

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

122nd Legislative Day

April 13, 2000

Speaker Madigan: "House shall come to order. The Members shall be in their chairs. We shall be led in prayer today by Father Richard McGrath of the Providence Catholic High School in New Lenox. Father McGrath is the guest of Representative Kosel. The guests in the gallery may wish to rise and join us for the invocation and the Pledge of Allegiance."

Father McGrath: "Let us pray. Lord God Almighty, in this spring season when the earth is renewed through Your generous gift of life, warmth, sunlight and rain we offer our prayers to You asking Your continual guidance to see that the work we do as human beings is in service to Your loving plan. Let us work together consistent with Your laws, values and teachings for the betterment of our fellow human beings. Guide us and protect us so that the interactions we share, the deliberations we hold, and the actions we take, are consistent with the dignity and respect due to each human person. May our service benefit the people of the State of Illinois who have entrusted us with serious responsibilities. May we always be mindful of those whom we serve, including those of all ages, colors, races, religions and beliefs. May we seek to bring better lives and opportunities to all people. We pray to follow the example of service and sacrifice offered by Abraham Lincoln, Stephen Douglas, and other great Americans who have served our people and left a lasting impression on the destiny of humanity. We ask Your blessing and protection for ourselves, our families, and Your blessing on all the wonderful people of the State of Illinois. We offer this in the name of God, Amen."

Speaker Madigan: "We shall be led in the Pledge of Allegiance by Representative Calvin Giles."

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Giles - 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 Madigan: "Roll Call for Attendance. Representative Currie."

Currie: "Thank you, Speaker. Please let the record reflect that there are no excused absences among House Democrats."

Speaker Madigan: "Mr. Poe."

Poe: "Mr. Speaker, let the record show there's no excused absences today."

Speaker Madigan: "Mr. Clerk, take the record. There being 116 Members responding to the Attendance Roll Call, there is a quorum present. Mr. Clerk."

Clerk Bolin: "Committee Reports. Representative Burke, Chairperson from the Committee on Executive, to which the following measures were referred, action taken on April 13, 2000, reported the same back with the following recommendations: 'be adopted as amended' House Joint Resolution 66. Introduction of Resolutions. House Resolution 765, offered by Representative Feigenholtz. House Joint Resolution 67, offered by Representative Cowlshaw. These Resolutions are referred to the House Rules Committee."

Speaker Madigan: "Mr. Hartke in the Chair."

Clerk Bolin: "Rules Committee Announcement. The Rules Committee will meet at 11:15 a. m. in the Speaker's Conference Room."

Speaker Hartke: "Agreed Resolutions."

Clerk Bolin: "House Resolution 720, offered by Representative Capparelli. House Resolution 721, offered by Representative Krause. House Resolution 722, offered by Representative Morrow. House Resolution 724, offered by Representative

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Barbara Flynn Currie. House Resolution 725, offered by Representative Granberg. House Resolution 726, offered by Representative Hannig. House Resolution 727, offered by Representative Leitch. House Resolution 729, offered by Representative Biggins. House Resolution 730, offered by Representative Leitch. House Resolution 731, offered by Representative Black. House Resolution 733, offered by Representative Joseph Lyons. House Resolution 734, offered by Representative Coulson. House Resolution 736, offered by Representative Julie Curry. House Resolution 737, offered by Representative Hassert. House Resolution 738, offered by Representative Mautino. House Resolution 739, offered by Representative Stephens. House Resolution 740, offered by Representative Acevedo. House Resolution 742, offered by Representative Cowlshaw. House Resolution 743, offered by Representative Klingler. House Resolution 744, offered by Representative Capparelli. House Resolution 745, offered by Representative Hultgren. House Resolution 746, offered by Representative Wojcik. House Resolution 747, offered by Representative Bassi. House Resolution 748, offered by Representative Persico. House Resolution 749, offered by Representative Holbrook. House Resolution 750, offered by Representative Pankau. House Resolution 752, offered by Representative Acevedo. House Resolution 755, offered by Representative Acevedo. House Resolution 756, offered by Representative Monique Davis. House Resolution 757, offered by Representative Osmond. House Resolution 758, offered by Representative Mathias. House Resolution 759, offered by Representative Rutherford. House Resolution 760, offered by Representative Rutherford. House Resolution 762, offered by Representative Pankau. And House Resolution 763, offered by Representative Kosel."

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Speaker Hartke: "Representative Currie now moves for the adoption of the Agreed Resolutions. All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it; and the Agreed Resolutions are adopted. On page 3, on the Calendar, appears Senate Bill 1693. Representative Hamos. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1693, a Bill for an Act to amend the Property Tax Code. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Hamos."

Hamos: "Thank you, Mr. Speaker. Everybody on this House Floor has heard abbreviated versions of this Bill twice already, and I'm pleased to call it up today. As I began to say the other day, there are three sections to this Bill. The two sections are quite technical, and the Amendment #4 that I am adding, I am calling the 'Willie Weeks Amendment', on behalf of, and in honor of, my constituent who fought her case through the courts and now into the Legislature, which will allow homeowners who pay their property tax bills in a timely manner, but their houses are subject to a tax sale, to void that tax sale when the county collector had applied the taxes to the wrong index number. For purposes of legislative intent, I would like to point out that this section is not intended to apply to third-party payors, such as mortgage companies who are, and should be held to a higher standard in making sure that the index number reflected on the payment, is the correct one. In addition, this section does not apply to agents of homeowners, such as companies that pay bills on behalf of taxpayers. But the term 'agent' in this case is not intended to mean a spouse, or a cousin, or a friend, who may make a payment, for example, while a homeowner is unavailable or ill. And I would be happy to answer any questions, and I urge you to

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vote 'aye'."

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

Black: "Thank you very much, Mr. Speaker. First of all, could I have an inquiry of the Chair..."

Speaker Hartke: "State your inquiry."

Black: "...as to what Amendments are on the Bill?"

Speaker Hartke: "Pardon?"

Black: "What Amendments are on the Bill?"

Speaker Hartke: "Mr. Clerk."

Clerk Bolin: "Floor Amendments 2 and 4 have been adopted to the Bill."

Black: "Was there a Committee Amendment that was tabled?"

Clerk Bolin: "Committee Amendment #1 was tabled."

Black: "Okay. Fine. Thank you. Would the Sponsor yield?"

Speaker Hartke: "The Sponsor will yield."

Black: "Representative, refresh my memory. Does this Bill apply only to the County of Cook?"

Hamos: "No."

Black: "It applies to all 102 counties, correct?"

Hamos: "Yes."

Black: "It's still... with Amendment #4, and it's not that much different... I'm having a little difficulty understanding the language change that's in Amendment #4, that replaced some language in Amendment #2. I think I heard you say, Floor Amendment #4 provides that the provision apply only to homeowners and not the mortgage holder or the escrow, whoever has the escrow account, correct?"

Hamos: "That is correct. That is the main difference between Amendment #4 and Amendment #2. And I added that on behalf of the Cook County Treasurer."

Black: "And so, this doesn't do anything that I was talking to

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you the other day about, and then it got taken out of the record, repeatedly? This is only in the case where a payment has been made and not properly credited, right?"

Hamos: "That's right. This does not deal directly with the problem that you raised."

Black: "Yeah, with the notice factor that I would love to work with you on next year."

Hamos: "Right. I would too. Yes."

Black: "Well, it seems to me to be rather straightforward, and I remember reading about this case in the Chicago media, and I can understand why you are trying to address that. Is this correction of an error, a sales error, is it the only thing you're amending in the Property Tax Code?"

Hamos: "There are two other technical Amendments to the Property Tax Code. And again, I don't think there is any opposition or question about the other two Amendments. The underlying Bill itself, simply changed the name tax purchaser, to whom the section sales in error applies, to the owner of the Certificate of Purchase, because in some cases, as I understand it, the Certificate is, in fact, sold to other than the tax purchaser. The second thing it does, is to make a correction in a Bill that we passed last year which created an indemnity fund, and incorrectly said that the person purchasing the property at the sale, had to add an additional sum equal to 5% of total taxes, when what was really intended is that it would be the taxes that had been paid by the purchaser, taxes, interest, and penalties paid by the purchaser. Again, I think a technical Amendment, that's intending to correct the problem."

Black: "Okay. So, obviously, the creation of the indemnity fund only impacts Cook County, if I read that correctly?"

Hamos: "That is correct."

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Black: "Okay. Fine. Okay. And that fund already exists, and what you're doing is clarifying the fee structure that... create isn't the right word... if I read it correctly, the language clarifies the fee structure to make the fund solvent? Or am I reading it incorrectly?"

Hamos: "Well, it clarifies. It would be, really, unfair, and inappropriate to require the tax purchaser to pay 5% of the total taxes. After all, he's only paying the taxes that he's purchased, on the taxation."

Black: "Right. Okay. Okay. Fine. Well, I thank you very much. And as I was complimenting you the other day on this Bill, and then all of a sudden it was taken out of the record. So, as the Session grows late, I think I'll just say, it looks like a good Bill to me. I intend to vote 'yes', if we're given the opportunity to do so, today. Thank you."

Hamos: "Thank you."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Logan, Representative Turner. Do you have some brief remarks?"

Turner, J.: "Excuse me, Mr. Speaker?"

Speaker Hartke: "Never mind, proceed."

Turner, J.: "Well, will the Lady yield?"

Speaker Hartke: "The Lady will yield."

Turner, J.: "Morning, Representative."

Hamos: "Good morning, Representative Turner."

Unknown: "Oh, I thought you were talking to me. I'm sorry."

Turner, J.: "Excuse me?"

Hamos: "Good morning."

Turner, J.: "You know, I'm not real familiar with the sales in error process, and it's my understanding that your Bill, specifically, talks about sales in error made under the Revenue Code. Could you walk me through that?"

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Hamos: "As I understand it, when there is delinquent property, I mean, property taxes are delinquent, the county is permitted to sell those taxes in a tax sale. And the tax buyer, or in this case, actually the owner of the certifi... well, the tax buyer then pays the taxes that are outstanding. And in order to redeem that property, the property owner has to pay the taxes plus certain penalties and interest."

Turner, J.: "Okay. Well, where is the error in that? I thought a sale in error, necessarily, meant that at some place along the line there was a breakdown in the process that you described. Because what you've just talked about is a regular tax sale."

Hamos: "Oh, I'm sorry. Yes, yes."

Turner, J.: "But, what is, exactly, the sale in error, and when there is a sale in error, how is that addressed?"

Hamos: "Okay. In the law, itself, there are a number of circumstances under which a court may void the tax sale, and these are spelled out in Section 21-310. And currently, the county collector, the owner of the Certificate of Purchase, or a municipality, may bring the action in court, and the court then has certain number of circumstances under which, if the court makes the findings, the court may void the tax sale, and declare it to be in error."

Turner, J.: "Okay. And what are those circumstances?"

Hamos: "Number one, that the property was not subject to taxation. Number two, that the taxes or special assessments had been paid prior to the sale of the property. Three, that there is a double assessment. Four, the description is void for uncertainty. Five, the assessor, chief county assessment officer, Board of Review

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or Board of Appeals has made an error, other than an error of judgement as to the value of property. Six, prior to the tax sale, a voluntary or involuntary petition has been filed, by or against the legal, or beneficial owner of the property, requesting relief under Federal Law. Number seven, a municipality has acquired the property through a foreclosure, et cetera. And we are adding one section to that, which is in the case where a homeowner has made timely payments, but the county collector did not apply the payment to that index number."

Turner, J.: "What part of the Bill are you reading from? I want to follow along with you on this."

Hamos: "This is the underlying Bill, itself, Senate Bill 1693, spells out the Section 21-310, 'Sales in Error'."

Turner, J.: "Could you give me a page number?"

Hamos: "It's actually the underlying Bill, Representative."

Turner, J.: "And so a situation then, where there has been an actual payment made by a taxpayer, and there has been some mistake, obviously, in the process where that taxpayer's not been credited, that's not currently covered under existing statutes?"

Hamos: "That is correct."

Turner, J.: "What mechanism then does the taxpayer who has actually made payment, but not been credited, what mechanism do they currently have under law to address that situation?"

Hamos: "Well, I don't know the answer to that, because in my case, in the case of Willie Weeks of Evanston, Illinois, when she discovered, quite accidentally, that, in fact, her taxes had been sold and she was about to lose her property, she went to the Cook County Treasurer and the Cook County State's Attorney, and they threw up their hands and said,

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that the law did not exactly cover her case. And I had to then inject myself and really push them to take us into court, so that we could plead, basically, the equities of the case to the court, and the court did, indeed, find the sale in error. What we're trying to do now is to make sure that, in the future, other homeowners have the opportunity to work with their own treasurers and state's attorneys to make this much more expeditious, not requiring the assistance or intervention of a State Representative."

Turner, J.: "Well, I certainly agree with that. But why could the homeowner who has received notice that their property's going to be sold at a tax sale, why can't they just go in under existing law and pay the taxes, obviously, show a receipt or a cancelled check showing that they've been paid, thereby nullifying any interests or costs? And why does that not take care of the situation? Why would we need to change this particular provision of the Code?"

Hamos: "Well, Representative Turner, the homeowner, once the taxes have been sold, the homeowner does not enjoy a private right of action to go into court, at all. The only possibility for Mrs. Weeks in this case that I know about, so well, was to wait until much later in the process when the tax buyer himself was going to court before the end of that whole redemption process to actually get the deed. And only then would the homeowner have had the opportunity as a defense, in that case, to make their case known to the court. So, we do not have a private right of action. It is, indeed, one of the first things I tried to do with this law, and I was discouraged from doing that. But, that's what I thought might have been appropriate, as well."

Turner, J.: "Okay. Your response, though, does not seem to take into consideration the fact that a notice has to be given

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to the homeowner prior to the tax sale. Now, when they get that notice, is my question, when they get the notice, that look you haven't paid your taxes, there's going to be a tax sale, why can't they just go in and pay them then, and explain that they actually have done so, but have not been properly credited for having done so?"

Hamos: "And I'd like to think that that, in fact, is happening in many cases. In this particular case, Mrs. Weeks had paid off her mortgage, and this was 2 1/2 years later. She has owned her property in Evanston for 27 1/2 years. The mortgage company, we believe, received the notice. And the mortgage company no longer believed that they had an interest in this case and they threw it away. So, Mrs. Weeks never got notice of the tax sale, itself."

Turner, J.: "So, the statute does not require notice then to go to the homeowner if there's a mortgage. It only requires that the notice would go to the mortgagee bank?"

Hamos: "As I've been told, Representative Biggins has just passed a Bill to require that kind of notice. (sic-Senate Bill) 1645."

Turner, J.: "All right. Well, if we had that, then do we still need to pass your measure if another Bill has passed providing the notice that we just discussed?"

Hamos: "Well, this Bill acknowledges that bureaucratic errors will occur. There probably is no way to legislate out bureaucratic errors, and what we're trying to do here is to say that, in the case that there's a bureaucratic error, that those agencies should fess up and help the homeowner by taking their case into court to void the tax sale."

Turner, J.: "Okay. I also notice that there is some language regarding a scavenger sale. What is a scavenger sale? I used to know, but I've kind of forgotten."

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Hamos: "I don't believe the Scavenger Sale Section of the law is subject of anything I'm doing today. But as I understand it, a scavenger... I don't know that much about a scavenger sale. But as I understand it, it is a case in which a municipality goes to court. A scavenger sale occurs in situations in which taxes have not been paid for a two-year period, and a municipality can then go into court in a scavenger sale to buy those taxes."

Turner, J.: "Okay. Well, will this Senate Bill 1693, if it becomes a Public Act, will it affect, then, scavenger sales and the process by which they are conducted?"

Hamos: "As I'm told here, Representative Turner, the scavenger sale has nothing to do with the sale in error."

Turner, J.: "Okay. I think, Representative, I was looking at Amendment #2, and apparently, that is not actually part of the Bill then? That's probably my mistake. I was looking at Amendment #2 which does reference scavenger sales. And if that is not part of the Bill then, I would agree with you it must not be affected at all by Senate Bill 1693, or obviously, could not be."

Speaker Hartke: "Further discussion? The Chair recognizes the Lady from Lake, Representative Gash."

Gash: "Thank you, Mr. Speaker. I'd like the record to reflect that on Senate Bill 23, I intended to vote 'yes'."

Speaker Hartke: "The Journal will so reflect. Representative Turner, your light was off, I thought you were finished."

Turner, J.: "Well, I had a question that I had posed and I was waiting for the Representative to respond to it. I didn't turn my light off."

Speaker Hartke: "I'm sorry. Representative Hamos, do you have an answer to.."

Hamos: "I'm trying to get you an answer. Mr. Turner, can you

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repeat your question?"

Turner, J.: "Yes. My question was with regard to Amendment #2. I thought Amendment #2 had become part of the package, if you will. Amendment #2 referred to scavenger sales. What I indicated is maybe I'm in error, and Amendment #2 has nothing to do with the Bill, and if so, then the scavenger sales is not part of it. So my question was, 'Is Amendment #2 part of what is now Senate Bill 1693?'"

Hamos: "Yes, it is."

Turner, J.: "Okay. Well, am I looking at it wrong? Does it not refer to scavenger sales?"

Hamos: "Well, Representative Turner, we don't believe that this has anything to do with scavenger sales."

Turner, J.: "Okay, Representative, I'm satisfied with that response. I was asking the question, if it did have anything to do with scavenger sales, because I was looking at Senate Amendment #2, which has some underlying language regarding scavenger sales. But if it has nothing to do with it, and we're clear on the record that it doesn't, then that's certainly fine with me. And to the Bill. Thank you for answer..."

Speaker Hartke: "To the Bill."

Turner, J.: "...ing my questions, Representative. You have convinced me to vote for your measure. Thank you."

Hamos: "Thank you, Representative Turner."

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

Hamos: "Ladies and Gentlemen, this is a very important Bill for homeowners. And I urge you to vote 'aye'."

Speaker Hartke: "And the question is, 'Shall the House pass Senate Bill 1693?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open."

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Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On Senate Bill 1693, there were 115 Members voting 'yes', 0 voting 'no', and 1 person voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed."

Clerk Bolin: "Rules Committee Report. Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following measures were referred, action taken on April 13, 2000, reported the same back with the following recommendations: 'direct floor consideration' for the following Concurrence Motions; Motion to concur with Senate Amendment #1 to House Bill 840, Motion to concur with Senate Amendment #2 to House Bill 840, Motion to concur in Senate Amendment #1 to House Bill 4124. Rules also recommends the adoption of House Joint Resolution 63 and Senate Joint Resolution 70."

Speaker Hartke: "On page 3, on the Calendar, on Third Reading, appears Senate Bill 1298. Representative Lindner. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1298, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Lindner."

Lindner: "Thank you, Mr. Speaker. This Bill passed the House last year and then the Governor amendatorily vetoed this Bill to exclude pick-up trucks. So it only applies to vehicles... second division vehicles having a gross vehicle weight of over 8,000 pounds. The Bill was not called in the Veto Session. This is the new Bill with the Governor's veto language which eliminates pick-up trucks from the Bill. I would ask for a favorable response."

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

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Black: "First of all, Mr. Speaker, an inquiry of the Clerk."

Speaker Hartke: "Mr. Clerk. State your inquiry."

Black: "Yes. Is Floor Amendment #2 on the Bill?"

Clerk Bolin: "Yes, Floor Amendment #2 has been adopted to the Bill."

Speaker Hartke: "Representative Black."

Black: "And is Floor Amendment #1 on the Bill?"

Clerk Bolin: "No, Floor Amendment #1 remains in the Rules Committee."

Black: "Okay, fine. Thank you. Will the Sponsor yield?"

Speaker Hartke: "Sponsor will yield."

Black: "Representative, I don't want to belabor this Bill anymore than I have over the last year or two. Let me just ask you a couple of questions. As currently written, Senate Bill 1298 does not impact second division vehicles commonly referred to as pick-up trucks?"

Lindner: "That's correct, Representative."

Black: "Has no impact on them whatsoever? I appreciate that. Thank you very much. My second concern is, language that would require the original tailgate to always be in place. That presents a problem for general contractors who haul 4x8 sheets of plywood, 4x8 sheets of plaster board. I thought at one time we had language worked out that would indicate that they could take that tailgate off to haul that material, that isn't aggregate or anything that's going to fly out. But as I read this Bill, somewhere that must have been deleted."

Lindner: "Well, right now, I don't think this would apply to those vehicles that you're describing. Because it says that if you have a tailgate it has to be in good repair and operating condition. If you didn't have a tailgate on it and you didn't have aggregate or dirt or refuse that would

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be liable to fly out and crack the windshield of another car, then this Bill would not apply to you."

