanding?' This Motion requires 71 votes. This is final action. All in favor vote 'aye'; all 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. And on this question, there are 114 voting 'yes', 1 voting 'no', 0 voting 'present'. This Motion, having received the required Three-fifths Majority, the Motion to override

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prevails and House Bill 381 is declared passed, notwithstanding the Governor's Veto. Page 5 of the regular Calendar appears House Bill 522, the Representative from Cook, Mr. Bugielski."

Bugielski: "Thank you, Mr. Speaker, Members of the House. I propose today to override the Governor's Veto on House Bill 522. Many of you remember House Bill 522 in the Spring Session. This was the Home Medical Equipment Licensure Bill. In the Spring Session we negotiated language with all the Illinois Retail Merchants' Association, the Illinois Hospital Association, the Illinois Pharmacists' Association, as well as the Department of Professional Regulation. After many meetings the final version that came out, passed unanimously from both Chambers. It passed the Senate from... at 59 to zip and it came back here for the concurrence and it flew out of the House with a 117 votes. The Bill was vetoed by the Governor simply stating that there were no start-up cost available in the Bill. This is the Bill that takes care of the home medical supplies that are brought to people that are terminally ill, respirators, feeding machines, oxygen tanks, all of these outfits now these companies could operate without any licensure from the state, and this is for the well-being and protection of the human body, as well as your loved ones. The estimated cost of the start-up fees was \$20 thousand. Twenty thousand dollars is the minimal amount after the first year, the income from the first year would be \$140 thousand. So, just a matter of waiting for six months the department would make \$140 thousand income in the first year, after a period of four complete years that the plan is in, the net profit after all expenses are taken out would be over \$100 thousand. So, this is just a

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override simply because we do not come up with \$20 thousand at the beginning to make \$140 thousand after the first year and I ask for the override on House Bill 522."

Speaker Brunsvold: "And on the Motion, is there any discussion? The Gentleman from Kendall, Mr. Cross."

Cross: "Thank you, Mr. Speaker. Just one question, Representative, and I..."

Speaker Brunsvold: "The Gentleman yields. Try it now, Mr. Cross. Mr. Cross, you've worn out your microphone."

Cross: "How about now?"

Speaker Brunsvold: "Mr. Poe turned it on for you. Thank you. Proceed, Mr. Cross."

Cross: "Is that a 'yes' or 'no'?"

Speaker Brunsvold: "Proceed, Mr. Cross."

Cross: "Bugs, do you have any idea how many people the department can expect to apply for licenses in the first year?"

Bugielski: "The estimate is 468."

Cross: "That's what they expect 468? Okay. Thank you very much."

Speaker Brunsvold: "Further discussion? Further discussion? The Lady from Cook, Representative Schakowsky."

Schakowsky: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. I rise in support of the Motion to override the Veto. As a recent consumer of these kinds of home medical equipment and services, I realize how important they are how critical and, in fact, how essential to life these services can be. They're as essential as medical care of any other sort and that we ought to have this kind of regulation and something as small as \$20 thousand is not sufficient reason to not have this important legislation. I urge that we support the override Motion."

Speaker Brunsvold: "Further discussion? Any further discussion?"

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Further discussion? Seeing none, the Gentleman from Cook to close, Representative Bugielski."

Bugielski: "Thank you, Mr. Speaker. I just ask for a 'yes' vote."

Speaker Brunsvold: "Excuse me, Mr. Bugielski, a light was flashing I didn't see it. The Gentleman from Madison, Mr. Stephens."

Stephens: "Thank you, Mr. Speaker. Just a rise in support of the Gentleman's Motion, it's good public policy that shouldn't be held back because the Governor wants to supposedly save \$20 thousand, we do net profit on this. So, I urge an 'aye' vote on this side of the aisle."

Speaker Brunsvold: "Further discussion? The Gentleman from Cook, to close, Mr. Bugielski."

Bugielski: "Thank you. Not to prolong it because Representative Stephens just basically said the same thing I was going to say in my closing remarks. So, I just ask for an 'aye' vote. Thank you."

Speaker Brunsvold: "The question is, 'Shall House Bill 522 pass the Veto of the Governor notwithstanding?' This Motion requires 71 votes. This is final action. All in favor vote 'aye'; all 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. And on this question, there are 112 voting 'yes', 0 voting 'no', 0 voting 'present'. The Motion, having received a... the required Three-fifths Majority, the Motion to override prevails, and House Bill 522 is declared passed, notwithstanding the Governor's Veto. On page 4, of the Calendar, Third Reading, appears House Bill 2324. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 2324, a Bill for an Act concerning

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Governmental Ethics. Third Reading of this House Bill."

Speaker Brunsvold: "The Gentleman from Cook, Mr. Madigan."

Madigan: "Mr. Speaker, and Ladies and Gentlemen. This Bill would ban gifts to employees, appointed officers and elected officials of the State of Illinois plus their spouses and children, and, of course, the Bill would set out the prohibited donors, those who would be prohibited from making the gifts. A gift is defined as any tangible or intangible thing of value including food and beverages. Prohibited donors would be the following people: those listed on the lobbyist registration list maintained by the Secretary of State, those listed on the list of vendors, contractors and bidders maintained by the Policy Procurement Board, which would be created by a later Bill, and spouses and children of prohibited donors. There are certain exceptions: Number one, intra-family gifts between spouses, siblings, ancestors and descendents, in addition certificates, plaques, coffee mugs, paperweights, t-shirts and similar novelty items valued at under \$25. The penalties would be as follows: for employees, it would be a business offense, punished by a fine of 10 times the value of the gift or \$500, whichever is higher, employees may be subject to discipline, including termination, and officers may be subject to impeachment or expulsion. The penalties for donors would be a business offense punished by a fine of 10 times the value of the gift or \$500 dollars, whichever is higher. Donors may also be prohibited from doing business with the state for five years. Lobbying would be defined, as an Amendment to the Governmental Ethics Act to define lobbying consistent with the Lobbyist Registration Act and there is a revolving door provision which would prohibit Legislators, partisan staff earning in

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excess of \$40 thousand, and executive staff earning in excess of \$40 thousand, from lobbying a legislature or their former agency for one year. Let me point out that in the committee there was a comparable Bill sponsored by Representative Daniels and the points in the Daniel's Bill, which we felt were better than the points in this Bill were incorporated into this Bill, and Mr. Daniels became a Cosponsor with me. Mr. Speaker, I move for the passage of the Bill."

Speaker Brunsvold: "The Gentleman has moved for passage, and on that question, is there any discussion? The Gentleman from Cook, Mr. Parke."

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

Speaker Brunsvold: "The Sponsor yields."

Parke: "Representative, on... on a number of things that you mentioned that it could not be given to a spouse or any dependents or, what were the two terms you used? Ancestors and descendents?"

Madigan: "Yes. Mr. Parke, if you would bear with me for a minute. I think I was talking about the exceptions at that time."

Parke: "I'm sorry, what?"

Madigan: "And so, I think I was talking about the exceptions to the ban against gift-giving. So, the Bill has a general ban against gift-giving. There are exceptions and the exceptions would be intra-family gifts between spouses, siblings, ancestors and descendents."

Parke: "Okay, this applies only to lobbyists, is that correct?"

Madigan: "No. The prohibited donors would be as follows: those listed on the lobbyist registration list maintained by the Secretary of State, a list of state vendors, contractors, and bidders, maintained by the Procurement Policy Board,

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which will be created by a later Bill. In addition, spouses and children will, also be covered under prohibited donors."

Parke: "And what are we trying to achieve by this? What are you trying to stop? What's the intent here?"

Madigan: "Gift giving by those who are attempting to influence decision making by the State of Illinois, whether it be here in the Legislature or in the Executive Department."

Parke: "If some... what if I go to a picnic and I have a group of citizens that are there because they're trying to get me... talk to me about passing a 3% COLA and I'm at this picnic and they want to buy me a meal? They, actually, are going to give me a meal because they want me there and they talk about it. How does that affect those people? Since they are talking about a specific piece of legislation, are they prohibited from that, or do I tell them that if the value is under... is it under \$25 or is there a cap on it?"

Madigan: "Mr. Parke, there's a two part answer to your question: Part #1, if the people buying the meal were not registered lobbyists and they were not vendors or contractors or bidders, relative to the state, then you could go ahead and have your meal. On the other hand, if the picnic was being sponsored by a labor union, which was a registered lobbyist, then you could not have that meal."

Parke: "Doesn't that seem to lack a little common sense that... that people are going to want to do that for you and I'm going to have to tell them one of two things: One, no I don't want you giving me a meal. Or two, I'll refund the economic value of the meal. Doesn't that really, I mean, that's a little embarrassing for an elected official to just simply say, I can't do that."

Madigan: "I think you've hit the essence of what we're trying to

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do. People have to begin to say 'no'. That's what it's all about, when these things come along, you're an elected official, you're smart enough to have acquainted yourself with the rules and regulations. You just simply say, I don't mean to be offensive but under the law I simply can't take the meal. I'll stop at McDonald's on the way home."

Parke: "One of the concerns I have is that I understand what you're trying to do, but I'm concerned that... that it is an overkill that we're lacking common sense that we're putting elected officials in a position that makes it difficult for them to do their jobs. To be able to be receptive going out working with people trying to understand their needs. My concern on all the ethics legislation is, are we going too far, are we trying to solve a problem with a sledgehammer when practicality dictates that? In that situation we ought to be able to say thank you for a meal, I mean a piece of chicken, some potato salad and say I don't have to worry about saying 'yes' or 'no' or refunding. Sometimes I think in our intent to do what's right that we have a tendency to go overboard and I see that as a problem that I have. To move on, in a Bill that you passed before about honorariums, currently no honorarium can be given to a Legislator in any way, is that correct?"

Madigan: "An honorarium under a \$100 is permitted today."

Parke: "Under a \$100."

Madigan: "Today."

Parke: "All right. How does it... does it affect honorariums in any other way?"

Madigan: "This Bill would eliminate all honorarium."

Parke: "Okay. Is this the Bill that, also, says that it's complete disclosure any contribution over \$25 and one cent

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has to be reported?"

Madigan: "That's a later Bill."

Parke: "Okay. Can somebody circumvent this by simply saying, not registering as a lobbyist?"

Madigan: "Well..."

Parke: "How can... can't somebody just say all right I'm not going to register I'm just not going to be a lobbyist, therefore, I'm not going to break the law here."

Madigan: "Well, then they're committing a felony under the Lobbyist Registration Law."

Parke: "Thank you."

Speaker Brunsvold: "Further discussion? The Gentleman from Kendall, Mr. Cross."

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

Speaker Brunsvold: "The Gentleman yields."

Cross: "Mr. Speaker, we addressed some of these questions in committee last week and I just want to go over a couple of them again so people are aware of what all's included in the Bill and there was some discussion about this in committee and actually I don't believe I asked this one, but has there been any consideration to excluding or exempting educational trips that would be banned under your Bill if we read this correctly? I know the Jewish Federation, for instance, has had Legislators go on trips to Israel that are considered educational not necessarily leisure."

Madigan: "I think you just have to buy some books and read about Israel from now on. So, that type of trip would be prohibited by this Bill."

Cross: "Okay. Has there been any consideration or would you consider some language that would exempt educational trips, primarily educational trips, not quasi-educational trips,

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but real educational trips, such as going to Israel?"

Madigan: "No, I would not."

Cross: "Okay. We talked about, in committee, the idea of... the language prohibits lobbyists, registered lobbyists, from giving gifts. What do we do in the case of the individual who fails to register, but should register as a lobbyist? And we had some... I don't know if we had confusion but I think we want to... do we want to cover that?"

Madigan: "Mr. Cross, again, if someone is lobbying before the Legislature or lobbying before the Executive Branch and they fail to register, they're in violation of that law, and I believe the penalty is a felony. Our intent in drafting the Bill was to have an easy, definite place where people could go to find out who's covered and who's not covered, and that's why we went to that lobbyist registration list."

Cross: "And I understand that... I agree with it. My concern is the Legislator that takes the gift from the non-registered individual, who should, in fact, have registered who had an obligation and a duty and a responsibility. Does the Legislator then have some criminal liability? And I don't... I don't I'm not asking this to argue with you, I just want to make sure we're not put... setting people up."

Madigan: "Two party answer: Number one no, under this Bill, no. Number two, the truth is that the Legislator will have to become more cautious about these things, in terms of accepting gifts. You see, part of it today, when, you know, people give you a gift and you ask yourself, what's the value of the gift? Is it above the threshold requirement where I would be required to disclose, and then, is there an earlier gift from the same source? So, that on accumulated basis it would be above the threshold

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level. There's some of it today, but that would be a new requirement."

