

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

45th Legislative Day

May 5, 1999

Speaker Madigan: "The House shall come to order. The House shall come to order. The Members shall be in their chairs. We shall be led in prayer today by the Reverend Bobby Chrisco of the Creal Springs Assembly of God in Creal Springs. Reverend Chrisco is the guest of Representative Fowler. The guests in the gallery may wish to rise to join us for the invocation and for the Pledge of Allegiance."

Reverend Chrisco: "Let me first say, I thank you, each one and Mr. Fowler for allowing us here today, and I thank God for the ability to be a part. Let us pray. Our Heavenly Father, we praise and we thank You today, Lord, for the opportunity that we have. Father, with the great job that lies before us, we ask You in the name of Jesus, Lord, that You would lead and guide by Your spirit. Father, that You would have Your way on every heart, Lord, in the day of trouble that we face, Lord, yet we live in a great nation and a great state and we thank You, Father, for the privilege of being a part of that, also. We ask You, Lord, that You would lead and You would guide each vote today. Pray, Lord, that You would be in each heart and each mind, Lord, as they work these Bills out, Father. We just ask it in Jesus name. Amen."

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

Fowler - 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. Mr. Poe. Mr. Poe."

Poe: "Yeah, Mr. Speaker, let the record show that all Republicans are present today."

Speaker Madigan: "Representative Currie."

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Currie: "Thank you, Speaker. Please let the record show that Representative Turner and Representative Steve Davis are excused 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: "Representative Jeff Schoenberg, Chairperson from the Committee on Appropriations-General Services, to which the following measure/s was/were referred, action taken on May 5, 1999, reported the same back with the following recommendation/s: 'do pass Short Debate' Senate Bill 603; 'do pass as amended Short Debate' Senate Bill 369, Senate Bill 596, Senate Bill 599, Senate Bill 600, Senate Bill 609, Senate Bill 610, Senate Bill 611, Senate Bill 612, Senate Bill 616, Senate Bill 617, Senate Bill 618, Senate Bill 619, Senate Bill 621, Senate Bill 622, Senate Bill 623, and Senate Bill 625; 'do pass Standard Debate' Senate Bill 628, Senate Bill 629, Senate Bill 630, and Senate Bill 631. Representative Charles Morrow, Chairperson from the Committee on Appropriations-Public Safety, to which the following measure/s was/were referred, action taken on May 5, 1999, reported the same back with the following recommendation/s: 'do pass as amended Short Debate' Senate Bill 598, Senate Bill 601, Senate Bill 602, Senate Bill 604, Senate Bill 605, Senate Bill 606, Senate Bill 607, Senate Bill 613, and Senate Bill 615; 'do pass as amended Standard Debate' Senate Bill 597, Senate Bill 608, and Senate Bill 627. Representative Jay Hoffman, Chairperson from the Committee on Transportation and Motor Vehicles, to which the following measure/s was/were referred, action taken on May 5, 1999, reported the same back with the following recommendation/s: 'do adopt as amended Standard

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Debate' House Resolution 36. Introduction and First Reading of House Bills. House Bill 2865, offered by Representative Zickus, a Bill for an Act regarding juveniles and their parents. First Reading of this House Bills."

Speaker Madigan: "Mr. Boland. Is Mr. Boland in the chamber? Do you wish to call Senate Bill 387?"

Boland: "Yes, Mr. Speaker. Thank you."

Speaker Madigan: "Mr. Clerk, read the Bill. Senate Bill 387."

Clerk Bolin: "Senate Bill 387, a Bill for an Act to amend the Election Code. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. Boland."

Boland: "Thank you, Mr. Speaker. Senate Bill 387 amends the Election Code to allow the county clerks to permit high school seniors to serve as election judges if they meet certain requirements. This is just about the same as House Bill 2035 which we passed out of here on the Agreed Bill List. Be glad to answer any questions."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. Is there any discussion? There being no discussion, the question is, 'Shall this Bill pass?' Those in favor signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? This is a Third Reading Roll Call. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 115 people voting 'yes', 1 person voting 'no'. This Bill having received a Constitutional Majority is hereby declared passed. Mr. Bost. Mr. Bost. Mr. Brady. Is Mr. Brady in the chamber? Mr. Cross. Is Mr. Cross in the chamber? Mr. Hassert, do you wish to call Senate Bill 457? Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 457, a Bill for an Act to amend the Illinois Plumbing License Law. Third Reading of this

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Senate Bill."

Hassert: "Thank you, Mr. Speaker. Four-fifty seven is a Bill that's dealing with the irrigation problem that has arisen... that had arose from a Supreme Court decision. This Bill is still not in final form. There's an Amendment on it. My intent... plan is to send it back over to the Senate to have them nonconcur and put it into Conference Committee."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. Is there any discussion? Mr. Tom Johnson."

Johnson, Tom: "Yes, will the Sponsor yield?"

Speaker Madigan: "The Sponsor yields."

Johnson, Tom: "Brent, have the golf courses, have they signed off on this? You know, I understand a lot of the golf courses had some problems with this."

Hassert: "We're still negotiating, Representative. We're still trying to come to an agreement, but nobody's signed off on anything yet."

Johnson, Tom: "Okay. So, it's just trying to move the process along."

Hassert: "Okay. No problem."

Speaker Madigan: "Mr. Giglio."

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

Speaker Madigan: "The Sponsor yields."

Giglio: "Representative Hassert, it has been amended now, correct for one inch?"

Hassert: "The Amendment, basically, is yes, provides that a landscape irrigation contractor can do up to one inch pipe, but that is still not to, to their being satisfied with that."

Giglio: "And where do you plan to take it? In hope to negotiate during the summer and bring it back to the Veto Session?"

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Is that the intent?"

Hassert: "No, I hope that within the next two weeks all sides can come to some kind of agreement and we can bring it back on a Conference Committee with the agreements."

Giglio: "Then, why not, why do we need to move it along then?"

Hassert: "Well, because we're losing time right now, and basically, if we can continue this... this is actually Representative Saviano's idea to put the Amendment on it, move it to the Senate, have the Senate nonconcur, and try to request for a Conference Committee, so we can... all sides can continue the process."

Giglio: "Well, I guess... I... I'm... I'm... I'm leery that it'll go through the way it is now, with the... with the one inch size. That's... that's my concern. And since the intent is to finish that negotiation within the next couple of weeks, there's... there's no reason to... to send it across."

Hassert: "Well, Representative, I have spoken to the Senate Sponsor, he plans to nonconcur with the Amendment and requests a Conference Committee, so, I would assume that... take him on that word."

Speaker Madigan: "Mr. Hassert."

Hassert: "I think Representative Giglio is satisfied with my comments."

Giglio: "Thank you, Mr. Speaker, Mr. Hassert. To the Bill, Ladies and Gentlemen. First off, I appreciate Representative Hassert's efforts to clear up the problem confronting our industry, our industry statewide, the plumbing industry, as well as the irrigation industry. There... there... this is obviously a very contentious issue. Many of you have heard from your contractors back at home, both plumbing contractors and irrigation

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contractors, and with the... the... the word of Representative Hassert, I feel confident we will be able to negotiate a Bill before the end of Session. And again, we're looking at this as a vehicle Bill to... to keep the communications open. Thank you, Mr. Speaker."

Speaker Madigan: "All right. The Gentleman moves for the passage of the Bill and those in favor of the passage of the Bill. The Chair would like to welcome to the chamber, Mr. Black. Mr. Black, good morning. If the... if the Assembly could welcome Mr. Black upon his arrival in the chamber. The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? This is a Third Reading Roll Call. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 113 people voting 'yes', 2 people voting 'no'. This Bill having received a Constitutional Majority, is hereby declared passed. Mr. Franks, do you wish to call Senate Bill 861? Mr. Clerk, read the Bill. 861."

Clerk Bolin: "Senate Bill 861, a Bill for an Act regarding senior citizens. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. Franks."

Franks: "Thank you, Mr. Speaker. Senate Bill 861 is a Bill that would amend the Property Tax Code with respect to the Senior Citizens Assessment Freeze for the Homestead Exemption. It will increase it from \$35,000 to \$40,000 per year. I would ask for your favorable consideration."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. The Chair recognizes Mr. Black."

Black: "Thank you very much, Mr. Speaker. Inquiry of the Chair."

Speaker Madigan: "State your inquiry."

Black: "I think I know the answer since it's on Third Reading."

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I... I thought we had asked for a fiscal note on the Bill."

Speaker Madigan: "Mr..."

Black: "Perhaps we failed to do that."

Speaker Madigan: "Mr. Clerk."

Clerk Bolin: "The Clerk's office has no record of a fiscal note request."

Black: "All right. All right. Well, that's... that's my error. I apologize. Mr. Speaker, would the Sponsor yield?"

Speaker Madigan: "The Sponsor yields."

Black: "Thank you. Representative, perhaps you could give us some idea, maybe Economic and Fiscal gave you a fiscal note of some kind. I mean, what... what... how much of an impact is this going to have on local units of government who, obviously, are going to lose some property tax revenue?"

Franks: "Well, first of all, I asked the Department of Revenue about that and they were neutral on this Bill, which is, and I think, is important to know."

Black: "The Department of Revenue were neutral on your Bill?"

Franks: "Yes."

Black: "That's a major victory in and of itself."

Franks: "I thought so."

Black: "That doesn't happen very often, but... Did... did... did Ec... did Ec and Fisc or anybody give you some kind of fiscal impact as to local units of government?"

Franks: "They... they told me that it could not be determined at this time. They... they believed that this could decrease local property taxes, but at an amount that could not be determined. However, the local taxing districts could offset, to some degree, by the other equalization values. But..."

Black: "Okay."

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Franks: "The simple answer to your question is, there's no determination."

Black: "Yeah. And evidently, the Municipal League and those folks have not taken a position on the Bill?"

Franks: "No. And it passed the Senate 57 to 1."

Black: "Well, Representative, can you give me a Senate Bill that we've discovered or that we've debated in the last two weeks that didn't pass 57 to 1 or 58 to 0. I mean I... I must admit some degree of amazement at the House of Lords have sent so many Bills over unanimously, but I... I notice there was... I wonder who the one person was? Do you... do you have any idea? I don't have the roll call."

Franks: "No. I was surprised, as well, at the amount that came over with those numbers."

Black: "I just wondered if it was the Gentleman from DuPage County or... who that might have been, but... Well, all right, I... I... I appreciate your indulgence. Thank you very much, Representative. And thank you, Mr. Speaker."

Speaker Madigan: "Mr. Acevedo."

Acevedo: "Thank you. Rise in point of personal privilege."

Speaker Madigan: "State your point."

Acevedo: "Mr. Speaker, today I'd like to introduce two distinguished gentlemen from my district, Executive Director Juan Rangel, UNO and Alderman Danny Folis of the 25th Ward."

Speaker Madigan: "Mr. Franks to close."

Franks: "This is a Bill that will help senior citizens stay in their homes. It makes good economic sense. It's good values. We owe the senior citizens this. I ask for your support in helping them."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'aye'; those opposed by voting



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'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? This is a Third Reading Roll Call. Have all voted who wish? Have all voted who wish? There is one person who has not recorded themselves. Mr. Clerk, take the record. On this question, there are 116 people voting 'yes', 0 voting 'no'. This Bill having a received a Constitutional Majority, is hereby declared passed. Mr. Bost. Do you wish to call Senate Bill 434? On page 5 of the Calendar. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 434, a Bill for an Act concerning taxation. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. Bost."

Bost: "Thank you, Mr. Speaker, Members of the House. Senate Bill 434 excludes birds purchased at a game breeding or hunting preserve area or an exotic game hunting area or at a hunting enclosure and this approved by the DNR from use tax, personal property tax and sales tax. This piece of legislation is similar to what we've done with the... the horse industry. It's to encourage the breeders to go ahead and raise these animals and encourage hunting. And it's the pro-hunting Bill here in the state trying to encourage tourism. Be glad to answer any questions."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. The Chair recognizes Mr. Harris."

Harris: "Mr. Speaker, will the Representative yield?"

Speaker Madigan: "Sponsor yields."

Harris: "Representative, why is the Municipal League opposed to this Bill?"

Bost: "Usually, because it would remove local... some local... local taxing powers on these particular items. It's very minimal the amount of taxes that can be waived here. There's very few game right preserves and hunting

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preserves. But, as a base principal, I would say they were opposed because of that local sales tax."

Harris: "Thank you. Thank you, Mr. Speaker."

Speaker Madigan: "Mr. Black."

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

Speaker Madigan: "Sponsor yields."

Black: "Representative, isn't this Bill identical to House Bill 1962, that we've already passed, unanimously?"

Bost: "It is my understanding that it is."

Black: "And... and what happened to House Bill 1962 when we sent it across the rotunda?"

Bost: "Well, it hap... it took the fate of many other Bills that we've sent across over to the other chamber, and it ended up in their rules and there is dying a slow death, so I guess we move this Bill on because its good government. But we know how that's been work... working this year."

Black: "I... I thought we had an agreement that we would try to balance out the number of House Bills that got to the Governor's desk and vis-a-vis the number of Senate Bills. I... evidently, that's not the case."

Bost: "I... I suppose it has something to do with the way the scales have been set."

Black: "Oh."

Bost: "And... and I think... I think the balance..."

Black: "Oh, those were portable scales, as I recall."

Bost: "Yes. We've... we've talked about those before and yet, I think..."

Black: "And you have... you have legislation trying to regulate those portable scales."

Bost: "Exactly. Because they can't be used... they're not suppose to be used for legal trade."

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Black: "That's right."

Bost: "It's marked on there."

Black: "Very good idea. Thank you, Representative."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 116 people voting 'yes', 0 voting 'no'. This Bill having received a Constitutional Majority, is hereby declared passed. Ladies and Gentlemen, if we can have your attention to announce that we will be distributing Agreed Bill List #2. In addition, there will be a summary printout from LIS that will describe the Bills which are contained on this yellow piece of paper. We request that you review these Bills to determine where you wish to be recorded as a 'no' or a 'present' vote. And then after due deliberation, why we'll take the roll call on Agreed Bill List #2. We're gonna begin that process right now. Is Mr. Brady in the chamber? Mr. Brady. Mr. Cross. Did you wish to call Senate Bill 784?"

Cross: "Please."

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

Clerk Bolin: "Senate Bill 784, a Bill for an Act to amend the Code of Criminal Procedure of 1963. Third Reading of this Senate Bill."

Cross: "Thank you, Mr. Speaker. This is a fairly straightforward Bill. It's... it's a suggestion of the DuPage County State's Attorneys Office. Is also supported by the Cook County's State's Attorneys Office and it simply says that with respect to the 120 day rule in the area of speedy trials, that the 120 day has to be continuous. I don't know of any opposition to it. I mean, I'd be glad to try

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to answer any questions. I'd appreciate a 'yes' vote."