Black: "Would you be willing to take this Bill out of the record for like two minutes so I can just come over and talk to you and staff, rather than do it on the microphone? 'Cause then sometimes people only hear half of the question and then they get all excited. I think we can get it worked out if I can just talk with you and staff for about two minutes."

Lindner: "If the Speaker... if the Speaker will allow me to call the Bill in two minutes."

Speaker Hartke: "Sure."

Lindner: "Thank you."

Black: "Thank you."

Speaker Hartke: "Mr. Clerk, take this Bill out of the record. On page 4 on the Calendar, on Second Reading, appears Senate Bill 121. Representative Dart. Representative Dart in the chamber? Out of the record. Representative Scott. Out of the record. On page 5 on the Calendar, on Second Reading, appears Senate Bill 1514. Representative Hannig. Out of the record. On page 4 on the Calendar, on Second Reading, appears Senate Bill 1007. Representative Erwin. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1007, the Bill's been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Erwin, has been approved for consideration."

Speaker Hartke: "Representative Erwin."

Erwin: "Thank you, Speaker. Amendment #1 to Senate Bill 1007 now becomes the Bill. And the Bill will permit radio and television contracts... rather would no longer permit radio and television contracts to have noncompete clauses in

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them. The courts have, traditionally, struck down noncompete clauses in this industry, largely because there is no compelling business reason. But frankly, for a lot of radio reporters, I think many of you downstate can appreciate that radio reporters in many media markets do not make very big salaries, and if the noncompete clause is in it they're going to sign the contract, and effectively, may not be able to work for a year, their traditionally, last about a year. And additionally, with significant consolidation in the television or radio industry between, particularly, ABC and CBS with now Disney and Viacom mergers in both of those, we're looking at a situation that are largely monopolies in radio network. So, I would urge your... As many of you know, I'm not... I actually don't have the best organized labor voting record, so, I did an examination of this issue, did believe that there really is no compelling business reason to include these noncompete clauses, and I would urge your support."

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

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

Speaker Hartke: "Sponsor will yield."

Black: "Representative, in the Chicago market, obviously, a major market where people can make major dollars. Is it a standard practice on the Chicago television stations with their commentators or news personalities, are these noncompete clauses standard practice in the Chicago Metro Area?"

Erwin: "Representative Black, they're standard practice in Central Illinois, and in Southern Illinois, and throughout the nation. Although, again, as the courts... once they're

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litigated the courts strike them down. If you are, and I can give you an example of an FM radio personality in Peoria who had worked there for 10 years, but effectively, if you can't afford to hire the lawyer to go litigate it, you can't work in radio and television for a year. So, the Chicago personalities, frankly, can probably afford to hire the lawyers unless you're on the traffic, ya know, the traffic or the weather beat. But, it really is in other markets that it's a very dampening influence, because you just can't afford all the litigation. You'll probably win in the end, but you just can't afford the process. There are about five other states, Representative Black, that have approved these statutes and/or are considering them right now."

Black: "All right. The reason that I asked the question, it seems to me that there have been a number of moves from prominent Chicago television personalities in the last year, one I think went from Channel, what, 2 to 5, and I remember an anchor going from Channel 9 to Channel, I think, it was 7. So, as I was asking the Gentleman out in the hall... in the rotunda awhile ago, it would seem that maybe Chicago being such a major market, they evidently don't have noncompete clauses, because a number of them have moved. Specifically, for example, the late Bob Collins of the highest-rated morning drive radio personality in Chicago, did he have a noncompete clause, or do you know? I was just curious."

Erwin: "I have to confess, I do not know. And in some instances, some of these personalities actually have not worked right away. I mean, it may have been because they didn't want to, but I don't think... it is standard in the industry, but on the other hand if you, you know, can afford very

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expensive lawyers and very expensive agents, my guess is you've got a leg up on everyone else. And this really..."

Black: "Okay. And that could very well be. Do you see any danger in a precedent here? There are other noncompete clauses. You may be the Chief Executive Officer of Gatorade, highly compensated and very good at what you do. A competing sport drink company may make you a tremendous offer, and isn't it kind of standard in business, as well as radio and television, that there may be noncompete clauses that, you know, obviously you're going to take some trade secrets, marketing abilities with you? I thought this was a relatively standard practice."

Erwin: "Representative Black, that's a very good question, and it is something that I examined very carefully before I agreed to Sponsor this Bill. In other industries, and in other situations, there is a compelling business reason to have a noncompete clause. The examples you used are perfect ones, trade secrets, effectively taking clients with you..."

Black: "Right."

Erwin: "...is, and very legitimately so, noncompete clauses. The reason why courts around the country have struck down the noncompete clauses in these contracts, once they're litigated, is because there is no compelling business reason. You are on radio, it's not a trade secret. It is not the secret workings of anything, it is your only skill, very possibly. And if you are unlike someone behind the scenes it is your voice, and it is your, again, even television personality, that is your... is the commodity. So, the courts have ruled that it is very different and..."

Black: "Well, and I think it is different in degree. One could allow me to be devil's advocate, I don't know if it's greatly different in kind. If you are a significant radio

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personality in your market and have a very loyal listening audience, that's reflected in your Arbitron and other such ratings. Then your employer can sell commercial time at, probably, a higher rate because of the very force of your personality and the loyalty of your listeners. Now, if you move to another radio station across town, one could argue that loyalty will go with you and the commercial dollars will go with you, so you may, in fact, damage your previous employer. Judy, I guess I'm trying to figure out if this is something that the marketplace should regulate, or whether we should jump in as a legislative Body. And I don't have a predisposed notion on how to vote for this Bill. I just want to make sure, because your example of a business executive was right on target, and I just wonder if a radio executive manager couldn't make the same argument. This individual is our franchise, and if he can be hired away because of mergers, small local radio stations often now can't compete. The large conglomerates come in and say, 'Who's the most popular afternoon drive? Well, it's Miss So and So. Hire her, I don't care what it takes, we need the billings.' So, I could see a compelling argument by the radio station that has lost that personality. Wow, you're taking a considerable amount of dollars away from me, and why should I be forced to... I can't compete with the huge conglomerate."

Erwin: "Representative Black, you've raised I think some good points. Let me say, that first of all we're talking about a contractual negotiated agreement, right?"

Black: "Yes."

Erwin: "And this does not impede the right of first refusal. For instance, if the, you know, radio or television station wants to say, now we're in negotiations, but I want the

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right always if you go find a better deal across the street, to have the right of first refusal. I am told that there are many other opportunities in these negotiations."

Black: "Okay."

Erwin: "Unfortunately, because of the mergers that you alluded to, we now have a situation, for instance, where ABC, I believe, in merging with the radio network owns 16 hundred radio stations. And, effectively, it is becoming somewhat of a monopoly to the point at which, you know, you can get fired tomorrow, and then not be able to work for a year. So, I do appreciate... I think you've raised some very good points, and as I said at the onset, out of any Democrat I can tell you, I'd be the least likely person to be sponsoring something that, you know, that I think would harm the business environment. But I do think the courts have ruled, and made... after examining this in many, many individual legal situations, that there is not a compelling business reason. And for that reason, I do believe this would not set a precedent. It is not my intention to have this set a precedent. It is only to, in this particular unique industry, to permit more competition in these markets."

Black: "Okay. And that's a good point. Let me for the record make certain. I think I know your intent, but one of the Representatives just asked me a question and I don't know the answer. There can't be any retroactive usage of this Bill, can it? I mean, if you currently have that contract, if you're currently employed and you have a noncompete clause, you can't then say, 'Hot dog, if this becomes law I'm going to leave the next day.' There isn't any retroactive application to this Bill, correct?"

Erwin: "That is correct."

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Black: "Okay. The second question, would you be willing to amend this on its face, that in certain legislative districts we'd be able to enforce a noncompete clause?"

Erwin: "I would entertain another Amendment. No, I better..."

Black: "Well, that would be an interesting Amendment. Probably, would have some constitutional problems. Seriously, I do thank you for your answers to the question, and you've certainly satisfied some of the concerns that I had. And again, I do appreciate the fact that you've given very clear and definitive answers to the concerns that I had and I appreciate that. Thank you."

Erwin: "Thank you."

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

Erwin: "Thank you very much, Speaker. I appreciate Representative Black's questions. I think they did help clarify this. Again, I think this is not setting a precedent. We're dealing with a unique industry, and one in which there is increasing consolidation with national mergers. And I would urge an 'aye' vote. Thank you."

Speaker Hartke: "The question is, 'Shall the House adopt Floor Amendment #1 to Senate Bill 1007?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment is adopted. Further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. On page 3 on the Calendar, on Third Reading, appears Senate Bill 1428. Representative Silva."

Clerk Bolin: "Senate Bill 1428, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Silva."

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Silva: "Thank you, Mr. Speaker. Just give me a second. Senate Bill 1428 is in response to an Illinois Supreme Court that was struck down... that was Public Law 86-1240. And essentially, the court noted that, for example it restrict... that particular law restricted the volume of car stereo systems on public highways, saying that the law violated the First Amendment because it permitted advertising to be blared but bans high volume of other types of speech. This Bill is in response to that and it would include amplification of any vehicle within 75 feet. This is a Bill that's supported by law enforcement and the State Police. And I would request an 'aye' vote."

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

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

Speaker Hartke: "The Lady will yield. Representative Parke."

Parke: "Okay, now, Representative, does this only apply to cars or could it be somebody walking down the street with a boom box or sitting in a park with... at a picnic?"

Silva: "This applies to... this was really intended for those loud boom boxes."

Parke: "I understand that."

Silva: "And... one of the reasons that the State Police are for that particular Bill is that there are times where the music has been so loud that emergency vehicles aren't heard."

Parke: "So, the Illinois State Police came to you and asked you to sponsor this legislation? Are you carrying it for them?"

Silva: "This Bill was requested for Senator del Valle, and I picked up that Bill here."

Parke: "Well, is this something that... this will apply

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statewide? This is not just for Chicago, it's for the whole State of Illinois, isn't it?"

Silva: "Correct."

Parke: "And again, do you want this for somebody sitting in a park, sitting with... at a picnic and has got a loud boom box that they could be arrested? Is that what you're..."

Silva: "It's motor vehicles, Representative."

Parke: "This is only in motor... in motor vehicles only?"

Silva: "Correct."

Parke: "And how... how can they judge whether or not it's at the level that you have put in here to find it offensive? What is that level?"

Silva: "If it could be heard within 70... outside of 75 feet from the vehicle, that would be the determining factor."

Parke: "So, it has nothing to do with the amount of noise it makes, no decibels at all or amps? It's just simply perceived noise that they can be pulled over... this... this is probable cause for a police officer to pull a car over, loud noise coming from the car?"

Silva: "I think that if it's impeding traffic and people cannot hear, I think that that would be up to the discretion of the... of law enforcement."

Parke: "Well, quite frankly, that's I guess it's okay with me if it's okay with you to give law enforcement more of a probable cause opportunity to pull anybody over who they perceive to have loud noise from... coming from their car. And that's the intent of this legislation and it's another tool to give to law enforcement agencies, then certainly that's something that we all ought to consider. Thank you."

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

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

Speaker Hartke: "Sponsor will yield."

Black: "Representative, I had several questions that I asked you when this Bill was in committee. And as you'll recall, I think I changed my vote to let it come to the floor. Now, I perhaps have second thoughts about doing that. As I recall, some of the concerns I had in committee, this Bill... I can have my car in a park, in a Cook County Forest Preserve and I can get arrested, as I understand the way this Bill was drafted?"

Silva: "This would occur on a highway, not in a park."

Black: "Yes, but I thought we got into that in the Bill and even the State Police said, public property?"

Silva: "Public highway."

Black: "Public property, which would include a park. Remember, that's one of the problems I had with this Bill."

Silva: "The language in the Bill talks about public highways. If you were in a park and you were on a public road then that would apply. And I believe that's what the state trooper was referring to."

Black: "Yeah, but that wasn't the trooper's... that wasn't the trooper's answer. In fact, I asked him a specific scenario. In my area it is not unusual for radio stations or car conversion companies that sell these very large stereo and, I might add, very expensive stereo systems that fit into cars and pick up trucks. It's not unusual for those companies to sponsor a contest on a Sunday afternoon to, in fact, judge who has the loudest stereo or the best looking or whatever. And I asked him that question and I said, would such contests that are... have been in the past very popular, could they be ruled illegal, because they're on

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public property? And I thought the answer that he gave was, 'I think... probably it could.'

Silva: "But Representative, if you recall it... I'm not into trying to stop those kind of events and I don't think anybody is. But one of the things that you also have to consider is to give the opportunity to law enforcement, for example, in your local community I'm sure if such an event was being put on, that law enforcement would normally know. And they would be prepared for that. And the discretion of law enforcement would be used in that particular circumstance. And I doubt that they would stop a competition such as you described."

Black: "What... since the original sound amplification Bill was stricken as unconstitutional, have there been any major problems? And I'm not aware of any. Maybe in your area it has been different. Has there been any major problems since the original Bill was stricken by the Supreme Court?"

Silva: "Well, the problem has been that people, for example, they can park in front of my house on a public way and blare their stereos at anytime of the day or night. And it has been a problem in particularly in urban areas."

Black: "Does... does the Bill specifically say that the vehicle would have to be in operation on a public highway? Because if it does... let me look. And you have your staff look, as well. If it says 'operation' then I see a major loophole here. I'll simply pull over to the curb and park and tell the officer, I'm not operating this motor vehicle. I'm parked. The engine isn't on, how can you give me a ticket? I think if you'll look on line 11 it clearly says, 'the vehicle from 75 or more feet when the vehicle is being operated upon a highway.' I see a real... I see a real problem with the people who have invested thousands of

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dollars in these stereo systems. They're just going to pull over to the curb in front of your house and say, 'This vehicle is not being operated on a public thoroughfare, the engine isn't even on.' You cannot..."

Silva: "But it has to be on in order to blare the music."

Black: "Well, I... I think..."

Silva: "Gotcha."

Black: "I really think that that's a drafting error that opens up a loophole about 5 miles wide for people who want to operate these systems. Because to me, and I know that the liaison for the State Police isn't here, the word 'operated' to me, I think has been defined in the Vehicle Code as you are driving the vehicle. It it being operated and is under your control, moving. Now, all this individual would have to do would be to park, say, 'I... I'm not operating this vehicle. What's the problem?'"

Silva: "I would encourage you that next year when I'm not here that you file that particular Amendment."

Black: "Okay. What makes you think I'm going to be here, Representative? I'm not sure either."

Silva: "I'm sure you will."

Black: "Okay. Again, I appreciate... I can appreciate what you're trying to do. I went through this in my apartment here in Springfield not too many years ago, when they closed a restaurant next door to my apartment house and then it became the evening meeting place. And they did have some interesting music at 1 or 2 o'clock in the morning. So, I can appreciate what you're trying to do. I'm not sure the Bill accomplishes what you really want it to accomplish. But again, thank you for your answers."

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

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Silva: "Again, I just want to remind you that this Bill would help, actually, clean up the previous Bill and I would encourage an 'aye' vote."

Speaker Hartke: "The question is, 'Shall the House pass Senate Bill 1428?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On Senate Bill 1428, there are 82 Members voting 'yes', 32 Members voting 'no', and 2 Members voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Earlier today we took House Bill 1298 out of the record. On page 3, on Third Reading, Representative Lindner. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1298, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Lindner."

Lindner: "Thank you. I believe Representative Black was still asking questions."

Speaker Hartke: "Representative Black."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. Again, I appreciate the Sponsor's indulgence in taking the Bill out of the record so that I could ask some questions on intent. And let me just say this, I think she's worked very hard to address the very legitimate concerns of pickup truck owners. And I think... my concern is the language about the tailgate being up and in good condition. But as she pointed out, if you're not hauling aggregate or dirt or loose material, if you're hauling plasterboard or plywood or things of that nature where you can't have the tailgate up because you'd put a bow in the

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plasterboard and it doesn't really impact second division vehicles that we commonly refer to as pickup trucks. I think she's done an excellent job of trying to address some very legitimate concerns of people who don't have her problems with highly congested highways. And I think she is also open to continue working with the general contractors and the... I've not voted for this Bill in the past, but I... I will vote for it today. Thank you."

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

Lindner: "Thank you. I believe Representative Black just gave my closing. I would ask for a favorable vote."

Speaker Hartke: "The question is, 'Shall the House pass Senate Bill 1298?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On Senate Bill 1298, there are 116 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. On page 3 on the Calendar, on Third Reading, appears Senate Bill 1231. Representative Durkin. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1231, a Bill for an Act in relation to secured transactions. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Durkin."

Durkin: "Thank you very much, Mr. Speaker. Senate Bill 1231 is a culmination of three years by the Uniform Law Commission. This is the UCC rewrite. This is pretty much the first revision that's been to the Bill since 1972. There is significant changes in the scope, rules and procedures. These provisions are intended to bring greater certainty to

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financing transactions. Primary techniques that are going to be used are expanding the scope of property in transactions that are currently under Article 9 of the UCC. And also it will simplify and clarify the rules of creation, perfection, and priority in the enforcement of a security interest. And I ask for your support."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 1231?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On Senate Bill 1231, there were 116 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. On Third Reading, on page 3, on the Calendar, appears Senate Bill 1330. Is Mr. Cross in the chamber? Out of the record. On page 3, on Third Reading, appears Senate Bill 1627. Representative Moore. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1627, a Bill for an Act concerning local government debt. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Moore."

Moore, A.: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 1627 amends the Local Debt Reform Act and makes a number of different changes in it. The first, permits local government to post notices of backdoor referenda on the local government's web page. It also permits the establishment of escrow accounts to receive state grants or other revenues or taxes that a local government has pledged to its bonds. The Bill provides a uniform form of proposition to authorize the issuance of

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bonds pursuant to either a referendum or a backdoor referendum. The Bill provides language that a school district can add to its bond proposition when the school district has been approved for a school construction grant to finance part of the school construction project. It also clarifies procedures for certain leases or installment purchases and requires filing with a local government's financial officer in certain circumstances. In addition, it clarifies coverage of requirements for alternate bonds issued under a variable rate debt. And finally, the Bill also provides for refinancing of a bond issue for the library district in Plainfield. I would be happy to answer any questions."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 1627?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On Senate Bill 1627, there are 114 Members voting 'yes', 1 person voting 'no', and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. On page 7 of the Calendar, on Nonconcurrency, appears House Bill 390. Mr. Skinner."

Skinner: "I suggest that we nonconcur with Senate Amendment 1 and 2."

Speaker Hartke: "The Gentleman asks that the House nonconcur with Senate Amendments #1 and 2 to House Bill 390. All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the House does nonconcur in Senate Amendment #1 and 2 to House Bill 390. On page 9 on the Calendar, on Concurrence, appears

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House Bill 4045. Representative Scully. On Senate Amendment #1. Representative Scully."

Scully: "Thank you, Mr. Speaker. I'd like to move to concur with Senate Amendment #1. But first of all, I'd very much like to thank Senator's O'Malley and Hawkinson for the work that they did to make this good Bill a better Bill. The Bill specifically addresses the ability of a convicted sex offender to reside within 500 feet of the school. And the Senate Amendment specifically excludes certain lesser offenses from the scope of this new prohibition. I'd be happy to answer any of your questions."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House concur in Senate Amendment #1 to House Bill 4045?' This is final action. All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there were 115 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And the House does concur in Senate Amendment #1 to House Bill 4045. And this Bill, having received a Constitutional Majority, is hereby declared passed. On page 7, on the Order of Concurrences, appears House Bill 861. Representative Winkel. Is Representative Winkel in the chamber? Mr. Winkel on Senate Amendment #1."

Winkel: "Thank you, Mr. Speaker. This is Senate Amendment #1 to House Bill 861. This amends the Criminal Code, provides that certain sentences of domestic violence committed in the presence of a minor will be subject to a minimum sentence of imprisonment for 10 days or 300 hours community service or both. It also includes some changes that would

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broaden the definition of the felony offense of residential burglary to make it consistent with the burglary statute. This passed out previously out of this chamber as House Bill 4537, unanimously. Comes back to us as an Amendment to this Bill, having unanimously passed the Senate. Be glad to take any questions."

Speaker Hartke: "Is there any discussion? The Chair recognizes the Lady from Grundy, Representative O'Brien on Senate Amendment #1."

O'Brien: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Hartke: "Sponsor will yield."

O'Brien: "Representative Winkel, in the Amendment... in the Senate Amendment what is the penalty clause that's provided under sub... for Subsection 6?"

Winkel: "One moment, we're going to double check that. Representative, I believe the answer to your question is that the intention of this Amendment is to make this a Class X felony just as the rest of the section."

O'Brien: "Well, when you look under the... you add Subsection 6 and then when you go down to the sentence there is no sentence for a violation of Subsection 6."

Winkel: "Representative, I think that... certainly the intention is to include Subsection 6 and I see your point. It's not specifically included in the language."