Cross: "Okay. One other, just area of inquiry and we talked about this in committee but I think people need to make sure that they understand the implications. I mean, I ask it not because I disagree, but just so that we all know about it, and the scenario is the golf outing that Legislators have as fund-raisers or maybe any other type of fund-raiser. But a group buys a foursome to a golf outing and invites either state employees or other Legislators, under your Bill, our reading is, that would be considered a gift to the golf outing and would be precluded under this... precluded under this Bill."

Madigan: "Well, if the cost of the trip is paid for by a registered lobbyist it would be in violation of this Bill."

Cross: "Well, it may not be a trip I... as I said I have a golf outing, the Trial Lawyers buy four tickets and they invite three other Legislators. I think it sounds... it reads that they're prohibited from going."

Madigan: "Same answer, the answer is 'yes'."

Cross: "Okay. Thank you very much, I have no other questions."

Speaker Brunsvold: "Further discussion? The Lady from Cook, Representative Schakowsky."

Schakowsky: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I rise in support of House Bill 2324. When I first introduced a gift ban, two years ago, along with Doug Scott, a lot of the things that have transpired since, had not happened. Right now we have a crisis in confidence in State Government. We've seen the MSI scandal, we've seen various kinds of scandals where Legislators and staff have inappropriately accepted gifts and if not, in fact, changed public policy in favor of the gift-giver have certainly

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appeared to. When this kind of scandal occurs, all of us are hurt, none of us escape the wrath of the public and so, it is this kind of legislation that says, 'We are paid a salary, we are compensated for our travel and for our lodging, we do not have to have our hands out to except gifts from lobbyists.' People, ordinary people, feel they simply don't have a place at the table anymore, that there is no way if you don't have money and you can't give gifts and you can't lavish steaks and lobster and crystal and Bulls' tickets and sky box tickets then you can't get your legislation paid attention to. We have to end this, we have to restore confidence in people that every one of our constituents, everyone who comes to petition government has a level playing field. This is certainly one way to do it. Yes, the MSI scandal resulted in a conviction, but we all know that it's a very gray area that sometimes gift-giving is prosecuted, although I think this is the first time and most often it is not even though there are expectations. When you give a gift, there are expectations of reciprocity that you're going to get something in return. There is no reason for it and this legislation banning it is in order. Most state... many states in the nation are way ahead of us in this and it's time that Illinois with many of the problems that we've had, faces up to it and just says, 'No to gifts and yes to House Bill 2324.'

Speaker Brunsvold: "Further discussion? The Lady from Cook, Representative Mulligan."

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

Speaker Brunsvold: "Sponsor yields."

Mulligan: "Speaker Madigan, I have a couple of questions. Before that honorarium... if someone wanted to give you an honorarium and you couldn't accept it, they were allowed to

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donate it to a charitable organization in your name, is that still possible under this Bill?"

Madigan: "The answer is 'yes'."

Mulligan: "If I wanted to... or I was asked to be a guest speaker out of the state, participate in a workshop for informational purposes, I don't necessarily have that much money in my own personal means to travel all over, if they wanted to pay my travel expenses now I could not accept that?"

Madigan: "If the group is a registered lobbyist, they cannot pay those costs."

Mulligan: "All right. So, someone that is an educational group or someone like Women's Campaign Fund who I've gone to teach a workshop for and normally I'd pay half my expenses and they might pay half my expenses, could I no longer do that? Are they not... they're not considered a registered lobbyist in Illinois I wouldn't think."

Madigan: "If they're not a registered lobbyist, then they can pay."

Mulligan: "If I wanted to solicit a donation for a charitable organization or in our local community our township has a drop in center where we're trying to get some computer gifts for encyclopedia or sports equipment and I were to solicit that from a variety of people including a lobbyist that might represent those entities and they were to contribute, would I then have a problem with that?"

Madigan: "The answer is 'no.'"

Mulligan: "Also, I know... or say, I need to refinance my house or get a car loan for my new car, much as I would like to pay for it cash I can't do that, so, if I were to get a loan from a local banking institution that perhaps has contributed to me or has lobbied through the bankers at a

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reasonable rate, would I be within the realm of being alright with that?"

Madigan: "You would be okay, now that presumes that it's a commercially reasonable rate. I presume it would be."

Mulligan: "Right. You know, I mean within a quarter or two, a point or so."

Madigan: "Right."

Mulligan: "If you have other interests at that bank..."

Madigan: "Correct."

Mulligan: "Or you have automatic deduction, you can get a rate that might not look as reasonable to somebody that doesn't have that same ability at that bank, but it would still be within a reasonable rate."

Madigan: "Yes. The answer is 'yes.'"

Mulligan: "Could someone challenge me on that and tie up my time during campaign if they thought they could... I mean, what would you need to prove that it was reasonable so that three weeks out from the end of my campaign somebody couldn't tie me up before the ethics board trying to charge that I had not accepted that with some wrongdoing?"

Madigan: "Representative, it becomes a factual decision as to whether it was reasonable or not reasonable. But let me add that we're providing that violations of this law would be a crime and so the first decision would be by the State's Attorney."

Mulligan: "Representative Skinner reminded me my State's Attorney is now a Democrat, but I try to have a working relationship with him, so, I presume it would be all right. Also, the last question, certificates and plaques worth no more than \$25, have you tried to frame a picture lately? Twenty five dollars for a certificate if someone gives you... you know they honor you or they give you the award of Legislator of

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the Year is a little low. I mean \$25 to frame something you can hardly do it yourself for that amount of money anymore. Don't you think that should be just a little bit higher?"

Madigan: "Our intent was to provide that novelty items, very inexpensive novelty items, would be exempt and that's why we chose the \$25 amount. So, I'm sure you get plaques like I get plaques and they don't look like they cost more than \$25."

Mulligan: "No, and you know having done that for other people, they don't cost \$25 anymore, they cost more. Would that not be considered? I mean if someone gives you an award and gives you a nice plaque, saying you're the Legislator of the Year or sometimes they're not as flattering, who knows, but that plaque would not be part of this type of a ban?"

Madigan: "If it's under \$25 it's okay, if it's over \$25 it's prohibited. If the organization giving you the plaque is on the list of registered lobbyists."

Mulligan: "So, if they wanted to give you a nice certificate that's framed, they'd have to frame it under \$25?"

Madigan: "Correct."

Mulligan: "That's like asking President Bush how much a loaf of bread costs. I don't think you're in touch with what it cost to frame a plaque. Twenty five dollars is not reasonable, I think 50 you could bring it in under, but a plaque or a frame for \$25 is very low. Thank you."

Speaker Brunsvold: "Further discussion? The Gentleman from Williamson, Representative Woolard."

Woolard: "Thank you, Mr. Speaker. Representative Madigan, I'm right behind you here, Sir. I was wondering if this was kind of designed to be a pilot project?"

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Speaker Brunsvold: "The Gentleman yields."

Madigan: "This is intended to be permanent."

Woolard: "Is there a possibility that we could start it maybe for a year or two in the Senate and see how it works? Or..."

Madigan: "Well, maybe some enlightenment will work its way across the rotunda one of these days."

Woolard: "I didn't hear that answer."

Madigan: "I said maybe some enlightenment will find its way across the rotunda one of these days."

Woolard: "I think it's a good idea and I think it's time that we do something in a constructive way and I certainly hope that we're successful in making a difference and bringing back the respect of the citizenry of this state."

Speaker Brunsvold: "Further discussion? The Gentleman from Cook, Mr. Durkin."

Durkin: "Will the Sponsor yield?"

Speaker Brunsvold: "The Sponsor yields."

Durkin: "Mr. Speaker, in this Bill is a... we are making prohibitions of any type of certain gifts of state employees, if one of these banned gifts is offered to me as a state employee and I don't accept it, do I have an affirmative duty as a state employee to report that to that this transaction has occurred? Does anything in this legislation require that?"

Madigan: "No."

Durkin: "Thank you very much."

Speaker Brunsvold: "Further discussion? The Gentleman from DuPage, Representative Daniels."

Daniels: "Mr. Speaker, Ladies and Gentlemen of the House. I'm pleased to join with Speaker Madigan on House Bill 2324 as a Cosponsor of this very important piece of legislation. As you know it bans gifts from prohibitive donors, lobbyist

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and others to state employees, public officials and their spouses and children. It also, places a one year moratorium on lobbying by Legislators or partisan legislative staff and executive branch staff who make more than \$40 thousand a year. I think that this is a Bill that we need to pass in this Assembly and I think it's right for the people of Illinois and it's the right time to do it and I'm happy to Cosponsor this with Speaker Madigan. Ask for your affirmative vote."

Speaker Brunsvold: "Speaker Madigan, to close."

Madigan: "I would simply recommend an 'aye' vote, Mr. Speaker."

Speaker Brunsvold: "The question is, 'Shall House Bill 2324 pass?' All in favor vote 'aye'; all 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. And on this question, there are 107 voting 'yes', 0 voting 'no', 9 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, on page 4 of the Calendar appears House Bill 2323. Please read the Bill."

Clerk Rossi: "House Bill 2323, a Bill for an Act concerning Campaign Reform. Third Reading of this House Bill."

Speaker Brunsvold: "The Gentleman from Cook, Representative Madigan."

Madigan: "Mr. Speaker, and Ladies and Gentlemen, there are several elements to this Bill, so if you would please bear with me. Number one, concerning contributor registration, corporations, unions or associations of individuals that contribute more than \$1 thousand to a political committee must register and file disclosure reports. Number two, personal use of campaign funds will be prohibited. Number three, there will be a requirement of disclosure of

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contributors occupations and employers. Committees, the political committees must use best efforts to obtain that information. Number four, concerning the disclosure threshold that will be lowered from \$150 to \$25. Five, concerning penalties. Current penalties of a \$500 fine and six months in prison for false reporting will be doubled to \$5 thousand and 12 months in prison. The penalty for willful failure to file is increased from a Class B Misdemeanor to a Class A Misdemeanor. Next, concerning dissolution of the Committees, candidates must dissolve political committees within one year of leaving office or losing the election. Any funds remaining upon dissolution shall be surrendered to the common school fund. Next, concerning fund raisers in Springfield, Members of the General Assembly and candidates for the General Assembly will be prohibited from holding fund raisers in Sangamon County during any week in which the Legislature is in Session. Next, concerning foreign nationals. They will be prohibited from making campaign contributions. Next, concerning campaign contribution, cash contributions they will be limited to \$25 per year and lastly concerning electronic filing the State Board of Elections will be required to promulgate rules to mandate filing of campaign reports in an electronic format. Again, in the case of this Bill, there was a Bill offered by Mr. Daniels which in certain areas did better than our Bill and so we incorporated Mr. Daniels' ideas into this Bill and he has become a Cosponsor of the Bill. Mr. Speaker, I move for the passage of the Bill."

Speaker Brunsvold: "The Gentleman has moved for passage, and on that question is there any discussion? The Gentleman from Cook, Representative Parke."

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

Speaker Brunsvold: "The Sponsor yields."

Parke: "Representative Madigan, on part of the Bill says that you cannot accept cash contributions aggregate which exceeds \$25. I occasionally have a fund raiser in my district where the ticket is \$50, are you saying that they cannot give me a cash donation for my fund raiser of \$50?"

Madigan: "The answer is 'yes'."

Parke: "What are you trying to achieve by that? If I have to report it currently, all cash it's a tougher disclosure statement currently with cash than it is with almost anything else. What are you trying to achieve by this?"

Madigan: "We're trying to bring tighter reporting requirements to the law."

Parke: "I don't see how you achieve that with this. I mean, if you've got to report all disclosure statements, what difference does it make whether it's \$25 or \$100 in cash? If you've got to disclose it, I don't understand what you're going to achieve."

Madigan: "Well, Mr. Parke, an additional objective here is to better trace the contributions and so, to the extent that we either encourage or mandate the contributions be through a negotiable instrument. Better to trace the source of the contribution."

Parke: "Well, I understand what you're saying but under current law you have to do that anyway. Prohibits contribution from foreign nationals, how do you know if someone gives you donation that they are a foreign national? It says here, prohibits contributions by foreign nationals. Is that in your Bill?"

Madigan: "Yes."

Parke: "How do you know what a foreign national is? When

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somebody writes you a check and you're having a fund raiser, you're going to accept it, how do you know if they are a foreign national?"