Speaker Madigan: "Mr. Dart."

Dart: "Thank you. Sponsor yield?"

Speaker Madigan: "Sponsor yields."

Dart: "Tom, how will this differ from the existing system, right now? Is it... this deal just with individuals who are in custody or as opposed to those in bond?"

Cross: "There apparently have been cases, Tom, where... at least the belief is from the State's Attorneys offices, that people have been released, that they've maybe tried to manipulate the... the 120 day rule and they've been playin' games with it. Not to suggest that defendants would do that, but occasionally it happens."

Dart: "Yeah. It may be..."

Cross: "So, there just belief is that it would... it would... take away the opportunity to... to manipulate that... that time period."

Dart: "And... and you know, Tom, I agree with you wholeheartedly. I experienced them trying to do just that very thing. But... how... how... what's the difference we're gonna make here though, so that they... they can't do that?"

Cross: "Just that you can't..."

Dart: "Cause I'm in agreement with what you're doing. I'm in agreement with what you're doing because I've seen it done."

Cross: "Well, it... one is the delay will not be attributable to the state, for one and there... there's been the question of separate in periods of incarceration. I'm not sure if I'm articulating correctly, but... or answering your question, Tom, but..."

Dart: "Is this... is this gonna, in any way, address that one case that we had about two years ago? I think... it was..."

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I know it was in Cook County in which they cut somebody lose because of the... speed."

Cross: "I don't think it... I don't think it will address that specific problem. I'm..."

Dart: "That was the case where the individual... the defense lawyer, basically, just stood in the courtroom and didn't say anything. And that was then attributed to the state."

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

Cross: "I'm, actually, having some help here from a former assistant state's attorney, as you know, from Cook who said that issue's separate from this one."

Dart: "Okay."

Cross: "And maybe we need to address that, Tom, but..."

Dart: "Okay. All right, we'll do that, Tom. Thanks for the answers. I was just curious because that was something that screamed out to have something done. I wasn't sure if this would cover it. Thanks, Tom."

Speaker Brunsvold: "Further discussion?"

Cross: "Mr. Speaker."

Speaker Brunsvold: "Yes, Mr. Cross."

Cross: "If I could have a second before you... Representative Turner and I didn't mean to use his name in debate, but I think he's been very supportive of this idea and I wants... and wants to get on as a cosponsor. So, if we could have time to let him add this slip there, but he's been very helpful and a strong promoter of this concept and I really think it would be helpful if Representative Turner could be a cosponsor. Thank you."

Speaker Brunsvold: "The Gentleman from Logan, Mr. Turner."

Turner, J.: "The Sponsor yield, Mr. Speaker?"

Speaker Brunsvold: "The Sponsor yields."

Turner, J.: "Representative, thank you for adding me as a

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cosponsor. I... I was under the impression that there was an Amendment that had been brought to the committee, the Judiciary Committee."

Cross: "Right, Representative..."

Turner, J.: "What happened to that Amendment? Because that Amendment, even though this is a good Bill, that Amendment made this a better Bill. Do you know what happened to that Amendment?"

Cross: "Well, Representative, as usual, you usually cut right to the chase and ask very important questions, impertinent questions. We discussed that Amendment in committee and I... if I recall, you weren't there that day. You were a little late. And it was the feeling of the committee and, obviously, if you had been there, it wouldn't have been a unanimous feeling of the committee, but everyone felt like the Amendment was not a real good Amendment. And so in the interest of moving this Bill, in its present form, we took a vote separately on that Amendment and it, actually, Representative, it didn't even get a Motion. So..."

Turner, J.: "Okay, Representative, what you're..."

Cross: "It died."

Turner, J.: "You're suggesting then there or telling me, I guess, that the Amendment failed under your sponsorship in the committee process then."

Cross: "Obviously, Representative..."

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

Cross: "You can... no... Representative, let's... let's not let this slide away here for a moment. I want to address your editorial... editorial comment with respect to my handling of the Bill. Perhaps, if you had been there, in committee that day and handled the Amendment, it might have... might have had a better result, but it just didn't get a Motion,

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John."

Turner, J.: "All right. Thank you, Representative. And just to clarify it for the record, I believe I did have a substitute there in that day. I wasn't late, but I was in a separate committee process. Thank you, Mr. Speaker. And thank you, Representative Cross."

Speaker Brunsvold: "Further discussion? Seeing none, the Gentleman from Kendall to close."

Cross: "I apologize, Representative Turner, for not getting that Amendment on, Mr. Speaker, but nevertheless, I'd appreciate an 'aye' vote in this Bill's present form."

Speaker Brunsvold: "The question is, 'Shall Senate Bill 784 pass?' This is final action. All those in favor vote 'aye'. All opposed vote no... vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on that question, there are 115 voting 'aye', 0 voting 'no', 0 voting 'present'. This Bill having received a Constitutional Majority, is hereby declared passed. On page four of the Calendar, appears Senate Bill 374. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 374, a Bill for an Act concerning animal torture. Third Reading of this Senate Bill."

Speaker Brunsvold: "The Lady from Grundy, Representative O'Brien."

O'Brien: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 374 is very similar to another piece of legislation that was passed from the House. This is the initiative of the Will County State's Attorney and it creates the offense of animal torture as a Class IV felony. And second and subsequent offenses would be a Class III felony. And the... the offense of animal torture is

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defined to exclude any lawful alteration, neutering or killing of any animal of... that would already be defined under statute as a legal activity. I'd be happy to answer any questions."

Speaker Brunsvold: "The Lady has asked for the passage of Senate Bill 374. And on that question, is there any discussion? The Gentleman from Vermilion, Mr. Black."

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

Speaker Brunsvold: "Sponsor yields."

Black: "Representative, the House version of this Bill really created some concerns in the hunting community, in the dog training community and I just want to make sure that some of those concerns have been addressed. For example, when you train a hunting dog or a retriever, you may use an electric collar."

O'Brien: "Uh um."

Black: "And you want the dog to do certain things and you... you hit a transmitter and it delivers a shock to the dog. And I've... I've had several dog breeders and hunters want me to make that clear as to your intent. That would not fall under the definition of torture of an animal, would it not?"

O'Brien: "Absolutely, not."

Black: "And... and I al... on that same vein, you see advertised today these electronic fences for dogs..."

O'Brien: "Uh um."

Black: "...at your home. And again, it operates on that premise, that it's a low voltage, the dog learns not to go across that buried cable..."

O'Brien: "Right."

Black: "...because the dog gets a shock. Now, we're not going to



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have people filing complaints and say, 'Oh, that's... that's cruel to the dog,' are we?"

O'Brien: "No. This specifically deals with torture to prolong and agonize... to prolong the agony and the physical torture of the animal."

Black: "All right. So, we're talking things really out of what would normally be construed as a... a training device or... or in... in... in agriculture, for example, certain procedures are done to animals that some people might regard as torture, but have to be done so that various male cattle don't become overly aggressive. Now, that certainly that's exempted, isn't it?"

O'Brien: "Correct."

Black: "All right."

O'Brien: "Any castration, gelding, neutering, spading, culling, euthanasia, slaughtering, vivisection, declawing, defanging, ear cropping, grooming, pulling, shearing, shoeing and tail docking."

Black: "So, as far as you know, Representative, I know the Farm Bureau, at one time, had some and I think, very legitimate concerns about the House Bill."

O'Brien: "Correct."

Black: "It appears that their concerns have been addressed in the Senate Bill."

O'Brien: "Yes, as a matter of fact, former Will County Farm Bureau President, Senator Larry Walsh, is the Sponsor of this Bill and offered it."

Black: "And so, we're... we're not going to get into a situation where if you want to brand cattle and I don't think we do that in Illinois anymore, but this would not qualify as torturing the animal, even though, I imagine, it hurts. I've never been branded, but I... I'm quite certain that

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the cattle would not like that, but that... we're not gonna get into cases where they're gonna file a suit against a farmer for branding cattle or a horse."

O'Brien: "No. We are not. That would not be covered under this Bill."

Black: "Okay. So... so in the normal or day-to-day functions of dealing with livestock or animals, we're not going to get involved in that. This is for clearly aberrant behavior."

O'Brien: "Correct."

Black: "... directed towards animals."

O'Brien: "Correct."

Black: "Oh. Fine. Thank you very much, Representative. I... I appreciate that."

O'Brien: "Thank you."

Speaker Brunsvold: "Further discussion? The Gentleman from Madison, Mr. Hoffman."

Hoffman: "Will the Sponsor yield?"

Speaker Brunsvold: "Sponsor yields."

Hoffman: "Representative, what's the penalty on this?"

O'Brien: "The first offense is a Class IV felony. A second and subsequent offense is a Class III felony."

Hoffman: "Who's for or against this?"

O'Brien: "It's an initiative of the Will County State's Attorney. The proponents are Humane PAC, Will County State's Attorney, Illinois Farm Bureau, Illinois Horsemen's Council and City of Chicago."

Hoffman: "Are there any opponents?"

O'Brien: "None that I'm aware of."

Hoffman: "Now, I... I assume what this does, you would have to go a step beyond cruelty to animals in order to... to complete..."

O'Brien: "Right."

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Hoffman" "...in order to be convicted of this offense? Is that right? I mean, a gen... there's a general cruelty to animals Section, isn't there?"

O'Brien: "Yes, there is."

Hoffman: "And... this... this is a news... a new offense, animal torture? Correct?"

O'Brien: "Yes. This is for the situations... as you may recall, both John Wayne Gacey, Jeffrey Dahmer and many other serial killers started their... their path of torture and dismemberment through dismembering animals. As a matter of fact, Jeffrey Dahmer's father thought he would be a veterinarian. So, this deals with, you know, prolonged, enhanced torture of an animal."

Hoffman: "So, essentially, what we're doing is we're creating a new offense, not just enhancing the current... the current statute?"

O'Brien: "Correct."

Hoffman: "Okay. You know, occasionally, I believe that county fairs and other things like that, there are competitions with regard to animals. Isn't that correct?"

O'Brien: "Correct."

Hoffman: "Such as, I think that sometimes they have milking competitions and things like that. Is that right?"

O'Brien: "They do, sometimes."

Hoffman: "Now, I think in some... in some county... counties they even have like goat milking competitions. Isn't that correct?"

O'Brien: "Some counties have goat milking competition."

Hoffman: "Now, if... if individuals are entered into goat milking com... competitions and they aren't expert goat milkers, and they are cruel to the animal, and they are State Representatives, could you be convicted of a animal torture

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under this Bill?"

O'Brien: "Well, because I have such... the person that would be a State Representative would probably have such great expertise in the area of goat milking that, certainly, they would not be able to do any damage to the udder or to be in any way cruel to the animal or torture that animal."

Hoffman: "Thank you. I think it's a good Bill."

Speaker Brunsvold: "Further discussion? The Gentleman from McHenry, Mr. Franks."

Franks: "I rise for a personal privilege."

Speaker Brunsvold: "State your point."

Franks: "Today we have from my district the Marion Central Catholic High School. A group of freshmen through seniors who are the best debate team. And they were just down doing a state debate over the weekend. So, I'm very happy to have them. I'd like to welcome them to Springfield."

Speaker Brunsvold: "Welcome to Springfield. The Gentleman from Will, Mr. McGuire."

McGuire: "Thank you, Mr. Speaker. I just rise in full support of the Bill. And I do want to point out that there was a House Bill and Representative O'Brien was the Sponsor of that House Bill. And it was approved after everything was taken out of the Bill that might address Representative Black's concerns. And this Bill is perfectly clear as to what the intentions are. And it does not harm dog trainers or anything of that type and I stand in strong support of the Bill. Thank you."

Speaker Brunsvold: "Further discussion? The Gentleman from Madison, Mr. Stephens."

Stephens: "Thank you, Mr. Speaker. I've been asked to ask a question for legislative intent. Will the Sponsor yield?"

Speaker Brunsvold: "The Sponsor yields."

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Stephens: "This... this legislation would have nothing... would this legislation have anything to do with animals that are being hunted?"

O'Brien: "No, Representative Stephens."

Stephens: "Thank you very much."

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

Acevedo: "Mr. Speaker, I rise on a point of personal privilege."

Speaker Brunsvold: "State your point."

Acevedo: "At this time, I'd like to introduce the newly appointed Commissioner of Water Reclamation, Marty Sandoval."

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

O'Brien: "I just urge an 'aye' vote. Thank you."

Speaker Brunsvold: "The question is, 'Shall Senate Bill 374 pass?' This is final action. All those in favor vote 'aye'; opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on that question, there are 116 voting 'yes', 0 voting 'no', 0 voting 'present'. This Bill have received a Constitutional Majority, is hereby declared passed. Page seven of the Calendar appears Senate Bill 812. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 812, a Bill for an Act in relation to public construction contracts. Third Reading of this Senate Bill."

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

Saviano: "Thank you, Mr. Speaker, Members of the House. Senate Bill 812 creates the Public Construction Contract Act. What this Bill does is provide uniformity in contracts when dealing with extras on construction projects. We've worked

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real hard with all the concerned agencies. And the last one we took care of was the MWRD and exempted them out. I think this is a good piece of legislation and I would ask for your favorable vote."

Speaker Brunsvold: "The Gentleman's asked for the passage of Senate Bill 812. And on that, is there any discussion? The Gentleman from Cook, Mr. Lang."

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

Speaker Brunsvold: "The Sponsor yields."

Lang: "Representative, what impact will this have, if any, on prevailing wage in public contracts?"

Saviano: "It has no affect on wages, prevailing wage. It does not preempt home rule. It's more of a... a... a piece of legislation that promotes a philosophical view on how to address extras on construction projects."

Lang: "So, just... just to be sure and to make sure it's on the record for legislative intent, this will not change any rules regarding prevailing wage with public contracts. They will still have to pay prevailing wage."

Saviano: "Prevailing wage will remain intact and the state AFL/CIO is a proponent of this Bill."

Lang: "Thank you."

Speaker Brunsvold: "Further discussion? The Gentleman from Vermilion, Mr. Black."

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

Speaker Brunsvold: "Sponsor yields."

Black: "Representative, I'm... I'm curious about your Amendment to the Bill. Why are you exempting the Metropolitan Water Reclamation District from the provisions that others are going to follow?"

Saviano: "Well, quite frankly, we couldn't get the Bill passed

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without that exemption in there. Because of the fact that it doesn't preempt home rule, it didn't affect the City of Chicago or the County of Cook, so it looked like we were singling out the MWRD."

Black: "Representative, I've been here a long time and that is, absolutely, the most honest response to a question I've ever heard and that just blows every other question I had out of the water. So, I thank you for your honesty and your indulgence. Thank you."

