

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

37th Legislative Day

April 15, 1999

Speaker Hannig: "The House will be in order. The House will be in order. Would the Members please be in their seats. Would any unauthorized personnel please retire from the chamber. We will be led in prayer today by Pastor Dan Schwick from the Lutheran Social Services of Illinois in Chicago. Pastor Schwick is the guest of Representative Joe Lyons. Guests in the gallery may wish to rise for the invocation."

Pastor Schwick: "Let us pray. Oh God, the source of all power and authority, many of our religious traditions teach us to call you Father, some address You as Mother, we are all Your children. Many of our traditions acknowledge that all that we have is held in trust by this generation of leaders. And, what we do as stewards of Your world is our legacy to coming generations. On this child welfare day in the State House, keep all of us focused on what brings us together. Nurturing a society in which every individual man, woman and child is cherished and treated with dignity. Where every child is surrounded by a loving, nurturing family. Where every family, broken for whatever reason, may be helped toward healing, especially for the sake of children. Hear us, Oh God, for the sake of our children. Hear us, Oh God, for the sake of all Your children. Amen."

Speaker Hannig: "We will be led in the Pledge today by Representative Jack Franks."

Franks - 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 Hannig: "Roll Call for Attendance. Representative Poe, were there any excused absences from your side of the aisle?"

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Poe: "No, Mr. Speaker, let the record show that all the Republicans are here today."

Speaker Hannig: "Thank you, Representative Poe. Representative Currie, Barbara Currie."

Currie: "Thank you, Speaker. Please let the record reflect that Representatives Ronen and Morrow are excused today."

Speaker Hannig: "Mr. Clerk, take the record. There are 116 Members answering the roll call, a quorum is present. Committee Reports."

Clerk Rossi: "Representative Smith, Chairperson from the Committee on Agriculture and Conservation, to which the following measure/s was/were referred, action taken on April 14, 1999, reported the same back with the following recommendation/s: 'do pass Short Debate' Senate Bills 72, 678, 775, 1074, 1189, 725, and House Joint Resolution 12. Representative Connie Howard, Vice-Chairperson from the Committee on Children and Youth, to which the following measure/s was/were referred, action taken on April 14, 1999, reported the same back with the following recommendation/s: 'do pass Short Debate' Senate Bill 544. Representative John Fritchey, Chairperson from the Committee on Consumer Protection and Product Regulation, to which the following measure/s was/were referred, action taken on April 14, 1999, reported the same back with the following recommendation/s: 'do pass Short Debate' Senate Bills 217 and 481. Representative Larry Woolard, Chairperson from the Committee on Elementary and Secondary Education, to which the following measure/s was/were referred, action taken on April 14, 1999, reported the same back with the following recommendation/s: 'do pass' Senate Bills 17, 215, 291, 389, 475, 549, 554, 757, 840, and 1133; 'do adopt as amended Short Debate' House Joint Resolution

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#11. Representative Dan Burke, Chairperson from the Committee on Executive, to which the following measure/s was/were referred, action taken on April 14, 1999, reported the same back with the following recommendation/s: 'do pass Short Debate' Senate Bills 99, 377, and 827; 'do adopt Short Debate' House Resolution 63. Representative Bob Bugielski, Chairperson from the Committee on Financial Institutions, to which the following measure/s was/were referred, action taken on April 14, 1999, reported the same back with the following recommendation/s: 'do pass Short Debate' Senate Bills 98, 378, 447, 461, 815, and 1055. Representative Sara Feigenholtz, Chairperson from the Committee on Human Services, to which the following measure/s was/were referred, action taken on April 14, 1999, reported the same back with the following recommendation/s: 'do pass Short Debate' Senate Bills 44, 117, 321, 685, 762, 850, 1077, and 1117; 'do adopt Short Debate' House Resolution 93 and House Resolution 118. Representative Tom Dart, Chairperson from the Committee on Judiciary I-Civil Law, to which the following measure/s was/were referred, action taken on April 14, 1999, reported the same back with the following recommendation/s: 'do pass Short Debate' Senate Bills 116, 242, 249, 257, 289, 351, 545, 565, 1128, and 459. Representative Jay Hoffman, Chairperson from the Committee on Transportation and Motor Vehicles, to which the following measure/s was/were referred, action taken on April 14, 1999, reported the same back with the following recommendation/s: 'do pass Short Debate' Senate Bills 84, 740, 741, 987, and 1086. Representative Todd Stroger, Chairperson from the Committee on Labor and Commerce, to which the following measure/s was/were referred, action taken on April 15, 1999, reported