O'Brien: "And because it's not specifically included, I think therefore it doesn't create what you're trying to do. And I think it's a technical matter, but I would ask that you would pull this Bill from the record and perhaps we could attempt to make that clean. Because there is another Bill that passed last spring to reenact provisions of the first round of Bills that were declared unconstitutional. And we are attempting to clean up some of that language where we

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left out penalty clauses and I think if you don't have a penalty clause and a sentence clause it's not a Class X felony. And I think we do need to clean that up and perhaps at that time we could also clean up some of the other... what I perceive as... at least work on definitional problems in this Bill. But I think you are creating an offense for which there is no Class X... there's no sentence for it."

Winkel: "Representative, I think you raise a very good point. I think you are correct. And what I would suggest is that what we're trying to do is to address a problem that was pointed out by the Illinois Supreme Court in a recent decision. And it's too late in the Session for us to do an Amendment to cure the technical flaw that you're pointing out. What I would suggest, and what I would ask the Body to consider, is to go ahead and move this Bill, which I think it's important to do. And we can request that the Governor amendatorily veto and correct that technical flaw."

O'Brien: "Representative Winkel, I don't have a problem with doing it for that specific provision. But as you know, in committee there was some other concerns raised about putting in dollar limits to establish the felony for when an individual comes in with permission and stays beyond their invitation. Would you also be willing... and I understand the concern, I think that your theory is a very good one. But as many of us expressed in committee there were concerns about maybe a youngster that comes in as a friend to a child... you know to a household member, leaves with a CD or loses something in their book bag and then all of the sudden they're a felon. And what I'm hoping is that we can establish dollar limits so that, you know, if they

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take a CD, that's settled between parents or settled maybe with a station adjustment. But if they take your stereo or they take something else then we can establish those dollars limits and ask the Governor to do that and work on an Amendatory Veto with that as well?"

Winkel: "Well, Representative, I'm not going to ask the Governor on the second part. I will ask the Governor to take a look at the technical flaw that you have just pointed out to us and I will ask the Governor and... to amendatorily veto the Bill to cure that flaw. As for the rest of it, no. But of course, you could ask that."

O'Brien: "Okay. Thank you, Representative Winkel. To the Bill. I don't think there's anyone here that disagrees that we want to have safety in our home and feel secure in our homes. But this Bill is flawed. As the Sponsor recognized, it does not contain a sentence for the provision that he's adding. In addition to that, if an individual comes into your home with permission, if your child invites one of his schoolmates to the home and then they put a CD or they put something into their book bag or they take a sweatshirt, they'll be charged with a felony. Because once they're mens rea, once their intent changes from that of being an invited guest to that of being a thief, they become a felon. So we are treading on some very, very serious ground. And we know that the Bill is flawed already and while I respect the Sponsor of the Bill and would be happy to work with him, I have to urge my colleagues on this side of the aisle to vote 'no'. Because this Bill does not do what the... what the Sponsor wants it to do."

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

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Delgado: "Thank you, Mr. Speaker and Members of the House. Representative Winkel, as we discussed in committee, once again our concerns. This Bill does a couple of things. And one of them is that any person in the family can be convicted for... in a domestic violence situation in front of a minor will receive a penalty. Is that correct? Representative?"

Winkel: "Representative, could you repeat your question? It's a little noisy in the chamber, it's hard to hear over here."

Delgado: "Mr. Speaker, could we have... this is very important legislation. This Bill is asking us to broaden a particular... to create a Class I felony that a person potentially can face 4 to 15 years in prison for a property crime... a property theft crime. This Bill also addresses domestic violence in front of a minor. And by doing so, what is the penalty for that in this Bill?"

Winkel: "Representative, as we discussed in committee, currently under the law as it exists today, if somebody breaks into your residence with the intention of stealing a penny's worth of property, that's residential burglary. And you're subject to the penalties you describe. It's not being changed in this Bill, we're simply making it... the residential burglary section and the burglary section... making them the same."

Delgado: "Yes Sir, Representative, I..."

Winkel: "And so, Representative, whether we pass this Bill today or not, what you're describing is currently the law."

Delgado: "And I understand that, but this is the new pro... you're broadening the scope to have a mandatory 4 year for a property crime, when part of the other Bill is, you can have a domestic violence situation in front of a minor and all you're going to receive is 300 hours of community

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service. And once again, my colleagues, we have to look at this Bill closely because it's going to affect... this is a property crime. What's wrong with this picture? We're going to have a young person, Representative, a possibly 17-year-old as the previous speaker talked about. And that young person who has some sort of relationship because this is for folks that were invited on the premises but overstayed their welcome. And now they've taking out, like I used in my hypothetical yesterday, they took my bag of Turf Builder. And because they took my bag of Turf Builder, for \$10.95, we have no value system in this Bill for what is Turf Builder versus my Toro Lawn Mower. This young person's going to do... my son's friend is going to do 4 years mandatory in prison. And I think, Ladies and Gentlemen of the House of Representatives, we have to take a serious look at what we're doing. This is another zero tolerance in my opinion. And we're going to zero tolerance our kid's into nothing but tolerating all the negative things. So, Representative, my question again is, based on the sentencing of 4 to 15, why did we want to make this a Class I felony versus other remedies that were available to you?"

Winkel: "Representative, again, this... the situation you're concerned about is current law. What we're trying to address here is the situation where an estranged husband comes to the home..."

Delgado: "I..."

Winkel: "...a residential dwelling of his estranged wife and is invited in. And it turns out that once he's in the house, let's say he turns violent and starts to beat his estranged wife. That's what this is aimed at. Now you're talking about some hypothetical that in theory could arise, but

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because we have inherent in the Office of the State's Attorney, the right to decide on the appropriate charge it's highly unlikely that the sort of scenario that you're coming up with would actually ever occur. But the scenario about the estranged husband being invited into the house of the estranged wife and then turning violent happens everyday. And that's the very thing that we're trying to reach in this Bill. Now, Representative, you're dwelling on a point in an effort to protect this estranged husband, in effect, and I don't understand that. You're coming up with a hypothetical scenario that is highly unlikely to occur and certainly is not the object or the intent of this legislation. This legislation is aimed at domestic violence. It's aimed at the estranged husband, in most cases, who comes into a home invited and then unlawfully stays there and engages in physical violence or threats. Now, that's who we're aiming at, Representative. Now, if you want to stop this Bill, fine, vote 'no'."

Delgado: "Representative, we don't want..."

Winkel: "But I think, Representative, you have to be a little careful in the sort of outlandish hypothetical that's never going to happen in an effort to try to defeat a Bill that I think is a terrific Bill that protects people in their home, in their residences, particularly in cases of domestic violence. Now, if you want to stand opposed to a Bill that does that, fine. But I wouldn't."

Delgado: "Well Representative, I just want to respond with, (A) you've agreed that this Bill has a technical flaw and you've argued in the past that those are the type of Bills that need work and should be pulled from the record so more work can be conducted on it. I have a problem with the weight in the law. Of course we want to protect against

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domestic violence, while I would like to give that person 4 years to 15, but not some young person who is invited on the premises. When a judge, if you say it's the law already, then why are we debating this Bill? A judge can make that decision if they want to sentence that child or that individual to a sentence. My chief judge would love to be able to do that versus having prosecutorial discretion at that point. So I agree. We want to protect our wives and husbands in front of a minor, but 300 hours of community service is kind of small chips to this. And on the property crime, Sir, I have to submit, this sounds like unusual punishment... cruel and unusual punishment as it pertains to property crimes category making the theft of any item in your garage or premises without a value dollar applied to it, a Class I and facing a mandatory 4 years in prison. I could see the kids now in Menard saying, 'Hey, why you in?' 'Oh well, I took someone's grass seed.' I have a problem with this. To the Bill, Mr. Speaker."

Speaker Hartke: "To the Bill."

Delgado: "Ladies and Gentlemen of the House. Representative Winkel and I serve together on Judicial Committee. We're trying our best to work this out because I highly respect Representative Winkel's knowledge, his ability to get things done, and he's a very, very reasonable Legislator. However, this Bill has come across and it has... it has flaws in it. We're late in Session so we're trying to get this Bill through. Just as I've pulled Bills in the past at the request of the Republican Party, this is one, Representative, that I have to ask for and that's why we're asking that all we want to do is make it a good Bill, because we agree with most of what you're trying to do. All we're trying to do is make it conducive to everyone

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else, so that way, we don't have to come back later on and fight the amount of disagreements that are going to come because of this type of legislation, and putting folks away for a property crime when we're letting abusers of women, abusers of children, wind up with three hundred hours of community service. And, Sir, I don't think that's outlandish. Thank you, Mr. Speaker."

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

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

Speaker Hartke: "Sponsor will yield."

Durkin: "Representative, the language in this Bill sounds very familiar. As a matter of fact, it sounds exactly the same type of language which we saw in House Bill 4537. Is that correct?"

Winkel: "That's absolutely correct. That's exactly right."

Durkin: "What's... what happened with that Bill."

Winkel: "That Bill was presented earlier in this Session and it received 116 votes."

Durkin: "And there's nothing different in that Bill from what you're presenting today. Correct?"

Winkel: "No. In fact, this is the very same language and the same Bill that just was sent over from the Senate where it got 58 votes."

Durkin: "Thank you. To the Amendment."

Speaker Hartke: "To the Amendment."

Durkin: "I think that the Representative has made a reasonable response in this situation. This is a Bill which, if it does pass out of this chamber and goes back to the Senate, would have an effective date of the first of the year. The Representative stated that because of this technical error which was found, that he would ask the Governor to

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amendatorily veto that Bill to cure that technical error. I think that's very reasonable and I think that we all should respect that. But also I think that the Representative brings up a very good point about the issue of person who is lawfully on the dwelling of another in which turns unlawful. It is specifically about the situation where you do have the estranged husband who should not be on that premises, he is told to leave; however, he becomes violent and he batters the woman. Right now the law just allows for simple battery. This puts it in place and it should be... I think that we should vote on this because I think it's important in those type of situations where there really is not much... the penalties that are existing right now are not sufficient under those situations. I think the Representative, like I said, has made a very reasonable response to the technical error which we found, and I think that we all should send this back over to the Senate... we should concur with the Senate Amendment and send this to the Governor. Let the Governor make the amendatory veto change. But I don't believe that under this situation that children are going to be charged with property crimes, that kids are going to be going away for four years in the Department of Corrections. Let's remember, state's attorneys do have discretion and there is a proportionality argument which they always consider on a daily basis. So, I think the arguments that we're turning young children into felons is, I think, is disingenuous and I think we should pass this."

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

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

Speaker Hartke: "The Sponsor will yield."

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Davis, M.: "Representative, is it correct that the residential burglar would be given a mandatory minimum of four years?"

Winkel: "Representative, under the current law that is correct and this Bill does not change that."

Davis, M.: "So, this Bill says that anybody who commits other offenses will also be charged with mandatory... with residential burglary?"

Winkel: "Representative, I'm sorry, I can't hear you."

Davis, M.: "Okay. What your Bill is doing, you're broadening the definition or widening the net of who commits a residential burglary, right?"

Winkel: "What this Bill does is, it makes burglary... the burglary section would have the same language... Representative, the burglary section, as I'm sure your staffer next to you can tell you, would have under this Amendment, the same language that currently exists for residential burglary. That's the point."

Davis, M.: "Is that what you're..."

Winkel: "We want the two sections to be the same and not mutually exclusive."

Davis, M.: "Is that what your staffer just told you?"

Winkel: "Yes, and an able staffer, indeed."

Davis, M.: "Okay, thank you. In other words, if a relative, a young kid comes over to visit and takes a CD, computer CD, and decides to try and use it at his house and you realize it's gone and you report this theft, this young person will be charged with a residential burglary. Is that correct?"

Winkel: "No, that is not correct. There is nothing automatic about this statute."

Davis, M.: "Representative, read your Bill. Read your Bill."

Winkel: "Well, I have read my... I have read my Bill, Representative."

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Davis, M.: "Your Bill says, if a person is invited into your home and they're invite..."

Winkel: "Representative..."

Davis, M.: "No, no. No, no..."

Winkel: "I answered your..."

Davis, M.: "I'm asking you a question. Let me ask the question."

Winkel: "Representative, I answered your question. Your question was..."

Davis, M.: "I'm asking you another question, Representative."

Winkel: "No, you're... Representative, your question was, would they be charged with that? The answer, the full answer is, theoretically, yes, they could, but it's not an automatic under this Bill. It's more likely that in a case like that, that the state's attorney would exercise the discretion inherent in that office to charge a simple theft and certainly not with a Class X felony."

Davis, M.: "Representative, if..."

Winkel: "Class I felony."

Davis, M.: "...if a person commits the kind of theft that I just said, your kids have a party and somebody at that party takes a CD or takes a case of beer out of there, it is up to the prosecutor if he wants to charge this person with the offense of residential burglary. So, what you're doing is you're changing or you're widening the net of who can be dragged into the prison system and stay for a minimum of four years with this Bill. Representative Winkel, what is the cost of this Bill?"

Winkel: "Representative, to answer your point, though, I'll say this again and I, you know, I don't know how else to say it except as plainly as I can, that's currently the law. That's the law right now."

Davis, M.: "Well, if it's the law then we don't need this Bill."

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We can take it out of the record."

Winkel: "We need... we need this..."

Davis, M.: "If it's already the law, we don't need this Bill. If it's the law, why do we need this Bill?"

Winkel: "We need to allow the burglary section to be the same as residential burglary. In the case..."

Davis, M.: "I think in..."

Winkel: "...in the case... I'm answering your question. The case of People v. Childress is a death penalty case. I mean you can come up with the, I think, rather outlandish and probably... highly improbable fact scenario as you want to, but in People v. Childress what you had was, and this is what we're trying to get at with this Bill, is you had somebody who was invited into an apartment who stabbed to death the woman who lived there and in that case they sought the death penalty. It was such a... it was a murder, first degree murder case, and in that case, as one of the aggravating factors, they wanted to show that there was a burglary, and what the Supreme Court found in this case was that the burglary section did not include dwellings. Now, all we're trying to do is make the residential section and... residential burglary section and the burglary section have the same provisions in it so as to avoid this sort of technical problem in death penalty cases."

Davis, M.: "Well, well, did that person get charged with murder?"

Winkel: "Now, if you want to talk about CDs and teenage parties, fine, but that's not what we're trying to address with this Bill."

Davis, M.: "That may not be..."

Winkel: "You asked me what we're trying to address with this Bill, that's what we're trying to do. We're trying to

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address very serious cases, death penalty cases, and domestic violence cases. If for some reason you want to dwell on a teenage party case, so be it, be against this Bill. But I think if you're serious about imposing serious penalties attached to domestic violence, I think you should be for this Bill."

Davis, M.: "Representative, this Bill absolutely says nothing about murder. If a person went into someone's home and used a knife and stabbed them, they should be charged with murder. If someone comes into your home with the intent to rob or steal, he should be charged with residential burglary. If a person comes into your home at your invitation or the person is visiting, that person should not be included in a residential burglary statute that would give them a four-year minimum sentence. They could be charged with theft and we don't want to fill our prisons up with people who have taken a CD, who have taken a bicycle, or people whose natural intent was not to commit a crime. We don't want anyone stealing anything, but nor do we want to fill up these prisons with people who have committed minor offenses. This is a very expensive way to go. It is expensive to the taxpayer, it is expensive to the prosecutor, it is expensive to our prison system. Now, one of the reasons we are constantly building new prisons is because these laws... Maybe your intent is not to fill up the prison, but there are a number of people who come to visit who don't leave with just what they brought. Do we want them to go to prison four years? No. Do we want to pay to take care of them and feed them and house them and give them medical care for four years? No, we don't. We merely want our item back. We want them charged with theft and we want the bicycle back or we want the CD back. We

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don't want them in prison for four years. It's too expensive, Representative Winkel, too expensive to the taxpayer. The taxpayer should not have to spend that kind of money to retrieve a bicycle and to stop theft when somebody just came to visit and picked up something. I believe our laws in reference to domestic violence are proving very successful in the State of Illinois because we have reduced that number. We're adding a lot of dollars to that section of the Bill, but this is a piece of taxpayer money they should be allowed to keep. Vote 'no' on this Bill."

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

Turner, J.: "Thank you. A couple quick questions and then a comment to the Bill. Will the Sponsor yield?"

Speaker Hartke: "The Sponsor will yield."

Turner, J.: "Representative, I have read the language and it appears to me that what your language does as to the residential burglary statute is make burglary a lesser included crime of residential burglary. Am I saying that correctly?"

Winkel: "You're stating it absolutely correctly. Yes, that's right."

Turner, J.: "And in the Criminal Code as a fairly common thing, when a crime shares elements and when you add one additional element, the first crime or the lower crime is then considered a lesser included of the higher crime. Is that correct?"

Winkel: "Yes, that's right."

Turner, J.: "And this is commonly done in the Criminal Code, is it not?"

Winkel: "Very commonly done."

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Turner, J.: "All right. To the Bill. You know I've listened to the debate very closely, Mr. Speaker, and I've got to say that the Sponsor should be commended for this. I don't understand what the concern is on this particular measure. What it does is make burglary a lesser included crime of residential burglary. Now a residential burglary is a Class I felony and it's true, as many have pointed out, it's nonprobationable and it's nonprobationable for many reasons, not the least of which is that it means that someone has either entered your home or came into your home after they are no longer allowed to be there or authorized to be there and then, while either entering or remaining there without authority, they developed the intent to commit a felony or a theft therein. Now, if someone is in your home, either by breaking in unlawfully or entering lawfully and then forming a criminal felony intent to remain in your home and possibly harm another individual or steal things from your house by committing a theft in your residence, in the most sacred place that you can have, yes, that is going to be a Class I felony and, yes, that's going to be nonprobationable. And any of you who believe that someone has the right to come into your home or remain in your home after they've been told that they're no longer to be there, after they no longer have any authority to be there, and in being there then they form the intent to commit a felony in your sacred place, in your home or to steal something in your home, that person should go to prison. That person goes to prison today under the existing statute. That person does not have the right to be placed on probation. And I would suggest to you that those of you who are going to vote against this particular measure can be considered very soft on crime because the

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law has developed over the years to protect a person in his or her own home. Because if an individual comes in there without authority or remains there without authority, dangerous things can occur, frightening things can occur. Sometimes the home owner perhaps overreacts. Sometimes it causes a shooting or a death and it's a very serious offense and it should be treated seriously, and the Sponsor should be commended for bringing forth this statute that makes the residential burglary, or the burglary a lesser included offense of the residential burglary. And I commend you, Representative Winkel, and I would urge everyone to vote 'yes' on this Bill. Thank you."

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

Winkel: "Ladies and Gentlemen, in this matter if you vote 'yes' you're voting for stronger penalties concerning domestic violence. If you vote 'yes' on this Bill you're voting for stronger penalties for residential burglary and burglary. You're recognizing if you vote 'yes', that our house is a sacred place that needs to be protected and we need to be serious in this state with serious penalties. I ask you to vote 'yes'."

Speaker Hartke: "The question is, 'Shall the House concur with Senate Amendment #1 to House Bill 861?' This is final action. All those in favor of the Bill will vote 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 90 people voting 'yes', 15 people 'no'... voting 'no', 11 people voting 'present'. And the House does concur with Senate Amendment #1 to House Bill 861. And this Bill, having received a Constitutional Majority, is

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hereby declared passed. On page 8, on the Calendar, on Concurrences, appears House Bill 2991, Representative Myers (sic-Meyer). Mr. Clerk. On Senate Amendment #1, Representative Meyer."

Meyer: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 1 (sic-Amendment) takes out... One second, if I could."

Speaker Hartke: "Mr. Meyer, which do you wish to do first, your first Motion or your second Motion?"

Meyer: "Mr. Speaker, I'd like to act on the Motion to Concur, #2, that second Motion."

Speaker Hartke: "Okay, that'll be #... Senate Amendment #1."

Meyer: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I'm moving to concur in Senate Amendment #1, which takes out the misrepresentation by the use of the 800 number. This Bill, previously, has passed the House with no dissenting votes. It passed the Senate with no dissenting votes. Appreciate an 'aye' vote."

Speaker Hartke: "Is there any discussion on Senate Amendment #1? Is there any discussion on Senate Amendment #1? Representative Black, for what reason do you seek recognition?"

Black: "An inquiry of the Chair, Mr. Speaker."

Speaker Hartke: "State your inquiry."

Black: "The board says concur in Senate Amendments, and there's only one, isn't there? Or does..."

Speaker Hartke: "Mr. Clerk, is there just one Amendment? Yes, there is. Thank you for pointing that out."

Black: "So there's only... there is only one Amendment."

Speaker Hartke: "Yes."

Black: "Singular?"

Speaker Hartke: "Yes."