Madigan: "The answer is that you would ask the donor, just as you are going to ask the donor where they are employed and who their employer is."

Parke: "I guess you have to ask that on the invitation form then, right? Okay. It says that you're going to lower it from \$150 to \$25. Is that \$25 even or is it \$25.01? I'm just curious?"

Madigan: "Twenty five dollars."

Parke: "I'm sorry."

Madigan: "Twenty five dollars."

Parke: "So, it's \$25, anything above that level? Okay. It says, bans contributions on state property. If I have a fund raiser at a community college in my legislative district, that community college is considered state property. If I pay a rental fee to that community college, am I prohibited still from having it on that state property?"

Madigan: "Yes."

Parke: "What are you trying to achieve with that?"

Madigan: "Our goal here is to eliminate the practice of people bringing contributions into this building and other state buildings. That's our goal."

Parke: "Yeah, but if I'm in my district and I'm having a fund raiser and I'm paying a rental fee, I don't understand what you're achieving. I mean, again, I understand what you're trying to do. I think we all want disclosure. The citizens are saying that they are tired of us not doing things properly. But I'm saying is, some of this lacks common sense. I don't understand what you're trying to achieve. I think this is overkill to some degree."

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Madigan: "Unfortunately, Mr. Parke, I think you're going to have to find a new location for your fund raiser."

Parke: "Well, thank you for your answers."

Speaker Brunsvold: "Further discussion? The Gentleman from Rock Island, Mr. Boland."

Boland: "Thank you, Mr. Speaker. I rise in strong support of this Bill. This, like the previous Bill, is long overdue with the headlines that we see coming out of Washington, both problems with both political parties, various local problems in different localities in the State of Illinois and, of course, the image that many people have of the Illinois State Government, the MSI scandal and others, that this is long overdue, it will be a little bit inconvenient for some of us, probably, but it's a very small price to pay, and I would urge that we move forward on this legislation just like we did the last one. It's good to see that it's a bipartisan effort. This shouldn't be a partisan issue. It's time to move Illinois out of the wild west of campaign finance and into the sunshine."

Speaker Brunsvold: "Any discussion? The Gentleman from Kendall, Mr. Cross."

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

Speaker Brunsvold: "The Speaker yields."

Cross: "Thank you. Mr. Speaker, I see there are bans of campaign contributions on state property under this Bill. Does that include or would that include fund raising at state parks?"

Madigan: "Yes."

Cross: "Would that include fund raising at the Old State Capital."

Madigan: "Yes."

Cross: "Or Navy Pier."

Madigan: "Yes. Yes."

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Cross: "Is it the intent to be as broad on this as opposed to just the capital complex?"

Madigan: "Yes."

Cross: "All right. So, a university fund raiser at a ball game would be prohibited?"

Madigan: "I presume it's on university property at a football stadium? Yeah, I think the answer is 'yes'."

Cross: "And I'm just trying to envision some of the places that fund raisers have gone on, including places like Starved Rock. Do you intend to include that..."

Madigan: "Yes."

Cross: "Okay. There are provisions in your Bill that prohibit fund raising in Springfield or Sangamon County while the General Assembly is in Session, any day of that particular week and I asked you this in committee, I just want to make sure... I don't know if it's been corrected, does that include Perfunctory Session? And if it's not in here, do we need to include that in here?"

Madigan: "Mr. Cross, our intent is to provide that the Perfunctory days would not prohibit fund raisers in Springfield during that week. Our intent is that the Perfunctory days would not prohibit fund raisers in Sangamon County during that week. And then the next part of the answer would be is that, in the House Rules we define what is a Session Day and what is a Perfunctory Day."

Cross: "So, Perfunctory days are fair game, so to speak?"

Madigan: "Yes."

Cross: "Okay. Only... if I'm reading this correctly, only candidates or State Representatives or Senators are prohibited under your Bill from fund raising in Sangamon County, is that correct?"

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Madigan: "Yes."

Cross: "So, no one else from State's Attorney to County Clerk, to state party would be included?"

Madigan: "That's correct."

Cross: "Is there anything that would prohibit Tom Cross from having a fund raiser outside of Sangamon County while the General Assembly is in Session?"

Madigan: "No."

Cross: "Are we not singling out the two Representatives and the Senator from the Sangamon County area by this while we're saying everyone else can have a fund raiser while we're in Session?"

Madigan: "Mr. Cross, we recognize the impact upon the local Legislators and at the committee, we were prepared to take an Amendment to exempt them because we thought it would be forthcoming, but it didn't appear."

Cross: "Well, if you want to take it out of the record and prepare the Amendment, we would be more than willing to talk to you about that a little more. If this... So perhaps, in the Senate, you would be amenable to an Amendment such as that?"

Madigan: "Yes."

Cross: "All right. There is discussion or there is language in the Bill prohibiting the personal use of money and as we... and we talked about this in committee about that a lot of this legislation would have to be ironed out or deciphered or analyzed by the State Board of Elections to make some decisions or interpret the language here. In the event the State Board of Elections fines a Member of the General Assembly, under this Bill, or any of your Bills, could you use campaign money to pay that fine?"

Madigan: "Yes."

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Cross: "One other area of inquiry and we talked about this in committee and I'm not sure how we how we left it, but the question was that I had in committee was jurisdiction, if there's a violation of certain sections of this Bill, we have increased it from a Class B to a Class A, and the state board had the initial ability to inquire. Is there jurisdiction for the criminal penalty here in Sangamon County or does it go back to the county of origin of the Legislator or residence of the Legislator. And I think we discussed it. We really need to iron that out."

Madigan: "The jurisdiction would be where the offense occurs. The jurisdiction would be where the offense occurs."

Cross: "So, that would just be up... okay, be up to the State's Attorney of any respective county to decide. A couple of other questions, your prohibitions on the Sangamon County Legislators, assuming we don't get get the Amendment taken care of in the Senate, it does include a candidate for the office, does it not?"

Madigan: "Yes."

Cross: "All right. The language on dissolving the political committee, if I'm reading this correctly, it has to take place within a year of retiring or losing office, is that correct?"

Madigan: "Yes."

Cross: "And in the event of death, if I'm not mistaken, it would be the responsibility of the officers of that political committee. Is that correct?"

Madigan: "Yes."

Cross: "For those that don't have officers who created that committee five years ago or 10 years ago, I don't know if all of those officers maybe don't exist. Is there a provision of how to dissolve that committee?"

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Madigan: "I'm advised that the law requires that you have officers and that you update them from time to time. Going a step further, without researching this it would seem to me that maybe the estate of the deceased would be required to administer this."

Cross: "And I didn't ask that to... I was not trying to be difficult, I was just curious. I think once again we went over this in committee but there's no, I don't think there is a prohibition and correct me if I'm wrong, of a State Representative who decides to run for the State Senate, he or she can transfer their money from their State Representative account to their Senate account?"

Madigan: "Within a year."

Cross: "Okay, within a year. Thank you very much."

Speaker Brunsvold: "Further discussion? The Gentleman from Kankakee, Mr. Novak."

Novak: "Yes, thank you, Mr Speaker. Speaker Madigan, will you yield?"

Speaker Brunsvold: "He yields."

Novak: "Yes, Speaker, is there a provision in this Bill, I know we've talked about outlawing fund raisers for Legislators in Sangamon County, but is there a provision in this Bill that it makes it applicable to constitutional officers?"

Madigan: "No."

Novak: "May I ask you why, Sir, that was not included?"

Madigan: "Because the... because the complaint is related to the Members of the Legislature where there would be a fund raiser in Springfield or in Sangamon County on the same day that the Legislature is in Session."

Novak: "Well, I understand that but I really feel that, to me, personally, and I know I talked to a few of my colleagues, there seems to be a double standard, but should this become

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law, I'm certain that they're some Amendments will be filed next year to make sure it applies to constitutional officers as well. Thank you, Mr. Speaker."

Speaker Brunsvold: "Further discussion? The Lady from Cook, Representative Mulligan."

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

Speaker Brunsvold: "The Sponsor yields."

Mulligan: "First and probably last, is there a severability clause?"

Madigan: "The answer is 'no'."

Mulligan: "So, in other words, if I, as a candidate, were to lose, and you wanted me to give away my funds, I could not come back and challenge. But perhaps the people in my district who had contributed those funds then would rely on me to come back and run again, might sue to say that it's unfair to them that I would have to distribute my campaign funds which they contributed me and suppose it went to the Supreme Court? Would the whole Bill fall then?"

Madigan: "Representative, in the general provisions of the revised statute, there is a general severability clause which provides that if any provision of an Act enacted after the effective date of this Act or application thereof to any person or circumstances held invalid such invalidity does not affect other provisions or applications of the Act."

Mulligan: "So, in other words, one provision could be struck down and the rest could be... still be law? But don't you think that it is unfair that if people contribute to me that suddenly they find their money being given to someone else if I should lose when they may want you to come back and challenge again?"

Madigan: "That's a consequence of the implementation of this

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Bill. It simply says that these committees must end within a year."

Mulligan: "Don't you think an election cycle would have been fairer, say two years for a Representative, four years for a Senator, and to include constitutional officers that would give them four years also?"

Madigan: "Well, the Bill provides one year because the intent of the Bill is to say that these committees end when you lose an election or when you leave office. Now, there was an earlier question by Mr. Cross, where before the expiration in a year, someone declares a candidacy for State Representative, State Senator and they create a new committee and the money can be moved from the old committee to the new committee within a year."

Mulligan: "So, if I change my committee name from Citizens for Rosemary Mulligan to Friends of Mulligan and declare that I want to run again, I could move all the funds over without giving them away into that new committee?"

Madigan: "Within one year. Within one year."

Mulligan: "Isn't that a lot of Mickey Mouse to make ourselves look ethical?"

Madigan: "I think it's a actual consequence of the desire to end the committees."

Mulligan: "On the part of the legislation that sets forth a list of prohibited and allowable uses of campaign funds, is it allowable for me to buy, which I have to because our state allowance for district offices is not very much, would it be allowable for me to use my campaign funds, which I do now to buy all my support technology, my computers, my fax machine to pay the overage of the bills because we have not kept up with technology with our state legislative allowance?"

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Madigan: "The answer is, yes."

Mulligan: "So, I would have no problem with that?"

Madigan: "The answer is yes, if it's used for, you know, official duties."

Mulligan: "I'm sorry, if I choose to..."

Madigan: "Well, if you're using it for government duties, not personal duties."

Mulligan: "All right, but if I pay for it out of my campaign fund I can use it for governmental duties but then I could also use it for campaign because I've paid for it. I'm... actually, what I'm doing is that I'm loaning it to my district office?"

Madigan: "The answer is, yes."

Mulligan: "As far as Sangamon County, does the challenger who is not holding state office, are they exempted from having a fund raiser while the Legislature is in Session in Sangamon County?"

Madigan: "Candidates are covered by the language of the Bill."

Mulligan: "So, if a challenger wanted to they could not have..."

Madigan: "Correct."

Mulligan: "On foreign nationals, I come from a district with a high immigrant population. Some of whom, particularly, certain group of women who support me in areas that they feel are very important on women's issues, may come to a fund raiser, do I now have to ask them if they are a citizen or not before they can contribute to a fund raiser?"

Madigan: "You would be well advised to do that."

Mulligan: "Don't you think that's insulting to some people."

Madigan: "Well, it's a natural consequence of the Bill and it's a natural consequence of the events that occurred during the last presidential election."

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Mulligan: "I understand that but I don't happen to have the problems that they had at the national election. At the state, it might be an issue and I don't think that that's particularly fair in a rush, to make ourselves look good. I think we're going for overkill here."

Madigan: "I would like to add that those people are prohibited under federal law today. Federal law prohibits foreign nationals from making political contributions."

Mulligan: "So, they cannot buy a ticket to a fund raiser, say because they... You know, I passed a Bill on female genital mutilation that many women from... in my area that might be immigrants were very much for that Bill. So if they wanted to come to my fund raiser, I would have to let them in now... first, I have to ask them, 'Are you a citizen?', and hopefully they are, or I haven't embarrassed them, or asked a question that will make them feel uncomfortable. Then if they aren't, I can say, you can come for free but you can't come and I can't... you can't contribute."

Madigan: "That's correct. That's federal law today."

Mulligan: "Electronic filing, is the state going to have... is the State Board of Elections going to do the software, to give everyone the software program in order to be able to electronically file or are we independently going to have to go out and purchase that program in order to have to comply with this?"