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the same back with the following recommendation/s: 'do pass Short Debate' Senate Bill 566. Representative Calvin Giles, Chairperson from the Committee on Local Government, to which the following measure/s was/were referred, action taken on April 15, 1999, reported the same back with the following recommendation/s: 'do pass Short Debate' Senate Bills 12, 430, 804, and 939. Representative Skip Saviano, Chairperson from the Committee on Registration and Regulation, to which the following measure/s was/were referred, action taken on April 15, 1999, reported the same back with the following recommendation/s: 'do pass Short Debate' Senate Bills 30, 122, 123, 125, 126, 127, 1130; 'do pass Standard Debate', Senate Bill 801; 'do pass as amended Short Debate' Senate Bill 288. Representative Howard Kenner, Chairperson from the Committee on State Government Administration, to which the following measure/s was/were referred, action taken on April 15, 1999, reported the same back with the following recommendation/s: 'be adopted' House Resolution 125; 'do pass Short Debate' Senate Bills 150, 774, and 1125. Representative Lauren Beth Gash, Chairperson from the Committee on Judiciary II-Criminal Law, to which the following measure/s was/were referred, action taken on April 15, 1999, reported the same back with the following recommendation/s: 'do pass Short Debate' Senate Bills 4, 5, 80, 105, 177, 234, 315, 330, 396, 397, 398, 400, 401, 404, 405, 477, 483, 486, 542, 570, 572, 642, 643, 731, 732, 735, 739, 943, 1142, 1143, 1150; 'do pass Standard Debate', Senate Bill 176. Representative Steve Davis, Chairperson from the Committee on Constitutional Officers, to which the following measure/s was/were referred, action taken on April 14, 1999, reported the same back with the following recommendation/s: 'do pass Short

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Debate' Senate Bills 360 and 624.

Speaker Hannig: "Representative Cross, for what reason do you rise?"

Cross: "Mr. Speaker, I know it's a little crowded in here, but before we get out of here today, I think it's just ... for a moment we could take a second to honor and wish happy birthday to three people that we work with on a daily basis. It's Brad Bolin's birthday, Brad. Brad, it was nice of Brittan to make the cake. Ron Wait's birthday. Where's Ron Wait? And I don't see him out on the House floor, but it's Leader Daniels' birthday today. So, everyone pay their taxes and wish these guys a happy birthday."

Speaker Hannig: "Thank you. Representative Giglio."

Giglio: "Thank you, Mr. Speaker. I rise on point of personal privilege and I would ask the House of Representatives to join Representatives Scully and I for a big welcome to Saint Kieran's School from Chicago Heights, Illinois. Thank you. Welcome to..."

Speaker Hannig: "Thank you and welcome to Springfield. Mr. Clerk, would you read the Agreed Bill... the Agreed Resolutions."

Clerk Rossi: "House Resolution 173, offered by Representative Mulligan, House Resolution 174, offered by Representative Brady, House Resolution 175, offered by Representative Garrett, House Resolution 176, offered by Representative Garrett, House Resolution 177, offered by Representative Ryder, House Bill 178, offered by Representative Granberg, House Resolution 179, offered by Representative Stephens, House Resolution 180, offered by Representative Myers, House Resolution 181, offered by Representative Durkin, House Resolution 182, offered by Representative Durkin,

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House Resolution 183, offered by Representative Howard,
House Resolution 184, offered by Speaker Madigan, House
Resolution 185, offered by Speaker Madigan, House
Resolution 186, offered by Speaker Madigan, House
Resolution 187, offered by Speaker Madigan, House
Resolution 188, offered by Speaker Madigan, House
Resolution 189, offered by Speaker Madigan, House
Resolution 190, offered by Speaker Madigan, House
Resolution 191, offered by Representative Stephens, House
Resolution 192, offered by Representative Stephens, House
Resolution 193, offered by Representative Stephens and
House Resolution 197, offered by Speaker Madigan."