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Black: "Okay."

Speaker Hartke: "Thank you for pointing that out."

Black: "And has the Sponsor already closed on the Amendment?"

Speaker Hartke: "Not yet."

Black: "Oh. Could I ask him a question?"

Speaker Hartke: "Sure."

Black: "All right, and when you announced this Bill, Mr. Speaker, you said Representative Myers."

Speaker Hartke: "It was Meyer."

Black: "Is that Rich Myers or Representative Jim Meyer?"

Speaker Hartke: "I was carrying a 's'."

Black: "All right, I'll remember what you said, I'll make this brief. Will the Sponsor yield?"

Speaker Hartke: "The Sponsor will yield."

Black: "Thank you. Representative, in looking over the Senate Amendment, it would seem like the Senate Amendment deletes the provision that says, if I call what I think is an Illinois number and in fact the operator is in Tampa, Florida, I thought that's what the underlying Bill was... was going to try and stop."

Meyer: "Representative, I appreciate the question. The Section (a), which was deleted, dealt with a 1-800 number. Section (b), the previous Section (b) which now becomes (a), talks about a person or a person being an entity also, that would intentionally misrepresent. The concern with the 1-800 number and I believe at the time that we passed the Bill, I said that Ameritech had somewhat of a concern with some of the language. They were concerned that we use 800 numbers also for local telephone exchanges..."

Black: "Oh, okay. All right."

Meyer: "...and this just takes that part out, but it leaves..."

Black: "Okay, thank you. You've cleared that up for me, I

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appreciate it. Thank you very much."

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

Meyer: "I'd just appreciate an 'aye' vote."

Speaker Hartke: "The question is, 'Shall the House concur in Senate Amendment #1 to House Bill 2991?' This is final action. All those in favor signify by saying 'aye'; opposed 'no'. Voting 'aye'. Those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there were 116 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And the House does concur with Senate Amendment #1 to House Bill 2991. And this Bill, having received a Constitutional Majority, is hereby declared passed. On page 8 of the Calendar, on Concurrence, appears House Bill 3457, Representative Hassert. On Senate Amendment #1 and 2. Representative Hassert, out of the record. On page 8, on the Calendar, on Concurrence, appears House Bill 3093, Representative Granberg. On Senate Amendments #1 and 2."

Granberg: "Thank you, Ladies and Gentlemen of the House. Thank you, Mr. Speaker. I wanted to time this while you were in the Chair, Mr. Hartke. There are two Senate Amendments to this Bill; the first Amendment addresses some of the concerns raised by various groups. Senate Amendment #1 addresses those concerns. We do further clarifications on the intent of the Bill, what is permissible and nonpermissible. Senate Amendment #2 is at the request of the farmer organizations, and we allowed them to receive a nominal tax credit in return for conservation packages. I would move to concur in Senate Amendments #2... 1 and 2."

Speaker Hartke: "Is there any discussion? The Chair recognizes

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the Gentleman from Jo Daviess, Representative Lawfer."

Lawfer: "Will the Sponsor yield?"

Speaker Hartke: "The Sponsor will yield."

Lawfer: "Representative, is there any opposition to this Bill now?"

Granberg: "Representative Lawfer, there is no opposition to the Bill."

Lawfer: "The rules and regulations for this area, which I think would probably be what, be about 25,000 acres in the State of Illinois, would be promulgated by what organization?"

Granberg: "Representative, I did not hear your question."

Lawfer: "The rules and regulations for this area I believe which is 45 feet on each side of a navigable stream. Is that right?"

Granberg: "No, it is not, Representative. We changed that language, Sir. It is 15, yeah, 15 yards on either side of navigable rivers. Not every... not every river and stream in Illinois. That is defined as 8 percent of the rivers currently in Illinois."

Lawfer: "Okay, but... Okay. Well, fifteen yards or 45 feet."

Granberg: "I'm sorry, I misunderstood your question. I thought you said 45 yards."

Lawfer: "Okay, 45 feet on each side of approximately what, 2,500 miles of navigable streams?"

Granberg: "It's 8 percent, Representative, I believe it is in approximately two to five thousand acres."

Lawfer: "Does this include any lakes?"

Granberg: "No, Sir."

Lawfer: "Only navigable streams? The... but the rules and regulations for this area would be then promulgated by what organization, the Department of Agriculture?"

Granberg: "The Department of Natural Resources. The Department

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of Agriculture would be in charge of the buffer zone initiative, which is a voluntary program that they would coordinate to raise funds between public and private sectors."

Lawfer: "Somewhere along the discussion I heard the word 'clear cutting', I think, in the discussion. What would be the definition of 'clear cutting'? This Bill prevents 'clear cutting', is that correct?"

Granberg: "Yes. We did not have a definition in the original Bill, Representative. That is the subject of Senate Amendment #1. That was done at the request of the Farm Bureau and other organizations. So we had that definition. Do you want me to read the entire definition?"

Lawfer: "Well, a..."

Granberg: "It's very extensive."

Lawfer: "Well, okay, but say an individual wanted to use some trees that were marketable. Let's say that. Would they be permitted to cut marketable trees?"

Granberg: "Yes, we created various exceptions and defined how that 'clear cutting' would take place. So you can selectively remove diseased or dying trees, selectively remove individual trees, cutting trees, you can clear trees for restoration purposes, restore wetland... to restore wetlands. We can remove trees or any type of vegetation in order to assist you in the operation, in the ownership of your property."

Lawfer: "If there was a tree near the stream bank that might have a possibility of falling into the stream, what would that... how would that be handled?"

Granberg: "Could you restate that, I couldn't hear you?"

Lawfer: "If there was a tree that had danger of falling into the stream, how would that be handled under these proposed

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regulations?"

Granberg: "No, it's absolutely permissible to take that type of action. There would be no prohibition and that is in the Amendment."

Lawfer: "For example, if somebody then violated this Bill and violated the rules and regulations, what would the penalty be?"

Granberg: "DNR is going to promulgate the rules and the implementation of this Act."

Lawfer: "But there could be a penalty then for persons that violated these rules and regulations?"

Granberg: "Yes. But again, the whole... it's defined in the Amendment, Representative, what is permissible, and that is why the Farm Bureau is removing their opposition."

Lawfer: "Representative, this Bill, I feel is very far-reaching. It has some real implications in regard to property rights, especially private property rights and so on. If this Bill passes, what do you see... what would the benefits be to the environment as well as the State of Illinois?"

Granberg: "Well, Representative, as you know we lose tons of valuable top soil each year in Illinois and that's because of soil erosion and sedimentation. So that affects the very quality of our water. This Bill addresses that very serious problem, very serious issue. This is a first step in addressing how we take care of those problems and how we resolve it. It is a two-pronged approach. Now, I can talk about the Amendments, but the Bill itself takes a two-pronged approach and that is, it prohibits 'clear cutting' with permissive uses, which are extensive, but it also initiates a voluntary program that would address the issue of tax credits on all rivers and streams in Illinois to address that very serious issue of top soil erosion and

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sedimentation."

Lawfer: "But a area that is already under forest now, doesn't have any tax benefit, am I correct?"

Granberg: "Again, they receive... they can receive a limited amount. This would change the formula. This would increase what they can receive."

Lawfer: "Would this affect any of the property tax to local taxing bodies?"

Granberg: "There is... there is nominal impact. That is why the Municipal League is not opposed to the Bill."

Lawfer: "Thank you very much, Representative. To the Bill."

Speaker Hartke: "To the Bill."

Lawfer: "I think that this affects a tremendous amount of area in the State of Illinois. If you take 45 feet on each side of the navigable streams, 2,500 acres. That's 5,000 acres times 45 yards. This is affecting the private property rights, I do believe, of nearly 25,000 acres in the State of Illinois, and I think that people should take a serious look at... in regard to supporting this Bill. Thank you."

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

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

Speaker Hartke: "The Sponsor will yield."

Black: "Representative, I was asked to clarify something for purposes of legislative intent but I'm not sure that the language they are interested in is still in the Bill. If you have a copy of the original Bill, it is on page... I believe page 2, line 27 through 34, subsection 1, 'For the purpose of improving, maintaining, repairing, constructing, reconstructing any highway, road, bridge, culvert, drainage structure, drainage facility, or grade separation, under

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the jurisdiction of the Illinois Department of Transportation or any municipality, public water facility, road district, highway commissioner or drainage district.' Is that language still in the Bill or was it removed by the Senate Amendments?"

Granberg: "Representative, I believe that was my Amendment in the House and that was done at the request of, I think, the township officials."

Black: "Yeah, because I... Well, counties wanted to know if that would include them."

Granberg: "Yes, it is still... it is still included in the Bill."

Black: "And is that language still included in the two Senate Amendments?"

Granberg: "Yes."

Black: "And would it include counties in all of the definitions that we read?"

Granberg: "Yes, it is a unit of local government."

Black: "All right, so that's clearly the intent. They were very concerned about that. I appreciate that. Thank you very much. And, Representative, may I say it's good to see you on the floor. I haven't seen much of you, lately. I was concerned about you. Mr. Speaker, to the Bill."

Speaker Hartke: "To the Bill."

Black: "With the concurrence in the Senate Amendments, I am not aware of any opposition to the Bill. The Farm Bureau, while not ecstatic, is neutral; and I think Senator Madigan and Representative Granberg have worked very hard to address all of the concerns. We never can address every concern. But with his concurrence in the Senate Amendments, I am not aware of anybody's absolute opposition to this Bill, other than perhaps the Speaker. But the Farm Bureau is neutral on the Bill, as I think most of the

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opposition has now been removed. And I do thank Representative Granberg for his tireless negotiating and working on this Bill, and now that he has it in its final form, maybe we'll be able to visit on the floor more often. So, it's good to see you back."

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

Granberg: "Thank you. Let me... let me discuss a few things with my good friend Mr. Black. First of all, Mr. Black, I appreciate your oratory as always. There is none finer, that is why you're my role model, but I refuse to go so far as to... to do or dress the way you do. Apparently, you've gone to the 'Skip' Saviano school as well, but very impressive for a guy from Danville. I want to thank you for your remarks and that is why we had Mr. Hartke in the Chair today, so we would remove any opposition. This is a very, very important Bill. It fundamentally addresses the very serious and very real issue of water quality in Illinois. This takes a very, very important first step in doing that. It affects soil erosion, stream bank destabilization and sedimentation. As I said, there is no opposition to the Bill in its current form, in fact, the proponents range from the Farmers' Union, the Sierra Club, the Illinois Environmental Council, the Mid-Rivers Association, and the National Rifle Association. So we have groups from every end of the spectrum in support of this Bill. This Bill passed out of the House previously with 96 votes. I would simply ask for your concurrence in these Amendments, and, Mr. Speaker, if you would, please call it for a vote."

Speaker Hartke: "The question is, 'Shall the House concur in Senate Amendments #1 and 2 to House Bill 3093?' This is final action. All those in favor will signify by voting

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'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there were 111 Members voting 'yes', 5 Members voting 'no', and 0 voting 'present'. And the House does concur with Senate Amendments #1 and 2 to House Bill 3093. And this Bill, having received a Constitutional Majority, is hereby declared passed. On page 8, on the Calendar, on Concurrence, appears House Bill 3465, Representative McAuliffe. Representative McAuliffe on Senate Amendments #1 to House Bill 3465."

McAuliffe: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I move to concur in Senate Amendment #1. House Bill 3465 deals with unauthorized videotaping, and in the Senate they suggested that we added the word 'secret' and I agree and concur with Senate Amendment #1."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House concur with Senate Amendment #1 to House Bill 3465?' This is final action. All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there were 116 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And the House does concur with Senate Amendment #1 to House Bill 3465. And this Bill, having received a Constitutional Majority, is hereby declared passed. For what reason does the Gentleman from Champaign, Representative Winkel, seek recognition?"

Winkel: "Mr. Speaker, thank you. On the Motion to concur with Senate Amendment #1 to House Bill 4045, I ask that the record reflect that I had intended to vote 'yes'."

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Speaker Hartke: "The Journal will so reflect. On page 5 of the Calendar, on Second Reading, appears Senate Bill 16... or... excuse me, 1393, Representative Dart. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1393 has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Dart, has been approved for consideration."

Speaker Hartke: "Representative Dart."

Dart: "Thank you, Mr. Speaker. This is an Amendment that was... came about as a suggestion of the committee. It clarifies a couple of measures that were discussed during the hearing and is an attempt to try to clarify the language in the Bill. We discussed most of this during the committee. I'd appreciate a favorable vote."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #1 to Senate Bill 1393?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it and the Amendment is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Hartke: "Third Reading. On page 9 of the Calendar, on Concurrences, appears House Bill 4431. Representative Currie on Senate Amendment #1."

Currie: "Thank you, Speaker and Members of the House. The underlying Bill is a proposal from the Department of Revenue, cleanup language with respect to the Income Tax Act. The Senate Amendment would provide that the Lloyd's insurance, Lloyd's of London insurance income tax payments to the State of Illinois could continue to be made in a combined fashion. It used to be that it were... that it

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was individual shareholders who participated in the Lloyd's business and under current Illinois Law their tax returns could be combined in a single form. Today, because individual liability was unlimited, most of the participants in Lloyd's are in fact corporations. Corporations may not file combined returns in the State of Illinois. There are some 843 corporate members of Lloyd's. This language change would encourage Lloyd's to do business in the State of Illinois; would save the Department of Revenue substantial administrative costs and obviously, would be beneficial to the company, since this is the way they have always done their tax activity with our Department of Revenue. I know of no opposition to the Amendment and I would appreciate your support for my Motion to concur."

Speaker Hartke: "Is there any discussion on Senate Amendment #1? Seeing that no one is seeking recognition, the question is, 'Shall the House concur with Senate Amendment #1 to House Bill 4431?' This is final action. All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there were 115 Members voting 'yes', 0 voting 'no', and 1 person voting 'present'. And the House does concur with Senate Amendment #1 to House Bill 4431. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Persico. On page 8, on the Calendar, appears... on Concurrence, appears House Bill 3457. Representative Persico, would you like to handle Amendment... Senate Amendments #1 and 2? Representative Persico."

Persico: "Thank you, Mr. Speaker and Members of the House.

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Senate Amendment #1 to House Bill 3457... Hold on just one second, please. All right. Senate Amendment #1 replaces everything and becomes the Bill. It provides to the extent allowed by Federal Law, clean construction or demolition debris shall not be considered 'waste' if it is used as a fill material, below grade outside of a setback zone if covered by sufficient uncontaminated soil to support vegetation within 30 days of the completion of the filling; two, if it's separated or processed and returned to the economic mainstream in the form of raw materials or products; three, solely broken concrete without protruding metal bars is used for erosion control; four, generated from construction or demolition of a building, road, or other structure. Be happy to answer any question on Senate Amendment #1."

Speaker Hartke: "Would you explain Senate Amendment #2, as well?"

Persico: "Senate Amendment #2 deletes an above grade man-made mound less than 20 feet in total height, covered with sufficient soil material to sustain vegetation or by a road or structure. This takes away the opposition of Will County."

Speaker Hartke: "Is there any discussion on Senate Amendments #1 and 2? Seeing that no one is seeking recognition, the question is, 'Shall the House concur with Senate Amendments #1 and 2 to House Bill 3457?' This is final action. All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 115 Members voting 'yes', 1 person voting 'no', and 0 voting 'present'. And the House does concur with Senate Amendments #1 and 2 to House Bill 3457. And this Bill,

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having received a Constitutional Majority, is hereby declared passed. On Supplemental Calendar #1, on Concurrence, appears House Bill 840, Representative Myers... Meyer. Rich Meyer. Rich Meyer. Jim Meyer, excuse me."

Meyer: "Mr. Speaker, we're going to have to work on who's who in this chamber. I'll be down after this Bill is over and introduce myself."

Speaker Hartke: "You've seen one Meyer, you've seen them all. Go ahead."

Meyer: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 840 is a Bill that we'd passed over to the Senate to be used as a shell Bill at one point. It's coming back to us with wording on it that has previously passed the House and also the Senate and is on its way to the Governor, but this Bill also contains another element to it which I'd like to focus on. It will allow electronic archiving for all local records and it just offers electronic archiving as an additional medium over and above the typical microfilming."

Speaker Hartke: "Further explanation of Senate Amendments #1 and 2? Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House concur in Senate Amendments #1 and 2 to House Bill 840?' This is final action. All those in favor will signify by saying 'aye'; opposed 'no'. In the opinion... All those voting 'aye'... All those in favor will vote 'yes'; all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there were 115 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And the House does concur with Senate

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Amendments #1 and 2 to House Bill 840. And this Bill, having received a Constitutional Majority, is hereby declared passed. On Supplemental Calendar #1, on Concurrence, appears House Bill 4124. Representative Reitz on Senate Amendment #1."

Reitz: "Thank you, Mr. Speaker. House Bill 4124 is a Bill that we had passed out of here. We had an Amendment we agreed on, discussed in committee, an agreement actually with the Department of Corrections. This Bill would... has three components when it left here that we've dealt with. One, it creates a gang intelligence unit. The second part, it takes care of a problem we have actually with heating coils or stingers that are used that injure guards at times. And we also have added a \$2 co-payment that Representative Bost had, a Bill that passed out of here that was ended up being bogged down in the Senate. That Bill will add \$2 for the treatment of chronic illness, \$2 co-payment for the treatment of chronic illness for inmates. And as I said, I think that Bill passed out fairly unanimous out of here and I would answer any questions."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House concur in Senate Amendment #1 to House Bill 4124?' This is final action. All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 116 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And the House does concur with Senate Amendment #1 to House Bill 4124. And this Bill, having received a Constitutional Majority, is hereby declared passed. On Supplemental

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Calendar #1, appears House Joint Resolution 66, Representative Lopez. Representative Lopez on House Joint Resolution 66, Committee Amendment #1. Representative Lopez, would you like to explain what this Resolution does?"

Lopez: "This is nearly identical to the Resolution that we passed two or three years ago. Just talking about and follow up on the trip to Cuba that Governor and the Speaker, Leader Daniels and Emil Jones did. It's just urging Congress to lift the embargo for humanitarian reasons. That's basically it and I ask for an 'aye' vote."

Speaker Hartke: "Any discussion? All those in favor of the House Joint Resolution 66 signify by saying 'yes'; those opposed 'no'. In the opinion of the Chair, the 'ayes' have it and House Joint Resolution 66 is adopted. Representative Skinner, for what reason do you seek recognition?"

Skinner: "Yes, Mr. Speaker, I thought the vote was 1 to 1. Representative Lopez voted 'yes'; I voted 'no'."

Speaker Hartke: "No, I voted with him. So you're overruled."

Skinner: "Oh, well, you're the tiebreaker."

Speaker Hartke: "On page 14 of the Calendar, appears House Resolution 754, Representative Lou Jones. Representative Jones on the Resolution."

Jones, L.: "Thank you, Mr. Speaker and Members of the House. House Resolution 754 is simply... well, really, it's House Bill 3355 that passed out of here with 113 votes. It's the... what it basically says, it urges the Department of Human Services to contract with one or more universities or other established social research organizations to conduct research studies on public assistance, public assistance grants paid to recipients of temporary assistance. In other words, the TANF. The Bill, House Bill 3355, is hung

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up in Rules in the Senate and that's basically what this Resolution 754 does the same thing House Bill 3355. And I urge an 'aye' vote."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the Lady's Motion is to approve of House Resolution 754. All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it and the Resolution is adopted. Representative Jones, we've got a technical error here. This Motion for this Resolution requires a record vote. Mr. Clerk. The question is, 'Shall the House adopt House Resolution 754?' Those in favor of the Resolution vote 'yes'; those opposed 'no'. Mr. Black."

Black: "Mr. Speaker, just a quick inquiry of the Chair."

Speaker Hartke: "Inquiry."

Black: "Has this Resolution been printed and distributed? I don't have a copy and can't call it up on my computer."

Speaker Hartke: "Just a minute. Very good question. Mr. Black, the Clerk informs me that it is there."

Black: "Okay, thank you."

Speaker Hartke: "Mr. Clerk, take the record. On House Resolution 754 there are 114 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And the Resolution is adopted. On Supplemental Calendar #1, appears House Joint Resolution 63, Representative Hoffman. Representative Hoffman, would you like to explain the Resolution?"

Hoffman: "Thank you, Mr. Speaker. All that House Joint Resolution does is it essentially extends the deadline of the School Safety Task Force so that we can have a thorough report. The deadline was July, but because of the Session that we have had, we'd like to extend that to the end of December. I think everybody is in favor of it. I ask for

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a favorable roll call."

Speaker Hartke: "Is there any discussion? Seeing no...
Representative Black."

Black: "Mr. Speaker, I want to do this just as quickly as you
can, but you cannot pull this up on the laptop. And I
just... I don't mind these things, but I'd really like to
have something I can look at before you ask me to vote."