Madigan: "The Bill provides that the State Board of Elections would promulgate rules."

Mulligan: "But not the software?"

Madigan: "They would have the option, after promulgating the rules, to provide it or not provide it."

Mulligan: "How long would we... would be the threshold before we would have to then electronically file?"

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Madigan: "Everyone who is required to file would have to do it electronically."

Mulligan: "I don't think everyone is in a position to do that nor do we all have treasurers that are in the position to do that. Plus, most of the programs start at about \$11 hundred if you buy a decent program to do that. So, I think if we're going to make it a state law, I think the state board should provide the software program and make it uniform for everyone. The other thing is, what if you go to file and as many of us want to do or many of our treasurers who have other lives, they are not just doing this, you're running a little late and the computer goes down when you go to file on the last day, would you then be obligated for a \$5 thousand fine?"

Madigan: "Well, that'll be a determination to be made by the State Board of Elections. The state board would be called upon to decide whether you had violated the law with the requisite intent to be guilty of a criminal offense."

Mulligan: "Well, you know, all of us are put in a position of either voting for this or looking bad and I'm sure that's part of what the object is of introducing some of these things, but I think there are some complex issues that aren't thoroughly thought out about this that are going to cause a potential problem down the line. That being one of them. I do think that the electronic filing has a lot of problems right now. Many people are very computer literate, others aren't, and some people run a very small budget campaign. What if you're a candidate that's a challenger, you're not an established Representative, you're obligated to file electronically and you can't meet those requirements because you're running a low budget campaign? What does that person do?"

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Madigan: "That's a consequence of the Bill and of course that would be an additional expense for their campaign."

Mulligan: "Many people aren't independently wealthy. Although, it's getting to that point that if you're not, perhaps you can't run for office. I don't think that's fair and I think we're limiting and putting limitations on people that do grass roots campaign that don't have that kind of money. Thank you."

Speaker Brunsvold: "Further discussion? The Gentleman from Cook, Representative Morrow."

Morrow: "Yes, thank you, Mr. Speaker. Will the Gentleman yield?"

Speaker Brunsvold: "The Gentleman yields."

Morrow: "Yes, I have one question. Several years ago we passed legislation to prohibit Members of the General Assembly to hold fund raisers the last two months of the Session and conveniently there was an exemption made for our Legislative Leadership. My question to the Sponsor, with the language of this Bill, would this also prohibit our Legislative Leaders from holding fund raisers in Sangamon County?"

Madigan: "The answer is, yes."

Morrow: "Thank you."

Speaker Brunsvold: "Further discussion? The Gentleman from DuPage, Mr. Tom Johnson."

Johnson, Tom: "Will the Sponsor yield."

Speaker Brunsvold: "The Sponsor yields."

Johnson, Tom: "Mr. Speaker, I just have one question and it pertains really to this whole package of Bills here. I think that there's three or four Bills that we're considering. On any of these Bills, do the House Republican Campaign Committee or the House Democrat Campaign Committee or the Senate Campaign Committees, are

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they governed by these Bills?"

Madigan: "Yes."

Johnson, Tom: "Okay, so, they fall under exactly the same requirements as the candidates do under these Bills?"

Madigan: "Yes."

Johnson, Tom: "Okay. Thank you."

Speaker Brunsvold: "Further discussion? The Gentleman from Cook, Mr. Jack Kubik."

Kubik: "Thank you, Mr. Speaker. Would the Sponsor yield for a couple of questions?"

Speaker Brunsvold: "The Sponsor yields."

Kubik: "First of all, Representative, I want to say that I support you on this Bill. This is a complex issue. I happen to believe that disclosure is the better way to go for a lot of reasons, but I do have a couple of questions and ...I think that Representative Mulligan has raised a... an interesting point. My first question relates to, as I understand it, under current law, if you raised or spend a \$1 thousand you must, in Illinois, you must file a disclosure statement, and nothing in this Bill really changes that, is that correct?"

Madigan: "Yes, correct."

Kubik: "Okay. One of the things that has having been involved in this issue for a while, I've found from the State Board of Elections, is that they have said that there are literally hundreds and hundreds of committees, local village committees, people running for the school board, whatnot, who may spend 15 hundred bucks or \$2 thousand or whatnot, and they are required to file. And frankly, you know, they are not the interest, they are not the major focus of the State Board of Election. But now, what I think we've done is we have now put the additional burden of electronic

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filing upon them which... I think it not.. I think it's something that we ought to look at and see perhaps, if there may be some way to get around that problem because I think it is a problem. I think that, you know, somebody is going to spend 11 hundred bucks and they've got to buy a system that's worth a 11 hundred bucks. That's a little bit of a problem. So, the second question I... relates to the disposition of funds. As I understand the Bill at the present time, if I run for office and I lose or if I retire from office so to speak, within a year I must dispose of those funds in some fashion or they go to the common school fund. Is that correct?"

Madigan: "Yes, that's correct."

Kubik: "What... is there anything that would prevent and frankly, I don't have a whole lot of money left over so... so, it's not a real big question but is there anything to prevent somebody who has a large amount of money, for example, to create a political action committee and transfer that money into a political action committee and then support candidates, you know, Republican, Democrat, whatever, would there be a prohibition against that?"

Madigan: "Mr. Kubik, the best answer I can give is to say that there will a later Bill that will put limits on contributions. So, this individual with all this money would be restricted to either \$15 hundred or \$3 thousand of contributions to that committee which had just been created."

Kubik: "That's one I may not agree with you on, but I understand where you're going."

Madigan: "You won't be able to transfer your \$5 million estate into one committee."

Kubik: "Well, don't worry about that. So, really if I wanted to

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create a pac to support fuzzy animals I could take my \$10 thousand and create a pac and then support people who happen to support legislation that's good to fuzzy animals. I can do that, right... under this Bill?"

Madigan: "I think the answer is yes, Mr. Kubik."

Kubik: "Okay. My last question relates to the personal use portion of the Bill. As I understand it, we have given a definition to personal use in the legislation. Who is the final, and maybe you've answered this question, I apologize if you've already answered it, but who is the final arbiter in all this, on this issue?"

Madigan: "The State Board of Elections."

Kubik: "So, the state board, for example, if at some point they decide... so they are ultimately the ones who decide whether a cell phone or a computer is a legitimate expense under the Campaign Act. Is that correct?"

Madigan: "Yes."

Kubik: "Okay. There is nothing in the Bill that prohibits you or anyone else from traveling to a political convention, a national convention under this Bill and paying for that out of your campaign fund?"

Madigan: "The answer is, yes."

Kubik: "Okay. If Common Cause has a convention that is a good idea for me to learn a little bit in terms of what the new campaign laws are and the state doesn't pay for that and I decide to go to Tuskegee, Mississippi, and go to this convention, as long as it has a governmental purpose, I can do that."

Madigan: "Yes."

Kubik: "Okay. Thank you, Mr. Speaker."

Speaker Brunsvold: "Further discussion? The Lady from Will, Representative Kosel."

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

Speaker Brunsvold: "The Gentleman yields."

Kosel: "There are hundreds of committees out there that are not current House Members or not current candidates for categories within this Bill. Would those committees be affected by this legislation and would they be required to dissolve within a year?"

Madigan: "Yes."

Kosel: "They would be?"

Madigan: "Well, if the candidate lost an election or left office."

Kosel: "Yes. They would be?"

Madigan: "The answer is yes."

Kosel: "Thank you."

Speaker Brunsvold: "Further discussion? The Gentleman from Cook, Mr. Durkin."

Durkin: "Will the Sponsor yield?"

Speaker Brunsvold: "The Sponsor yields."

Durkin: "Mr. Speaker, I have one question. Time and time again a number of candidates, people who are incumbents, their petitions are either challenged or they have to go through a recount process after the election. Would this legislation prohibit that candidate from using those funds to hire council to defend themselves before an administrative body or the board of elections?"

Madigan: "No."

Durkin: "Thank you very much."

Speaker Brunsvold: "Speaker Madigan to close."

Madigan: "Mr. Speaker, I request a favorable vote."

Speaker Brunsvold: "The Gentleman has asked for the passage, excuse me. Mr. Daniels, for what reason do you rise?"

Daniels: "Yes, we had previously said we wanted to speak on this,

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we're waiting for you to call on that."

Speaker Brunsvold: "Proceed, Mr. Daniels."

Daniels: "Is that all right, Speaker Madigan? Ladies and Gentlemen of the House, again on House Bill 2323. I think that it's very important that you address this very critical issue of campaign finance reform. There are many provisions of this Bill which we are very happy with. Frankly, we have some concerns about some of the provisions of the Bill. For instance, we look at the ban on fund raising in Sangamon County which we think are directly addressed to two of our sitting incumbent Members, and there's some unreasonable part of that because what it does is put a restriction on them that's on no one else in the State of Illinois. We preferred just limiting it to Springfield. We thought that was a reasonable conclusion to make. Now, that doesn't mean, of course, that we should oppose this Bill in its entirety because we think that in the most part what's contained in this Bill is very, very good in the terms of ethics and campaign finance reform. We very strongly support disclosure and the disclosure threshold of reducing the amount to \$25, and requiring that the contributor's occupation and employers is to be listed. Along with that, of course, we very strongly encourage additional fines for violation of the Act, requiring the State Board of Education to promulgate rules which make it mandatory to report filing in the electronic format, and prohibiting contributions by foreign nationals. On balance, this is an excellent Bill. We are very pleased to work with our colleagues on the other side of the aisle to craft this. I congratulate Speaker Madigan for working with our side of the aisle because, as he said in his opening, many of the provisions contained herein are also

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provisions that were in our Bills that we filed and along with his Bills, too. So, I strongly encourage an 'aye' vote and would hope that every Member of the House would support this legislation."

Speaker Brunsvold: "The question is, 'Shall House 2323 pass?' All in favor vote 'aye'; all 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, and on that question, there are 105 voting 'yes', 1 voting 'no', 11 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. On page 4 of the Calendar appears House Bill 2342. Regular Calendar, page 4, appears 2342. The Gentleman from Cook, Representative Madigan."

Clerk Rossi: "House Bill 2342, a Bill for an Act concerning campaign finances. Second Reading of this House Bill. Amendment #1, was adopted in committee. No Motions have been filed. No Floor Amendments. The Notes that have been requested on the Bill have been filed."

Speaker Brunsvold: "Any Amendments, Mr. Clerk? Take the Bill out of the record. Mr. Clerk, on the Regular Calendar on page 4, appears House Bill 2325. What's the status of that Bill?"

Clerk Rossi: "House Bill 2325, the Bill has been read a second time, previously. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments. The Fiscal Notes, the Correctional Budget and Impact Note that had been requested on the Bill have been filed."

Speaker Brunsvold: "Floor Amendments."

Clerk Rossi: "No Floor Amendments have been approved for consideration."

Speaker Brunsvold: "Third Reading. The Gentleman from

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Livingston, Mr. Rutherford. For what reason do you rise?"

Rutherford: "Mr. Speaker, the reason I rise is... did I hear the Clerk say that there were no Floor Amendments?"

Clerk Rossi: "No Floor Amendments have been approved by the Rules Committee for consideration."

Rutherford: "Okay, then I would like to make a point. Mr. Speaker, I had filed an Amendment to this Bill and I... with respect to Speaker Madigan, I'm not so sure that this isn't maybe a right thing to do, but there are specific provisions in this Bill that I've got some real problems with. In a very timely fashion, I did file an Amendment with the Clerk. It has gone to the Rules Committee. I was prepared to assume that it would be discharged to go to substantive committee so I could at least have testimony to make a presentation on. And now we're moving it to Third Reading. I suppose we can have a great deal of silence and obviously there's nothing can be done about it because the Rules Committee hasn't met, sent it off to..."

Speaker Brunsvold: "The Rules Committee has to act on the..."

Rutherford: "No, I appreciate that. It's more the fact that I'm highlighting it to Mr. Speaker and the Body, that there are some things that I think that could have been productively addressed here and in timely fashion an Amendment was filed and it has been bottled up in rules."

Speaker Brunsvold: "Your objection has been noted."

Rutherford: "Thank you, Mr. Speaker."

Speaker Brunsvold: "Rules Committee will meet immediately. Rules Committee will meet immediately. Rules Committee again will meet immediately in the Speaker's Conference Room. Mr. Rutherford."

Rutherford: "Thank you, Mr. Speaker. Just a point of information for Dan from Livingston County. Did House Bill 2325 go to

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Third Reading?"