Speaker Hannig: "All in favor of the Agreed Resolutions say
'aye'; opposed 'nay'. The 'ayes' have it. And the
Resolutions are adopted. Representative Lawfer."

Lawfer: "Thank you very much, Mr. Chairman (sic-Speaker). If I
could have the attention of the House, I'd like to
introduce the 8th grade students from Emmanuel Lutheran
School in Freeport, who are serving as pages today. Would
the Members of the House join in welcoming them to the
House floor."

Speaker Hannig: "Welcome to Springfield. Mr. Clerk, would you
read the Adjournment Resolution."

Clerk Rossi: "Senate Joint Resolution #33. Be it Resolved by the
Senate of the 91st General Assembly, the State of Illinois,
the House of Representatives concurring herein, that when
the two Houses adjourn on Thursday, April 15, 1999, the
Senate stands adjourned until Tuesday, April 20, 1999, at
12:30 p.m., and the House of Representatives stands
adjourned until Tuesday, April 20, 1999, at 1:00 p.m."

Speaker Hannig: "Representative Currie moves for the adoption of
the Resolution. All in favor say 'aye'; opposed 'nay'."

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The 'ayes' have it. And the Adjournment Resolution is adopted. Representative Capparelli is recognized, the Dean of the House."

Capparelli: "Thank you, Mr. Speaker. Next Wednesday is the ball game between the Senate and the House. If you... you athletes, if you're, you're interested, bring your gym shoes down Tuesday night for a practice, and turn your name into Captain Brunsvold. Thank you very much."

Speaker Hannig: "The Gentleman from Vermilion, Representative Black. For what purpose do you rise?"

Black: "Yes, thank you very much, Mr. Speaker. First of all, for an announcement if I could."

Speaker Hannig: "Proceed."

Black: "I know it's very noisy in the chamber, but a... on our side of the aisle, we're losing one of our staff people that have been with us for, gosh, about eight years. And it's always somewhat sad when a good staff person, from either side of the aisle, leaves. But it's a... we rejoice in that they go on to bigger and better things, and I know that my colleagues on the Republican side of the aisle, as well as my colleagues on the Democrat side of the aisle, would join with me in wishing Christina Cray, who has been with us these past eight years, this is her last day, she will be taking a new job on Monday. And we wish her the very best."

Speaker Hannig: "Representative Black."

Black: "Yeah, Mr. Speaker, before we adjourn, I don't want to forfeit any of my rights. I would like to make an inquiry of the Chair. I want to make my inquiry in a timely fashion."

Speaker Hannig: "State your inquiry."

Black: "I listened with great interest as the Clerk read in the

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Committee Bills that were reported favorably from committee, particularly in Labor and Commerce, where I presented a Bill this morning with the advice and consent of your staff and the advice and consent of your Chairperson. I informed both of them that it was my understanding that the Bill had been reassigned to Revenue Committee, but that it appeared on the posting sheet. I was told by your people, that the posting sheet takes precedence over LIS, and I was asked by the Majority side of the aisle to present my Bill. I presented the Bill. It passed on an Attendance Roll Call, with two Democrats asking to be cosponsors. The Bill was not read into the record. Nobody's had the common courtesy to tell me why not, and pursuant to Rule 10, Subsection (c), I believe, the Chairperson acted within his scope of authority in calling a Bill that had been posted for a hearing, and taken up on the order of a record vote. That was done, I have the tape of the committee, if you'd like the tape. That Bill passed unanimously, no objections were entered, and I'd like to know why, all of a sudden, the Bill has been mysteriously removed from the record. And in fact, by rumor, I'm told that the Bill did not pass. Now, that is a blatant lie. And I would ask the Chair not to be part or parcel of a blatant, bald-faced lie. That Bill passed in open committee, lobbyists were there, representatives of organizations were there, everybody in that committee room, and I have the tape. That Bill passed that committee, and I expect some common courtesy, and a darn good reason, according to the Illinois Constitution, and the rules of this chamber as to why it was not reported favorably to the floor. This is an outrage that if you can do to me, you can do to any Member in this chamber. And that's wrong,

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Sir, absolutely wrong."