Saviano: "Thank you, Representative."

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

Giglio: "Thank you, Mr. Speaker and Members of the House. To the Bill. I rise in support, obviously, as a... as a cosponsor with Representative Saviano on this Bill. And it's a... it... it... it truly is an equity issue. On... on change orders where there are no soil borings or no ground samplings and the contractor begins a job and begins to excavate and runs into running sand, and goes to the owner and says... says, 'Hey, you didn't provide me soil borings. I can't do the job for what it's quoted.' Well, this Bill will provide for equities that'll... they will force the owners to recognize changed conditions, and that's why it's important. It's important for the owners, it's important for the... for the contractor, it's important for all the parties involved that this be recognized. And the end result to passing Senate Bill 812 will be lowered construction costs for communities and governmental agencies that are confronted with change orders, and I would strongly urge your favorable support of Senate Bill 812. Thank you."

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

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Representative Mulligan."

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

Speaker Brunsvold: "The Sponsor yields."

Mulligan: "Representative, who will do the arbitration in this Bill?"

Saviano: "I couldn't hear you."

Mulligan: "Who would be the arbitrator to decide if the condition is such that the contractor has a valid claim?"

Saviano: "Well, I'll tell ya, it would be arbitrated by whoever the two parties decide. If you look in the... in our analysis, it says 'by mutual agreement.' So, they would set up their own guidelines for arbitration."

Mulligan: "If they're arguing ahead of time, is there any way of deciding if they don't agree on the arbitrator, who the arbitrator would... would then be?"

Saviano: "Well, I think that that would have to be agreed on and if... it would be in their best interest, both of them, to adjudicate the matter, you know, as soon as possible."

Mulligan: "Well, it then says in our analysis that judgement rendered may be entered in any court having jurisdiction. But it would be cheaper to arbitrate than to have to take it to court. I mean, we've had a condition like this going on in one of the municipalities I represent that has cost the contractor quite a bit of money in legal fees and an arbitrator would have probably been preferable. But I'm just wondering where that would fall. Also, I notice that the Illinois Municipal Conference is not in favor of your Bill. Do you know about any of the other municipal conferences such as the Northwest Municipal Conference?"

Saviano: "No."

Mulligan: "All right. Thank you."

Speaker Brunsvold: "Further discussion? Seeing none, the



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Gentleman from Cook to close."

Saviano: "This is a very good Bill. It provides equity. It provides uniformity in settling, actually, heading off problems when there's change orders involved. This is... this is a real good piece of legislation. I'll just ask for a favorable vote."

Speaker Brunsvold: "Question is, 'Shall Senate Bill 812 pass?' This is final action. All in favor vote 'aye'; opposed vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Record yourself. Have all voted who wish? Mr. Clerk, take the record. And on that question, there 114 voting 'aye', 1 voting 'no', 0 voting 'present'. This Bill having received a Constitutional Majority, is hereby declared passed. On page six of the Calendar, appears Senate Bill 547. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 547, a Bill for an Act concerning vital records. Third Reading of this Senate Bill."

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

Hartke: "Thank you very much, Mr. Speaker, Members of the House. This piece of legislation deals with the recording of vital records with the State of Illinois, electronically. This will have a \$2 fee with it. We've never increased this fee in the State of Illinois and the fee will go up from 2 to \$4. This is a very important piece of legislation simply because it will cut down on the time lag when death certificates and other certificates are filed with the State of Illinois. Many times when a person passes away his relatives have to have certification of death on file and so forth, and this legislation will help the State of Illinois to speed that up. This... right now there's about a eight or nine month backlog and this will put it to two

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to three weeks time. Accuracy is also enhanced by this system. I would be more than happy to answer any questions."

Speaker Brunsvold: "The Gentleman has asked for passage of Senate Bill 547. And on that question, is there any discussion? The Gentleman from Vermilion, Mr. Black."

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

Speaker Brunsvold: "Sponsor yields."

Black: "Representative, who will be... I... I... I'm sorry, it's difficult to hear. Who's responsible for collecting the fee?"

Hartke: "I... I think that's the... the Department of Public Health. Possibly could be the local... I think... no, I'm wrong. That will be the local vital records authority in the county."

Black: "That's what I'm trying to figure out here, 'cause I really don't see it. Whether the county collects it..."

Hartke: "Well, it's not necessarily the county, Representative Black. In certain counties... every county has a vitals records office. Some municipalities, county seats are the depository of the vital records. In Effingham, for example, the City of Effingham is the... the city clerk is the vital records officer for the county."

Black: "Okay."

Hartke: "And it is not the county clerk."

Black: "I... The only other question I have, Chuck, who actually pays it? Does the family or the funeral director or... I mean, who actually is responsible for taking the death certificate and filing it?"

Hartke: "I'm... I'm not sure, but I would..."

Black: "I'm not either and I... I... I mean, you know and..."

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I'm... I'm gonna vote for the Bill, but I'm trying to figure out who is gonna come back and discuss this with it and I'm sure somebody will."

Hartke: "I've... I've just got the answer. Usually, the funeral director pays for that..."

Black: "Okay."

Hartke: "...but that is..."

Black: "All right."

Hartke: "...probably included in the fees for the funeral."

Black: "All right. That I... and I thought that was the case, but I wanted to make sure it wasn't something that the family had to do because, obviously, that... that might not be in... in their best interest at a bad time in their life. But it is the funeral director responsible for filing the certificate as far as, you know..."

Hartke: "Right."

Black: "Okay, thank you very much, Representative. I appreciate it."

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

Silva: "Rise as a matter of personal privilege."

Speaker Brunsvold: "State your point."

Silva: "I would like to invite everyone to partake of our Cinco de Mayo, Mexican goodies. It's Mexican bread. You're more than welcome. And at noontime, we will have a performance in the rotunda. I would encourage you to stop by. Thank you."

Speaker Brunsvold: "Thank you, Representative. The Gentleman from Logan, Mr. Turner."

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

Speaker Brunsvold: "Sponsor yields."

Turner, J.: "Representative, what are the additional fees for?"

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Are they for only birth certificates?"

Hartke: "These are for death certificates. Now, birth certificates there is a fee increase from 1 to \$2."

Turner, J.: "It increases the fee from \$1 to \$2."

Hartke: "Yes."

Turner, J.: "Is that what you said? 'Cause my analysis says something about \$4 and I found that confusing."

Hartke: "There's two to... that's for the death certificates."

Turner, J.: "So, there is no increase..."

Hartke: "Oh. And I was... wait..."

Turner, J.: "Okay."

Hartke: "I was in error. It's for the birth certificates. From two to four. Copies of certified birth certificates."

Turner, J.: "Did you say certified copies?"

Hartke: "Yes."

Turner, J.: "Tom (sic-Chuck), I'm having a hard time hearing ya. Anyway, I think you just said that it increases the fee from \$2 to \$4 for birth certificates."

Hartke: "Yes."

Turner, J.: "Is there an increase in fee for a death certificate?"

Hartke: "We're mandating that \$1 be used for the automated... automation fund."

Turner, J.: "But the increase itself is from 2 to \$4?"

Hartke: "Yes."

Turner, J.: "And does that include birth certificates and death certificates?"

Hartke: "Okay. It... it is from 4... \$2 to \$4 for all these certificates."

Turner, J.: "Birth certificates and death certificates?"

Hartke: "Yes. With \$1 going to the automation fund."

Turner, J.: "And 1 of the \$2 increase goes to the automation

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fund?"

Hartke: "Yes."

Turner, J.: "Now, is this something that the county boards can authorize the county clerks to charge or is the statute written so that it will become effective immediately whether or not the county boards act?"

Hartke: "It becomes effective on the signature of the Governor."

Turner, J.: "And with regard to Representative Black's questions, I never was clear as to who you said collected the fee. I thought county clerks collected this fee, but you suggested maybe there were some other entity or... officer that collected."

Hartke: "No. The fees are... the fees are collected by the vital records officer in the county. Now, that does not necessarily mean the county clerk. In some instances, that could be the city clerk or other designated official for the county as the county vital record officer."

Turner, J.: "Does... do the county clerks have a position on this through their association, either as proponent or opponent?"

Hartke: "The list of proponents are the Illinois Department of Public Health, the Illinois Funeral Directors Association, the Illinois Association of County Clerks, the State Medical Society and the Illinois Public Health Association."

Turner, J.: "All right, Chuck. And finally, I'm usually not inclined to vote for a fee increase, although this sounds to be a good idea. Why are we increasing this fee? What is the... the reason that it came to your attention? Why do we need that extra revenue?"

Hartke: "Right now, all of these records are... are sent in, reviewed, and by hand. This automation system would put it

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on one system and it does... not only speed up the system, it'll take the backlog from six to eight months down to about three weeks. It's all automated. It's on the same form and it does improve accuracy in the system. Less mistakes are made."

Turner, J.: "Thank you for your responses."

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

Coulson: "Thank you. I have a que... a couple questions."

Speaker Brunsvold: "Gentleman yields."

Coulson: "In committee, we had some confusion on this Bill and it wasn't... we weren't sure if this is an increase for every certified copy that you receive. If you, for example, come in and need ten certified copies because you have several pieces of property. Is this that kind of... is it going to be two extra dollars on every one?"

Hartke: "Yes. This fee is increased on the additional copies."

Coulson: "So, for every copy of a death certificate... for example, if you own property and you need certified copies for every ti... even though you've only asked once for ten copies, you're going to end up paying \$20 more instead of \$2 more?"

Hartke: "The law says that if you request one copy the cost will be \$10 and every additional one after that be \$2 each. So, if you wanted 20 copies, the first one would be ten the rest would be \$2 a piece or an additional \$18. The total for the copies would be... the additional \$2 increase."

Coulson: "Okay. So, the original fee is not... you don't pay that \$10 on every single... okay."

Hartke: "No, absolutely not."

Coulson: "All right. That was... thank you for clarifying that."

Hartke: "Okay."

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

Hartke: "I would just ask for favorable consideration of Senate Bill 547."

Speaker Brunsvold: "The question is, 'Shall Senate Bill 547 pass?' This is final action. All those in favor vote 'aye'; opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on that question, there are 64 voting 'yes', 43 voting 'no', 4 voting 'present'. This Bill having received a Constitutional Majority, is hereby declared passed. On page seven of the Calendar, appears Senate Bill 729. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 729, a Bill for an Act amending the Criminal Code of 1961. Third Reading of this Senate Bill."

Speaker Brunsvold: "Representative Klingler on Senate Bill 729."

Klingler: "Tha... thank you, Mr. Speaker. This Bill amends the Criminal Code by changing the Section on presence within the school zone by child sex offenders which is currently prohibited. It's being changed to say that if they're present they would be required... that the sex offender be under the direct supervision and control of the school officials. The Bill prohibits a sex offender from loitering on school property unless the offender has permission to be present from the superintendent of the schools... for public schools or permission from the principal at private schools. This Bill was brought to Senator Jones on concerns of parents of students. The parents may be registered sex offenders, yet they wanted to be able to continue to be part of their child's life with dropping the child to off... to or from school or being

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present for activities. And so, if... this was added so that those persons who had earlier been convicted of a sex crime and were on the registration list, were now out in the community and had their own children to be... allow them, with the knowledge of the school officials, to drop off children or to attend a function, but only with the knowledge of the school superintendent of a public school or the principal of a private school."

Speaker Brunsvold: "The Lady has asked for passage of Senate Bill 729. And on that question, is there any discussion? The Gentleman from Vermilion, Mr. Black."

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

Speaker Brunsvold: "Sponsor yields."

Black: "Representative, what happens in the case of a juvenile sex offender who after his or her remediation, treatment, incarceration, probation, whatever, has to go back to school? What do you do in a case like that?"

Klingler: "Well, Representative, juvenile sex offenders have really only just been added to the sex offender registration list. They were not included before because the original Bill excluded those adjudicated delinquent. And so that... and they are... there... the publication of the juvenile sex offenders under the Bill that just passed about a month ago would not be as broad as for the adults convicted. The... would... it would... knowledge will go to the school, but it would not, for example, be on the Internet. I... I would assume that they would be able to attend school only with the direct knowledge of the school officials. That issue's not addressed in the Bill... in the Bill."

Black: "I was just curious because I was aware that juvenile sex



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offenders had been added to the category and yet the law is very clear about when you will attend school and that you can say you want... attend school. And yet this Bill would seem to be in direct conflict with that."

Klingler: "Well, Representative, this Bill refers to visitors to the school and refers to those... it... it... it really refers to adults that have been convicted..."

Black: "Okay."

Klingler: "...of such a crime. It does not refer to an adjudicated delinquent who is enrolled in the school."

Black: "Okay. Thank you very much, Representative."

Speaker Brunsvold: "Further discussion? The Gentleman from McHenry, Mr. Franks."

Franks: "I rise in... to speak in favor of this Bill and to the Bill, I'd like to speak."

Speaker Brunsvold: "Proceed."

Franks: "The present law allows too much latitude of who can come in and out of schools. What we... this Bill is very important to protect our children from predators and it's necessary to be passed at this time to close gaping loopholes in our present law, and I encourage an 'aye' vote by all the Members. Thank you."

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

Klingler: "I would ask for passage of this Bill."

Speaker Brunsvold: "Question is, 'Shall Senate Bill 729 pass?' This is final action. All in favor vote 'aye'; opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on that question, there are 114 voting 'yes', 0 voting 'no', 0 voting 'present'. This Bill having received a Constitutional Majority, is hereby

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declared passed. On page two of the Calendar, appears Senate Bill 40. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 40, a Bill for an Act concerning economic development. Third Reading of this Senate Bill."

Speaker Brunsvold: "The Gentleman from St. Clair, Mr. Holbrook."

Holbrook: "Thank you, Mr. Speaker. Senate Bill 40 sets up a comprehensive program of packages of business and economic development tools within the state. It develops an EDGE Program which is a new program that'll help us compete with our other states around us that all have it. It sets up technology programs and expansion of the Challenge Grants. It also does a family friendly workplace program and does an advocacy for small business which also includes the extension of the term of the Womens Business Ownership Council through 2004 and the Business Enterprise for Minorities, Female Persons and Disabled Act through 2004. And also helps DCCA have the language to set up a strategic development plan for communities within our state. I would urge its adoption."

Speaker Brunsvold: "The Gentleman has moved for passage of Senate Bill 40. Is there any discussion? Seeing none, the question is, 'Shall Senate Bill 40 pass?' This is final action. All those in favor vote 'aye'; opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on that question, 116 voting 'yes', 0 voting 'no' and 0 voting 'present'. This Bill having received a Constitutional Majority, is hereby declared passed. On page four of the Calendar, appears Senate Bill 276. Mr. Clerk, read the Bill. Excuse me. Mr. Clerk, take that Bill out of the record. On page six of the Calendar, appears Senate Bill 576. Representative Lindner.