Speaker Brunsvold: "Yes, it did."

Rutherford: "Thank you."

Speaker Brunsvold: "Mr. Clerk, what's the status of House Bill 2325?"

Clerk Rossi: "House Bill 2325, is on the Order of Third Reading."

Speaker Brunsvold: "Please move that Bill back to Second Reading.

Mr. Rutherford, that Bill is now on Second Reading. Representative Lang, for what purpose do you rise?"

Lang: "Well, thank you, Mr. Speaker. I just want to thank the Speaker and the Members of the Rules Committee for being so responsive to my colleague, relative to his Amendment. It's nice to know that I work in a Body that has such respect for the Members on both sides of the aisle. Thank you, Mr. Speaker."

Speaker Brunsvold: "Thank you, Mr. Lang. Mr. Rutherford is aglow with the process. Supplemental Calendar #2, there appears under Conference Committee Reports, House Bill 1485. Mr. Poe. Here he comes."

Poe: "Mr. Speaker, I move to adopt."

Speaker Brunsvold: "Proceed, Mr. Poe. Conference Committee Report."

Poe: "House Bill 1485 in concurrence with the Conference Committee. We voted on part of this Bill on the University Police Disciplinary Act. It passed out of here 118 to nothing. The other part of the Conference Committee was death benefits to police, firemen, if he's killed in the line of duty, it would be a \$10 thousand benefit to their spouse or their estate. Is there any questions?"

Speaker Brunsvold: "The Gentleman has moved for concurrence on First Conference Committee #1, and on that question is there discussion? The Gentleman from Cook, Mr. Lang."

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

Speaker Brunsvold: "The Sponsor yields."

Lang: "Thank you. Representative, I didn't hear all of your explanation but let me ask you this. I assume this Bill went to Conference in the first place because there were some people who couldn't agree on what the final language should be. Have all of the different parties agreed now on this language. I see Mr. Bost, shaking his head. But I was asking Mr. Poe."

Poe: "Yes. Yes, that's correct."

Lang: "So, this is now what you might call an agreed Bill."

Poe: "Correct... Yes, Sir."

Lang: "Well, thank you very much."

Speaker Brunsvold: "Any further discussion? The Gentleman from Sangamon, Representative Poe to close."

Poe: "I just ask for a favorable vote, please."

Speaker Brunsvold: "The question is, 'Shall the House adopt Conference Committee Report #1, to House Bill 1485?' This is final action. All those in favor vote 'aye'; all 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. And on this question, there are 117 voting 'yes', 0 voting 'no', 0 voting 'present'. The House does adopt Conference Committee Report #1, to House Bill 1485 and this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, Committee Reports."

Clerk Rossi: "Representative Currie, Chairman from the Committee on Rules to which the following Amendments were referred, action taken on October 29, 1997, reported the same back, recommend: 'be adopted' Floor Amendment #3, to House Bill 2342 and Floor Amendment #2, to House Bill 2325."

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Speaker Brunsvold: "Mr. Poe, you passed a fine Bill in the last sequence... for what reason do you rise?"

Poe: "I... while I was up I thought of something and maybe you could answer, Mr. Speaker. Does the last Bill we passed mean that I can't cook fried chicken for the Legislative Body next year?"

Speaker Brunsvold: "I don't think so, I think fried chicken coming from you would be fine."

Poe: "Okay, thank you."

Speaker Brunsvold: "The Lady from Cook, Representative Davis."

Davis, M.: "Thank you. If I could just have attention of the Members of the Body."

Speaker Brunsvold: "Members, please give Representative Davis your attention."

Davis, M.: "Yeah, I would just like... I would just like you to know that we have standing before me, Mrs. Iris Troutsman, the mother of seven girls and three boys. The mother of 10 children. One is an attorney from Harvard University. One is the Alderman Iris Troutsman from 20th Ward in Chicago. One is an engineer who graduated from my 8th grade class. Could we have a warm round of applause for this mother."

Speaker Brunsvold: "Welcome to Springfield. The Gentleman from Livingston, Representative Rutherford, for what reason do you rise?"

Rutherford: "Parliamentary inquiry."

Speaker Brunsvold: "State your inquiry."

Rutherford: "If the Clerk would mind repeating what he said in regards to House Bill 2325, Amendment 2, out of Rules Committee. I just want to make sure I heard it."

Speaker Brunsvold: "I don't recall what the Clerk said at that instant."

Rutherford: "No... Did he report on House Bill 2325, Amendment

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2, out of Rules Committee?"

Speaker Brunsvold: "Mr. Clerk."

Clerk Rossi: "Amendment #2, to 2325 has now been approved for consideration by the Rules Committee."

Rutherford: "Approved for consideration on the Floor or in substantive committee?"

Clerk Rossi: "On the Floor."

Rutherford: "Thank you."

Speaker Brunsvold: "Clerk, status of 2325. Excuse me, Mr. Clerk. Take that out of the record. Mr. Clerk, the status of 2342."

Clerk Rossi: "House Bill 2342, has been read a second time, previously. Amendment #1, was adopted in committee. No Motions have been filed. Floor Amendment #3, offered by Representative Cross, has been approved for consideration."

Speaker Brunsvold: "Amendment #3, the Gentleman from Kendall, Mr. Cross."

Cross: "Thank you, Mr. Speaker. Amendment #3 was a result of discussion we had in committee last week that would provide that the limitations provided in House Bill 2342 would include contributions to any political committee. This is something that we agreed to and we said we would... the Sponsor agreed to cleaning it up and working it out on the House Floor. As a result of that, we filed Amendment #3, and I would appreciate a 'yes' vote."

Speaker Brunsvold: "The Gentleman has asked for the adoption of Amendment #3. Is there any discussion? Seeing none, the Gentleman has asked for the adoption of Amendment #3. All in favor say 'aye'; opposed 'nay'. The 'ayes' have it and the Amendment has been adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Brunsvold: "Third Reading. Read the Bill, Mr. Clerk."

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Clerk Rossi: "House Bill 2342, a Bill for an Act concerning campaign finances. Third Reading of this House Bill."

Speaker Brunsvold: "The Gentlemen from Cook, Speaker Madigan."

Madigan: "Mr. Speaker and Ladies and Gentlemen, this Bill is concerned with limitations on contributions to political committees and it would provide that for individuals there would be a \$15 hundred limitation per election to all committees established on behalf of a candidate. Number 2, that there would be a \$3 thousand limitation on corporations and labor unions per election to all committees established on behalf of a candidate. Number 3, there would be a \$5 thousand limitation placed on political action committees per election to all committees established on behalf of a candidate. Next, we would provide that there would be a limitation on public officials and candidates to one political committee. So, you're a candidate for State Representative and you can only have one committee to support your candidacy for State Representative. Each of the four Legislative Leaders would be permitted to maintain the Caucus Committee, provided that the combined limitations apply to the leader and to the Caucus Committee. So, set differently, individuals can only contribute \$15 hundred to me, as a individual candidate for State Representative and as the Leader of the Democratic Party in the House. They can contribute part to one part to the other but the total limit is \$15 hundred. Mr. Speaker, I move for the passage of the Bill."

Speaker Brunsvold: "The Gentleman has moved for passage. Is there any discussion on that? The Gentleman from Cook, Mr. Fritchey."

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

Speaker Brunsvold: "The Sponsor yields."

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Fritchey: "Speaker Madigan, please bear with me if I'm misreading this Bill. As I understand it, this Bill would place a \$15 hundred limit on the amount of money that individuals can contribute. It would place a \$3 thousand limit on the amount a corporation can contribute. It places a \$5 thousand limit on the amount a pac can contribute. And the reason that I understand it's being done, as I've heard you explain in the media, is that there is a undesirable and unavoidable connection between contributions and influence from the sources of money and the recipients of that money. But then I further read this Bill to make... to be set up so that there's no restriction on what leadership committees can contribute to a candidate. Number one, am I right in my reading of the Bill? And number two, I'm wondering what the distinction is between perceived influence from corporate and pac donations and perceived influence from leadership donations."

Madigan: "Well, the intent of the Bill is to provide for limitations on all committees. So, in terms of the money flowing into committees, the limitations are uniform without regard to what your committee is or which committee you like or you don't like. There's a uniform limitation in terms of the money flowing into the committee. And you're correct, there's no limitation on the outflow coming out of the committees maintained by the Legislative Leaders, or by your individual committee. There would be no limitation on the outflow coming out of your committee."

Fritchey: "But there would be no... there would be a certain disparity, for example, and I want to make sure that I understand this, a pac, let's and I don't want to single any pacs out, but the trial lawyers and the doctors they would be limited to \$5 thousand in contribution, let's say

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to any Members, let's say to the Lopez Campaign, to any campaign. But you would not... you would not put a stop to contributing 100, 150 or \$200 thousand to the candidate of your choice. Is that correct?"

Madigan: "That is correct. And let me simply add that the trial lawyers and the Medical Society would be restricted in their contributions to my committee. So, if they have packs the Trial Lawyers can only contribute \$5 thousand total to me as a candidate for State Representative and as the Leader of the Democratic Party in the House."

Fritchey: "But by virtue of leadership committees having a statewide presence they have an ability to raise money even though those individual contributions may be limited, they have an ability to raise money statewide to a far greater capacity. I think the logical flow from that is that it's much easier for leadership to raise a large amount of money than for an individual candidate and then leadership can dole that money out as they see appropriate. I guess, you know forgive me if this is simplistic, but I'm just missing the point here. If there's a correlation between money and influence and the only people that can give in excess of \$5 thousand to any candidate our leadership committees then doesn't that put the leadership committees in a disproportionate amount of influence over individual candidates that need support."

Madigan: "Mr. Fritchey, I think you misunderstand the Bill and I try to explain it by saying that your committee, whatever the name of your committee is, can contribute more than \$5 thousand to me or to Lopez or to Burke. There's no restrictions on you, like there's no restrictions on me."

Fritchey: "I would... I would unfortunately say that it's axiomatic that my campaign committee does not have the

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fund-raising abilities, look at my D-2's compared to yours or Leader Daniels or Jones or Philip, to raise the kind of money that you people can raise, and while I may not be a stop to what money I can contribute, I am definitely a stop to... from raising as much as you are. I just... I want to make sure, if you're saying that the Bill is okay because everybody, everybody is limited on what they can raise even though we're not limited in what we can send out. I think it's an issue I want people to be aware of, I'm not saying it's a good or a bad thing, but I think it's an important issue that if we're going to say that money harbors influence that we're investing a whole lot of influence on a very few people."

Speaker Brunsvold: "Further discussion? The Gentleman from Cook, Mr. Kubik."

Kubik: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I think the Speaker had it right a Bill ago. I don't happen to agree with him on this issue and I would like to make a couple points. First of all, let's think about what we're going to do here. What we're saying is we're limiting the amount of money that you can raise, but we're not limiting the amount of money you can spend. I happened to be in Washington, as an intern, in the year of 1973 and '74, and at that time there would be the creation of the federal system, as we now know it, which was a reform I might add, a reform that created limitations on campaign contributions and everybody thought this was going to be a great idea and here we are 20, 25 years later debating what a horrible, horrible system we have in Washington. The bottom line is that if you create limitations you're going to create a situation where people are going to look at ways to get around limitations."

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That's what the whole debate about is in Washington, is the Presidential campaign trying to get around limitations on, on campaign contributions. It doesn't make sense. Disclosure makes more sense in the long run. If I receive a campaign contribution from someone that ought to be reported and it ought to be put out into the media or wherever it should be and let the voter decide whether that's a good or bad idea. I realize this Bill is going to pass, it's probably going to fly out of here and probably what I'm saying is I'm swimming upstream here. But, Ladies and Gentlemen, let's think about this, is it more expensive today to run a campaign than it was ten years ago? Of course it is, it's more expensive to do anything. So, what we're going to do is we're going to put a arbitrary limit on the amount of money that we can receive and then what we're going to do five or ten years from now is be afraid to increase that limit because it's not politically correct. And that's the problem with limitation. That's why disclosure makes so much, much more sense. I would also argue that there is a free speech issue here, a very definite free speech issue. And you know, campaign contributions... you can look at the Supreme Court. They've said the same thing, that campaign contributions are a matter of free speech. And I would say that we ought to recognize a couple of basic things that, unfortunately, my friends and some of the 'do gooder' organizations don't understand. And that is campaigns cost money, they cost money, and the only way you can raise it is to go out and get money and so what we're saying is, 'let's limit the amount of money we can raise, but we won't limit the amount of money we can spend.' I don't know about you, but basic math tells me that isn't going to work. So, I would say

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let's disclose, let's let everybody know what amounts are being contributed, being spent and let the voter, let the intelligent voter decide whether or not that's a good idea. So, I would say to all of you today we should tread very slowly on this issue. I realize that it's not, with all of the things going on in Washington, it's not easy to do. But I would argue the better way is disclosure. Limitations limits the ability and I might point out, it limits challengers more than it limits incumbents. The only way that a challenger can challenge somebody is to create name recognition in a district, even as small as a State Rep district, and the only way they can do that is money. The only way they can do that is mailing. The only way they can do that is cable TV or radio or television and that costs money. So, let's think about what we're doing here, we ought to, we ought... and I'm... really believed that philosophically we're making a wrong turn here. We ought to be disclosing everything we do, we ought to be making sure that that information is available to everyone so that they can make a decision as to whether a campaign contribution to me or to anybody else was a good idea or a bad idea. I urge a 'no' vote on this Bill, I think this is the wrong public policy for the state. I think disclosure is a better way to go and I'd urge a 'no' vote."