Speaker Hannig: "On that question, Representative Currie is recognized."

Currie: "Thank you, Speaker. Representative Black, should, of course, as usual, trusted his own instincts. Representative Black was in the Rules Committee yesterday when House... Senate Bill 25 was reassigned from the Labor and Commerce Committee to the Revenue Committee. He should not have relied upon staff, Majority or Minority, because their advice was the wrong advice. His Bill will be heard in the House Revenue Committee next week. It's unfortunate that he wasted his own time, and the time of the Members of the Labor and Commerce Committee, since that committee had no jurisdiction over Senate Bill 25. I would encourage the Representative to trust his own instincts in the future."

Black: "That is the most outrageous bunch of baloney I've ever heard, and coming from you, it's beneath your indigent... it's beneath your integrity, and beneath your intelligence. That is the biggest bunch of baloney since Oscar Mayer was a young lad. Now at least, at least have the common courtesy and decency to say you made a mistake. If you'd come up and talked to me, I would have taken the Bill out of the record. I assume that your paperwork was in order. That's a right that every Member of this chamber has. Now don't you try to make excuses and cover up for a mistake that you made, not me. And don't you tell me that I wasted my time. Why don't you tell all the people that support the Bill that they wasted their time, in coming to speak for favor of their Bill, which you now, in violation of the Rules of the House, and the Constitution of this state, are denying those people the right to have a Bill heard."

Speaker Hannig: "Representative Black."

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Black: "That is beneath your integrity, Representative. And I am ashamed of you for even slicing up that kind of baloney."

Speaker Hannig: "Representative Black, do you have an inquiry of the Chair?"

Black: "I've made my inquiry, and if you want to do a Rule of 64, you say so. But don't you give me any of that baloney. That Bill passed committee, and it should be reported to this Body on Second Reading, by your own rules. It's not my fault that you guys can't handle the paperwork correctly. I gave constructive notice to your committee, that that Bill had been reassigned. I was told that the posting notice supersedes LIS. Now that's not my ruling, that's the ruling of Majority staff. So you're gonna sit here and take a Democrat Senator's Bill, a Bill that your... one of your Leaders is a cosponsor, and you're gonna dish up some baloney that the Bill didn't pass committee. That is an outrage, and I would be just as outraged if it was being done to you, Sir, as I am as it's being done to me. That's wrong, absolutely wrong and I want you to correct that injustice, and I want you to correct it now."

Speaker Hannig: "Representative, if you have an inquiry of the Chair."

Black: "I gave you my inquiry, don't you sit up there and BS me. I even cited the rule..."

Speaker Hannig: "Representative."

Black: "Rule 10 (c). The Chairman was within his right to call the Bill. He called it. It passed."

Speaker Hannig: "So I'll have the parliamentary rule on your request."

Black: "I'll bet you will. And this should be really exciting."

Parliamentarian Uhe: "On behalf of the Speaker, Representative

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Black, in response to your inquiry. Senate Bill 25 was reassigned to the Revenue Committee by the Rules Committee yesterday. Therefore, it was not before the Labor and Commerce Committee when the Labor and Commerce Committee met this morning."

Black: "Mr. Parliamentarian, it's not my fault that you put it on the posting sheet. It's not my fault that your committee said that the posting sheet takes precedence. You're overruling your own staff, and your own chairman?"

Parliamentarian Uhe: "Representative Black, there is nothing that any committee chair, or any staff person could have done to give the committee jurisdiction to consider the Bill."

Black: "Cite the rule, cite the rule, Mr. Parliamentarian. Cite the rule by which you are denying this Bill passed."

Parliamentarian Uhe: "And therefore the ruling is that the roll call vote was of no effect."

Black: "Cite the rule, according to your book, that this Bill did not pass and there was no roll call. That's a blatant lie. It's a blatant lie. Do you want to be part and parcel to the lie? You could be disbarred for that."