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Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 576, a Bill for an Act to amend the Illinois Marriage and Dissolution of Marriage Act. Third Reading of this Senate Bill."

Speaker Brunsvold: "The Lady from Kane, Representative Lindner."

Lindner: "Thank you, Mr. Speaker. This Bill came out of Senator Parker's divorce hearings, and merely changes part of the educational expenses portion of the Illinois Marriage and Dissolution Act to say that consents necessary for parents to receive transcripts should be executed by all the parties and adds as a relevant factor in considering whether or not to award educational expenses to the child's academic performance. I'd be happy to answer any questions."

Speaker Brunsvold: "The Lady's asked for passage of Senate Bill 576. Is there any discussion? Seeing none, the question is, 'Shall Senate Bill 576 pass?' This is final action. Everyone 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? Mr. Clerk, take the record. On that question, there were 116 voting 'yes', 0 voting 'no', 0 voting 'present'; and this Bill having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, announcements."

Clerk Rossi: "Attention Members, the 1999 Fall Veto Session Schedule is being passed out."

Speaker Brunsvold: "Is that a hint? On page six of the Calendar, appears Senate Bill 644. Mr. Delgado. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 644, a Bill for an Act amending the Unified Code of Corrections. Third Reading of this Senate Bill."

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

Delgado: "Thank you, Mr. Speaker and Members of the House. This is Senate Bill 644. It amends the Unified Code of Corrections and it provides that a person convicted of a forcible felony must submit blood specimens to the Department of State Police for analysis and categorizing into genetic market groupings. At this point, we would just be open for any questions."

Speaker Brunsvold: "The Gentleman has presented the Bill. Is there any discussion? The Gentleman from Kendall, Mr. Cross."

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

Speaker Brunsvold: "Sponsor yields."

Cross: "Representative, this may be a great Bill. No one heard a thing you said, over here. Could ya?"

Delgado: "Yes, Representative..."

Cross: "Maybe that's intentional on the Chair's part, but we can't hear a thing."

Speaker Brunsvold: "Please, let's give the Gentleman some of your attention, please."

Delgado: "I agree, Representative. Basically, what this Bill will do, Representative, is a person convicted or found guilty for qualifying offense, under the Juvenile Court Act, it institutionalizes an essentially dangerous person under the Sexual Dangerous Persons Act. What this will do is allow... require blood specimens to the Department of State Police for analysis and categorization. So this is for sex crimes and it would both benefit children and of course, the ladies of our society, as well as men."

Cross: "All right. It expands the list of persons who shall be required to submit blood samples to the State Police for DNA analysis and criminal history information. Is that

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correct?"

Delgado: "That's correct."

Cross: "And who are the current... now, does this happen... who... who... who currently has to submit blood samples?"

Delgado: "Well, that would be at the discretion of the court. A court may require persons convicted of or received a disposition of court supervision for any other offense or any felony who was found guilty for such violation. So, at this point, a judge could use discretion. This is about implementing DNA specimens and really finding a more expeditious way of being able to tell guilt and to be able to keep it on file as people move around the state or come in from out of state."

Cross: "Who's gonna take the blood samples, Representative? And when will the blood samples be taken?"

Delgado: "Right. It would be by a registered nurse or physician or someone trained in vein... veinipuncture (sic-venipuncture)."

Cross: "Will this be the responsibility of the county or will it be the responsibility of the State Police? Who bears the cost?"

Delgado: "This would be by the Illinois Department of State Police. This is their inquiry. This is..."

Cross: "So, I want to make sure we're... that we have this... the State Police will show up at all the counties with this expanded list and draw the blood?"

Delgado: "Right. No. They would be the facilitator. The Illinois State Police shall provide all equipment and instructions necessary for the collection of blood samples, and then it would be forwarded to the State Police to the division of Forensic Services."

Cross: "Who's gonna... So, who's gonna do the hiring of the

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people to draw the blood?"

Delgado: "Right. That would be left up to those local municipalities, Representative."

Cross: "What?"

Delgado: "That would be left up to those local municipalities to decide how that would be handled."

Cross: "So, This... this... then you're saying the cost will be at the... at the... will be to the municipality?"

Delgado: "No, that would be the state... the state would provide all materials and identify the necessary legal person, medical person to go ahead and take care of the... of the specimen. But the State Police would be the receiver in order to categorize it and keep it on records."

Cross: "What will this... and Representative, I guess this is, I mean... maybe it's my fault and not being able to hear well, but it sounds like the county is gonna end up bearing some cost here and I just... I understand what you're trying to do and I'm not... I'm probably gonna support this Bill..."

Delgado: "No. Any person..."

Cross: "But are we adding an additional... someone's gonna have to pay the cost of..."

Delgado: "Representative, if I may interject. If you look at... according to the Bill itself... any person convicted or found guilty under the Juvenile Court Act would ha... be responsible for paying for this test to be administered on them. So, it would be up to the individual."

Cross: "Where does it say that they'll... where in the Bill, Representative?"

Delgado: "We're in Section 5-4-3."

Cross: "What page?"

Delgado: "On page... page 1, right behind the cover letter."

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Cross: "That we're only talkin' about juveniles, now?"

Delgado: "It would be a list of people."

Cross: "I don't see in Section 5-4-3..."

Delgado: "Representative, it's not just juveniles, but it would take care of the offenses that would include first degree murder, second degree murder, kidnapping, aggravated kidnapping, home invasion, vehicular invasion, vehicular hijacking, aggravated vehicular hijacking, robbery, armed robbery, burglary and the possession of burglary tools. It would expand the applicability of the current blood submittal requirements beyond sex offenders to include the following forcible violations that I just listed."

Cross: "All right. Where and... and... and I... I apologize for having to go over this again. Where does it say in the Bill that the defendant pays the cost?"

Delgado: "It would place... in the legislation itself. It will place the onus on the individual themselves."

Cross: "Where does it say that?"

Delgado: "Look at Section... the second page of... right behind the... the cover page... look at... where it says line 7... line 8, Section 5-4-3. 'Persons convicted of'..."

Cross: "All right. That just says, 'Persons convicted of or found delinquent for qual...' It doesn't say that... it doesn't say anywhere that they... it will be their cost. It just says..."

Delgado: "That is..."

Cross: "...they'll be required to submit specimens of blood. It doesn't say at their expense."

Delgado: "Yeah. You're correct on that, Representative. The Illinois State Police would have to be responsible. This is their legislation. They would be responsible for emp... for implementing whatever cost."

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Cross: "All right. Are you aware, Representative, it does appear that it is the State Police costs? What's the cost, on an annual basis, will be to the State Police?"

Delgado: "Well, at this point, I agree with you, Representative."

Cross: "Now, what would be the cost to the State Police?"

Delgado: "Okay. Representative, we have found the Section in the legislation. Go to page 4, Representative, on line... starting on line 6, Section (j). 'Any person required by subsection (a) to submit specimens of blood to the Illinois Department of State Police', this is current law, by the way, 'for analysis and categorization into genetic mark or groupings in addition to any other disposition penalty or fine shall pay an analysis fee of \$500'. That is current language in the statute, Sir."

Cross: "All right. What would... I'm now reading that it's a million and a half dollars that the State Police say that it will cost them to implement the additional people that... under your Bill. What will that be for? And I guess, really... maybe if we cut to the chase here. The following sentence in that Section that you just read provides that in the event they don't... aren't... aren't able to afford it that the cost will be born by the state. Is that the reason for the million and a half the State Police are after, Representative?"

Delgado: "No, not necessarily. That's creating a whole different grouping, a whole new process. And of course, that's... the Illinois State Police would be extremely complimented by having a sophisticated system that will allow them to implement some... a new component to their structure of how they gather data."

Cross: "You're not disputing that in the event these people are indigent that the State Police will pay for the... pay the



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\$500 fee, are you?"

Delgado: "No, at this point, I would... I could not say to you, Representative, that on an indigent it would be waived by a judge and then how would that cost be picked up."

Cross: "Well, who's... well, we ought to know who's gonna pay the cost. If the... if the indigent... if the person's indigent, who's gonna pay the cost then?"

Delgado: "At this point, we would intelligently, assume that in order to collect that data the state would have to pick up the cost."

Cross: "All right. Thank you."

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

Delgado: "We all know that this is a good piece of legislation. Chief Sponsor of this Bill, Senator Tony... Antonio Munoz, brought this Bill with support of the City of Chicago, the Illinois State Police because it's so important when we talk about DNA we understand that's this is a more expeditious process that is becoming a norm in our society rather an exception. This will assist many women, many children who have been victims of sex crimes and not have to be sitting around waiting for questionable results. In addition, if we just compare it to DNA is so precise that if we would have had it in place for the eleven men who were released from Death Row, maybe we... they would have spent so much time behind bars. This is a test of the future and we're trying to implement it today in Illinois. I would ask your due consideration and an 'aye' vote for this very important legislation."

Speaker Brunsvold: "Question is, 'Shall Senate Bill 644 pass?' This is final action. All those in favor vote 'aye'; opposed vote 'no'. The voting is open. Have all voted who

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wish? Have all voted who wish? Have all voted who wish?  
Mr. Clerk, take the record. And on that question, there  
are 114 voting 'yes', 1 voting 'no', 0 voting 'present'.  
This Bill having received a Constitutional Majority, is  
hereby declared passed. On page nine of the Calendar,  
appears Senate Bill 1063. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1063, a Bill for an Act regarding child  
support. Third Reading of this Senate Bill."

Speaker Brunsvold: "Senate Bill 1063. The Lady from Cook,  
Representative Lyons."

Lyons, E.: "Thank you, Mr. Speaker, Ladies and Gentlemen of the  
House. Senate Bill 1063 really sets up a state  
disbursement unit for child support enforcement. This is a  
federal mandate. Last October, we were required by federal  
mandate to set up a state registry for child support. This  
is a federal mandate, as well. As of October of this year,  
we are expected to set up a state disbursement unit, and  
that's what this Bill provides. There is no known  
opposition. There was opposition from the circuit clerk's  
office, but we have addressed their concerns. I think the  
Department of Public Aid, the circuit clerks all were  
opposed to the mandate, but it's something that we have to  
comply with in order to access federal funds and therefore,  
the Bill. I'll be happy to answer any questions."

Speaker Brunsvold: "The Gentleman has asked for... the Lady has  
asked for passage of Senate Bill 1063. Is there any  
discussion? Mr. Black."

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

Speaker Brunsvold: "Sponsor yields."

Black: "Representative, you mentioned that this is a federal  
mandate. I remember this Bill very well in committee."

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I... I thought the Supreme Court had ruled that the Federal Government could no longer hold states hostage and say, 'If you don't follow this mandate, you don't get this money.' Am I mistaken?"

Lyons, E.: "Well, my understanding is they can withhold the money."

Black: "So, the Federal Government is mandating this concept and if we don't do the concept, they say we'll lose Title IV support money."

Lyons, E.: "Exactly."

Black: "Okay. Thank you, Representative. Mr. Speaker, if I might, and to the Bill and Ladies and Gentlemen of the House. I... I think the Sponsor is absolutely correct. This is a federal mandate. I didn't vote for it in committee. At some point, I hope to send the message to Washington and I'm tired of their mandates. The way... the way we collect child support currently in the State of Illinois, by current law, is that you go to every circuit clerk's office in the county of your divorce and that's where you fulfill your obligation for child support. Now, anybody on this floor that doesn't know my problems with the current system hasn't been listening. The current system of child support collection in Illinois, I think, is almost dead last of the 50 states. It is a convoluted, messed up system, to say the least and... and I think that's being generous and kind. But I don't see how the Federal Government thinks they're gonna change it. At least, I can go to a county and... and try to get it worked out with that county collector and the department or the division of child support. Under this Bill, there's only going to be one place that collects child support. And where might that one place be? Is it in Vermilion County?"

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Oh, no. Is it in Madison County? Au contraire. It's... it's in Du Page County. Now, I don't know how DuPage got the contract. I don't know whether they bid. I don't know whether they agreed to. I... it may be that no other county wanted the task and that may very well be because this is not a pleasant task. It may well be that Du Page, outside of Cook, is one of the larger counties and they may well be equipped to handle this. And while I respect the Sponsor and while I respect the fact... I understand this Bill has to pass. I'm just sick and tired of Washington, D.C. telling states what we're supposed to do and how we're supposed to do it. And it's for that reason that I'm gonna vote 'no' or 'present' unless the Sponsor comes over here and kicks me in the shins. I'm just gonna send a message to Washington, D.C. I'm tired of your mandates and I don't know how in the world this is gonna help child collection payments. I hope it does and the Sponsor indicated to me in committee that it would, but I don't know how taking it away from 102 counties, currently, and putting it in a central location is gonna help. I... I again, in all due respect to the Sponsor, I hope it does, but I'm not totally convinced of that."

Speaker Brunsvold: "Further discussion? The Gentleman from Livingston, Mr. Rutherford."

Rutherford: "Thank you, Mr. Speaker. I... standing in support of Representative Lyons's piece of legislation because, obviously, it is a state man... or federal mandate. Nothing that we like, but we do have to deal with it 'cause we're in that box already. But a thing I did want to say, Representative Lyons, I appreciate what you did to go the extra effort in working with the circuit clerks because there was some... there was some contentious moments out

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there. And I appreciate you bringing them into your office and bringing the department together and negotiating out something that they all could live with. So I commend you for that and thank you."

Speaker Brunsvold: "Further discussion? The Lady from DuPage, Representative Bellock."

Bellock: "I want to speak in support of Representative Eileen Lyons's Bill and to give some background on DuPage County, where I come from. All of the clerks, including DuPage County, did not want this, originally. But because of the federal mandate they must go along with it. DuPage County put in a proposal because of their large computer system and they were selected by all the clerks of the courts of the State of Illinois to go forward with this project. But, initially, I spoke and lobbied against this at the county convention because all of the clerks in Illinois did not want this. But now that it must be federally mandated we're in full support of this Bill. Thank you."

Speaker Brunsvold: "Further discussion? The Lady from Kane, Representative Lindner."

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

Speaker Brunsvold: "Sponsor yields."

Lindner: "I just have one question. If this... if it would pass that the child support collection would be transferred to the Attorney General's Office, would this mandate still apply because it is amending the Public Aid Code?"

Lyons, E.: "Yes. The administration of the program would be transferred to the Attorney General's Office, but the collection unit would be the same. This would be... still be in place."

Lindner: "All right. Thank you."

Speaker Brunsvold: "Further discussion? The Lady from... Excuse

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me. Mr. Ken... Mr... Mr. Kendall... Mr. Cross."