Speaker Brunsvold: "The Lady from Cook, Representative Mulligan."

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

Speaker Brunsvold: "The Sponsor yields."

Mulligan: "Speaker Madigan, am I correct in assuming that our dot points are correct when they say this does not limit any expenditure of personal funds? Say, if I'm a millionaire and I want to contribute to my own campaign I can put in

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whatever I want?"

Madigan: "The answer is, yes."

Mulligan: "Therefore if I'm an incumbent that's raised a lot of money and it's stashed away and never had a challenge, I'm solid I can do what I want and I can fund my own campaign to the hilt, also?"

Madigan: "The answer is, yes."

Mulligan: "And that Political Action Committees are not limited as to what they can give to either House Democrats or House Republicans, they can give any amount that they want?"

Madigan: "No, they are limited. They come under the same limitation."

Mulligan: "So, that trial lawyers or doctors could only give \$5 thousand to the House Democrat Committee or the House Republican Committee?"

Madigan: "The answer is, yes."

Mulligan: "Five thousand dollars total, or \$5 thousand for a candidate that they would like you to support?"

Madigan: "Total."

Mulligan: "So, in other words, you can only accept \$5 thousand in one election cycle from the trial lawyers?"

Madigan: "The answer is, yes."

Mulligan: "Although the trial lawyers do have..."

Madigan: "Representative, one correction, the Bill is drafted per election, per election. There could be a primary, there could be a general. Per election."

Mulligan: "All right. But say, if the Illinois Manufacturers want to give Lee Daniels \$5 thousand for Rosemary Mulligan for a primary and then \$5 thousand to the House Republicans earmarked for one candidate for the general election that they could do it for all 58 Members of our side?"

Madigan: "That would be a violation of the current law and it

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would be a violation of the law after this Bill is passed."

Mulligan: "So, they could only give an aggregate sum of \$5 thousand?"

Madigan: "To the Leadership Committee per election, yes."

Mulligan: "To any given committee?"

Madigan: "The answer is, yes."

Mulligan: "All right. So, if I have a committee that, I have my own campaign committee and then I form a committee with three of my colleagues, would that be a different committee since it would benefit three of my colleagues?"

Madigan: "You'd all come under the limitation. So, all of you would be under say a \$15 hundred limitation and you could only take up to \$15 hundred whether it's to your individual committee or the joint committee."

Mulligan: "But I could have a joint committee because it would be different than my individual committee?"

Madigan: "Well, not if it's for the purpose of getting elected to the House of Representatives. Because we provide that you can only have one committee for the office you are seeking. So, if that second committee which is a joint committee, is going to support your candidacy for the House, it would be in violation of the law."

Mulligan: "But if I'm wealthy, I can contribute unlimited amounts?"

Madigan: "Your own personal money?"

Mulligan: "Yes."

Madigan: "The answer is there's no restriction on that."

Mulligan: "Wouldn't my vote then be tied to my leader if they have an exorbitant amount of money? If I raise money in my own district and I'm a fairly independent candidate when it comes time to vote if my leader, say, doesn't want me to support a Managed Care Bill that one of your

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Representatives have and I choose to challenge that and support it anyway and then they withhold campaign funds from me, I'm then obligated to vote the way my leader wants because he can raise more money than I can? I mean, if you are obligated in order to run a campaign, to leadership, your vote is no longer your vote."

Madigan: "Representative, the only answer I can give you is to say that you should consult with the House Democrats and ask each one of them whether they... with what I asked them to do or not. Ask them."

Mulligan: "Well, you can ask Lee Daniels if... with him, I'm sure he'd be glad to tell you that, also."

Madigan: "I choose not to get involved in your affairs."

Mulligan: "Quite frankly, I think if they're not at this point limited to raising money from the House Democrats or the House Republicans and if I'm limited..."

Madigan: "Representative, the limit is going to apply to every committee. It's going to apply to every committee. Every committee is going to work under the limitations. Your committee and Mr. Daniels' committee. They're all under the limitations."

Mulligan: "But say the large pacs come to you and say, 'We have 'x' number of dollars to contribute, where would you like us to put it?' They don't necessarily come to Rosemary Mulligan and say, 'We have \$60 thousand. What candidates would you like us to contribute to?' But they would come to Lee Daniels or you, perhaps, and say, 'We have all this money. Where would you like us to put it?'"

Madigan: "That occurs today."

Mulligan: "I understand that, but we're not limited still from raising it on our own and not being beholden..."

Madigan: "You wouldn't be limited, you wouldn't be limited today"

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and I would humbly suggest to you, go look at the size of your contributions, and you may not have a significant number of contributions over these limitations."

Mulligan: "Well... you know, the newspaper has printed and I think the ones that they have printed and had the most objections with are the ones that give large money from leadership to win campaigns because then their votes seem to be directly tied to leadership votes and not their districts or the people they directly represent. I think a Bill like this directly puts your obligation to a leader and not to your own district."

Madigan: "Representative, I can only answer as I answered before and it is drawn from my experience as the Leader of the House Democrats and I invite you to come to one of our Caucuses and see how little lack of solidarity there is."

Mulligan: "Can I take you up on that? I will have Representative Schakowsky or Representative Ronen tell me the next time that you're having a Caucus, I would love to come."

Madigan: "Come tomorrow, it'll be great fun."

Mulligan: "I'm always great fun. I just have a real problem with this, I'm sorry, I think that... and to the Bill."

Speaker Brunsvold: "Proceed."

Mulligan: "I think we're passing something here that is limiting what we're doing, it is a tantamount to going to single member districts. It's taking away your right to be an independent Representative and raise your own money and it's taking away the right from people in your community that give to you that would like to support you. Not being independently wealthy, it then limits people that can challenge you or people that can run for office to people that have just their own money and they, also, maybe get that money from representing a special interest group or a

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special area that they happen to work in. I think there are a lot of noise in this Body, people are not even paying attention to something that really has a great deal to do with how we run campaigns, how we vote and what goes on and under the guise of looking like we're for campaign reform we're all going to be a herd of sheep and vote for this and I think the bottom line is, we're all sitting here, keeping our fingers crossed and letting the Senate do our dirty work and hope that they kill this Bill which is a stupid area to look at when you say that, quite frankly, we don't have the guts to say, 'This limits how I can vote. This limits how I can raise money.' Representative Kubik made excellent points, but we're going to sit here and vote for it because we're all afraid of how it's going to be used in a campaign brochure that costs approximately \$6 thousand to mail in my district anyway, now how are we going to raise this money? Also, I can't even afford the technology in my office that comes from my campaign fund. In an election cycle if I don't have an opponent, you know, and I want to help my office with technology I have to put money into that. This is a never ending cycle and to say that we're going to obligated to leaders to fund our campaigns or the challengers are obligated to only go out and be wealthy or be at such limited amount of money is, I think, not a good idea, there's ways of doing this. Representative Kubik brought up limitations on spending. There is no limitation on spending. In some states they have passed such unreasonable laws that it makes it perfectly impossible to run a campaign, but it seems to me that the leadership team, whoever's in leadership can certainly fund a campaign and it can keep you from being an independent Representative that votes for your district. I

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think this is not a smart thing to vote for and I think that all we're doing is sitting here and voting for something that looks good on a brochure, but that makes no common sense."

Speaker Brunsvold: "Further discussion, the Gentleman from DuPage, Mr. Daniels."

Daniels: "Mr. Speaker, Ladies and Gentlemen of the House. I was delighted to join Mr. Madigan and the presentation of the previous two Bills and frankly I think that those are two Bill that stand an excellent chance of passing the Senate and having the signature of the Governor. I did so because I'm a believer in disclosure. I'm a believer in setting certain thresholds on disclosure. I think there was a violation, we all know there was a violation on the 140, \$150 threshold and we reduced it to \$25 to get rid of that violation. I think we knew, all knew that it's time to ban gifts. I think we all understand there are things we ought to be doing in this process to address the very important issue of campaign finance reform. This goes too far. This takes the federal system, that great system that everyone's touting today, this experimentation passed in 1974 where they say, 'limit the contribution.' This limits democracy. This limits the ability for everyday citizens to participate in their governmental process and this takes it too far. What this does is encourage rich people to run for office. It creates the same kind of problem we're having in candidates that run for federal office, whether it's Congress or United States Senate, if you don't have a personal bankroll of a lot of money you can't afford to run for office on the federal level. And what it does is destroy the whole system of democracy as we know it today. Campaign limitations don't work, they were experimentation

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that were tried. Now I know, that if you vote against this you're going to get a direct mail piece from the Democrat Organization saying, 'Mike Madigan sponsored campaign contribution limitations and you're against it and you're bad and you're not good and you're against campaign finance reform and that's the way the process works. So, I'm hoping that every one of the parties in this Chamber that thinks they're going to have a primary or a general election go ahead and vote your green switch. You know you'll have to demagogue this thing just like it's done when you present it because it's demagoguery at its worst by even putting the Bill up here right now. You know it's not going to pass the Senate, you know the Governor won't sign it, he's not for campaign limitations, and you know it doesn't stand a single chance of passing. That's why it's unfortunate that this Bill is being presented that helps go a long ways destroying the Legislative Body in the General Assembly in the State of Illinois that I think is one of the best Legislative Bodies in the United States of America today. I'm personally going to vote against this, but from a standpoint of where you are politically, so you're not subjected to the kind of direct mail that may come out, those of you that are going to have elections go ahead, vote 'present' or vote 'yes', protect yourself because this Bill is only meant to be a political tool. We all know why it's before us and go ahead and do what you have to do. But I'm going to vote 'no'."

Speaker Brunsvold: "The Gentleman from Cook, Speaker Madigan to close."

Madigan: "Mr. Speaker and Ladies and Gentlemen, I do regret Mr. Daniels' remarks, although I know that they're giving in the utmost since of cooperation in the legislating and I'm

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not suggesting that this is a panacea for the problems of campaign finance. All I'm simply saying is, there's a lot to be done in the area of campaign finance. We all know that. We all know that, because we're all Members of this Body, we're all required to raise money to pay for campaigns and so, you know that is a difficult job, it's not something that you relish doing, you wish you didn't have to do it and it just leads into a lot of difficulty. The conditions of all of this today are such that something should be done, there should be some change, there should be a start. This is simply a start. It's simple. It's uniform across the board. Every committee is covered. Apparently, at the beginning of this discussion certain Members felt that certain committees would not be covered, but please understand, every committee is covered by the limitations, your committee, my committee, the leadership committees. It is true there's no limitation on the outgo coming out of all committees, it's uniform there also. It's a simple step, hopefully the first step, in a long road towards changing a system that clearly ought to be changed. And Mr. Speaker, I would ask for an 'aye' vote."

Speaker Brunsvold: "The question is, 'Shall House Bill 2342 pass?' All in favor vote 'aye'; all 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. And on this question, there are 100 voting 'yes', 9 voting 'no', & 6 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, House Bill 2325."

Clerk Rossi: "House Bill 2325 has been read a second time, previously. Amendment #1 was adopted in committee. No

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Motions have been filed. Floor Amendment #2, offered by Representative Rutherford, has been approved for consideration."

Speaker Brunsvold: "The Gentleman from Livingston, on Amendment #2, Mr. Rutherford."