Speaker Hartke: "That's reasonable. Mr. Clerk, is House Joint
Resolution 63 on the laptop?"

Black: "Well, I've got an expert here..."

Speaker Hartke: "Yes, it is."

Black: "...trying to bring it up on the system."

Speaker Hartke: "Mr. Hoffman."

Hoffman: "I believe it's under Resolutions, but for
Representative Black I'll take it out of the record until
he has a chance to look at it. If you want."

Black: "The tech expert just brought it up on the system. Can
you give me about one minute?"

Hoffman: "Yeah."

Black: "Okay."

Speaker Hartke: "We have time. Representative Black, do you have
any questions about the Resolution?"

Black: "No. Once we could get it up on the system it's really
clear, obviously a very straightforward Resolution and I
appreciate your indulgence."

Speaker Hartke: "The question is, 'Shall the House adopt House
Joint Resolution 63?' All those in favor signify by saying
'yes'; those opposed say 'no'. In the Chair's opinion, the
'ayes' have it and the House Joint Resolution 63 is
adopted. On page 13, on the Calendar, appears House
Resolution 719, Representative Franks. Would you like to
explain your Resolution?"

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Franks: "Thank you, Mr. Speaker. On March 21st there was a referendum in six communities in Northern McHenry County asking whether they were happy with their phone service, and 90 percent indicated they were not happy with their phone service. The second question on the referendum was whether Senator Klemm and myself should go forward and try to get a legislative remedy to the phone problems. After that, we met with the provider in the six communities, which is GTE, and they've agreed to six changes throughout our communities which are listed in the Resolution. GTE now supports this Resolution and has agreed to go forward with these changes, so I would ask for your favorable consideration."

Speaker Hartke: "Is there any discussion? Mr. Black."

Black: "Thank you very much, Mr. Speaker. This is a very interesting Resolution. Would the Sponsor yield?"

Speaker Hartke: "The Sponsor will yield."

Black: "Representative, as I go through this Resolution, it appears to me to go far beyond what any House Resolution has ever done that I've seen in my service here. You are, for example, directing the Illinois Commerce Commission to require the telecommunication companies to implement the following improvements and services. I don't know if your staff is with you or maybe somebody here could answer the question. I don't think a House Resolution can do that. I mean, there is a system of hearings, due process for all parties involved and the Commerce Commission is established by law and has certain parameters under law that... what they are supposed to do. And now you're passing a Resolution directing the Commerce Commission to require telecommunication companies to implement the following improvements. I don't think they can do that, not without

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the necessary hearings, staff investigation."

Franks: "We're not asking for them to get rid of all the pano... panoply of procedural safeguards. We're just asking for them to agree to these changes, which GTE the provider, has already agreed to do. We'd like to expedite this because GTE is already making these changes now. The only real sticking issue is on the rate structure for the 15 mile local exchange and we wanted to get that done right away. Those six communities in my district, Mr. Black, have been underserved and overcharged forever and I want to end that immediately."

Black: "Representative, what I don't understand and forgive me, I can't remember the Sponsor. I don't remember whether it was on your side of the aisle or our side of the aisle. If memory serves me correctly, I think it was someone on our side of the aisle having trouble with a telephone company a year or two ago. In fact, I think it was Representative Poe. Raymond. If you'll take this out of the record, I'd like to talk to Raymond Poe because I think we tried to do what you're trying to do by legislation, which was effectively blocked, and now we come back with a Resolution demanding what the... that the Commerce Commission direct the telco company to do something and I don't think we have the authority to direct an entity of State Government to do what the law is set up for them to do under that process. Your Resolution to me presents a very dangerous expansion of a Resolution of the Body, that is, a Resolution may express the sense of the Body, our outrage at an issue, our frustration with an issue, but I've never seen a Resolution that says... the Resolution directs an agency of State Government that you shall do the following. And I just... I'm not sure... and I'll defer to the Parliamentarian or

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if... you can run it if you want to. I'd like to have about five minutes to review a similar issue that I thought we tried to address by legislation..."

Franks: "I'll take it out of the record."

Black: "...a couple of years ago. Good. Thank you."

Speaker Hartke: "Mr. Clerk, take this Resolution out of the record. On page 13 of the Calendar, appears House Resolution 638, Representative Acevedo. Representative Acevedo on Resolution 638."

Acevedo: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Resolution 638 calls upon the members of the Board of Directors of the Pilsen-Little Village Community Mental Health Center to resign their positions. It also urges the State of Illinois to consider terminating its contract with the Pilsen-Little Village Community Mental Health Center and transferring the patients to another facility in the Pilsen-Little Village Community. It also calls for an appointment of an independent officer to oversee the operations of Pilsen-Little Village Mental Health Center until statewide investigations are completed. I urge an 'aye' vote."

Speaker Hartke: "Is there any discussion? The Chair recognizes the Lady from Cook, Representative Silva."

Silva: "Will the Sponsor yield?"

Speaker Hartke: "The Sponsor will yield."

Silva: "I had a question. Do you know how long this agency has been around serving Latinos in the Pilsen-Little Village area?"

Acevedo: "Approximately about 20 years."

Silva: "Actually, it's been more like 30/35 years. Were you also aware that that's the only institution that provides community mental health services to Latinos?"

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Acevedo: "Yes, I was."

Silva: "You were. And even though the findings indicated that there were some things that were done wrong, also, were you aware that 95 percent of the findings that the Pilsen Mental Health has been working along with the institution to correct them and that all of them were just about done?"

Acevedo: "Representative, were you aware that the director for the past 20 years has resigned..."

Silva: "To the Bill."

Acevedo: "...due to the fact..."

Silva: "I believe I'm the one that's asking the questions."

Acevedo: "Mr. Speaker."

Speaker Hartke: "Yes."

Acevedo: "She asked me a question. I'm answering her question."

Silva: "He was asking me a question. I would like a response."

Acevedo: "I am giving a response."

Silva: "Then can you..."

Speaker Hartke: "Continue the discussion."

Acevedo: "First of all, Representative, if you read the Bill this is not asking to pull the mental health funds out of the Pilsen Community, this is asking for the Governor to oversee a community organization that is under investigation by the State Police, the Attorney General's Office and Public Aid Fraud due to the fact in the Auditor General's report there is misappropriation of funds in the Pilsen Community."

Silva: "Were you aware that by pulling away the money, the license for that institution to the Latino community would be lost?"

Acevedo: "Representative, I'll repeat it again. If you'd read the... I mean, if you read the Resolution correctly, this is not asking for the state to take away the services from

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the Pilsen Community. This is asking the state to turn over to... the services to a community organization that will be held accountable for the citizens of the State of Illinois' tax dollars."

Silva: "That's already being done without the Resolution, so I don't understand why we need a Resolution to attack institutions that have existed in our community. I don't understand it. I also wanted to ask you a question. Were you ever employed in Pilsen Mental Health?"

Acevedo: "Yes, I was."

Silva: "Could you, if you would, tell us why you departed?"

Acevedo: "Mr. Speaker, this is about the Bill, this is not about by personal beliefs or my personal actions as far as the Representative's talking. She's asking about personal information."

Speaker Hartke: "Representative Silva, you should direct your remarks to the Resolution."

Silva: "You didn't answer me as it related to you being aware that if the money is pulled from that institution that has served that community for 30 years, that the license would be lost to a Latino agency."

Acevedo: "Representative, for the third time I'm going to repeat myself."

Silva: "You didn't answer my question about a license."

Acevedo: "I said that the funds are not being pulled out of the Pilsen Community. There is other organizations within the Pilsen Community that can help work with the Latino Community. This is not taking the services away from the Pilsen Latino Community."

Silva: "Which institution... Could you tell me which institution that provides mental health services currently in that community? There is none."

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Acevedo: "Mr. Speaker, I'm trying to answer the Representative's questions, but she keeps falling away from the issue as far as the Resolution. This has nothing to do with the Resolution as far as doing the different organizations. Let's stick to the issues, Mr. Speaker."

Speaker Hartke: "Representative Silva, keep your remarks to the Resolution."

Silva: "I am keeping my remarks to the Resolution. This Gentleman is seeking to take away funding from a mental health agency, an institution in the Latino community, and that is part of his Resolution. In order to continue community-based mental health services in that community, I want to be assured which one who has a license currently in that community exists. And I happen to know that none exist. We are already overseeing. The state has agreed with the community agency. They have been complying with all of the things that the state requested. And frankly, I do not see any reason other than revenge for trying to attack an institution that is the only one that is providing services to the Latino community not only on the Southwest side, but on the North side, as well."

Speaker Hartke: "Have you finished your remarks?"

Silva: "Isn't part of your Resolution to take away the funding from that institution?"

Acevedo: "No, that's not."

Silva: "That's not what the Resolution says. They're already overseeing it."

Acevedo: "Mr. Speaker, is she making a comment or making a statement. Read the Resolution, Representative."

Silva: "I've read it. That's why I'm up here."

Acevedo: "Then obviously you don't understand it."

Silva: "You obviously do not understand that mental health

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services cannot be taken away from a community based on other kinds of issues that you may have. The agency has already complied with all of the things that are expected of them. They've made those changes. So frankly, I don't see a need for your Resolution."

Acevedo: "Mr. Speaker, I don't know whether... I don't know..."

Silva: "I would urge a 'no' vote or a 'present' vote."

Acevedo: "I don't know whether she's asking..."

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

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

Speaker Hartke: "The Sponsor will yield."

Fritchey: "Representative Acevedo, in addition to being a Legislator you're a Chicago Police Officer. Correct?"

Acevedo: "Yes, I am."

Fritchey: "As a police officer and a resident of the Pilsen Community and as a Legislator, you're not going to tolerate corruption in any form. Is that correct?"

Acevedo: "No, I'm not."

Fritchey: "And as a matter of fact, your interest here is to assure that services that are being purported to be provided to your community are being done so in a straightforward manner."

Acevedo: "That's exactly right."

Fritchey: "And corruption should not be tolerated... Well, let me backtrack here. The Little... the Little Village Mental Health Center, it's located in your district, isn't it?"

Acevedo: "Yes, it is."

Fritchey: "And it serves people outside your district and I believe it may even serve people in my district, but it's located in your district?"

Acevedo: "Yes, it is."

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Fritchey: "And there have been findings that there have been rampant corruption within that district... within that facility. Correct?"

Acevedo: "Yes, it is."

Fritchey: "And that's not tolerable, whether that corruption is perpetrated by individuals that are white, African American or Latino. Correct?"

Acevedo: "That's correct."

Fritchey: "And so we're not going to tolerate that in any capacity. Right?"

Acevedo: "That's absolutely right."

Fritchey: "And that's all this Resolution is trying to do is make sure that state money that is being spent at a facility in your district is being spent in a way to benefit the people that it's intended to benefit. Right?"

Acevedo: "That's absolutely right."

Fritchey: "To the Bill, Speaker."

Speaker Hartke: "To the Bill... Resolution."

Fritchey: "To the Resolution. I apologize. Ladies and Gentlemen, all of us have matters that come before this Body that affects institutions within our district. I commend the Representative to try to make sure that money that is spent in his district that serves other areas in the community that desperately need these services, that those dollars go to benefit children, those dollars go to benefit families, and those dollars do not go to benefit individuals and to line individual's pockets, rather than their intended purposes. I commend the Representative for his efforts in continuing this fight and I recommend an 'aye' vote. Thank you."

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

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Rutherford: "Mr. Speaker, if by chance you do a voice vote, I would like to have it recorded; albeit being done by voice vote, that I will be having it be noted that I would be voting 'no' on this. So if you do run it through..."

Speaker Hartke: "Are you requesting a roll call?"

Rutherford: "I am not... I am not requesting a Roll Call Vote, but my point is if you do do a voice vote on this, I would like it to reflect that I would be 'no'."

Speaker Hartke: "The record will reflect your wishes. The Chair recognizes Representative Biggins from DuPage."

Biggins: "Thank you, Mr. Speaker. I rise in support of House Resolution 638. Serving on the Legislative Audit Commission, we did hear the audit that was found on this mental health center and it was deplorable. It was one of the worst audits I've seen. I've been on that commission about seven years. I've not heard that there's been improvement. We've heard the same has been continuing, although that will be verified in another, sooner than anticipated originally, audit of the facility. So, I'm going to vote 'yes' on the Resolution."

Speaker Hartke: "The Chair recognizes the Gentleman from Cook, Representative McKeon."

McKeon: "Thank you, Mr. Speaker. I request a Roll Call Vote on this issue."

Speaker Hartke: "The Sponsor will yield. Excuse me."

McKeon: "I'm requesting a Roll Call Vote on this Resolution."

Speaker Hartke: "Your request will be granted. Representative Acevedo to close."

Acevedo: "Mr. Speaker, Ladies and Gentlemen of the House, first of all I offer my apologies because I believe this floor is held for state issues, not for personal business amongst our peers here. Secondly, I want to say something to you.

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Please understand one thing, we're here for a reason. We're here not to allow corruptions. State funds that are given to people... a community organization, should be held accountable. This is a community organization in my district which was found by the Auditor General to misappropriating funds. I, as a State Legislator, this community organization being in my district will not tolerate and will held (sic-hold) accountable these organizations that'll be spending the taxpayers' money. And I hope that you can agree with me, standing here before this Body, and also vote 'yes' on this Bill and vote 'no' for corruption. Thank you."

Speaker Hartke: "The question is, 'Shall the House pass House Resolution 638?' A roll call has been requested. Those in favor of the Resolution will vote 'yes'; those opposed to the Resolution will vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On House Resolution 638, there are 89 Members voting 'yes', 16 Members voting 'no', and 11 Members voting 'present'. And the Resolution is adopted. We're now going to go back to House Resolution 719, Representative Franks."

Franks: "I think we should wait for Representative Black..."

Speaker Hartke: "Representative Black, are you prepared? Representative Black for further questioning."

Black: "We appreciate the fact that the Representative came over and talked with us, and if he wants to present it now we might have a couple of questions or comments and we're ready to go. Thank you."

Speaker Hartke: "Mr. Franks, would you like to restate the Resolution?"

Franks: "A brief reiteration."

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Speaker Hartke: "Brief."

Franks: "On March 21st there was a referendum in six communities in McHenry County that had been served by GTE. The results of the referendum were overwhelming. Ninety percent of the residents were unhappy with the phone service and they requested legislative intervention to help with the overpriced services and underproviding of the services. Thereafter, I met with the provider GTE and gave them a list of the changes that the communities wanted to see. GTE agreed to make all of these changes and agreed to this Resolution. They are supporting this Resolution and will be going to the ICC asking for a new rate structure for our six communities. I would ask for an 'aye' vote and I'd be ready for any questions."

Speaker Hartke: "Representative Black."

Black: "Yeah, thank you very much, Mr. Speaker. We do appreciate the fact the Representative came over and talked to us and gave us a little bit of the genesis of the Resolution. My only concern is a year ago Representative Poe, and I won't speak for Representative Poe, he's certainly capable of doing that himself, but he had a very similar problem with the same telecommunication company that he tried to address through legislation. And when he takes it to the assigned committee... I'm not... Well, he had a hearing. Let's say that. But the Bill was... the Bill was killed and so Representative Poe's constituents, one can say, well, you at least had a hearing. But the committee really, as I recall, kind of ganged up on him. We couldn't get anywhere with a piece of legislation. Now comes a Resolution, and this is a little different Resolution than I've seen, because it directs the Commerce Commission to require the telecommunications company to do the following things.

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Now, that's an interest... I don't... I've never seen a Resolution quite like that. And I haven't heard from the Commerce Commission, but my guess is the Commerce Commission would have the right under law to say a Resolution cannot require us to do anything. We will accept your Resolution and thank you very much, but I don't think it requires the Commerce Commission to do one thing. And that's why I just bring up the... not the dichotomy, I'm not saying we were treated unfairly, because at least we got a hearing. But we tried to address on our side of the aisle a very similar problem with the very same company by legislation and didn't get very far. And so, by the Resolution, by virtue of a Resolution, the Gentleman is able to avoid that committee hearing and go directly to the floor. I mean, it's an interesting concept and I'm not comfortable saying 'yea' or 'nay' on this. I don't live in his area. I think I understand some of the problems that he's having because many of us in rural areas are having, in fact, some of the same problems. But I don't know that a Resolution requiring a state agency to do something is a good precedent. But the Gentleman's certainly within his rights to proceed with his Resolution and I do appreciate the fact that he gave us the time and the ability to make our views known, based on what had happened to an initiative we had a year ago that we tried to address by legislation and I thank the Gentleman's indulgence."

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

Durkin: "Will the Sponsor yield? Representative Franks, you said that GTE has agreed to this language. Correct?"

Franks: "Yes."

Durkin: "Well, why are we here doing it then?"

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Franks: "Well, I want to make... the reason we're doing it is I want to make sure that it happens. I'm of the opinion and you know, Jim, being a lawyer, you like to keep honest people honest. Let's get it on the record. Let's let them... They've agreed to it, now let's have a Resolution urging them to do it."

Durkin: "Are we saying that GTE is... people should not be... they're not trustworthy and they are not ones who can be held to their word?"

Franks: "Oh, I'm not saying that. But well, you know what, whenever you settle a case I presume you get a release in satisfaction."

Durkin: "What effect will this Resolution have if it's passed? Does it have any type of binding affect upon the GTE or any of the state... the State Commerce Commission?"

Franks: "No, it's nonbinding. But my thought is, is after we pass this and if for some reason GTE doesn't go forward and make these changes, well then, let's go and create legislation that will force them to do it. I don't want to have to make needless laws if we don't need to. So, by this Resolution we should be able to handle it, but if it doesn't, the next step then will be legislation, and I want them to be well aware that if they don't do the things that they've promised to do, that then we will go forward with legislation."

Durkin: "Well, I think all of us share the same sentiment, that we don't need to propose needless laws which really don't do anything but... What gets me back to my original question, why do we need to do this then? This seems as needless as anything, 'cause you've already got an agreement with the utility company. But let me go on to another question. How can the ICC enforce a local phone

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company to become part of the business community?"

Franks: "I'm sorry, I couldn't hear you."

Durkin: "How can the ICC enforce a local phone company to become part of the business community? Under what authority..."

Franks: "We're not asking the ICC to force that. The only thing that we're really asking the ICC to do is on the first part of it, which is the calling area rate structure, and we're asking for a calling plan for an area up to 15 miles from a local exchange. That's the only real area where the ICC is going to have some influence on this Resolution."

Durkin: "Well, I may be reading this wrong, but I'm looking at page 2 of your Resolution which it directs the ICC to require telecommunication companies to implement the following improvements and one of them is community involvement. A company currently providing local phone service will become an active member of the local business community. It seems like what we're doing, we're holding them hostage. I mean, why are we telling people whether they can or cannot become active. I think that's something we should allow them to do voluntarily. Why are we..."

Franks: "Well, the ICC's only providence here would be for the calling area rate structure."

Durkin: "Is this going to allow GTE to put in... GTE to put in higher rate schedules?"

Franks: "No."

Durkin: "Is this going to give them that opportunity to do that?"

Franks: "Actually, they're going to be lowering the rate schedule significantly as a result of this."

Durkin: "Well, I have no further questions. But, once again, I think we, you know, days are getting longer and sometimes, you know, I question why we do certain things around here and this doesn't seem necessary. I understand why you're

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doing it, but I think we've kind of wasted a little time and I've probably wasted some of your time, too, but I think this could have been done on a handshake agreement up in your area."

Speaker Hartke: "Representative Franks to close."

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

Speaker Hartke: "The question is, 'Shall the House adopt House Resolution 719?' This requires a Roll Call Vote. All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk... Clerk, take the record. On House Resolution 719, there are 102 Members voting 'yes', 11 Members voting 'no'. And House Resolution 719 is adopted. On page 14, on the Order of House Joint Resolutions, is House Gen... House Joint Resolution #51, Representative Slone. Representative Ricca Slone."

Slone: "Thank you, Mr. Speaker, Ladies and Gentlemen. This is a Resolution that was put together at the request of the Agriculture Department. I've been interested in proposing legislation to do certification on organic foods in the State of Illinois, as a number of other states already have done. The Agriculture Department requested that they be allowed to do a task force. First, because there are brand-new federal standards that have just been issued that they need to explore a little bit before they would be prepared to take on a program. So, I would appreciate an 'aye' vote on the Resolution. Thank you."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt House Joint Resolution 51?' This requires a roll call. All those in favor signify by voting 'yes'; those

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opposed vote 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On House Joint Resolution 51, there are 115 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And the Resolution is adopted. On page 12 of the Calendar, appears House Resolution 569, Representative Lang. Mr. Lang on the Resolution."