Parliamentarian Uhe: "Representative Black, my ruling is made pursuant to Rule 18(f), of the House Rules which provides that the Rules Committee may at any time refer or re... refer or re-refer a legislative measure from a committee to a Committee of the Whole or to any other committee. Therefore, the Bill, Senate Bill 25 was not before the Labor and Commerce Committee when it met this morning."

Black: "So, you're abrogating the rule on posting, is that... Is that my understanding? So, anytime you want to abrogate the rule on posting, you're gonna cite Rule 18(f)? Do you really want to get into this conundrum? Do you really want to do that? That means that you, Sir, the Chair, anytime

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you want to, can say that a posting was not done in a timely fashion, or in order and refuse to let any Member's Bill that passed committee and you just wave your magic wand and say, 'No, it didn't pass committee.' That is a stretch, and I'm gonna tell you something on behalf of the people who elected me and sent me here, you have robbed them of their representation, and that is not right. It's not fair, and it's not ethical. And if you're gonna be a part of that, then shame on you."

Speaker Hannig: "Representative Andrea Moore, for what reason do you rise?"

Moore, A.: "Thank you. I have an inquiry of the Chair in regard to this issue. The posting was correctly done, and as we were all in committee, and this was unanimously supported, I could not find in looking at the rules, as has been stated by Representative Black, where that the reassignment would not have required that the posting be removed. The posting should have been invalidated, in some way, it was not. There were members of the public that came and testified. This committee voted unanimously to support this piece of legislation. The whole part and parcel of how we, we listen to Bills, take testimony, receive input from the public, and our posting notices are for the members of the public. That issue is extremely important to all of us. Because it sometimes prohibits us from actually hearing Bills in committee, when we would be happier to do so. To my knowledge there was no posting removal, the Bill was duly heard and debated, testimony was taken, witnesses were signed in and out. Mr. Speaker, I believe that Representative Black is correct. This Bill should be referred directly to the floor."

Speaker Hannig: "Representative, the Chair has ruled on this

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issue."

Moore, A: "I'm sorry, I didn't understand the issue of the posting. What was your ruling regarding the posting? Was the posting eliminated from the committee?"

Parliamentarian Uhe: "Representative Moore, on behalf of the Speaker, in response to your inquiry, the posting requirement is provided for in Rule 21, which provides that no mea... no legislative measure may be heard in a committee unless posting has been made at least 6 days prior to the hearing. There's nothing in that rule that requires the posting to be revised in any way, in order for a reassignment to take effect. So, therefore, when the Bill was reassigned..."

Moore, A.: "Well... but what do you suggest happened? According to the rules, when there was proper posting for public notice, and the issue is public notice. For proper public notice, we duly heard that Bill. Everyone in committee thought they were voting on the Bill to send it directly to the floor. Where, in our rules, can that be invalidated?"

Speaker Hannig: "Representative, the Chair has ruled on this issue. Representative Currie now moves that the House stand adjourned until Tuesday, April 20th, at the hour of 1:00. All in favor say 'aye'; opposed 'nay'. The 'ayes' have it, and the House stands adjourned, allowing perfunctory time for the Clerk."

Clerk Rossi: "House Perfunctory Session will come to order. Introduction of Resolutions. House Joint Resolution 17, offered by Representative Zickus, assigned to the Rules Committee. Introduction and First Reading of Senate Bills. Senate Bill 778, offered by Representative Osmond, a Bill for an Act concerning Lloyds insurers. Senate Bill 783, offered by Representative McKeon, a Bill for an Act to

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amend the Specialized Care for Children Act. Senate Bill 906, offered by Representative Saviano, a Bill for an Act concerning township plan commissions. Senate Bill 1026, offered by Representative Giles, a Bill for an Act to amend the Public Funds Deposit Act. Senate Bill 1047, offered by Representative McKeon, a Bill for an Act to amend the Illinois Pension Code. Senate Bill 1111, offered by Representative McKeon, a Bill for an Act concerning agency committee membership. Senate Bill 1148, offered by Representative Osmond, a Bill for an Act concerning economic development. Senate Bill 1158, offered by Representative McKeon, a Bill for an Act to amend the Illinois Administrative Procedure Act. First Reading of these Senate Bills."