Rutherford: "Thank you, Mr. Speaker and also I would like to thank Speaker Madigan for accommodating my hearing for my Amendment in Rules Committee. Thank you, Mr. Speaker. The Amendment 2 would take and remove article 98 out of House Bill 2325. Let's just kind of look back and very simply what it would do is House Bill 2325 was the same effect of, I think earlier this year, House Bill 735. What it provides for is, if one of our long term care facilities in this state is in violation three times in a 24 month period, or having a filing by the National Labor Relations Board that they would lose the ability to be able to receive state contracts. You know, very simply said, this piece of legislation is strongly opposed by our nursing home industry because it puts a very precarious and quandarous position in the case where there could be individuals filing NLRB charges against them and if this did come about they did close down, I'm sorry, they did have the inability to receive the state funds that would literally close down the state... or close down the facilities. I would appreciate a favorable Roll Call. That's all."

Speaker Brunsvold: "The Gentleman has moved for the adoption of Floor Amendment #2 and on that question, is there any discussion? The Gentleman from Cook, Representative Lang."

Lang: "Thank you. I would ask the Sponsor to yield? But before I do, Mr. Speaker, I would ask for a Roll Call vote on this Amendment?"

Speaker Brunsvold: "So noted."

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

Speaker Brunsvold: "The Sponsor yields."

Lang: "Representative, are you trying to protect these homes that violate federal labor laws?"

Rutherford: "No."

Lang: "Well, why would you want to make this change in this piece of legislation, whereby the change you make is protecting entrepreneurs who purposely violate labor laws?"

Rutherford: "No, it says if there's three charges made in 24 month period that they would be able to lose their state funding for their patients in there."

Lang: "Well, that's right and so, why should the State of Illinois give taxpayer money to facilities who are alleged, consistently over a long period of time, to violate the rights of working men and women in the State of Illinois?"

Rutherford: "Would the questioner yield for a question? Representative Lang, I appreciate what you're having to say and you know darn good and well that that's not the case in what I'm trying to do here. Could you cite for me then and perhaps Representative Schakowsky, and I realize I'm using your name in debate, somewhat intentionally, because House Bill 735, I know you sponsored... and but if one of the two of you could perhaps cite to me how many times this has happened? How many times in a 24-month period has three NLRB violations been presented to a facility?"

Lang: "Representative, this is your Bill not mine. I'm not here to answer your questions."

Rutherford: "I understand it, Representative, but in the spirit of cooperation..."

Lang: "Let me suggest to you..."

Rutherford: "... and congenial attitude and participation on both sides of the aisle."

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Lang: "Let me suggest to you that we don't pass... our job is not to pass laws on the, if come, our job is to pass laws that make sense and it's not relevant how many times it's happened. What is relevant is that you feel it's necessary to put some protection in the law for entrepreneurs, people that own nursing homes that violate federal and state labor laws, and then beyond that... it seems to be perfectly okay with you if these people continue to get state contracts, which is kind of odd because the very same working men and women who are being abused under these circumstances are the people who are paying the taxes that end up in the pocketbooks of those business owners."

Rutherford: "Oh... Representative Lang, don't go giving me that. This Amendment simply says that Article 98 will not go into law if this is signed. Article 98 says that, 'If you're in violation three times in 24 months you don't get state money out of that for your patients, or your residents.' The National Labor Relations Board exists to be able to accomplish those horrible, heinous, ugly, icky, acky stuff you just talked about. So, please, Mr. Lang, please do not go reading into anything that I may have to try to do for the people of the State of Illinois."

Lang: "To the Amendment, Mr. Speaker."

Speaker Brunsvold: "Proceed. Proceed, Mr. Lang."

Lang: "I have to admit you almost had me on that one... but."

Rutherford: "We're not done yet. We're not done yet, Mr. Lang..."

Lang: "Well that's all right. That's all right. Mr. Speaker, Ladies and Gentlemen of the House, I actually don't know what the heck the Sponsor was talking about there. The fact is that the proposal in Floor Amendment #2 is a proposal that says that people that own businesses in the

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State of Illinois who abuse their employees, who are accused of labor law violations, who say to the working men and women that work at their facilities that, it's okay, we can treat you anyway we want, that these people should be protected and be allowed to get state contracts. Now, we have other proposals out here that say if you're... if there's a federal indictment or if you're proven to have violated federal law and you're convicted, that you can't get a state contract for ten years. We have a law on the book that says one year, it should be extended to ten years. And now we have an Amendment that says you can go ahead and abuse working men and women in Illinois. You can violate their rights, you can mistreat them anyway you want but it's okay, we'll continue to give you state contracts. Well, when the other side of the aisle was in control of this chamber and they went through a systematic period for two full years where they continued to step on the throats of working men and women in Illinois, when they took away their job protections, when they tried to take away prevailing wage, when they tried to take away collective bargaining, when they repealed the Scaffolding Act making their workday dangerous on a daily basis, when they did all those things, they got away with it. But I would suggest, Ladies and Gentlemen, I would suggest that that day is over and that this Body should not be about the business of continuing to separate the working men and women in Illinois from everybody else. Working men and women in Illinois have a right to every protection under the law today and any kind of proposal from that side of the aisle that would say that it's all right to do anything you want to working men and women, but we'll continue to give you taxpayer money to do it, is an embarrassment to the State

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of Illinois..."

Rutherford: "Mr. Speaker. Mr. Speaker. Mr. Speaker."

Lang: "... and I would strongly recommend 'no' votes."

Rutherford: "Mr. Speaker."

Speaker Brunsvold: "Mr. Rutherford."

Rutherford: "Would he repeat his question?"

Speaker Brunsvold: "Mr. Lang was addressing the Amendment."

Rutherford: "That was?"

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

Schakowsky: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Now that everybody is in such a nice bipartisan mood, I want to point out that this was a piece of legislation that had 33 Cosponsors across the aisle, passed with 70 votes and is not a matter of three charges against a nursing home or a facility that cares for persons with disabilities. These are three convictions in 24 months of violating the National Labor Relations Act. Now you said the NLRB is in charge of taking care of those violations. Why then should we deprive them of a contract? If you want to follow that logic we could say 'Why should we do background checks on employees in nursing homes? If they are guilty of something and they have served their time in prison and they have been found guilty of assault, or rape, and the courts have taken care of it and the penal system has taken care of it, what is it our business? Why don't we hire them in nursing homes?' No, because the State of Illinois says that we don't... reward lawbreakers and that's the situation here, we are talking about people who have persistently defied the law. Now, we worked on a compromise on this Bill, compromise language, that made it very reasonable that set up a trigger system so that we

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could go into remediation that allows the department to say this is a trivial case and so it should not be considered. We did everything to make sure that we're going only after the most heinous violations and what could they be? We're talking about people who may have been fired because they blew the whistle on unsanitary or unsafe conditions, conditions that put patients at risk in these facilities, the most fragile and the most at risk patients and if those workers are fired because they blew the whistle, that could be a violation that we need to pay attention to. You're right, this is not a common occurrence, three violations in two years, and therefore, it is totally reasonable if we find this kind of lawbreaking going on, then we should not reward them with millions of dollars in contracts. As we move more into the community in terms of providing services away from state facilities into the community, which many people think we should do, we have to be even more and more careful and cautious. This was a bipartisan, reasonable approach to deal with that and belongs in this legislation. So, I would urge that we vote 'no' on this Amendment that those of us, those majority of us that voted for it, stick with that vote and the rest of you to join us, as well."

Speaker Brunsvold: "Further discussion. The Gentleman from Madison, Mr. Hoffman, with his rookie speech."

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

Speaker Brunsvold: "The Sponsor yields."

Hoffman: "Representative, you're not telling us that you are condoning the breaking of labor laws in this state, are you?"

Rutherford: "No."

Hoffman: "Then why do you want this... this Amendment?"

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Rutherford: "Because I think it's excessive to think that if someone is charged by the NLRB of violations three times in 24 months that they receive all of their funding. It's going to close down the facilities. It's going to cause patients to have to be dislocated. It's going to cause unemployment."

Hoffman: "But it's not your intent certainly, Representative, to say that we're not going to enforce labor laws in the state, is that correct?"

Rutherford: "That's correct."

Hoffman: "And, as a matter of fact, you think it's important that labor laws are enforced, right?"

Rutherford: "Yes."

Hoffman: "However, how would you then propose if we don't do this, how would you propose to insure that the labor laws are followed in this state, Representative?"

Rutherford: "Have it enforced by the NLRB."

Hoffman: "So, what we're going to do is we're just going to abdicate our responsibility for the enforcement of labor laws to a federal agency. Is that what you would like to do?"

Rutherford: "No."

Hoffman: "Well, you're talking about the NLRB, right? Is that correct?"

Rutherford: "Yes."

Hoffman: "National Labor Relations Board, correct?"

Rutherford: "Correct."

Hoffman: "Which is a federal agency, correct? That's a federal agency, is that right?"

Rutherford: "Yes."

Hoffman: "So, you just want to let things go on as they have been going in the past and let the National Labor Relations

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Board handle it, is that right?"

Rutherford: "No, what I'm saying is, and, you know, Representative Hoffman, through our debate the last time that I stood up with a great deal of respect for the Sponsor of the piece of legislation, we happen to have a philosophical difference in how this is going to be. I definitely intend to want to have the type of laws enforced at both the federal and the state level. What I'm saying is though, I do not believe it is appropriate that if we have a facility that has got three NLRB charges within a 24 month period to go through the type of penalty we're talking about having happen here, I mean it's just a very different philosophical approach how we're going to go out and try to enforce these things."

Hoffman: "Now let's get... but let's be honest here. I know you're being honest, I shouldn't say that, but let's tell everybody we're not talking about, we're talking about convictions not charges, is that correct? We're not talking about just being charged with NLRB, we're talking about somebody who was convicted three times in 24 months of labor law violations. We're not talking about charges so let's not kid everybody in this chamber and say that people are going to go around just willynilly charging somebody and then we're going to not give them state money. We're talking about people who are convicted of NLRB violations, correct?"

Rutherford: "No, I'm not sure that is correct..."

Hoffman: "Well it is correct?"

Rutherford: "That's what we're going to be."

Hoffman: "It is correct. I'm telling you it's correct and as a Freshman Legislator here I would not tell you wrong."

Rutherford: "I'm sorry Representative, what?"

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Hoffman: "I said, as a Freshman Legislator in this Chamber, I would not tell you wrong."

Rutherford: "I wouldn't suggest in knowing the historical background and the credibility that you come to this Body, it would not be something I would even suggest to question."

Hoffman: "Well, to the Bill, Mr. Speaker."

Speaker Brunsvold: "Proceed."

Hoffman: "Or to the Amendment. There should be no one on this side of the aisle, or anybody, who believes that the labor laws of this state, the labor laws of this nation mean something that should be voting for this Amendment. Essentially, what we're saying is that people can be convicted three times in a 24 month period, convicted of labor law violations and we're still going to give them state money. We're still going to allow them to feed off the public trough. We're still going to allow them to abuse people who work for them, that can't happen, that can't happen. I understand and I'm not saying that the Representative has a negative intent and I understand that he doesn't want to have people, who are falsely convicted, suffer the consequences. But this has the safeguards of insuring that somebody gets three convictions, three convictions. If the labor laws in this state mean anything, mean anything we need to defeat this Amendment. Thank you."

Speaker Brunsvold: "The Gentleman from Livingston, Mr. Rutherford, to close."

Rutherford: "I'd like to thank the Body for the opportunity to have the debate on this. I would have preferred that it would of gone to a Substantive Committee to have some expert witnesses come forward and debate it. But I do

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appreciate the Speaker and the Rules Committee bringing this forward. And with that I'd appreciate a favorable vote."

Speaker Brunsvold: "The Gentleman has asked for the adoption of Amendment #2, there's been a Roll Call request. Those in favor of the adoption should vote 'aye'; those opposed to the adoption of the Amendment should vote 'nay'. The voting is open. 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. And on that question, there are 29 voting 'yes', 84 voting 'no', 0 voting present. This Amendment, failed to receive a Constitutional Majority, is lost. Further Amendments, Mr. Clerk?"

Clerk Bolin: "No further Amendments."

Speaker Brunsvold: "Third Reading. Read the Bill."

Clerk Bolin: "House Bill 2325, a Bill for an Act concerning state purchases and delivery of services. Third Reading of this House Bill."

Speaker Brunsvold: "The Gentleman from Cook, Representative Madigan."