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. There's been a trend in our state universities for the salaries of presidents and chancellors and other administrators to go up more quickly than the salaries of staff, particularly civil service staff. This Resolution simply asks our public universities to take a look at that trend to figure out a program to make sure that civil service employees at our state universities are being fairly compensated and report back to the General Assembly as to their program and their progress. This won't cost us anything or them anything. It simply will help us get some parity on salaries for our civil servants at our state universities and I would ask your support."

Speaker Hartke: "Is there any discussion? No one is seeking recognition, the question is, 'Shall the House adopt House Resolution 569?' All those in favor signify by saying 'yes'; those opposed 'no'. In the opinion of the Chair, the 'ayes' have it and the Resolution is adopted. On the Order of House Joint Resolutions, appear House Joint Resolution 61. Representative Crotty on the Resolution."

Crotty: "Thank you, Mr. Speaker. House Joint Resolution 61 addresses the issue of special education teachers certification. It prevents the Illinois State Board of Education from implementing a new certification system until January 1st, 2001. Prior to implementing that new

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system, the state board must also consult with the legislative Leadership and participate in legislative committee hearings on the subject of special education teacher certification. The board must also submit written rationale for any new system adopted by December 15th. This has been a work in progress and many meetings. I'd like to take this opportunity to thank everyone who was involved in those meetings and I would entertain any questions that anybody might have at this time."

Speaker Hartke: "Is there any discussion? Take this Resolution out of the record. You have the statement, Representative Crotty?"

Crotty: "You want me to take this out of the record?"

Speaker Hartke: "No. Do you have something additional you would like to add?"

Crotty: "Yes, I do. I was going to add in closing that I want to make it clear to the General Assembly, recognizes the obligation of the State Board of Education to comply with the provisions of the Individuals With Disabilities Education Act and with the requirements of that federal court."

Speaker Hartke: "You've heard the Ladies Resolution, House Joint Resolution 61. All those in favor will signify by saying 'yes'; those opposed 'no'. The opinion of the Chair is the 'ayes' have it; and the House does adopt House Joint Resolution 61. On page 5, on the Calendar, on Second Reading, appears Senate Bill 1524. Representative Crotty. Mr. Clerk, read the Bill."

Crotty: "Thank you, Mr. Speaker."

Clerk Bolin: "Senate Bill 1524, the Bill has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

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Speaker Hartke: "Third Reading. On page 6, on the Calendar, on Order of Second Reading, appears Senate Bill 1653. Representative Persico. Representative Persico in the chamber? Temporarily out of the record. On page 3, on the Calendar, on Third Reading, appears Senate Bill 1330. Representative Durkin."

Durkin: "Thank you, Mr. Speaker. This is the..."

Speaker Hartke: "Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1330, a Bill for an Act to amend the Franchise Disclosure Act of 1987. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Durkin."

Durkin: "This is cleanup language proposed by the Attorney General also from IRMA. Presently, under the Franchise Disclosure Act, the statute requires thatperspective franchisees receive disclosure statements and the proposed sale agreement at least 14 business days before consideration is tendered. There's been confusion because of different states have different holidays. So we're changing the definition to be from '14 business days' to '14 days'. Prepared to answer any questions."

Speaker Hartke: "Is there any discussion? No one is seeking recognition. The question is, 'Shall the House pass Senate Bill 1330?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On Senate Bill 1330, there were 116 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. On page 5 of the Calendar, on Second Reading, appears Senate Bill 1537. Representative Righter. Mr.

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Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1537, the Bill has been read a second time, previously. No Committee Amendments. No Floor Amendments have been approved for consideration. No Motions filed."

Speaker Hartke: "Third Reading. Representative Persico in the chamber? Representative Granberg? For what reason does the Gentleman from Kankakee, Mr. Novak, seek recognition?"

Novak: "Yes, Mr. Speaker, are you looking for Representative Persico with respect to Senate Bill 1653? 'Cause I saw it on the board a few minutes ago."

Speaker Hartke: "That is correct."

Novak: "All right. Well, I don't... I don't know where he is... oh, he's in Mr. Daniels office, okay. We'll wait."

Speaker Hartke: "We'll wait. Mr. Clerk, what is the status of Senate Bill 1537."

Clerk Bolin: "Senate Bill 1537 is on the Order of Senate Bills-Third Reading."

Speaker Hartke: "Mr. Righter. Read the Bill."

Clerk Bolin: "Senate Bill 1537, a Bill for an Act concerning the Illinois Prepaid Tuition Program. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Righter."

Righter: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Senate Bill 1537 makes two changes with regards to the Prepaid Tuition Contract Law that is now in place. First, it would remove the sunset that applies to its status right now as a tax free or an exemption, tax-free body so that we will be able to continue to help Illinois families pay for their kids' college tuition rates and not have to worry about a sunset on its tax exemption status. Second, it will add to the list of those identifiable or

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allowable investments in the probate court so that someone who is not the natural mother or father of a child, can invest in one of these contracts for that child's college education. Be happy to answer any questions."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 1537?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On Senate Bill 1537, there are 116 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. On Third Reading appears Senate Bill 1524. Representative Crotty. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1524, a Bill for an Act to amend an Act concerning real property, approved August 6, 1999. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Crotty."

Crotty: "Thank you, Mr. Speaker. Senate Bill 1524 amends an Act concerning real estate property which was provided for the conveyance of land by the Department of Human Services to United Cerebral Palsy Association of Chicago. This was done in the last Assembly. Today, this... Senate Bill 1524 insures that this land shall always be used for the offering assistance to persons with disabilities. It also clarifies that the land shall revert to the state if the association ceases to use it for the provisions of services, support, or both, for people with disabilities. And I encourage a 'yes' vote."

Speaker Hartke: "Is there any discussion? The Chair recognizes the Gentleman from Cook, Representative O'Connor."

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O'Connor: "Mr. Speaker, I'll be voting 'present' on this, I have a potential conflict."

Speaker Hartke: "Is there any other discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 1524?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk... Mr. Murphy, would you like to vote on this Bill? Harold Murphy. Mr. Clerk, take the record. On Senate Bill 1524, there are 115 Members voting 'yes', 0 voting 'no', and 1 person voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. On page 5 of the Calendar, appears Senate Bill 1440. Representative Granberg. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1440 has been read a second time, previously. Amendment #1 was adopted in committee. No Motions have been filed. Floor Amendment #2, offered by Representative Granberg, has been approved for consideration."

Speaker Hartke: "Representative Granberg."

Granberg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Amendment #2 reflects an agreement between the Illinois Municipal League and the State Chamber of Commerce in regard to the Taxpayers' Bill of Rights legislation. Briefly, it enumerates the... it removes the requirement that each local government unit appoint a tax appeal officer. It adds requirement notices of tax due issued by a unit of local government be sent to taxpayers by registered or certified mail. It modifies the statutory maximums for local units of government when they assess a

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penalty and removes language requiring the Department of Revenue to be a central repository for local taxing ordinances. Again, this reflects the agreement and I would answer any questions."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #2 to Senate Bill 1440?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Hartke: "Third Reading. Mr. Clerk, read the Bill. Take that Bill out of the record. On page 6, on the Calendar, appears Senate Bill 1653. Representative Persico. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1653 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 Hartke: "Third Reading. Mr. Clerk, read the Bill. Mr. Persico."

Persico: "Can you tell me what Amendments are on Senate Bill 1653, please?"

Clerk Rossi: "Representative Persico, the only Amendment that has been adopted to the Bill is Committee Amendment #1. Floor Amendment #2 was filed today and is in the Rules Committee."

Speaker Hartke: "What was your pleasure?"

Persico: "Thank... thank you, Mr. Speaker. Then, I don't mind having it moved to Third Reading."

Speaker Hartke: "Okay."

Persico: "Without... without Floor Amendment... Floor Amendment

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#1. I mean without Amendment #2."

Speaker Hartke: "Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1653, a Bill for an Act amending the Public Utilities Act. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Persico."

Persico: "Thank you, Mr. Speaker and Members of the House. Senate Bill 1653 does basically three things. It provides an electric utility can provide metering services outside of this service area without commission oversight authorized under the Electric Supplier Act or this Act. Two, it provides an alternative retail electric supplier, that's an ARES or provider of unbundled delivery service can provide metering service to the customers of an electric utility if they are certified to do so by the commission. And thirdly, it provides any business providing meter services must be licensed to do business in the state and its employees must have the requisite knowledge, skills and competence to perform the function required of providing safe, reliable meter service. By the way, Floor Amendment #1 becomes the Bill... or Committee Amendment #1 becomes the Bill."

Speaker Hartke: "Is there any discussion on Senate Bill 1653? The Chair recognizes the Gentleman from Kankakee, Representative Novak."

Novak: "Yes, Mr. Speaker, Ladies and Gentlemen of the House. I rise in strong support of this Bill. Representative Persico and myself and Mr. Granberg and Jim Meyer and a number of the other Members of the Deregulation Committee have worked quite extensively with the help of Emmett McNamara with the IBEW. This is the IBEW's Bill. This is a... this isn't the alternative to the Bill that I passed that some people questioned a couple months ago about

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extended... providing for a three-year moratorium on meter service providers under the new deregulated electrical markets in the State of Illinois. And some people questioned whether that was stifling the competition and I understand that argument. And that Bill is in Rules in the Senate. Essentially, what this Bill does is takes the... just about the same language that requires an alternative retail electric supplier. In other words, a company from out-of-state that wants to sell power or let's say a company that wants to build a power plant in this state, it requires that the individuals that provide the service, requires that they be highly trained, highly competent, and skilled. Which essentially means that all of the training that the utilities have done over the years for members of organized labor, specifically the IBEW, fall under that purview of what's defined in this language that's contained in Senate Bill 1653. So, in the future, when meter service providing companies come into the State of Illinois, other than the incumbent utilities that are still allowed to provide this service, in the future, a new company that comes in, those individuals that work in Illinois and do the meter service... meter service... service providing, they have to fall under these same rules and guidelines and training requirements as all other ARES employees that do business under the deregulated electric market to Illinois citizens. This is a reliability subject, this is a very important safety subject dealing with the delivery of electric power in the State of Illinois. And I ask all my colleagues to support this Bill."

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

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

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House. I would echo what Representative Novak said. The employees of the IBEW were... played a pivotal role in the Deregulation Bill three years ago. We want to make sure that there is... the safety issues are addressed here in Illinois and we want to make sure that these people are afforded the same type of protection in Illinois, as they are in other states. I ask that you, too, support the Bill. This sends a strong statement that we want to take care of our Illinois companies. The the market is open to competition, but we also want to take care of those employees and make sure that our Illinois corporations are still in good stead and they are important to us and our economy."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from McHenry, Mr. Skinner."

Skinner: "Wonder if the Sponsor would yield to a question?"

Speaker Hartke: "Sponsor will yield."

Skinner: "What is... there's... on our analysis an opponent listed as 'New Age Technologies'. Can you tell me why they are opposed to this Bill?"

Persico: "I would say, Representative, because in here is language that the Illinois Commerce Commission, they have to go in front of the Illinois Commerce Commission to have the authority to do this."

Skinner: "I'm sorry, Sir, you swallowed your answer and I didn't hear the end of it."

Persico: "The answer... part of the Bill is the ICC has authority to order the provider of unbundled services, such as metering. They have to conform to certain requirements. For example... hold on... that they have to possess sufficient technical, financial, and managerial resources and ability to provide this service; that they will comply

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with all applicable federal, state, regional, and industrial rules. They will only provide service to retail customers and in electric utility service areas that are taking electric service, they will comply with such informational, testing, accuracy, and reporting requirements as the commission may establish by rule. And I believe that they would like to do the metering service without going through the ICC. IMA is neutral on it. The utilities are in favor of it, as well as the ICC and the IBEW."

Skinner: "Thank you."

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

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

Speaker Hartke: "Sponsor will yield."

Parke: "Thank you. Does this meet technical, managerial, and financial qualifications, that's trying to be established under this legislation?"

Persico: "Yes. Because we gave the authority to the ICC to do that by setting up a new category of unbundled delivery services in going in front of the ICC, yes it would."

Parke: "Does this comply with all applicable federal, state, regional, and industrial rules and laws?"

Persico: "Yes."

Parke: "Will it provide service to customers already taking delivery services?"

Persico: "Yes."

Parke: "Will it comply with information, testing, and reporting requirements the commission establishes?"

Persico: "Yes, it will."

Parke: "Will it comply with Section 16-128 of the Act concerning certain labor protection provisions?"

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Persico: "Yes, it will."

Parke: "And... I stood on the floor of the House last time this was presented with concerns that the IBEW, Illinois Brotherhood of Electrical Workers, would not be cut out of the process but would be able to negotiate with the Illinois Commerce Commission and the major utilities. Has that agreement been worked out with the Illinois (sic-International) Brotherhood of Electrical Workers, the Illinois Commerce Commission and the major utilities?"

Persico: "Yes. They all sat down... they have all sat down for the past few months and have worked out this agreement."

Parke: "Then I would like to... To the Bill, Mr. Speaker."

Speaker Hartke: "To the Bill."

Parke: "It sounds to me that the concerns that I voiced on the floor last time this legislation was brought before us have been addressed. It looks like the Sponsors have worked hard to come to conclusion along with the... with the union that has the IBEW, which probably has the best electrical workers in the state. And their needs look like they're being met. Yet, the Commerce Commission still has authority over this procedure. So therefore, I rise in support of this legislation. It shows what we can do if we work together to find common ground. Thank you."

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

Persico: "Thank you, Mr. Speaker. I just ask for an 'aye' vote on Senate Bill 1653."

Speaker Hartke: "The question is, 'Shall the House pass Senate Bill 1653?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On Senate Bill

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1653, there were 116 Members voting 'yes', 0 voting 'no', and 0 voting 'present.' And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, what is the status of Senate Bill 1393?"

Clerk Rossi: "Senate Bill 1393 is on the Order of Senate Bills-Third Reading."

Speaker Hartke: "Mr. Dart, would you care to call that Bill on Third Reading? Now is a pretty good time, may not get back to it. Out of the record. Representative Erwin in the chamber? On page 14, on the Calendar, on the Order of Motions, appears Senate Bill 1577. Representative Acevedo. Acevedo."

Acevedo: "Mr. Speaker, Ladies and Gentlemen of the House, pursuant to Rule 65 and having voted on the prevailing side, I move to reconsider the vote by which Senate Bill 1577 failed."

Speaker Hartke: "The Motion is debatable. Is there any discussion on the Gentleman's Motion? Those in favor of the Gentleman's Motion signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On the Gentleman's Motion, there were 63 Members voting 'yes', 53 Members voting 'no'. So the Motion passes. Mr. Clerk, what is the status of Senate Bill 1577?"

Clerk Rossi: "Senate Bill 1577 is on the Order of Senate Bills-Third Reading."

Speaker Hartke: "Request of the Sponsor to place that Bill on Second Reading for the purpose of an Amendment. Mr. Clerk, what is the status of Senate Bill 1007?"

Clerk Rossi: "Senate Bill 1007 is on the Order of Senate Bills-Third Reading."

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Speaker Hartke: "Representative Erwin. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1007, a Bill for an Act in relation to state employment. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Erwin."

Erwin: "Thank you, Speaker. This is a Bill we debated fairly extensively, I would say about an hour ago, when we put the Amendment on. Again, it is a piece of legislation that will assist radio and television broadcast journalists in prohibiting noncompete clauses in their contracts. Representative Bill Black asked, I think, some pretty good and pressing questions and, hopefully, we clarified any questions at that point. And I would appreciate an 'aye' vote."

Speaker Hartke: "Is there any discussion? Please. Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 1007?' All those in favor will signify by voting 'yes'; 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... Mr. Clerk, take the record. On Senate Bill 1007, there are 101 Members voting 'yes', 15 Members voting 'no', and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. On page 14, on the Calendar, appears House Joint Resolution 50. Representative Lopez, would you like to explain your Resolution?"

Lopez: "Thank you, Mr. Speaker. House Joint Resolution creates a cigarette vending machine task force to study ways to eliminate cigarette vending machines in the state. It is a initiative of the vending machine operation. And I ask for an 'aye' vote."

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Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, this requires a record vote. All those in favor of support of House Joint Resolution 50 will vote 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On House Joint Resolution 50, there were 114 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And the Resolution is adopted. Mr. Clerk, what is the status of Senate Bill 1393?"

Clerk Rossi: "Senate Bill 1393 is on the Order of Senate Bills-Third Reading. Senate Bill 1393, a Bill for an Act amending the Illinois Vehicle Code. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Dart."

Dart: "Thank you, Mr. Speaker and Members of the House. This Bill is an attempt to try to get after the problem that we have had in my district and other people's districts with trains who have been obstructing intersections and a... over an extended period of time that have not changed their behavior. This is an attempt to try to deal with that by going after the individuals who are behind it, namely the folks who are making the decisions on this. I would appreciate a favorable vote on this Bill. It's attempting to get at a problem that a lot of us are having in our districts."

Speaker Hartke: "Is there any discussion? The Chair recognizes the Gentleman from Logan, Representative Turner."

Turner, J.: "Mr. Speaker, is that a look of askance?"

Speaker Hartke: "No, Sir."

Turner, J.: "Well..."

Speaker Hartke: "Yes, he will yield. He will not yield. He

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doesn't want to yield. He will yield."

Turner, J.: "He will yield?"

Speaker Hartke: "Yes."

Turner, J.: "Representative, have we seen this Bill in committee before?"

Dart: "Pretty much."

Turner, J.: "Okay. I... well, has it changed since it came through committee, then?"

Dart: "Yeah. We put a Floor Amendment on about an hour ago, which attempt to cleaning it up a little bit, address some of the concerns that you had in committee. We're trying to make this just a perfect Bill that you were trying to get at, too. And I think we've gotten darn close to that."

Turner, J.: "Okay. So, this is a perfect Bill?"

Dart: "Close. Just not there just yet, but we're just about there."

Turner, J.: "Well, all right. Obviously, our committee is small so some have not actually had a chance to go over the language. As I recall, and I don't recall an hour ago 'cause there's so many meetings going on now, it's kind of hard to hear everything that is happening on the floor. But as the Bill originally came through committee, it provided for penalties, criminal penalties, for obstructing a railroad crossing."

Dart: "Correct."

Speaker Hartke: "Representative Brunsvold in the Chair."

Turner, J.: "All right. And the concerns raised in committee... while were many fold or multitudinous, as you sometimes say. But one of them was, how can you hold someone criminally responsible for actions of for example... someone who may be the engineer of the train or actually as I would say, driving the train, when the decision whether

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or not to run the train is being made by for example, an executive from out-of-state? That was one of the concerns raised. What have you done to address that concern?"

Dart: "In the Amendment we tightened the language up to make it crystal clear that employees are not in anyway to be prosecuted under this. I don't know if we could have made it any clearer. The language is specific and directs that they are to be excluded from this statute and they cannot be prosecuted for anything and try to focus the attention on the individuals who are making the decisions in the board rooms that are the ones that are causing the problems. Because this stuff isn't happening by accident. And so, we think we've made it crystal clear. No employees, just the folks who are making the decisions."

Turner, J.: "But, if an employee follows the direction of the executive, is not the employee, frankly, a coconspirator under a criminal theory, if they go along with doing something that is against the law, even if the executive told them to do that?"

Dart: "Well, they would be if we had not cleaned this language up. There is a question about whether they could have been, but the language we... the way we drafted it is such that they could not be. Because it's clear that the statue is only focused at that person who made the initial decision, as I say in the boardrooms, not these people. They're not brought in. They would not be someone who could be found guilty under this."

Turner, J.: "All right. Another question raised was, suppose the executive is in Iowa or some other state making the decision of when the trains are going to run, how they're going to run. There is an obstruction of a crossing. It's not a civil penalty so we don't have long-arm jurisdiction."

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How do we reach into Iowa or Indiana to actually impose criminal penalties on that person who's not within the state?"

Dart: "We put in the Amendment... in the clean up of it we put in language which is, requires the individuals who are going to partake in this, if deemed, to give consent to have jurisdiction under this law. And frankly, they have, because there's that nexus there. They are conducting the business here in this state. And so, we think that we had it already but frankly, we think with the language we added we've made it even clearer that those individuals have given consent for this."

Turner, J.: "All right. And... criminal liability attaches if they're and please tell me if this is wrong 'cause I need to understand this, attaches if there has been an obstruction for over 20 minutes, three or more times during any given two-week period? Right or wrong or if wrong, please specify exactly when the criminal liability does attach?"

Dart: "If I... I'll just read to you the language here. 'A train or combination of trains subject to that person's supervision, scheduling, direction, or oversight has stopped traffic within the Chicago switching district.' And that's one thing I probably should make clear is that, this only... the law itself only impacts the Chicago switching district. This will not impact Logan County. We tried to get an Amendment Logan County, we couldn't get it in. But they're out of this. It's just a Chicago switching district. At the same railroad crossing for 20 minutes or longer, on three or more occasions, within a two-week period."