Cross: "Thank you, Mr. Galena. I'd yield some time to Representative Rutherford I... if that's okay? Just one... one quick thing."

Speaker Brunsvold: "Mr. Rutherford."

Rutherford: "Thank you, Mr. Speaker. I'd also like to commend Representative Durkin for his effort in bringing the negotiations to the table and having everyone content and satisfied with this legislation. So, let it not be unknown that Representative Lyons and Durkin together unified this piece of legislation."

Speaker Brunsvold: "Further discussion? Representative Lyons to close."

Lyons, E.: "Yes, I recognize that federal mandates are a bitter pill that we must swallow, but despite that, I would ask for your support of Senate Bill 1063."

Speaker Brunsvold: "The question is, 'Shall Senate Bill 1063 pass?' This is final action. All in favor vote 'aye'; opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on that question, there are 107 voting 'yes', 5 voting 'no', 2 voting 'present'. This Bill having received a Constitutional Majority, is hereby decared... declared passed. The Chair is preparing to vote on the Agreed Bill List. We are going to move one Bill from Second to Third. Mr. McKeon, Senate Bill 1009, on page 15 of the Calendar. No. The Gentleman does not want to move that Bill from Second to Third. Members on the Agreed Bill List 1009, should be removed from the Agreed Bill List. Senate Bill 1009, at the request of the Sponsor. Mr. Black."

Black: "Mr. Speaker, I have an inquiry of the Chair."

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Speaker Brunsvold: "State your inquiry."

Black: "I assume this means that Senate Bill 1009 is being taken off the Agreed Bill List. Is that correct?"

Speaker Brunsvold: "At the Sponsor's request. Yes."

Black: "Alright. Now, another inquiry of the Chair. When you say that you're about to vote on the Agreed Bill List, I assume that means that you're ready to take the vote?"

Speaker Brunsvold: "We're going to read the Bills first, the third time."

Black: "Well, as well you should. When do you want the little yellow sheets turned in?"

Speaker Brunsvold: "How will the end of the day be?"

Black: "The end of the day would be fine. So, even though we vote on the list we can, of course, record ourselves individually on the sheet. And you want them turned in when we leave today, which will be? Does the Chair have any idea? Four o'clock? Five o'clock? Ten o'clock?"

Speaker Brunsvold: "Yes. Yes. Right. Four, Four o'clock."

Black: "Oh, Thank you, Mr. Speaker. Is there something going on that is important that we get out early today?"

Speaker Brunsvold: "Not that I know of."

Black: "Why, I thought perhaps the Taste of Chicago might necessitate an early adjournment."

Speaker Brunsvold: "For the Members, that starts at 6:00."

Black: "Alright. Just for clarification, you're going to read every Bill. Now, I assume that every Bill has already been read a third time, or, is that what you are going to do now?"

Speaker Brunsvold: "That's what we are going to do now. Read them a third time."

Black: "I thought some of these Bills were only read a second time this morning, or did I miss something?"

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Speaker Brunsvold: "Yesterday. Second time, yesterday."

Black: "Alright. So, they will have been read three times on three separate days."

Speaker Brunsvold: "We're going to read them a third time today."

Black: "Then we will vote and we'll have until the close of business today to record ourselves, if we want to be marked 'no' or 'present' on the Agreed Bill List."

Speaker Brunsvold: "Absolutely."

Black: "Thank you very much."

Speaker Brunsvold: "Mr. Clerk, read the Agreed Bill List a third time. Senate Bill 33."

Clerk Rossi: "Senate Bill 33, a Bill for an Act to amend the Property Tax Code. Third Reading of this Senate Bill."

Speaker Brunsvold: "Mr. Hoeft."

Hoeft: "Thank you, Mr. Speaker. Has Senate Bill 933 been removed from the Agreed Bill List?"

Speaker Brunsvold: "Yes, Sir."

Hoeft: "Thank you. There is an individual who wants that to be done, and I was just honoring that."

Speaker Brunsvold: "Thank you. Senate Bill 34."

Clerk Rossi: "Senate Bill 34, a Bill for an Act amending the Property Tax Code. Third Reading of this Senate Bill."

Speaker Brunsvold: "Representative Osmond."

Osmond: "Would you please note that my switch was in error on Senate Bill 644, that should have been a 'yes' vote."

Speaker Brunsvold: "It will be so recorded Representative."

Osmond: "Thank you."

Speaker Brunsvold: "Representative Howard."

Howard: "Yes. Thank you, Mr. Speaker. We have visiting us today some very, very noteworthy individuals and I would like you to meet them. We have Dr. Wayne Watson, the Chancellor of the city colleges of Chicago. Ms. Zerrie Campbell,



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President of Malcolm X College, Dr. Lawrence Cox, President of Olive Harvey College, Dr. JoAnn Horton, President of Kennedy-King College, Mrs. Nancy DeSombre, President of Harold Washington College. Two trustees, Ms. Roxanne Nava and Reverend Ferdinand Hargrettt, Trustees of the city colleges of Chicago. Please help me to welcome them to Springfield."

Speaker Brunsvold: "Thank you, Representative. Senate Bill 35."

Clerk Rossi: "Senate Bill 35, a Bill for an Act amending the Property Tax Code. Third Reading of this Senate Bill."

Speaker Brunsvold: "Senate Bill 51."

Clerk Rossi: "Senate Bill 51, a Bill for an Act amending the Property Tax Code. Third Reading of this Senate Bill."

Speaker Brunsvold: "Senate Bill 52."

Clerk Rossi: "Senate Bill 52, a Bill for an Act concerning property taxes. Third Reading of this Senate Bill."

Speaker Brunsvold: "Senate Bill 73."

Clerk Rossi: "Senate Bill 73, a Bill for an Act concerning meat and poultry inspection. Third Reading of this Senate Bill."

Speaker Brunsvold: "Senate Bill 82."

Clerk Rossi: "Senate Bill 82, a Bill for an Act amending the Abused and Neglected Child Reporting Act. Third Reading of this Senate Bill."

Speaker Brunsvold: "Senate Bill 85."

Clerk Rossi: "Senate Bill 85, a Bill for an Act amending the Consumer Fraud and Deceptive Business Practices Act. Third Reading of this Senate Bill."

Speaker Brunsvold: "Senate Bill 111."

Clerk Rossi: "Senate Bill 111, a Bill for an Act to amend the Illinois Income Tax Act. Third Reading of this Senate Bill."

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Speaker Brunsvold: "Senate Bill 115."

Clerk Rossi: "Senate Bill 115, a Bill for an Act amending the Illinois Estate and Generation-Skipping Transfer Tax Act. Third Reading of this Senate Bill."

Speaker Brunsvold: "Senate Bill 124."

Clerk Rossi: "Senate Bill 124, a Bill for an Act concerning regulation of perfusionists. Third Reading of this Senate Bill."

Speaker Brunsvold: "Senate Bill 132."

Clerk Rossi: "Senate Bill 132, a Bill for an Act amending the Automobile Renting Occupation and Use Tax Act. Third Reading of this Senate Bill."

Speaker Brunsvold: "Senate Bill 147."

Clerk Rossi: "Senate Bill 147, a Bill for an Act creating the Criminal Law and Corrections Commission. Third Reading of this Senate Bill."

Speaker Brunsvold: "Senate Bill 180."

Clerk Rossi: "Senate Bill 180, a Bill for an Act in regard to public health. Third Reading of this Senate Bill."

Speaker Brunsvold: "Senate Bill 211."

Clerk Rossi: "Senate Bill 211, a Bill for an Act in relation to public employee benefits. Third Reading of this Senate Bill."

Speaker Brunsvold: "Senate Bill 248."

Clerk Rossi: "Senate Bill 248, a Bill for an Act concerning breast and cervical cancer. Third Reading of this Senate Bill."

Speaker Brunsvold: "Senate Bill 249."

Clerk Rossi: "Senate Bill 249, a Bill for an Act amending the Illinois Business Brokers Act of 1995. Third Reading of this Senate Bill."

Speaker Brunsvold: "Senate Bill 254."

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Clerk Rossi: "Senate Bill 254, a Bill for an Act amending the Condominium Property Act. Third Reading of this Senate Bill."

Speaker Brunsvold: "Senate Bill 258."

Clerk Rossi: "Senate Bill 258, a Bill for an Act amending the Code of Civil Procedure. Third Reading of this Senate Bill."

Speaker Brunsvold: "Senate Bill 283."

Clerk Rossi: "Senate Bill 283, a Bill for an Act to conform state statutes to existing state practice. Third Reading of this Senate Bill."

Speaker Brunsvold: "Senate Bill 323."

Clerk Rossi: "Senate Bill 323, a Bill for an Act amending the Abused and Neglected Child Reporting Act. Third Reading of this Senate Bill."

Speaker Brunsvold: "Senate Bill 338."

Clerk Rossi: "Senate Bill 338, a Bill for an Act concerning refunds of insurance premium taxes. Third Reading of this Senate Bill."

Speaker Brunsvold: "Senate Bill 354."

Clerk Rossi: "Senate Bill 354, a Bill for an Act amending the Motor Fuel Tax Law. Third Reading of this Senate Bill."

Speaker Brunsvold: "Senate Bill 380."

Clerk Rossi: "Senate Bill 380, a Bill for an Act amending the Property Tax Code. Third Reading of this Senate Bill."

Speaker Brunsvold: "Senate Bill 448."

Clerk Rossi: "Senate Bill 448, a Bill for an Act amending the Historic Preservation Agency Act. Third Reading of this Senate Bill."

Speaker Brunsvold: "Senate Bill 451."

Clerk Rossi: "Senate Bill 451, a Bill for an Act to amend the Property Tax Code. Third Reading of this Senate Bill."

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Speaker Brunsvold: "Senate Bill 466."

Clerk Rossi: "Senate Bill 466, a Bill for an Act to amend the Civil Administrative Code of Illinois. Third Reading of this Senate Bill."

Speaker Brunsvold: "Senate Bill 485."

Clerk Rossi: "Senate Bill 485, a Bill for an Act to amend the County Jail Good Behavior Allowance Act. Third Reading of this Senate Bill."

Speaker Brunsvold: "Senate Bill 546."

Clerk Rossi: "Senate Bill 546, a Bill for an Act in relation to taxes collected on behalf of the state and held in trust for the benefit of the state. Third Reading of this Senate Bill."

Speaker Brunsvold: "Senate Bill 562."

Clerk Rossi: "Senate Bill 562, a Bill for an Act to amend the Illinois Public Aid Code. Third Reading of this Senate Bill."

Speaker Brunsvold: "Senate Bill 565."

Clerk Rossi: "Senate Bill 565, a Bill for an Act amending the Limited Liability Company Act. Third Reading of this Senate Bill."

Speaker Brunsvold: "Senate Bill 567."

Clerk Rossi: "Senate Bill 567, a Bill for an Act amending the General Not For Profit Corporation Act of 1986. Third Reading of this Senate Bill."

Speaker Brunsvold: "Senate Bill 653."

Clerk Rossi: "Senate Bill 653, a Bill for an Act concerning higher education. Third Reading of this Senate Bill."

Speaker Brunsvold: "Senate Bill 665."

Clerk Rossi: "Senate Bill 665, a Bill for an Act amending the Illinois Income Tax Act. Third Reading of this Senate Bill."

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Speaker Brunsvold: "Senate Bill 673."

Clerk Rossi: "Senate Bill 673, a Bill for an Act in relation to sexual assault on nurse examiners. Third Reading of this Senate Bill."

Speaker Brunsvold: "Senate Bill 721."

Clerk Rossi: "Senate Bill 721, a Bill for an Act concerning managed care dental benefit plans. Third Reading of this Senate Bill."

Speaker Brunsvold: "Senate Bill 740."

Clerk Rossi: "Senate Bill 740, a Bill for an Act amending the Illinois Vehicle Code. Third Reading of this Senate Bill."

Speaker Brunsvold: "Senate Bill 745."

Clerk Rossi: "Senate Bill 745, a Bill for an Act to revise the law by combining multiple enactments and making technical corrections. Third Reading of this Senate Bill."

Speaker Brunsvold: "Senate Bill 76...excuse me, 746."

Clerk Rossi: "Senate Bill 746, a Bill for an Act to revise the law by combining multiple enactments and making technical corrections. Third Reading of this Senate Bill."

Speaker Brunsvold: "Senate Bill 752."

Clerk Rossi: "Senate Bill 752, a Bill for an Act concerning small businesses. Third Reading of this Senate Bill."

Speaker Brunsvold: "Senate Bill 778."

Clerk Rossi: "Senate Bill 778, a Bill for an Act concerning Lloyds Insurers. Third Reading of this Senate Bill."

Speaker Brunsvold: "Representative Hartke in the Chair."

Speaker Hartke: "Senate Bill 782, Representative Tenhouse."

Clerk Rossi: "Senate Bill 782, a Bill for an Act amending the University of Illinois Hospital Act. Third Reading of this Senate Bill."

Speaker Hartke: "Senate Bill 783."

Clerk Rossi: "Senate Bill 783, a Bill for an Act amending the

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Specialized Care for Children Act. Third Reading of this Senate Bill."

Speaker Hartke: "Senate Bill 799."

Clerk Rossi: "Senate Bill 799, a Bill for an Act amending the Illinois Income Tax Act. Third Reading of this Senate Bill."

Speaker Hartke: "Senate Bill 826."

Clerk Rossi: "Senate Bill 826, a Bill for an Act amending the Illinois Municipal Code. Third Reading of this Senate Bill."

Speaker Hartke: "Senate Bill 834."

Clerk Rossi: "Senate Bill 834, a Bill for an Act concerning research parks. Third Reading of this Senate Bill."

Speaker Hartke: "Senate Bill 847."

Clerk Rossi: "Senate Bill 847, a Bill for an Act in relation to various offenses committed on properties leased by public housing agencies. Third Reading of this Senate Bill."

Speaker Hartke: "Senate Bill 878."

Clerk Rossi: "Senate Bill 878, a Bill for an Act concerning taxation. Third Reading of this Senate Bill."

Speaker Hartke: "Senate Bill 892."

Clerk Rossi: "Senate Bill 892, a Bill for an Act amending the Property Tax Code. Third Reading of this Senate Bill."

Speaker Hartke: "Senate Bill 916."

Clerk Rossi: "Senate Bill 916, a Bill for an Act amending the Eastern Illinois University Law. Third Reading of this Senate Bill."

Speaker Hartke: "Senate Bill 935."

Clerk Rossi: "Senate Bill 935, a Bill for an Act amending the Election Code. Third Reading of this Senate Bill."

Speaker Hartke: "Senate Bill 958."

Clerk Rossi: "Senate Bill 958, a Bill for an Act amending the

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Conservation District Act. Third Reading of this Senate Bill."