Madigan: "Mr. Speaker and Ladies and Gentleman of the House, this Bill has several provisions, so again, if you could bear with me, it's concerned with the State Purchasing System. The Bill is designed to bring centralized control to the State Purchasing System by providing for the creation of a Procurement Policy Board, five members appointed by the Governor to staggered terms with the approval of a Super Majority of the Senate. There would be no more than three members of the same political party. Each member would receive an annual salary of \$20 thousand, plus actual expenses. The board would be responsible for promulgating

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rules governing the State Procurement Policies. It would also be concerned with preapproval of all emergency purposes by at least one member of the board which would be subject to a monthly review by the full board. In addition it would maintain a list of all state vendors, contractors and bidders, plus it would grant waivers for potential conflicts of interest, a function which is now performed by the Governor's office. The Bill would also provide for the creation of the Office of Inspector General, appointed to a six year term by the Governor, with the approval of a super Majority of the Senate. The Inspector General would be responsible for overseeing implementation and compliance with state laws and board rules. The compensation for the Inspector General would be equal to that of the State Auditor General and we would provide that there would be sufficient staff to perform the duties of the office. Concerning competitive bidding, the Bill would require that all state contracts be competitively bid, with certain exceptions. Exception number one, would be small purchases of less than \$5 thousand. Exception number two, sole source purchases where there has been approval in advance by the Policy Board, which means that the Policy Board has already determined that this is an appropriate sole source. The next exception, would be for emergency purposes, again if approved in advance by a member of the Policy Board and subject to a monthly review by the full Policy Board. Concerning professional and artistic services, if professional and artistic services are under \$5 thousand they're exempt from bidding as a small purchase. If the contract would be over \$5 thousand, but less than \$50 thousand, then the agency could use a competitive selection procedure, which is the usual RFP

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procedure. Lastly, contracts over \$50 thousand providing for professional artistic services must be competitively bid. The contracts would be awarded to the lowest responsible and responsive bidder. Contracts over \$100 thousand must be signed by three agency officers. Concerning state purchasing officers, the 22 state purchasing officers will perform the purchasing functions of the various agencies. CMS will be the purchasing officer for agencies under the Governor's jurisdiction. An agency may not create a new personnel position as a result of the adoption of this Bill. And each agency must maintain a list of vendors, contractors, and bidders and forward that list to the board. Concerning a procurement bulletin, notices of state contracts and requests for proposals would be published bimonthly and a procurement bulletin issued by the Procurement Policy Board. Subscription to the bulletin would not be required for a successful bid. Concerning record retention, contractors and subcontractors would be required to retain records for at least five years, or the duration of an ongoing audit, whichever is longer. The current preferences contained in state law would be maintained. Concerning penalties, if there's a conviction of bribery, no person convicted may receive a state contract. For felonies, convicted felons may not contract with the state for 10 years after the completion of the sentence. Concerning conflicts of interest, we would maintain the current law prohibiting state employees and their immediate families from receiving state contracts. The power to issue a waiver, currently exercised by the Governor's office, would be given to the newly created Procurement Policy Board. Concerning revolving door, state employees involved in the

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procurement process would be prohibited from doing business before the agency or the department for two years after leaving state employment. And concerning financial disclosure, bidders must disclose their financial interests and disclosures will be publicly available. Mr. Speaker, I move for the adoption of the Bill."

Speaker Brunsvold: "The Gentleman has moved for the adoption of the Bill and on that is there any discussion? The Gentleman from Kendall, Mr. Cross."

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

Speaker Brunsvold: "The Sponsor yields."

Cross: "Mr. Speaker, I'm sure you're aware there was another Bill filed by Leader Daniels that, unfortunately, the committee was adjourned before we got to that last week. So, I have a few... I think that Bill probably handled these issues and questions better, but, so, I have some reservations about your Bill and I want to go through them. One of our primary concerns deals with road funds or IDOT money and I'm suspect you're aware that there was an inquiry to Senator Durbin last year concerning the issue of changing the Procurement Rules and the response was from the U.S. Department of Transportation that we would lose, under that Bill, at that time, House Bill 1481 and under this Bill perhaps we would lose, road funds from the Federal Government. How do you, how would you respond to that concern for all of us as Legislators of losing Federal money that comes into the state?"

Madigan: "Our Bill provides that where a project, such as you have described, must follow certain rules under the federal law. Then the directive to the state agency is to follow the federal rules."

Cross: "...I, I think... and I'll go over the letter and in our

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reading of the Bill and with talking with IDOT attorneys, their opinion is that we have not resolved the problem that was addressed in their letter and they cite, 'Our Statutory Provision 23USC302 requires that in order to obtain federal aid highway funds the state must have a state highway department which shall have adequate powers and be suitably equipped and organized to discharge the duties required by title.' And they go on to say that this would affect the ability of IDOT to receive and use federal aid and highway funds. And I guess I reiterate, or I, not, I guess, I reiterate the point that we are in jeopardy of losing federal highway funds for every district, Legislative District, in this state. And I don't... it doesn't appear that your Section 25 addresses it. ...I'm sure this Bill's going to pass today but I don't think any of us want to be at risk of losing federal highway funds."

Madigan: "Well we agree with you, Mr. Cross, and we would reference you to Section 25-65, titled Federal Requirements. In reading, 'A state agency receiving federal funds shall have authority to adapt its procedures, rules, project statements, drawings, maps, surveys, plans, specifications, contract terms, estimates, bid forms, bond forms, and other documents, or practices necessary to comply with the regulations, policies and procedures of the designated authority, administration or department of the United States in order to remain eligible for such federal funds.'"

Cross: "Once again, I go back to their letter and I think, I think this is a crucial point and the issue is total control by IDOT versus... which, which the Federal Government requires versus creating a board which we're doing under this, under this Bill that has control. Each

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state highway department shall be authorized by the laws of the state to make final decisions for the state in all matters relating to and enter into on behalf of the state all contracts and agreements for projects. We're taking that ability away from IDOT under this Bill and we're giving it to the board that you're creating. And I think we're seriously jeopardizing IDOT's ability to get federal money."

Madigan: "Mr. Cross, I think we just have a legitimate difference of opinion because, again, the language in the Bill does state a state agency and IDOT is certainly a state agency. I don't know that we're in odds in terms of intent. Certainly, we don't want to lose any federal money for highways."

Cross: "We may not but I don't think we are. I don't think we are."

Madigan: "Because I know we want to sent that federal money out into your district."

Cross: "We want as much in my district as I can get and I'm sure you'd like some, too. But I would seriously... I would follow up on this over in the Senate, perhaps. Maybe we exempt IDOT, maybe we talk to the attorneys for IDOT to make sure. They've told us the language isn't sufficient. I would encourage you to talk to the Senate Sponsor, whoever that may be. Going on to your board, and I guess one of the concerns that..."

Madigan: "Mr. Cross, if I could just add that Mr. Kasper, my attorney, told me that he's talked with someone from IDOT, Ed Gower, and we asked Mr. Gower to give us a proposal which has not been forthcoming. So, we're prepared to work with people."

Cross: "Yeah. I'm not... I just think we need to be careful. I

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guess one of our other concerns of course is the creation of a new bureaucracy with this board and we talked in committee about utilizing the Auditor General's office. And I guess I would... in looking at the Constitution and the Statute, subsequent to committee, the statute provides that the Auditor General shall make, in addition to the audit, post audit responses or responsibilities they have, the Auditor General shall make additional reports and investigation as directed by the General Assembly. Could we not direct the Auditor General to take, or expand, his or her role in handling what you're trying to do under your Procurement Bill, so, we don't create a \$3 million new bureaucracy?"

Madigan: "If I could give a two party answer. Number one, we are interested in highlighting the significance of this newly created position of Inspector General. And so, the highlighting would be somewhat diminished, if we're simply giving the functions to the Auditor General. Number two, this is just an off the cuff question to you. The Auditor General is created pursuant to the Constitution and I presume there's constitutional language which deals with the duties of that office and it might be that for that office to take on the duties as proposed in this Bill would require a Constitutional Amendment."

Cross: "Well, fair question but the language in the statute talks about the additional reports, or reads, 'additional reports and investigations as directed by the General Assembly'. Which leads me to believe we don't need another, we don't need a Constitutional Amendment. We can direct and, I guess, alter the responsibilities of the Auditor General. I just think we're running the risk, not of a, we are creating an additional \$3 million bureaucracy with this

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board when we have someone potentially in place that I think we need to take a serious look at, and I appreciate you answering my question."

Speaker Brunsvold: "Further discussion? Seeing none, Speaker Madigan to close."

Madigan: "Mr. Speaker, Ladies and Gentlemen, we're all aware of the problems that have developed in state purchasing. These problems were reported by the media outlets all over the state. They led to some very severe embarrassment for the administration. There's no doubt that there must be changes in the method of purchasing by State Governments and we know that today purchasing is done on a hodgepodge basis. Decisions are made within the bowels of these bureaucracies that nobody knows anything about. What we're saying in this Bill is, number one, centralize the development of policy for procurement by the State of Illinois, centralize that in one location. And a board whose only purpose and function is to set policy for state procurement. Provide that that board will be independent because the members will require a super Majority consent of the Senate, and that there will be staggered terms and they'll be requirement that both political parties be represented on the board. That's our purpose here, we're not trying to take anything away from anybody, we're simply saying, 'Look there are problems in state purchasing and the way to solve those problems is to centralize the development or procurement policies in a board that is well known, it can be followed by the media and anybody else who wants to follow the development of policy by the State of Illinois.' And then, in addition, we want a cop on the beat to watch what's being done and the cop on the beat would be the Inspector General. Again, super Majority of

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the Senate, long-term position in a position to fetter out wrongdoing in all of the agencies of State Government in the area of procurement. Mr. Speaker, I request a favorable vote."

Speaker Brunsvold: "The question is, 'Shall House Bill 2325 pass?' All in favor vote 'aye'; all 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. And on that question, there are 116 voting 'yes', 0 voting 'no', 1 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. What's the statutes of House Bill 2364?"

Clerk Rossi: "House Bill 2364 has been read a second time, previously. Amendment #1, was adopted in committee. No Motions have been filed. No Floor Amendments approved for consideration."

Speaker Brunsvold: "Third Reading. Rules Committee will meet at 5:45 in the Speaker's Conference Room. Allowing Perfunctory time for the Clerk, Representative Hartke now moves that the House stand adjourned until Thursday, October 30th, at the hour of 9:00 a.m. Once again, the House will stand adjourned until Thursday, October 30th, at the hour of 9:00 a.m. All in favor say 'aye'; all opposed say 'no'. The 'ayes' have it and the House does stand adjourned."

Clerk Rossi: "The House Perfunctory Session will come to order. Introduction and First Reading of House Bills. House Bill 2384, offered by Representative Bost, a Bill for an Act relating to members of the State Universities' Retirement System. House Bill 2385, offered by Representative Capparelli, a Bill for an Act to amend the Liquor Control Act. House Bill 2386, offered by Representative Acevedo, a Bill for an Act in relation to community policing. House

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Bill 2387, offered by Representative Steve Davis, a Bill for an Act concerning fireworks. First Reading of these House Bills. Introduction and First Reading of Resolutions. House Resolution, House Joint Resolution 37, offered by Representative Schoenberg. House Resolution 258, offered by Representative Monique Davis. House Resolution 259, offered by Representative Coulson. House Resolution 260, offered by Representative Steve Davis. Resolutions are assigned to the Rules Committee. On the Order of House Bills - Second Reading appears House Bill 2365, a Bill for an Act concerning education. Second Reading of this House Bill. The Bill will be held on the Order of Second Reading. On the Order of Senate Bills - Second Reading, appears Senate Bill 1120. A Bill for an Act to amend the Counties Code. Second Reading of this Senate Bill. This Bill will remain on the Order of Senate Bills - Second Reading. House Perfunctory Session will come to order. Rules Committee Report, Representative Barbara Flynn Currie, Chairperson from the Rules, Committee on Rules, to which the following measures were referred, action taken on October 29, 1997, reported the same back with the following recommendation/s: 'directly to the Floor for consideration' House Bill 21, House Bill 2321, House Bill 2363, House Resolutions 210, 246, 247, 249, 250, 251, 253, 254, 255, 256, 257, 258, 259. Amendatory Veto accept motions compliance. Motion #1, to House Bill 752 and Motion #1, to House Bill 1051. 'Approved for consideration', Amendment #3, to House Bill 2321, and Amendment #3, to House Bill 2363. Being no further business, the House Perfunctory Session will stand adjourned, the House will reconvene in regular Session tomorrow at 9:00 a.m. The House now stands adjourned."