Turner, J.: "Okay. Three or more occasions during a two-week

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period and the occasions have to be an obstruction for 20 minutes or longer?"

Dart: "Correct."

Turner, J.: "And you've indicated this applies only to Chicago switching district. I don't know if you want to explain to the Members what that is. I know that question was asked in committee, whether it was just in the City of Chicago, but I believe... I don't believe you answered any questions in committee. It seems like someone was answering questions for you."

Dart: "I had a star witness."

Turner, J.: "But would you tell the Body what the Chicago switching district is, so they'll know where this applies and where it does not?"

Dart: "I had our star witness there. Senator O'Malley came in and you were very good to him and you didn't grill him too bad. But the Chicago switching district that he described was generally the Chicago area. It goes outside of it because it runs a little bit further north. I don't have the map with me right now. But as he described it in committee, it's generally the Cook County area, it goes a little bit beyond it at some points in time. But it's the general that... northern area. I wish I had more specifics. I wish I had the map with me now. But in committee he was much more specific and I believe he gave some of the parameters. But it's that general area."

Turner, J.: "Okay. The penalty. If there is a criminal penalty imposed... trying to find it in the Bill but I gotta ask cause I can't find it. Is it a Class C misdemeanor? Is it a business offense or what?"

Dart: "It's a Class C misdemeanor for the first offense and a 'B' for any subsequent."

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Turner, J.: "All right. And a Class C, is this a standard Class C, up to 30 days in jail and up to... what is it, a \$500 fine for a Class C?"

Dart: "Yeah. And there's no difference either on the Class B as well, other than the fact the fine can be tripled."

Turner, J.: "The fine would be tripled when?"

Dart: "For the second one, which could be a Class B."

Turner, J.: "Okay. Now is this a Class C misdemeanor or one..."

Dart: "We... we don't anticipate anybody serving time."

Turner, J.: "...where the criminal defendant can be placed on court supervision and if placed on court supervision, do the penalties still apply?"

Dart: "They could be placed on court supervision. My anticipation from both my experience and yours a similar one being a state's attorney, I don't expect to have anybody serving time on the rock, you know, or going away to Alcatraz over this. I think that court supervision would probably be the most likely type of disposition."

Turner, J.: "Okay. And if court supervision is imposed does that eliminate the jail time?"

Dart: "Does it what? I'm sorry."

Turner, J.: "Does that eliminate jail time and it just becomes a fine then?"

Dart: "It could. It could. It's just like any other criminal case. We tried not to take any discretion away from the court. We tried not to take any discretion away from the state's attorney."

Turner, J.: "I think he's still responding, Mr. Speaker."

Dart: "No, I believe your question was..."

Speaker Brunsvold: "Mr. Dart."

Dart: "...what could the penalty be? It would be the same that it is now. They could get court supervision. Could they

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get jail time? I suppose in theory they could, in the real world, no."

Turner, J.: "Well, I assume you want this to have teeth in it. And yet, you want to deter certain conduct."

Dart: "Sure."

Turner, J.: "The conduct of making decisions that obstruct crossings."

Dart: "Absolutely."

Turner, J.: "So, I would envision that if there is a violation that occurs one or on subsequent occasions that you want to say the intent, for the record, is to put somebody in jail because you want to deter this conduct. I... is that erroneous?"

Dart: "No. What we want to do is deter the conduct. And by having the potential criminal penalty we believe that will do it. But as I say, in the world that we live in are there... I mean is Judge Roy Bean out there and is he going to lock this guy up and throw away the key. I don't think so. I mean, with the crowding problems that we have in the prison system, the jail system, are we going to be lining up the cells for the CEO's? No. And it hasn't been our experience in Cook County which is where this is mostly going to apply. So I mean, is it a potential? As I say, in theory, yeah. I mean in reality, no. Do you want this to be a more serious offense? We can... nonprobationable, a felony..."

Turner, J.: "Well, I still and I asked this question in committee. I wondered, you know anytime you put somebody in jail, except for very specific offenses under the Traffic Code, at least to my knowledge, there has to be a requisite mental element that the prosecutor must prove. And I had asked the question as to how this mental element

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can be proven against someone who is out-of-state making decisions for a... the train that is running through the Chicago area? And unless they're following this... sitting in their office following the progress of the train, following any hazards that might come up, you know anything that may occur that's out of the ordinary, that was not anticipated. I'm wondering how you establish the mental element to impose a criminal penalty on that person who's not even instate or onboard the train that is in violation of the law for obstruction of the crossway."

Dart: "The intent would be presumed from the conduct. Just like we have in other offenses, too. And other type of offenses that we may have where the actions are sort of the things that speak for what the intent is here. And that's sort of what we're trying to get at here."

Turner, J.: "So, there's a presumption in here?"

Dart: "Oh, it's not a presumption, but just like everything else you know when we talk about murder, attempt murder, and stuff, there's certain actions that lead to certain conclusions. What we're saying here is that these individuals who run these trains are the ones with the CEO's, the ones making the decisions have in effect made a determined decision that we will in an effort to get profits, and we all, you know everyone is for profits. But in an effort to do that, they're going to line their trains up and down all the tracks, they're going to use our back yards of our neighborhoods as their... extensions of their yards. And they aren't doing that by accident. It isn't like, 'Oh I forgot. I didn't realize this was happening.' They're doing it on purpose and the purpose is because they make money off of it. And so, that's their intent. It's... it comes from their actions. I don't... I don't... we have

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other examples of that in the law, too and I think it's very similar to that."

Turner, J.: "All right. So there's no presumption actually codified, rebuttable, or irrebuttable presumption? That's not what you meant when you said proving the mental state? You're just saying that if it occurs the mental state must have been present?"

Dart: "Yeah. There's nothing presumed by the statute that we've written into there. We haven't written in a presumption into the statute."

Turner, J.: "Okay. Representative, I think I indicated... I think from listening to the testimony there's clearly a problem in the area. Clearly a problem that needs to be addressed. I'm not sure you've convinced me yet that this is the right way to do it. You say that they're... that the railroad companies are doing this purposefully (sic-purposely). But as I recall, the testimony because of the number of trains and because of the number of... well, trains that go through the area, the things that they're hauling into the area, the produce or whatever the case may be, I think they said there's just no yard or no way for them to keep from obstructing. And if that is true and I don't know if it is or not, but if it is, how can there be a mental element for the establishment of a crime?"

Dart: "The problem is that the intent is there. When they say it's caused by the fact they're bringing in more and more business, more and more freight. Well that's true. But they also have the choice to make to bring in the resources necessary to have yards that are capable of doing it, having equipment capable of taking care of it. But it is much cheaper for them just not to do that and instead have the trains lined up and down the streets by our... where I

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live in my district, Representative Brosnahan's district, and all the rest. It's cheaper to do it that way. This is a much more expensive item to expand their yard, to bring in some of this newer equipment. Yeah, it is. But we're saying that should be a business decision they should be making and the homeowners who bought their homes, not thinking they were buying into a rail yard, should be able to live in their house and not have to worry about the trains that are idling with the fumes that are blown into their house, their kids are playing and climbing up and down the trains because their backyards have been turned into rail yards."

Turner, J.: "Well, I can tell you've brushed up since committee. But I have one last question and then I think there's a former Assistant State's Attorney from Cook County who has some questions for you. The query was raised in committee as to whether or not this is a violation of the Interstate Commerce Clause, inasmuch as these trains may originate from out-of-state and go through several states, frankly, before coming into the Chicagoland area and then going to other states after leaving the Chicagoland area. And if that is the case, clearly we have a question here of an interstate concept inasmuch as we're going across various and different states. Is this a violation of the Interstate Commerce Clause? Is this something that only the feds can regulate, either by law or regulation?"

Dart: "Just as a start, much like yourself I'm more an expert on the single subject matter area of the Constitution. But in the area of the commerce clause we feel pretty comfortable that we are not going in violation of that at all. As a matter of fact, existing law now and in the Bill itself in the areas that we are not changing it allows for all this

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type of regulation already. So this is a mere extension of that. So, I don't see in anyway us violating that. But once again as I say, I'm much more an expert on the single subject matter clause."

Turner, J.: "Well, I'm going to give you some credit on this. I think you're within one single subject matter. So I believe you're okay there. Although, I've been wrong on that question as well. Now, are you a former Assistant State's Attorney of Cook County?"

Dart: "Correct."

Turner, J.: "Well, so is Representative Durkin, I believe, and I hope his light's on next."

Dart: "What an intro."

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

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

Speaker Brunsvold: "Sponsor yields."

McKeon: "This is sort of a follow up of the last question, it wasn't the reason I put my light on but... are we going to extradite these criminals or can we try that in absentia?"

Dart: "Could you speak... I couldn't hear you."

McKeon: "Are we going to extradite these criminals or can we try them in absentia?"

Dart: "We believe that we won't have a hard time getting them into court. We have a feeling that given the fact they would be potentially... they would be charged with this offense that they would then be brought into court. Is it something where we have the ability to take full advantage of the law and all the existing rules right now..."

McKeon: "Yeah."

Dart: "...in regard to extraditing. Yeah, we could, we haven't changed any of that. I mean whether or not it would rise

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to that practically speaking, no I don't think so. I think if an executive who is the target of this is being charged, they're going to want to come in and they're not going to want to have warrants out for their arrest and all the rest of them."

McKeon: "All right. My real question, though, is from my analysis here was the opposition by the United Transportation Union. Has your Amendment resolved that opposition?"

Dart: "I have not heard from them... what their official position is, but their opposition was based on the fact they were in fear of the fact that employees might be brought under this. I cannot see any scenario at all the way we've redrafted this as it's amended where their employees could ever be brought in. We are so specific and clear as far as who's brought under this that I don't see how it could apply to them. But as I said, I can't speak for them because they didn't give me a thumbs up or thumbs down based on the Bill as amended. But their concern was their employees, their employees are not involved with this Bill."

McKeon: "So, there's no way that a manager could say like under... you know, demur out of the responsibility as in a civil matter, I'm not an attorney, and say, 'We didn't do it, it was Joe Smith.'?"

Dart: "Yeah, they couldn't do that because the Bill itself says the only people that come underneath it are officers and directors. So they just physically are not by definition in the law."

McKeon: "All right. Thank you, Representative."

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

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

Speaker Brunsvold: "Sponsor yields."

Durkin: "Representative, where's the ICC on this Amendment?"

Dart: "To be honest with you, I don't know. I don't know."

Durkin: "Oh, okay."

Dart: "I think that... can you... if you hold on one second. The... as far as we're aware of they've never had any position on this Bill from get go. So, I don't think that's probably changed."

Durkin: "I was just told by my staffer that Bob Lane from the legislative office of the ICC, they've taken a position in opposition to the Bill."

Dart: "Well, I have the original Sponsor, Senator O'Malley, with me here now and he said he has never heard from them in three years."

Durkin: "Okay."

Dart: "For three years he's never heard from them so, if in the last hour since I put the Amendment on they've all of a sudden decided to take a position I find that very curious."

Durkin: "Well you get... takes certain things to wake up some members of the government and I guess this is one which has done it. Anyway, to the Bill. I want to get a little bit into this probable cause hearing. What rights do the employees of the person who is a target, what rights do they have at this probable cause hearing?"

Dart: "They'd have all the rights that they're presently guaranteed right now. We're not changing any of the those things. They'd have the rights to... and I think we actually specify some of the rights they would have there. But it would have the normal rights to have an attorney present with them at the time and have the ability to cross

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examine any witnesses that may come forward in front of them to cross examine evidence, any of the above. I mean, we're not trying to rewrite the... either Administrative Code or Judicial Code, any of the above. We're trying to utilize the existing law."

Durkin: "Well it just states that they're allowed to be represented by counsel, present evidence, or otherwise be heard. I... it seems like they're limited to presenting just evidence as... I'm not quite sure if you're allowing them to... if you're doing anything more than that. I'm not sure if they have a right to confront. Is there a right to confrontation against the accused or the person who's made the accusation? Do they have that right at the probable cause hearing?"

Dart: "Well, we tried to make it clear in the Amendment by saying that they have the right to have a lawyer present, a right to be heard, right to present evidence, all the rest. But just for legislative intent purposes, I can say that the intent of this is that they'll have the full ability to any other individual would have. Because this would be a case that would be brought forward, you know, in front of the ICC. They'd have the ability to confront those folks..."

Durkin: "All right."

Dart: "...and the evidence brought against them."

Durkin: "Well, let me just... all right. But does this employee or whoever the target is, do they have a right to confrontation at that hearing?"

Dart: "Do... for legislative intent, they would have the ability at the hearing to confront witnesses and to do that, yes."

Durkin: "To confront their accuser, the person who has brought the allegation to the ICC? They would have that ability at the probable cause hearing to cross examine that

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individual, correct?"

Dart: "They would have the ability to cross examine anybody who is there who had presented the evidence correct. Just like a probable cause hearing that we'd have, I guess in criminal court."

Durkin: "All right."

Dart: "As I say, just for purposes of intent, that's what we're trying to do here. So that when they were brought there in front of the ICC they'd have that ability to do that."

Durkin: "So, we're allowing this... this is going to be very similar to a probable cause hearing that you have in... that you have in felony courts, as you've done over the... in the past, correct?"

Dart: "Correct, correct."

Durkin: "My concern is that, you can allow hearsay in at those hearings..."

Dart: "Sure."

Durkin: "...which may be the problem if you... this does pass, you can present hearsay evidence. And strictly hearsay evidence based on one person's testimony, based on another person's statement to them, which once again, we get into problems again about confrontation. So..."

Dart: "Sure. And that's a problem we always run into on the... in the criminal courtroom, as well, because you do allow hearsay there is that unreliability aspect of it and the ability not to confront that. Which is... I guess is the same problem you're going to have here to a certain extent. But they would also be able to bring forward evidence to confront potential hearsay."

Durkin: "Well, it seems that we've limited the... what the rights are of the individual who is the target of this investigation. But it says that they're allowed to be

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represented, they're allowed to present evidence. But it doesn't... gives them... I don't see anything there which allows them some type of subpoena authority if they do get in that situation when the ICC's relying strictly on hearsay statements of some... from either some police officer or a layperson. Do they have the right to the subpoena? I don't see it in here in the Amendment."

Dart: "No, it's not in there. And it's not in the Amendment. But as I say, if that's something the ICC feels it's important to do is that that's something that we can probably do by course of rule. Because our intent is so that there can be a hearing at this level for purely just the probable cause level. And then it would go to the State's Attorney for getting up that next notch. We're not trying to make this into a extended drawn-out hearing. It's for just that purpose of probable cause."

Durkin: "All right. On the second page it says, 'the commission shall refer the matter to the State's Attorney if they've been... if they've found that there has been a... that a train has stopped traffic at a crossing for 20 minutes or longer, three or more occasions.' It says, 'the commission shall', I don't see any type of defense that there may be some type of extenuating circumstance which forced that train to have to stop during one of those three... which was one of those three times. It doesn't give any discretion to the commission. I think it's just... it's strict liability no matter what their... even if they do have a defense, I don't see any type of leeway in which the commission's given... if you said, 'may', I think that would give them that ability to at least consider some type of defense if the train had to stop because of an emergency vehicle which was..."

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Dart: "But I think with... I think if you look at just the exact definition, I mean the fact is if they are having emergency vehicles causing this to occur three times... I mean after the first time, okay, maybe they had no reason to expect that. After the second time I think they should be on notice that we got a potential problem here. After the third time, I think it's awful hard to sit there and say the same emergency vehicle keeps stopping us all the time and we should not do something about that."

Durkin: "Well, we can't exactly predict the future either and I know the difference between 'may' and 'shall' and I know you do, too. And this says, 'shall' without allowing them as far as I'm concerned to really allow any type of consideration or any type of defense. It's strict liability... it appears to be. If... without any other consideration about what they're... if they do have some type of like as I said before some type of defense as to why they were in that situation. Let me move on to another question. The ICC... how many members are... is it going to be the board members of the ICC who will be making this decision?"

Dart: "It will be the Illinois Commerce Commission."

Durkin: "All right. The probable cause hearing will be before the board of the ICC, correct?"

Dart: "Correct."

Durkin: "Okay. And for them to first of all find probable cause, does it require, I don't see it in here. Does it require unanimous decision by the board or a majority decision?"

Dart: "It would go by the rules of the Commerce Commission as they exist now."

Durkin: "Well, do they have... does the Commerce Commission right now have rules to find probable cause on any other utility

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or anybody else..."

Dart: "They have... they have rules that right now guide their decision making of their commission and this would apply to that, too. If their decision making requires unanimous decision, it'd be unanimous. If it requires majority, it'd be majority."

Durkin: "But we don't know... you don't know do you, Tom?"

Dart: "I don't have that with me here. No, I don't."

Durkin: "All right. Now, the ICC is a appointed board from the Governor, correct?"

Dart: "Correct."

Durkin: "Okay. And they would fall under the executive branch of our government, correct?"

Dart: "Correct."

Durkin: "So, do you see a problem? And I certainly do see a problem with... what we are doing is, we're allowing the ICC to take the place of what a judge or the grand jury does in criminal proceedings."

Dart: "No. I mean, no. We wanted to set up an initial stage where they would make a review and then it would go on to the State's Attorney's Office and we'd... the State's Attorney like always has the full discretion that is allowed the State's Attorney to go forward with this or not. So, we aren't asking them to take the place of anybody."

Durkin: "No, you're giving them probable cause power. You're allowing them to find probable cause, Tom, and you know that that is something which is inherently, I think is not something which is allowed for somebody who is part of the executive branch. It is strictly a matter of the... something of the judiciary branch, which is either the judge or the grand jury. So, I think what you're going to

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do, you're getting... you're going to have a separation of powers problem 'cause you are giving a... something... the executive branch authority which is inherently in the hands of another branch of government."

Dart: "This is a branch that presently right now conducts investigations, that finds people, and does things along those lines. I mean, I guess you could start arguing the fact that a lot of these other functions that we give to different agencies are acting in a judicial form, as well, in some of these instances. And I would say no. And I'd say this fits in the same box."

Durkin: "Well, I... you know there's a big difference between investigating but also allowing them to find probable cause, Tom. So, I would disagree with you on the mechanics of this Bill. I have no further questions."

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

Brosnahan: "Thank you, Mr. Speaker. I stand in strong support of this Bill. I think it's a very important Bill and I'd like to thank Representative Dart for his leadership on this issue in the House. Changes have been made to this Bill. I think what we're voting on today is a much better Bill than the one that we had in committee. It's also an improvement over the version to this Bill that we had in the House in the last couple of years. I think what should be stressed is more than anything, this Bill is about public safety. To me a vote against this Bill is a vote against public safety. There's crossings in the Village of Blue Island, the Village of Evergreen Park and in Chicago that are blocked sometimes for 30 minutes, 45 minutes or longer in our district. As Representative Dart has stated emergency vehicles are... sometimes are trapped there."

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Ambulances that go to and from St. Francis Hospital which is located along 127th Street sometimes are stopped there for 45 minutes with no other way to go. Also, it's very important and one of the biggest reasons why we're bringing this Bill forward is a situation that occurs on a weekly basis in the Village of Blue Island. On 127th Street there is a high school, Eisenhower High School. Many times these trains are... block that crossing located just a couple blocks away from the high school. And what these children are forced to do is to crawl through the trains every morning because these trains will block it for an hour or 45 minutes, what have you. It is inevitable that we'll be reading one day that one child or more will be killed by one of these trains. That's why this Bill is so incredibly important. We have lost some children already in the Village of Blue Island and Evergreen Park due to train accidents. And another one is just inevitable. So, that's why we have to do something. The House should also know there have been numerous, numerous meetings in my district office and Representative Dart's district office with the railroad officials. We have tried time and time again to work with them. Sometimes things get better, but inevitably, they always return to these chronic obstructions of these rail crossings. But I think with this legislation they will respond, they'll have to respond. I think there'll be a better neighbor and also be a safer environment for the children in all our districts. So, I would urge a 'yes' vote. Thank you."

Speaker Brunsvold: "Mr. Dart, to close."