Speaker Hartke: "Senate Bill 1065."

Clerk Rossi: "Senate Bill 1065, a Bill for an Act amending the Early Intervention Services System Act. Third Reading of this Senate Bill."

Speaker Hartke: "Senate Bill 1066."

Clerk Rossi: "Senate Bill 1066, a Bill for an Act concerning military memorials. Third Reading of this Senate Bill."

Speaker Hartke: "Senate Bill 1070."

Clerk Rossi: "Senate Bill 1070, a Bill for an Act amending the Grain Code. Third Reading of this Senate Bill."

Speaker Hartke: "Senate Bill 1085."

Clerk Rossi: "Senate Bill 1085, a Bill for an Act in relation to automatic contract renewal. Third Reading of this Senate Bill."

Speaker Hartke: "Senate Bill 1105."

Clerk Rossi: "Senate Bill 1105, a Bill for an Act amending the Personnel Code. Third Reading of this Senate Bill."

Speaker Hartke: "Senate Bill 1106."

Clerk Rossi: "Senate Bill 1106, a Bill for an Act amending the Nursing Home Care Act. Third Reading of this Senate Bill."

Speaker Hartke: "Senate Bill 1110."

Clerk Rossi: "Senate Bill 1110, a Bill for an Act amending the Disabled Veterans Housing Act. Third Reading of this Senate Bill."

Speaker Hartke: "Senate Bill 1111."

Clerk Rossi: "Senate Bill 1111, a Bill for an Act concerning agency committee membership. Third Reading of this Senate Bill."

Speaker Hartke: "Senate Bill 1118."

Clerk Rossi: "Senate Bill 1118, a Bill for an Act concerning

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taxation. Third Reading of this Senate Bill."

Speaker Hartke: "Senate Bill 1146."

Clerk Rossi: "Senate Bill 1146, a Bill for an Act amending the State Employees Group Insurance Act of 1971. Third Reading of this Senate Bill."

Speaker Hartke: "Senate Bill 1183."

Clerk Rossi: "Senate Bill 1183, a Bill for an Act regarding tobacco. Third Reading of this Senate Bill."

Speaker Hartke: "Senate Bill 1184."

Clerk Rossi: "Senate Bill 1184, a Bill for an Act amending the Housing Authorities Act. Third Reading of this Senate Bill."

Speaker Hartke: "Senate Bill 1192."

Clerk Rossi: "Senate Bill 1192, a Bill for an Act amending the School Code. Third Reading of this Senate Bill."

Speaker Hartke: "Senate Bill 1207."

Clerk Rossi: "Senate Bill 1207, a Bill for an Act concerning the John Joseph Kelly Veteran's Home. Third Reading of this Senate Bill."

Speaker Hartke: "House Resolution 139. Out of the record. Okay. Ladies and Gentlemen, we are about to vote on the Agreed Bill List. There are three Bills that will not be recorded on this roll call. It will be Senate Bill 43, Senate Bill 933, and Senate Bill 1009. Everyone should record themselves as 'yes' and when the tabulation of the yellow sheets is taken care of this evening, we will announce the results of this vote. Shall these Bills pass? All those in favor will signify by voting 'yes'; those opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On page two of the Calendar, appears Senate Bill 32. Representative Crotty. Representative Crotty, would you like to call



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Senate Bill 32? Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 32, a Bill for an Act amending the Bingo License and Tax Act. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Crotty."

Crotty: "Thank you, Mr. Speaker. Senate Bill 32, amends the Bingo License and Tax Act. It provides that a park district is not required to pay to the Department of Revenue the \$200 fee for a providers license, which is necessary to conduct bingo games on park district premises. Under the current law, any entity wishing to use its premises to conduct bingo, must obtain a \$200 provider license. However, municipalities are exempt from the license and fee requirement. Senate Bill 32, is asking the same of our park districts."

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

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

Speaker Hartke: "She indicates she will."

Black: "Representative, this is a very interesting Bill. Very, very interesting Bill."

Crotty: "Thank you."

Black: "We've seen it before."

Crotty: "Yes."

Black: "In fact, is this identical to Senate Bill 1273?"

Crotty: "Yes."

Black: "That passed last year on a Partisan Roll Call."

Crotty: "Yes, yes."

Black: "What happened to that Bill?"

Crotty: "I have no idea."

Black: "The Governor vetoed the Bill."

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Crotty: "That's true."

Black: "Ah, ha. And do you know..."

Crotty: "I remember now."

Black: "Are you familiar with the reason that the Governor stated in his veto message?"

Crotty: "Well, he vetoed the Bill because he thought it was improper to impose legislation that would result in the loss of revenue, and that loss of revenue is \$2,000."

Black: "And where does that revenue go? Where would that loss of revenue go? If we didn't take it out, where would the thousands of dollars go?"

Crotty: "Those \$2,000?"

Black: "Oh, \$2,000."

Crotty: "Two thousand dollars."

Black: "Okay. Where would the \$2,000 have gone?"

Crotty: "I have no idea where that \$2,000 would go."

Black: "Well, let me refresh your memory."

Crotty: "Okay."

Black: "That \$2,000 goes to the Common School Fund. So, we're revisiting a Bill that was vetoed a year ago, because what you are asking is to exempt some bingo licenses and that license money goes to the Common School Fund. Now, I can argue that I'd rather have another source of revenue. But at this point, being a downstater, I'll take a dollar. I'll take a dollar and a half in the Common School Fund. But this money, this Bill takes \$2,000 out of it. Another interesting part of this Bill, if I am a member of a Catholic parish and I have bingo twice a week in the parish hall, do I not have to pay the license fee of \$200?"

Crotty: "Most likely, yes. But remember that they also get the proceeds from those bingo fund raisers."

Black: "Well, I certainly hope so."

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Crotty: "The other thing I wanted to mention also..."

Black: "I certainly hope so. Alright."

Crotty: "Representative Black, you've hit a... struck a cord here with that school funding and I'm sure that you've probably knew that that would be something that would really get my dander and I would probably look to vote against my own Bill, if that was the case. But according to the Department of Revenue and last year's audit, they've already... were giving exemptions to routinely... to the park district facilities. And so, I'm asking that we look at allowing that legislation then to go through. Seeing that routinely they have allowed the park districts off the hook."

Black: "I'm sorry, Representative. You said the Department of Revenue is already giving exemptions to what? Tea Rooms?"

Crotty: "Oh, no."

Black: "What was it? I didn't hear you?"

Crotty: "They have been giving, routinely..."

Black: "Routinely?"

Crotty: "Right. Exemptions..."

Black: "To?"

Crotty: "Exemptions to the park districts. It wasn't until the audit came about that we realized that they shouldn't be, so this legislation is correcting that."

Black: "So, so the Auditor General found out that the Department of Revenue was making a mistake, right?"

Crotty: "And what I'm saying is those \$2,000 that we would have assumed was going into the general revenue and then going out to the school districts, in fact, was not. So, our school districts will not be losing a thing."

Black: "Well, thank you, Representative. I'm glad that you clarified that. My school districts feel much better, I'm

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sure. Mr. Speaker, if I could, to the Bill..."

Speaker Hartke: "To the Bill."

Black: "...and Ladies and Gentlemen, of the House. The Auditor General, who I voted for some years ago was the Democrat... I think he was the Chief of Staff to the Senator Phil Rock, as I recall. And he has done an excellent job as Auditor General. That's Bill Holland, as you all know. He's done an excellent job. He came along and he discovered that the Department of Revenue was routinely, as the Sponsor said, granting exemptions to park districts who were hosting bingo nights, in park district property. And that bingo could be sponsored by a PTA, or the War Dads, or the auxiliary, but the issue we need to focus on is that the Auditor General said, that's wrong. You're not suppose to do that. You have no statutory authority to do that and as a result of the Auditor General's study, he found that by exempting these people, you were costing the Common School Fund \$2,000. Now, I will grant you, and the Representative is right on target, that's not a great deal of money. Not a great deal of money at all. But, it establishes a precedent that by legislation we can come back and correct something that's wrong, according to the Auditor General, and then take money away from the Common School Fund. Now, Ladies and Gentleman, and particularly those of you that don't come from wealthy districts, and that certainly includes mine. My schools cannot afford to lose a dollar. Not one dollar. You know, in January we had a serious fire, a working fire, in Danville. Three hundred and twenty kids escaped, thank God nobody was injured. But the fact remains that the school that caught fire and burned was built in 1901. It was by the Grace of God and a dedicated staff and fire drill training that those children

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got out of that school safely. I submit to you, that that school, built in 1901, probably would not be in that condition if we had the money to make certain renovations and repairs over the years, and we don't have. I cannot in good conscience, stand here on the Floor of the House and vote for any Bill that takes one dollar out of the Common School Fund. When we get together as a Body and solve the school funding crisis in Illinois, once and for all, then I'll join with the Sponsor on this Bill. But not until, not if it costs my school district one dollar, ten cents, or a nickel. This is a bad precedent. You divert money from the Common School Fund and that's wrong. I urge a 'no' vote."

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

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

Speaker Hartke: "She indicates she will."

Cross: "Prior to that, we requested verification in the event this Bill that takes money out of the school aid formula passes."

Speaker Hartke: "The request will be granted."

Cross: "Representative, and I think Representative Black covered about as much as this as he could, but I'm a little puzzled by and I didn't hear all of the debate. This only applies to a park district, is that correct?"

Crotty: "This Bill is asking that the same exemption be given to a park district as it is with other municipalities."

Cross: "Would this apply to all park districts?"

Crotty: "Pardon me?"

Cross: "Would this apply to just one particular park district?"

Crotty: "No, all of your park districts."

Cross: "All of them? Are there other... are park districts the

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only... the only entities that have to apply for a license now?"

Crotty: "Pardon me. I'm sorry."

Cross: "Are park districts the only entities that are required to apply for a license?"

Crotty: "No, you have organizations that have to apply for the license."

Cross: "Give me some examples of those organizations, if you would. If you could just give us the names of the organizations that would have to apply."

Crotty: "Any person, firm, or corporation who wishes to hold a bingo needs to get a license."

Cross: "So, if the Lions Club in my community or your community wanted to hold a bingo night, they would need a license?"

Crotty: "Yes. What we are asking is, in my district Midlothian Park District, offers their facility as a place in which a VFW could hold a bingo, and Midlothian does not get... the park district does not get any dollars from holding this bingo, it just provides a location for the VFW, so this is allowing them to do that without getting a license fee to run a bingo. They are not running it. They are only giving the facility."

Cross: "So, what if the VFW wanted to hold a bingo night. Would they need to apply for the license and pay \$200?"

Crotty: "Yes. Yes."

Cross: "And a Lion's Club would have to do the same?"

Crotty: "Yes."

Cross: "And a not-for-profit PTA would have to do the same?"

Crotty: "To my knowledge, yes."

Cross: "Or a Kiwanis Club?"

Crotty: "Yes."

Cross: "So, why would you want to hurt or damage your local PTA

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group? They're not included under your Bill."

Crotty: "I'm not, I'm not damaging the PTA. What I'm doing is offering every single one of the taxpayers in our districts, a reprieve from paying a \$200... toward a \$200 fee to a municipality, which already gets the exemption, but the park district does not. So, when the park district pays that fee and gets no money for it, I as a taxpayer am just giving my tax dollars to pay for a fee that I really don't feel is necessary, and especially if you've allowed my municipality to do the same. Park districts are run on our tax dollars, so, the park district has asked me..."

Cross: "Why wouldn't we do that for a PTA that helps our schools? Why wouldn't we just... why don't you include the other groups in this Bill? It seems to be, the problem is, it seems to be that this is very special legislation and you're excluding all the other groups in our communities that we all support. I believe we do and I would hope you would, like the PTA, the Kiwanis, the American Legions, the VFWs, The Lions Clubs. And we are saying in those groups, or you are in this Bill, we don't care about you. And I'm not sure that's really where you want to go with this Bill. Is it?"

Crotty: "The... if... say for instance, a Lion's Club or a Kiwanis, if they have their own facility, they do not have to pay for this fee. They don't have to get a license to use their own facility, but those organizations that are fund-raising in our communities that would use the facility of a park district, would have to pay that fee. The park district. So, this Bill stops that."

Cross: "Representative, with all due respect, it doesn't read that way."

Crotty: "We're not hurting any other group. Pardon me."

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Cross: "With all due respect, it doesn't read that way. I'm also concerned about maybe some... just... you need to... I would suggest you take a look at this. There are people under, if I read this correct, a park district does not need to get a license under your Bill if it passes. Is that correct?"

Crotty: "That's correct."

Cross: "Alright. If you don't need a license then, I'm concerned that under the Act..."

Crotty: "They do need a license, but they do not have to pay the fee. I'm asking that the fee for the license be waived."

Cross: "So, they would still have to go through the process of applying for a license?"

Crotty: "Yes."

Cross: "Alright. I don't have any other questions."

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

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

Speaker Hartke: "She indicates she will."

Mitchell: "Representative, from my understanding of this Bill, is that the park districts feel that they're being charged a fee when they, in fact, receive no revenue from the bingo games. Is that correct? Hello. Is anybody out there?"

Crotty: "I'm... I'm,...I'm over here."

Mitchell: "Oh. I would just ask for some clarification Representative, and my understanding..."

Crotty: "I'm sorry, Representative."

Mitchell: "...what you are explaining is that..."

Speaker Hartke: "Would you repeat the question?"

Mitchell: "The park districts don't feel that they should have to pay a fee since they receive no revenue from the bingo games. Is that correct?"



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Crotty: "That is correct. One of the reasons."

Mitchell: "Okay. Is there anything in law that would prohibit the park district from changing their rental policy for any group, saying from the revenue that you're going to receive, from the proceeds that you are going to receive, the first \$200 dollars must come back to the park district to cover the cost of the license fee that is owed to the State of Illinois? Is there any thing to stop the park districts from rolling in that cost to the group that is going to be using their facility? So they, in fact, can then turn that cost over to whatever group it is that is going to make the money. And that way, they can handle this problem internally. It doesn't have to become a law, and secondly, there is no question as to whether or not money is taken out of the Common School Fund. In fact, this money would then go into the Common School Fund. The Department of Revenue could stop worrying about giving exemptions to one particular group, that got them in trouble with the Auditor General, in the first place."

Crotty: "The fee... Was there a question in all of that Jerry?"

Mitchell: "I'm just asking if this problem couldn't be handled internally without the State of Illinois having a law that exempts one particular entity?"

Crotty: "Well, there is a law that allows the municipalities to be exempt. /And what the park dis... and the Department of Revenue looked at the park districts for years as having that exemption. We're asking that, as long as we've given it to the municipalities, that we would also give that to our park districts."