Dart: "Thank you, Mr. Speaker, Members of the House. I appreciate the lively debate on this issue. I would echo what Representative Brosnahan just said. The problem that

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we have had here is twofold. One, as I said, the homeowners who when they bought their homes where they invest all of their money into and their livelihood have now found out their house is a rail yard. They have trains routinely parked in there. Their kids are constantly in jeopardy because their kids are climbing all over these things, they've got fumes blowing into their house. Something none of them had ever bargained for. That's a... as Jim just mentioned now, this comes down to a question about in this community... as I say, this is a Bill that's directed locally to the Chicago switching yard. In these communities here, this has not been a one-day problem, a two-day problem, this has been going on for years, year after year after year. Myself, Representative Brosnahan, Senator O'Malley, Representative Crotty, we have sat through meeting after meeting after meeting with the people from the railroads and at times some things get done, they get done for a week. They get done for two weeks. Nothing has been resolved in this issue. They have the ability to do it. It's a time war because of the economic boom. There is record profits being made, but yet, none of this is being funneled into where it needs to be done to make sure that we have a safe environment here. This is something... as Representative Brosnahan mentioned, when you're talking about... one of our premier heart hospitals we have is St. Francis Hospital, it's completely ringed by these train tracks. They cannot get people there. People are being... having problems, ambulances can't get there, fire trucks can't get there. You cannot get people to hospitals. People are having problems with their hearts. You talk about the children involved with this. This kids who are climbing in and out of these things to try to get

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to school. So, this is a question about whether or not we can and should be doing something about a local issue, something that's for the kids, the children that we're worried about that are going to and from school, people that are going to the hospitals. I wish there was another solution that was available, there isn't one. This is the only way that we're going to get this problem resolved. And I'll appreciate your support on this. Thank you."

Speaker Brunsvold: "The question is, 'Shall Senate Bill 1393 pass?' All in favor should vote 'aye'; 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. Dart may get the travelling trophy. Have all voted who wish? Mr. Clerk, take the record. And on that question, there are 12 voting 'yes', 101 voting 'no', 4 voting 'present'. And this Bill, not having received a Constitutional Majority, is hereby declared lost. On Supplemental Calendar #1, appears... under Resolutions, appears Senate Joint Resolution 70. Now, this is a Compensation Review Board Report. Excuse me, excuse me, Mr. Tim Johnson."

Johnson, Tim: "Mr. Speaker and Members of the House. I would ask that the records appropriately reflect my intent to vote 'present' on Senate Bill 1007. I had my name removed as a Sponsor based on the possibility of a conflict of interest. And I would ask the record so reflect."

Speaker Brunsvold: "It will so reflect, Representative. Thank you. On... Mr. Clerk."

Clerk Rossi: "The Rules Committee will meet immediately in the Speaker's Conference Room."

Speaker Brunsvold: "On the Supplemental Calendar #1, appears Senate Joint Resolution 70. Representative Curry, Julie

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Curry."

Curry: "Thank you, Mr. Speaker, Members of the House. Senate Joint Resolution #70 rejects the report that was recently issued by the Compensation Review Board regarding legislative pay raises, pay raises for Constitutional Officers and judges. Be happy to answer any questions."

Speaker Brunsvold: "The Lady has asked for the adoption. The Gentleman from Vermilion County, Mr. Black."

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

Speaker Brunsvold: "Sponsor yields."

Black: "Representative Curry, is this identical in every respect with the Resolution that the Senate has already voted on?"

Curry: "This is the Resolution that the Senate..."

Black: "All right. I've been around here long enough to know that I had to look up on the board. You change a comma or you leave out a word and then you didn't vote on the same Resolution. I want your word on the record this is exactly the same Resolution as rejected by the... as passed by the Senate."

Curry: "Well, Representative Black, to my knowledge there have no changes in this Resolution since it's come over to the Illinois House."

Black: "Okay."

Curry: "And so I would tell you that to the best of my knowledge it's the very, very same Resolution."

Black: "Thank you very much. Would you be willing to join with me next year sponsoring legislation to abolish the Compensation Review Board and go back to the way it used to be? If you want a raise you come here and you stand up and ask for it, you vote 'yes' or 'no'."

Curry: "Yes."

Black: "Thank you very much."

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

Curry: "Thank you, Mr. Speaker, Members of the House. I would just ask the Members of this Body do the right thing and support this Resolution and reject the report that was issued by the Compensation Review Board. Thank you."

Speaker Brunsvold: "The Lady has asked for the adoption of Senate Joint Resolution 70. All those in favor should 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? Okay. If you vote 'yes' you reject the Compensation Review Board report and you turn it down. Have all voted who wish? Is everyone recorded? Mr. Clerk, take the record. And on that question, there are 101 voting 'yes', 13 voting 'no', 4 voting 'present'. And the Resolution is adopted. Mr. Clerk."

Clerk Rossi: "Committee Reports. Representative Currie, Chairperson from the Committee on Rules, to which the following measures were referred, action taken on April 13, 2000, reported the same back with the following recommendation: 'to the floor for consideration' Motion to Concur with Senate Amendment #1 on House Bill 3460; and Senate Joint Resolution #66."

Speaker Brunsvold: "Mr. Clerk, what's the status of Senate Bill 1503, on page 5 of the Calendar?"

Clerk Rossi: "Senate Bill 1503 has been read a second time, previously."

Speaker Brunsvold: "Any Amendments?"

Clerk Rossi: "No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Brunsvold: "Third Reading. Mr. Acevedo, for what reason do you rise?"

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Acevedo: "Mr. Speaker, on House Resolution (sic-SJR) 70, my button was pressed 'no', I'd like to go on record as an 'aye' vote."

Speaker Brunsvold: "And it will so be recorded. Mr. Clerk, Senate Bill 1503. Please read the Bill."

Clerk Rossi: "Senate Bill 1503, a Bill for an Act amending the Illinois Vehicle Code. Third Reading of this Senate Bill."

Speaker Brunsvold: "Just a minute Mr. Bradley. Mr. Righter, the Gentleman from Coles, for what reason do you rise?"

Righter: "Thank you, Mr. Speaker. I just would like to note in the House Journal that I voted present on SJR 70 for reasons of potential conflict of interest."

Speaker Brunsvold: "That will be recorded. The Gentleman from Cook, Mr. McAuliffe, for what reason do you rise?"

McAuliffe: "Yes, Mr. Speaker, a point of personal privilege."

Speaker Brunsvold: "State your point."

McAuliffe: "I'd like to welcome all the students from St. Paul of the Cross from Park Ridge, Illinois. Let's have a big hand, they're up there with Senator Dave Sullivan."

Speaker Brunsvold: "Welcome to Springfield. Welcome to Springfield, Senator. Senate Bill 1503. The Gentleman from Cook, Mr. Bradley."

Bradley: "Thank you, Mr. Speaker and Members of the House. 1503 exempts interstate trucks from annual emission testing requirements. It also provides for State Police to perform roadside unscheduled emission testing of all trucks over 16,000 pounds if the truck is smoking. A first time violation of this would be a \$400 fine. Testing will take place only in the nonattainment areas. The State Police will report on this program each year to the General Assembly. The fiscal impact on the State Police would be \$180,000. Proponents of the Bill are: the American Lung

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Association, the Illinois Transportation Association, Chicago Trucking Association, the Illinois Safety Management Council, the Illinois Road Builders and the Midwest Intermodal Trucking Association. Open for questions."

Speaker Brunsvold: "The Gentleman has asked for the passage of Senate Bill 1503. Is there any discussion? The Gentleman from Kendall, Mr. Cross."

Cross: "Thank you, Mr. Speaker. Inquiry of the Chair or maybe perhaps the Clerk or both. Have there been any Amendments adopted to this Bill?"

Speaker Brunsvold: "Mr. Clerk, have there been any Amendments adopted to this Bill?"

Clerk Bolin: "No Amendments have been adopted to the Bill in the House."

Cross: "With all due... with all due respect to the Sponsor, without that Amendment our records indicate that we have only a Shell Bill, Representative. Were you describing the Bill as you thought it was with an Amendment?"

Bradley: "There were two Amendments adopted in committee."

Cross: "Inquiry of the Chair. Were there any Amendments adopted in committee?"

Speaker Brunsvold: "Mr... Mr. Clerk, could you check if there are any Committee Amendments on this Bill? Mr. Cross, the Clerk is checking."

Cross: "Yeah and I'm not trying to be difficult. I just..."

Clerk Rossi: "Representative Cross, I do not show any Amendments being adopted to this Bill."

Cross: "Maybe Representative Bradley ought to know that, too."

Speaker Brunsvold: "Mr. Bradley, would you like to take this out of the record and we'll clear this item up?"

Bradley: "Please take it out of the record."

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Speaker Brunsvold: "All right."

Cross: "And I..."

Speaker Brunsvold: "Remove the Bill from the record."

Cross: "Just so the Representative knows, I don't know that we have any opposition to it. We just were concerned about the fact that there was nothing in there."

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

Black: "Yes, Mr. Speaker, a point of personal privilege if I might?"

Speaker Brunsvold: "State your point."

Black: "Yes, would Steve Davis or Representative Hartke have one of those Cardinal brooms? They could bring it over so I could wave it since the Cubs swept the Atlanta Braves today."

Speaker Brunsvold: "Mr. Davis."

Black: "And I would just say this, Mr. Speaker, in all due respect to the Cardinals off to a great start. I would say that Representative Feigenholtz and I will be taking orders for World Series Tickets at Wrigley Field. Get in early, get in early."

Speaker Brunsvold: "That's right."

Black: "Those of you who get in late, we'll not be responsible. All right?"

Speaker Brunsvold: "Thank you, Mr. Black."

Black: "Get in early or we're not going to have any left."

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

Stephens: "Mr. Speaker, I was just on the phone with the folks from the... from Williamsport, Pennsylvania, the home of the Little League World Series and it is a false rumor that was spread earlier. The Little League World Series is not being moved to Wrigley Field."

Speaker Brunsvold: "You better talk to Mr. Black about that. Mr.

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Smith, for what reason do you rise?"

Smith: "Thank you, Mr. Speaker. I would like to rise on a Motion and I would move to suspend the posting requirements so that Senate Bill 1672 could be heard tomorrow morning in the Agriculture and Conservation Committee at 9 a. m. And I believe we've talked to Representative Black and he is okay with that."

Speaker Brunsvold: "Mr. Black is approving that Motion. The Gentleman has moved to suspend the posting requirements for what Bill, Mr. Smith?"

Smith: "That's Senate Bill 1672."

Speaker Brunsvold: "1672, Senate Bill. All in favor say 'aye'; opposed 'nay'. The 'ayes' have it; and the posting requirements are waived. Mr. Clerk, committee schedule."

Clerk Rossi: "A House committee schedule for this afternoon is being passed out. The following committees will meet at 4 p. m.: the Elementary and Secondary Education Committee in Room 114, the Executive Committee in Room 118, the Human Services Committee in Room D-1, the Insurance Committee in Room C-1, the State Government Administration Committee in Room 122-B. At 4:30 p. m., the Healthcare Availability and Access Committee will meet in Room 114."

Speaker Brunsvold: "Do any of the Members have an announcement? Are there any announcements? Information for the Members on hotel arrangements for tomorrow night. It's indication that it may be very late tomorrow night, if not Saturday. So you must, I think, work accordingly. If that can answer your question, there's been questions about hotel arrangements. It will probably be very late tomorrow night if we do finish. So, work accordingly. All Members be in their chairs. The House is prepared to adjourn on a Death Resolution of a former Member. The House will adjourn

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until 11 a. m., April 14th, Friday, allowing perfunctory time for the Clerk. Mr. Clerk, would you please read House Resolution 786."

Clerk Bolin: "WHEREAS, The Members of the House of Representatives were saddened to learn of the death of Charles Ellis 'Charlie' Gaines of Chicago, former Member of this House of Representatives, on Tuesday, March 28, 2000; and WHEREAS, Charles Gaines was born in Chicago on January 16, 1924, the son of former State Representative Harris B. Gaines, Sr., and past President of the City, State, and National Association of Colored Women's Clubs, Irene McCoy Gaines; he was the grandson of William Thomas Gaines, the first Black plastering contractor in Chicago, and grandnephew of George W. Ellis, secretary of the American Legation in Liberia and assistant corporation counsel for the City of Chicago; and WHEREAS Mr. Gaines was educated at Douglas and Christopher Elementary Schools and Morrill branches of Lindbloom and Spaulding High Schools; he spent two years at Fisk University and graduated from the University of Illinois in Champaign, receiving a bachelor's degree in political science; he did post-graduate work at John Marshall Law School and Loyola University School of Social Work; and WHEREAS, In 1975, Charlie Gaines reached one of his goals when he was elected to the House of Representatives where he was the only African-American Republican State Representative; he served as a State Representative until 1981; and WHEREAS, Mr. Gaines also served as a Property Insurance Consultant, Cook County Department of Public Aid, Director of Consumer Fraud, Office of the Attorney General, and Community Service Coordinator with the Department of Human Services; and WHEREAS, Mr. Gaines was affiliated with a number of groups,

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including Alpha Phi Alpha Fraternity, Delta Sigma Rho Speech Honorary Society, Chatham-Avalon Park Community Council board member, South Central Community Health Service Organization board member, Parliamentarian of the District 27 School Council, and President of Districts 22 and 27 School Council; and he belonged to the Commonwealth Community Church, where he was a member of the governing board; and WHEREAS, The passing of Charles Ellis Gaines will be deeply felt by his family and friends, especially his wife, Stella; his daughter, Dr. Cheryl Gaines; his son, Michael Ellis Gaines; his grandson, Jonathan D. Hunter; his cousins, Mrs. Virginia Gaines Giles and Mrs. Louise Gaines Daughtery; his stepdaughters, Dionne Martin (Avrione), Markisha Carr, Michele Jackson, Ursula Ballard, Adrienne Walls, and Courtney Walls; and his stepson, Everett Carr; therefore, be it RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIRST GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we note with sorrow and deep regret the death of Charles Ellis Gaines, a respected colleague, and extend our appreciation and recognition of his many contributions and our sincere condolences to his family and friends; and be it further RESOLVED, That a suitable copy of this resolution be presented to his widow, Mrs. Stella Driver Gaines."

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

Morrow: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Charlie Gaines served in the area that I now represent. And for those Members who are new to the General Assembly, Charlie Gaines was an African-American Republican. Yes, he was a Republican. There are African-Americans that are Republicans. They're very rare. But he served that side of the aisle with honor and

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distinction. This was back in the time when there were three Representative Members. It was Charlie Gaines, and Eugene Barnes, who's a lobbyist out here on the rotunda, and my mentor who got me involved in politics, Ray Ewell. And back then there were a lot of African-American Republicans on that side of the aisle because of the fact that it was a three Member district, Republican district. Charlie Gaines was a hard working, hard working Member. He served his community good. He was a mentor to me, even though he was a Republican. He passed away, he... I'm not being funny. The last time I saw him was when he was just sent to a nursing home, he had had throat cancer and he had surgery. And at the time, he wasn't able to speak. And he had heard about my desire to run for Ward Committeeman. So he wanted to talk to me about my run for Ward Committeeman. And in as such that he couldn't speak, our meeting took three hours because we had to write our words or our thoughts to each other. And it brought back a lot of things. Because like I said, people like Ray Ewell and Gene Barnes and Charlie Gaines, they first got me involved in politics. For you young Pages that are sitting here today that's how I got my start. And they brought me down here and they counseled me and they conjoled me and they kept me on the straight and narrow. And when I became a State Representative in 1986, when I was appointed to fill a vacancy, he was very proud. He was very proud. And I'm just happy that he's not suffering anymore. He fought a good hard battle. To the family of Charles Gaines, we offer our sincere condolences and support. As I've said before, people like Charles Gaines took it so I don't have to take it. Thank you, Mr. Speaker."

Speaker Brunsvold: "The Gentleman from DuPage, Mr. Daniels."

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Daniels: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I had the pleasure of being elected in the same year as Charlie Gaines. We served together on the Republican side of the aisle I'm proud to say for 6 years. And I followed his lead in voting for Bill Redmond. And the two of us joined together in many functions together as we talked about several issues that impacted Illinois citizens. And Charlie's first love was politics. And Cal, you remember Charlie 'cause you were here then, too. And how much we enjoyed talking to him and how much we learned from him. He started out in the Young Republicans and never abandoned his love for our party. I saw Charlie before he got ill, not too long ago and was able to share a few thoughts with him and he was still fighting, I might tell you all, for the Republican Party in Chicago. He just needed a few more people to help him out. He knew it was important for African-Americans to reach out to all political interests. And he once said to me, 'Unless we have a voice on both sides, we have a voice in neither.' And how true that is, and how true that thought and concept is. I learned a lot from Charlie, I learned a lot from his friendship, a lot from his compassion. And he never hesitated for one minute to speak his voice. And now that voice is silenced but his ideals and his love for his country and his state will continue on because those of us that remember him will keep those thoughts in our mind. Charlie was generous with everyone. The only thing he ever denied was enough time on this earth to enjoy his company and his leadership. To his wife Stella, and children, and extended family, I and I know every Member of the House extend our heartfelt condolences. And there can be no finer hour we can pay him than to adapt his views on

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humanity and pledge to do whatever we can to sit our differences aside for the sake of progress. Charlie, we'll miss you and thanks for honoring our Assembly for your 6 fine years."

Speaker Brunsvold: "The Gentleman from McHenry, Mr. Skinner."

Skinner: "Charlie and I were in adjacent offices and I'm looking at the... I just happened to find the Handbook of Illinois Government and that was quite a district. Gene Barnes, Ray Ewell, and Charlie Gaines. I have to tell you Ray Ewell had a bigger 'afro' than Charlie. And of course, Gene Barnes didn't have any hair. And the State Senator, was of course, Charlie Chew, and he really didn't have any hair. There was one time when Charlie didn't read his precinct quite right and that was during the RTA referendum. He, like I believe every other Legislator from the City of Chicago, was in favor of the RTA. And we came back after the RTA referendum I said, 'Well Charlie how did your precinct go?' He said, 'It voted against RTA.' Now, that's how conservative parts of Chicago's black community were at that time. And I think they probably still are, based on some of the rather spirited discussion we've heard this Session in this General Assembly. I certainly will miss Charlie. And I don't think Lee has made the suggestion but we would welcome any of the black Legislators to join us anytime they wish."

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

Turner, A.: "Thank you, Mr. Speaker and Ladies and Gentlemen of the Assembly. I didn't have the honor of serving with Charlie but I did know of Charlie's legacy and I knew Charlie pretty well in terms of just seeing him when I would come back to the city and talk with him in the district. And one of the things that Charlie would always

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ask about, because as was mentioned earlier he served when we had multi-Member districts here, he would always keep reiterating the importance of having representation on both sides of the aisle. But Charlie also said that the issues that we dealt with here really didn't have party labels on them. But it was important in terms of us trying to help our communities and being able to help them, that we'd have to work on both sides of the aisle. And so in memory of multi-Member districts, when we had three Reps from each district, I certainly praise Charlie and wish him Godspeed and give my heartfelt sympathy to his family."

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

Davis, M.: "Thank you, Mr. Speaker. I didn't serve with Charlie Gaines, however, we both served a similar community. And I think he made all of us who became Legislators proud to come into a Body that he always spoke so very highly of. And when he was in Springfield the last time he was in a wheelchair. And a number of us came up and we took pictures with him and I'm sure we'll truly treasure those pictures because Charlie believed in continuing to be a servant of the people even though he was no longer elected. And as soon as we see black staff on the other side of the aisle, maybe we'll later on see some black Republican Legislators."

Speaker Brunsvold: "Representative Morrow now moves for the adoption of House Resolution 786 and that all Members be added as Cosponsors. All in favor 'aye'; opposed 'nay'. The 'ayes' have it. And the Resolution is adopted. And the House does stand adjourned until 11 a. m. on Friday, April 14th."

Clerk Rossi: "House Perfunctory Session will come to order. Introduction and First Reading of House Bills. House Bill

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4715, offered by Representative Julie Curry, a Bill for an Act to amend the Counties Code. First Reading of this House Bill."

Clerk Bolin: "Introduction of House Bills. House Bill 4714, offered by Representative Granberg, a Bill for an Act in relation to motor vehicle fuel sales. Third Reading of this House Bill... or First Reading of this House Bill."

Clerk Rossi: "House Perfunctory Session will come to order. Committee Reports. Representative Woolard, Chairperson from the Committee on Elementary and Secondary, to which the following measure was referred, action taken on April 13, 2000, reported the same back with the following recommendation: 'be approved for consideration' Conference Committee Report #1 to House Bill 1812. Representative Burke, Chairperson from the Committee on Executive, to which the following measure was referred, action taken on April 13, 2000, reported the same back with the following recommendation: 'be adopted' Floor Amendment #2 to Senate Bill 385 and Floor Amendment #4 to Senate Bill 1680. Representative Mautino, Chairperson from the Committee on Insurance, to which the following measure was referred, action taken on April 13, 2000, reported the same back with the following recommendation: 'be approved for consideration' Motion #2 to Concur with Senate Amendment #4 to House Bill 2980. Representative Kenner, Chairperson from the Committee on State Government, to which the following measure was referred, action taken on April 13, 2000, reported the same back with the following recommendation: 'be adopted' Senate Joint Resolution 43. Being no further business, the House Perfunctory Session stands adjourned."