Mitchell: "But now that the Auditor General has pointed out that they don't have an automatic exemption, should not have had an automatic exemption. Can't they then in turn, advise

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the groups that want to rent their facilities, that the rental fee has gone up \$200, because this is a fee they must now pay the State of Illinois, which goes into the Common School Fund?"

Crotty: "And they probably could do that, but this Bill does not do that. The Bill is asking for the very same exemption that is given to the municipalities and rightfully so. They are run by our tax dollars, that that same privilege be given to our park districts that are run in the same fashion. And it's... it's a good Bill for our, not-for-profits, that are out there fund-raising and don't have a location. Everyone else will still pay their fees if they have the location. And again it's a \$2,000 difference and our park districts have asked that we support them in this effort. And I see absolutely no reason why it shouldn't be and that's why I decided to carry this Bill. It's the same as municipalities."

Mitchell: "Thank you Representative, to the Bill. With all due respect to the Sponsor, this is a problem that could be handled locally and is many, many times. The question of taking money from the Common School Fund is a serious one. And I have to agree with my colleague, Representative Black, in the fact that there is a possibility that the Common School Fund could lose money. Any portion of money at a time when they desperately need it. This is not a good idea. If it had been a good idea, the Auditor General would not have pointed out to the Internal Revenue that it shouldn't be happening. Folks, this is an easy one. Vote 'no'."

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

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

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Crotty: "Yes, I will."

Mautino: "Representative, I was just looking through the analysis on that listing of some of the comments. This would be exempting from payment of the fee of the \$200 dollars for basically, 10 park districts that do this within the State of Illinois, because it looks like a total impact of \$2,000. Is that correct?"

Crotty: "That's correct."

Mautino: "Okay. So, then these districts which are supported by tax dollars are going to pay an additional tax to a state agency supported by tax funds for offering their community service groups a place where they can hold this facility or hold this event at no charge, correct?"

Crotty: "That's correct."

Mautino: "Okay. We do this for municipalities, as you said. Now, one of the other previous speakers mentioned, well why not take 200 off the top and just pay it to the park district? Your small PTA might have a bingo night where they, for example, bring in their profit... and this might be \$500. And, I think they have to pay. Is it correct that it is a 5% tax on gross receipts the way we tax bingos right now?"

Crotty: "That's correct."

Mautino: "Okay. So, with that, we are going to further reduce the amount the community service group is going to receive, in addition to charging them another \$200 so that they can hold that special night, correct?"

Crotty: "That's correct. You know what Frank, you are right on target. But if you wouldn't mind me interrupting. Speaker, I would like to pull this out of the record for a few minutes."

Speaker Hartke: "Take this Bill out of the record."

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Crotty: "Thanks."

Speaker Hartke: "On page 3 of the Calendar, appears Senate Bill 144. Representative Mathias. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 144, a Bill for an Act in relation to taxation. Third reading of this Senate Bill."

Speaker Hartke: "Representative Mathias."

Mathias: "Thank you, Mr. Speaker. Senate Bill 144 reinstates the Sales Tax Reform Act of 1989, which was recently struck down by the Cook County Circuit Court because of the single subject matter. It's the same Bill that we were reenacting as an independent Bill. There is no known opposition. I would encourage everyone to vote for this Bill. Thank you."

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

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

Speaker Hartke: "He indicates he will."

Black: "Representative, does this Reform Act that you are reinstating, the Reform Act, is this statewide or does it only affect a court decision that happened in Cook County?"

Mathias: "I believe this Bill grants municipalities and counties with the ability to impose local sales taxes. I don't believe it's just limited to Cook County."

Black: "So, this could then conceivably affect... is it home rule cities and counties only?"

Mathias: "Yes, because nonhome ruled counties cannot impose a sales tax at this time."

Black: "Alright. So, was that circuit court decision appealed? Is there an appeal pending?"

Mathias: "Actually what happened is the... there is an appeal pending. The judge initially struck the law, then after

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further hearing then actually upheld the law. But, because it's on appeal now, this would do away with any question that the law is constitutional."

Black: "OKay. Alright. Thank you very much, Representative."

Mathias: "Thank you."

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

Skinner: "Mr. Speaker, this Bill is really an exciting Bill. If we defeat it, we will enact the only tax cut in this General Assembly. Now let that sink in. We haven't had any opportunity to vote for a tax cut Bill. If we vote against this, we are going to cut taxes. I think I have said enough."

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

Mathias: "Yes, I just urge you to support Senate Bill 144. The local municipalities and counties that have imposed a sales tax would be drastically affected if this Bill does not pass. Thank you."

Speaker Hartke: "The question is, 'Shall Senate Bill 144 pass?' 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? Please record yourselves. Have all voted who wish? Mr. Clerk, take the record. On Senate Bill 144, there are 63 Members voting 'yes', 49 Members voting 'no', 3 Members voting 'present'; and this Bill having received a Constitutional Majority is hereby declared passed. On page 6 of the Calendar, appears Senate Bill 667. Take it out of the record please. On page 2 of the Calendar, appears Senate Bill 48, Representative Dart. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 48, a Bill for an Act in relation to

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mental health records of applicants for Firearm Owners Identification Cards. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Dart."

Dart: "Thank you, Mr. Speaker, Members of the House. This is a Bill that I pulled out of the record yesterday, so that the Republican Staff could look at it, because there was concern about whether an Amendment had been put on. We since have talked. The Amendment was put on in Committee, which removed some of the opposition to the Bill, because it had been a little bit too broad. And the Bill, what it does, is it allows for the State Police to get mental health records for individuals and determine whether or not they should be eligible for a FOID Card. It's an effort to deal with the problem with individuals who would be disqualified in this state for having a FOID card, but we do not have the ability to get information. And this would allow us to do so and I would appreciate your support."

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

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

Speaker Hartke: "He indicates he will."

Turner: "Representative, I thought this was already required under the law. How does this change existing statute?"

Dart: "The existing statute right now, talks about records that basically are within the state and the ability of the state to get. This would allow us the ability to examine records that may be from out of state. The example that has been up quite often is the individual from Minnesota, I believe it was, who murdered two guards in the Capitol Building. He had had mental health problems, but in the state where he had a FOID type of card, it was...they did not have access to that information. And this would allow for us to

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get more access for that."

Turner: "How is it, in the State of Illinois, that we're able to pass a statute which will require other states to provide us with information that may be recorded in their states?"

Dart: "Well, we feel that with the different compacts that we have between the different states that this would be something where we would be able to get that information."

Turner: "Is there some kind of Reciprocity Act that kicks in with this?"

Dart: "Well, my understanding is that we would have the ability to get this information. I'm not sure exactly if it was through the Reciprocity Agreement or if it's through the exact compacts between the states. But, I've been lead to believe that it would not be difficult for us to get this information."

Turner: "Do we supply this information to other states that make requests to us?"

Dart: "I'm unaware if we do that or not right now."

Turner: "And does your Bill affect only the mental records for a person who's making an application for a FOID card?"

Dart: "You are correct."

Turner: "Should we not have the same type of procedure for criminal records, or is that already in place?"

Dart: "Well, there is already a requirement when you fill this out that you make... attest to the fact that you've not been convicted of a felony or numerous offences as well. It sort of encompasses both state and outside the state."

Turner: "Is there anyone in opposition of this?"

Dart: "You know, John, I'm not sure. We had no opposition slips in committee on this. The only concern was voiced by the 'Equip for Equality'. They wrote the Amendment, and there was one other mental health group as well, they were all

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together in the Amendment, and I'm not unaware of anybody other than that from that came into committee."

Turner: "You say, 'Equip for Equality'? And what... they're in opposition. What is their opposition?"

Dart: "No, they were in opposition. Them and the... there was one other group too John, I can't remember their name. They had concerns with the Bill as it was originally was drafted. It was too broad, allowing access to more than just mental health admission. It was actually allowing access to records. There's no need for that. There never was the intent for that and so we had to clarify that."

Turner: "Alright. So, you've narrowed this Bill down then to address that concern."

Dart: "You know me, and my narrow Bills."

Turner: "Excuse me?"

Dart: "You know me, and how many narrow Bills I have."

Turner: "Yes, yes, that too, but you've addressed that concern then by making an Amendment and the Amendment then has lifted the opposition from 'Equip for Equality'."

Dart: "Correct."

Turner: "Well, does the Bill do what you want it to do, then?"

Dart: "Yeah, it does exactly what we want it to do, because the reality is, is that we want to find out whether or not people had been admitted. We really... we had no need to find out the information as to the extent of stays and things along those lines. Those truly were... was information we didn't need."

Turner: "Is this an instant check?"

Dart: "No, no. This is not. This would be something the State Police would do, but this would not be something they'd be doing on the instant check."

Turner: "Does this change any of the State Police program,



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protocol requirement, with regard to when they issue the FOID card and when they do not? Does this change anything with regard to State Police?"

Dart: "In regards to State Police, it would require the State Police to come up with a form that would allow for this information to be obtained."

Turner: "But, once they obtain it, they're going to be obtaining information perhaps regarding mental records that maybe they'll run for mayor with, maybe they're not compiled in the same fashion others states are with this state. Does it change their decision making process of whether or not to grant the FOID card application?"

Dart: "I have not been made aware of any delay that was going to be occasioned by this."

Turner: "And can you think of any other question that I need to ask you, that I failed to?"

Dart: "No. If I do I'll write them out and get them over to you."

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

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

Speaker Hartke: "He indicates he will."

Durkin: "Representative Dart, just to make this perfectly clear. All this Bill does is allow the Illinois State Police to get access to this information. It doesn't state that if this person does have a history that they must deny it if, you know, unilaterally deny it. It allows them to go in and make an independent decision of whether or not they believe this person should have access to a FOID card, correct?"

Dart: "Correct."

Durkin: "Alright. To the Bill. I think this is a great Bill."

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An example which comes up to me real... which was really personal, was about three years ago, there was a police officer, he grew up in my district, he was an Illinois State Police Officer who was shot on I-57 outside of Kankakee. And the person who shot him had a FOID card. A little background check, realized that this person has spent two weeks in a mental health institution. There's no way he should have received a FOID card. The fact is he did under the Illinois Law. This Bill, I think is going to go a long way to keep these type of situations from occurring in the future. I would... hopefully everybody will vote for this Bill. Thank you."

Speaker Hartke: "The Chair recognizes Representative Black."

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

Speaker Hartke: "Indicates he will."

Black: "Representative, with apologies if you've already gone over this. Let me take a different tact. My fear, on a Bill like this, is that we... on the one hand, we encourage people to seek counseling, to seek help if they need it, and I can tell you this has happened in my district with plant closures. That's a traumatic event in somebody's life. So, they go to an outpatient clinic, maybe they go 9 or 10 times for depression to try to deal with their anger at losing their job, or being downsized, or their plant closed. Then they go to renew their FOID card, and they're maybe an avid hunter, oops, can't get one. You've... you've... you know, you were honest and you said you've had some counseling, so we're going reject you. My fear is, that if we continue to call up these records then might we... might we not be sending a message, 'Hey, don't go seek help if you need it, because it might come back and prevent you from doing something you like to do.'"

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Dart: "You're exactly right if what we were doing was going to alter what the requirements were on the FOID card now, because basically what we are doing now, is allowing access to the records from other states, that if that information were in our state already, would, under existing law, prohibit you from having it. So, basically right now it's only individuals who have been in... has been a patient in a mental institution in the past five years or someone who is mentally retarded. And those are the two existing laws right now. So, I know exactly what you're talking about and that worried me. The Amendment we put on, I think, allayed a lot of peoples' fears, because it was a little bit too broad originally and it's narrowed it a great deal. And actually, one of the things in the Bill that we have, is we have that the records are destroyed a year after they are obtained too, so that any individual had concerns about people hanging on to these records, who shouldn't, the records will be destroyed. They are just for the purpose and clarifying that following what our law is right now, that you have not had the same problem in another state."

Black: "What... and I forget. I talked with somebody and I think they were with 'Equip for Equality' and I notice our file says that they're opposed to the Bill. Is there some reason that they feel they may be singled out or that this is not good public policy?"

Dart: "We worked with 'Equip with (sic-for) Equality' and another organization, and I can't remember the name of it right now. They had a very legitimate concern, and as a result of their concern I amended the Bill, and frankly I deleted the original Bill and the Amendment became the Bill. They drafted the Amendment with me. And their big... their concern was very well founded. The Bill as it originally

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came allowed for access to all the records. There's no need. I mean, it's a factual question. Is this a person who's been institutionalized, or is this person mentally retarded? If either of those two apply then they don't get the FOID card. And that's existing law. We don't need to know the date you were in the intake, why you were in the intake was for, how long you were there for. We don't need that information. The original Bill would have allowed all that and frankly it was an oversight from the House of Lords. And the Amendment by the 'Equip for Equality' folks, I believe clarifies everything. They were involved with this other group, and I can't remember the name of them now, who both had the same concern and they were the ones who came up with this language."

Black: "Okay. Okay. So, let me make sure I've got this straight now. This is not a Bill designed to be punitive, i.e., somebody goes to a treatment center for alcoholism, and they... 30 days of treatment and they're well on their way to the 12 steps and they are a recovering alcoholic. The record check shows... oho, oh, you were in the Hazleton Clinic or the Betty Ford Clinic and therefore, we're either going to deny a FOID card request or renewal, or we're going to come take yours away. If I understand the debate, this isn't designed to be punitive in nature, it's designed to be informative to the State Police?"

Dart: "Yeah. It's to allow them to get the information that they use right now to make judgements on Illinois residents, right now. It would allow them to get information, say from Indiana saying that this individual had had problems in Indiana that would prohibit them."

Black: "Alright. Okay. Thank you for clarifying that. Thank you very much."

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

Dart: "Thank you, Mr. Speaker, Members of the House. I appreciate the questions and this is a very important measure. I appreciate Representative Durkin's help on the Bill. It's something that I think will go a long way to closing up a loophole here, so that individuals who are getting a FOID card and access to firearms, we're sure that they fit the qualifications to have those and not just in this state, but in every state of the union, and I'd appreciate your support."

Speaker Hartke: "The question is, 'Shall Senate Bill 48 pass?'. 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? Have all voted who wish? Mr. Clerk, take the record. On Senate Bill 48, there are 116 Members voting 'yes', 0 voting 'no', and 1 person voting 'present'; and this Bill having received a Constitutional Majority, is hereby declared passed. The Chair recognizes the Gentleman from Cook, Representative Schoenberg."

Schoenberg: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I rise on a point of personal privilege. In the gallery behind me is a delegation from Hillel Torah North Suburban Day School, where I graduated in 1973 as the eighth grade class president. And if we could give them a warm Springfield welcome, I'd certainly appreciate it. Thank you very much."

Speaker Hartke: "On page 8 of the Calendar, appears Senate Bill 867. Representative Mitchell. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 867, a Bill for an Act amending the Criminal Code of 1961. Third Reading of this Senate Bill."

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Speaker Hartke: "Excuse me, Mr. Mitchell. The Chair recognizes Mr. Durkin."

Durkin: "Thank you, Mr. Speaker. I rise as a point of personal privilege. I would like to welcome today from North Riverside, Illinois, the eighth grade class of Komarek Grammar School who's here.. They're up in the gallery. Thank you for coming to Springfield."

Speaker Hartke: "Welcome to Springfield. Mr. Mitchell."

Mitchell: "Thank you, Mr. Speaker. Senate Bill 867 amends the Criminal Code. It provides that law enforcement use ease dropping devices in response to emergency situations, are exempt. In this article, an emergency situation is also defined. This got out of the Senate unanimously, and I hope it does in the House."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall Senate Bill 867 pass?' 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 867, there are 116 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 6 of the Calendar, appears Senate Bill 667. Representative McGuire. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 667, a Bill for an Act amending the Workers' Compensation Act. Third Reading of this Senate Bill."

Speaker Hartke: "Representative McGuire."

McGuire: "Thank you, Mr. Speaker. Senate Bill 667, is a Workers' Comp Bill, and what it does, is it authorizes the corporate officers of corporations and limited liability companies to

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elect to exempt themselves as individuals from coverage under the Workers' Comp Act. It also requires any sole proprietor or member of a limited company, who elects to exempt himself or herself from coverage under the Act, to file a waiver with the Industrial Commission. I believe this Bill was favorably and most likely unanimously supported in the Senate. There is no discussion or problem that I know of. Mr. Speaker, there's been some thought of adding an Amendment and I wasn't aware of whether they wanted to do it, so, would we please take this Bill out of the record at this time?"

Speaker Hartke: "Out of the record."

McGuire: "Thank you."

Speaker Hartke: "On page 2 of the Calendar, appears Senate Bill 38. Representative Pankau. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 38, a Bill for an Act amending the Property Tax Code. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Pankau."

Pankau: "Senate Bill 38, deals with the timing of a model home when it goes on the assessment rolls. This Bill was suggested... my local township assessor. Basically, the law right now says that in the tax in the assessable ye... in the assessment year, a builder has to declare by January 1st, whether that building is going to be used as a model home or not. Oftentimes, at the first of the year, a contractor doesn't know if that particular house, is going to be a model home or not. So, this gives Cook County until an April 30th date for a contractor to say that a particular house is going to be a model home or it's going to be a spec home and they're going to sell it, and in the other counties, up to December 1st. It's a timing difference. It gives the contractor more time. It's

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something that in practice has sort of been done, but has never been put into law. And I recommend approval of this Senate Bill."

Speaker Hartke: "Is there any discussion? Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 38?' 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 38, there were 117 Members voting 'yes', 0 voting 'no', 0 voting 'present'; and this Bill having a received a Constitutional Majority, is hereby declared passed. On page 8 of the Calendar, appears Senate Bill 1026. Representative Giles. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1026, a Bill for an Act to amend the Public Funds Deposit Act. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Giles."

Giles: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. Senate Bill 1026 amends the Public Fund Deposit Act. And this Bill does two things. First, it grants public treasurers are... of the custodians of public funds clear authority to enter an agreement with third party custodial institution for the safe keeping of collateral. Second, what this Bill does, is updates the Act to include saving banks under this Act. Many local public treasurers and other custodians of public funds, they do not have a clear cut authority to act under... to act... to enter an agreement with the third party custodian to establish custodial accounts for safekeeping of collateral pledged by banks. So... to secure public funds. So, this Bill will



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do so."

Speaker Hartke: "Is there any discussion? So no one is seeking recognition,. The question is, 'Shall Senate Bill 1026 pass?' 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 1026, 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 7 of the Calendar, appears Senate Bill 786. Representative Parke. Representative Parke. Out of the record. On page 5 of the Calendar, appears Senate Bill 393. Representative Acevedo. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 393, a Bill for an Act amending the Illinois Controlled Substances Act. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Acevedo."

Acevedo: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 393, is a technical change. Current law provides enhanced penalties when the liberty of a controlled substance occurs within 1,000 feet of places, such as schools, house of worship, senior citizens' home, et cetera. With this provision, it would add private property as well as public property to the specific places I've just mentioned. And I ask for a favorable vote."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall Senate Bill 393 pass?' 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

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Bill 393, there were 115 Members voting 'yes', 0 voting 'no, and 0 voting 'present'; and this Bill having received a Constitutional Majority, is hereby declared passed. On page 9 of the Calendar, appears Senate Bill 1062. Representative Righter. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1062, a Bill for an Act amending the Firearm Owners Identification Card Act. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Righter."

Righter: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Quite simply, Senate Bill 1062 would mandate that the Illinois State Police be the contact point for the Federal Government with regards to the National Criminal Background Check that is now in place with the Federal Government. Right now, the State Police do informally act as that checkpoint, and this would simply mandate that by State Law. It would also require, by September of this year, that all FOID cards that are issued have a serial number on those which identifies them with the National Background Check System. This is a Bill that will help us do better background checks for those people wishing to apply to possess firearms. And I'm happy to answer any questions anyone might have."

Speaker Hartke: "Is there any discussion? Is there any discussion? Seeing no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 1062?' 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 1062, there were 115 Members voting 'yes', 0 voting 'no', 0 voting 'present'; and this Bill having received a Constitutional

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Majority, is hereby declared passed. On page 10 of the Calendar, appears Senate Bill 1168. Representative McCarthy. Representative McCarthy. Out of the record. On page 5 of the Calendar, appears Senate Bill 423. Representative Rutherford. What is the status of this Bill?"

Clerk Rossi: "Senate Bill 423, is on the Order of Senate Bills - Third Reading."

Speaker Hartke: "Move that back to Second for the purpose of an Amendment. On page 10 of the Calendar, appears Senate Bill 1158. Representative McKeon. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1158, a Bill for an Act amending the Illinois Administrative Procedure Act. Third Reading of this Senate Bill."

Speaker Hartke: "Representative McKeon."

McKeon: "Thank you, Mr. Speaker. Senate Bill 1158, comes to the House from Senator Rauschenberger. It's a Bill that makes a technical change to JCAR, and has been amended to extend the posting requirements from 45 to 60 days. There is a House Amendment that was placed in committee that created an exemption for EPA, so that they could meet the federal deadlines on emergency rule making that they must do under federal regulations. I'll gladly answer any questions."

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

Ryder: "Thank you, Mr. Speaker. Will the Sponsor yield for questions?"

Speaker Hartke: "He indicates he will."

Ryder: "Representative, this Bill deals with the Illinois Administrative Procedures Act, which is an Act that is enforced by the Joint Committee on Administrative Rules. I was wondering, are you a Member of that committee Sir?"

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McKeon: "No, I am not."

Ryder: "Okay. Can you tell me then, please, your interest in the Bill, since it is a rather remote part of the legislative process and I just wondered why it was that you'd be interested in this area?"

McKeon: "At the time, it appeared that no one else on your side or my side of the aisle wanted to pick up the Bill, and I did."

Ryder: "Sometimes, that's for a reason."

McKeon: "Thank you."

Ryder: "There was, apparently Committee Amendment #1 becomes the Bill. Is that correct?"

McKeon: "Are you referring to a Senate Amendment or..."

Ryder: "Yes, Sir."

McKeon: "That's my understanding."

Ryder: "There was no Amendment placed on it in the House Committee?"

McKeon: "In the House Committee there was an Amendment which I placed on it with consent of the Senate Sponsor that exempted the Pollution Control Board, so that they could meet the emergency rule making required under Federal Law."

Ryder: "Okay. Our review of this indicates that there appears to be a technical problem with Committee Amendment #1. Were you... has anybody brought that to your attention?"

McKeon: "No, they haven't."

Ryder: "Alright. Would you mind letting us have a chance to bring this to your attention, so that if we could clear it up, folks can vote on the Bill one way or the other, on the merits? I just wouldn't want to have to argue on a Bill on technical problems."

McKeon: "I have no problem with that Representative, if you would like to."

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Ryder: "If you take it out, we'll work on it."

McKeon: "Absolutely."

Ryder: "Thank you."

McKeon: "Mr. Speaker, you can remove this from the record."

Speaker Hartke: "Take this Bill out of the record. On page 3 of the Calendar, appears Senate Bill 128. Representative Brunsvold. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 128, a Bill for an Act amending the Illinois Income Tax Act. Third Reading of this Senate Bill."

Brunsvold: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. The Senate Bill came from the Senate with long term care insurance on it. We could not agree on the Bill and the language that was in the Bill, so, the Bill has been stripped. This Senate Bill 128, now has really nothing in it. We have taken all the Senate language out and we'd like to send it back to the Senate and maybe we can work on it during the summer and come to an agreement later. So, I would ask for the passage of Senate Bill 128."

Speaker Hartke: "The Chair recognizes the Gentleman... or the Lady from Lake, Representative Garrett. For what reason do you seek recognition?"

Garrett: "Thank you, Chairman (sic-Speaker). I rise on a point of personal privilege. I'd like all of us to extend a very warm welcome to the supervisor of Waukegan Township, Patricia Jones, and she is also a board member of the college of Lake County. Thank you for coming, Patricia. Yes, here she is."

Speaker Hartke: "Welcome to Springfield. The Chair recognizes the Gentleman from Vermilion, Representative Black."

Black: "Thank you very much, Mr. Speaker. I rise to a point of personal privilege."

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Speaker Hartke: "State your point."

Black: "Yes, I would like to recognize the Sponsor of Senate Bill 128 in the House, Representative Brunsvold, and see if he would answer some questions."

Speaker Hartke: "Yes, he will."

Black: "Thank you. Let's all welcome Representative Brunsvold, the House Sponsor of the Senate Bill."

Speaker Hartke: "Welcome to the House."

Black: "Now, Representative I want to cut right to the chase."

Brunsvold: "Okay."

Black: "This is a vehicle Bill, right?"

Brunsvold: "Exactly."

Black: "Could you do me a favor? Would you take the Bill out of the record for about five minutes, so I can get the appropriate staff people up here to review the Bill?"

Brunsvold: "Absolutely. Take the Bill out of the record."

Black: "I'd appreciate that."

Speaker Hartke: "On page 5 of the Calendar, appears Senate Bill 468. Representative Wait. Representative Wait. Take that Bill out of the record. On page 8 of the Calendar, appears Senate Bill 995. Representative Winkel. Rick Winkel. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 995, a Bill for an Act concerning regional superintendents of schools. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Winkel."

Winkel: "Thank you, Mr. Speaker. Senate Bill 995, provides that if the state pays all or a portion of the pension contributions required for employees of the State Board of Education, it shall also pay the pension contributions required for regional superintendents and assistant regional superintendents on the same basis. It also

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increases the annual salary for the regional superintendents and assistant regional superintendents and provides that beginning January 1, 2000, regional superintendents salary shall be adjusted annually to reflect any percentage increase in the consumer price index, up to 2.9%. It would be effective immediately upon signature by the Governor. I would ask for your 'yes' vote. Glad to answer any questions."

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

Persico: "Thank you, Mr. Chairman (sic-Speaker). I rise on a point of personal privilege."

Speaker Hartke: "State your point."

Persico: "I just want the Members to direct their attention to the back of the chamber, and welcome to the House the DuPage Federation of Republican Women."

Speaker Hartke: "Welcome to the Illinois House. The Chair recognizes the Gentleman from Kane, Representative Hoeft. He declines recognition. The Chair recognizes the Gentleman from Danville, Representative Black."

Black: "Thank you very much, Mr. Speaker. I rise to a point of personal privilege."

Speaker Hartke: "State your point."

Black: "Yes. I was going to recognize the Rolling Stockmen and Women of the County of Vermilion, but they didn't come over. So, with that, would the Sponsor of the Bill yield?"

Speaker Hartke: "Representative Winkel indicates that he will yield."

Black: "Thank you. Representative, can this only be done prior to their taking office? I mean, if somebody was elected, let's say in November, then this Bill won't impact them, because you can't do it in their terms. Is that not

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correct?"

Winkel: "Yeah, that's... It begins July 1, 2000."

Black: "Alright. So, and then did I hear that there would be like a COLA or escalator clause?"

Winkel: "Yes, CPIF to 2.9, not to exceed 2.9%."

Black: "Is this... that remuneration is pegged to population, isn't it, depending on how big your region is?"

Winkel: "Well, I believe it is population based."

Black: "And how many of them are there now? I know there used to be... back when I started teaching, and that was long before Representative Hoeft was even born, I think. Each county used to have a county superintendent and obviously that's been changed. How many regional superintendents are there now?"

Winkel: "There's 45 regions right now."

Black: "Alright. So, we... we do set a minimum population threshold? In other words, you might have to combine counties in order to meet that threshold now."

Winkel: "That's right. The remuneration for regional superintendent is based on population and of course, with the 45 districts throughout the state, the population of each of the districts will vary, and of course, the remuneration varies accordingly."

Black: "And the... there's a precedent for that. I mean, that's how we do it for state's attorneys and sheriffs, isn't it? That based on population or at least I think that's how we do it."

Winkel: "Well, it's similar but not identical. I mean, there's obviously for state's attorneys it's based on population too, and so it varies accordingly."

Black: "And did the State Board of Education take a position on this?"



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Winkel: "The Illinois State Board of Education is neutral."

Black: "And did any advocacy group come to committee and fill out a witness slip in opposition?"

Winkel: "There were no opponents to this Bill in Committee. In fact, there's no opponents that I'm aware of to this Bill."

Black: "Okay. And I appreciate your indulgence in answering the questions, Representative. Thank you."

Winkel: "Thank you."

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

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

Speaker Hartke: "He indicates he will."

Lyons, E.: "Representative, this is just a point of clarification. Despite the fact that the Cook County Regional Superintendent's Office is not funded, this would still apply to the Cook County Regional Superintendent's salary. Am I right?"

Winkel: "This would not be applicable to Cook County."

Lyons, E.: "It would not be applicable to Cook County?"

Winkel: "Hang on one second, okay. I want to see this."

Winkel: "Representative, I misspoke. I apologize. It certainly does apply."

Lyons, E.: "It does include the regional..."

Winkel: "Yes, ma'am."

Lyons: "Okay. Thank you."

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

Winkel: "I urge a 'yes' vote."

Speaker Hartke: "The Gentleman has asked for the passage of Senate Bill 995. 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

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voted who wish? Have all voted who wish? Mr. Clerk, take the record. On Senate Bill 995, there are 84 Members voting 'yes', 30 Members voting 'no', 1 Member voting 'present'; and this Bill having received a Constitutional Majority, is hereby declared passed. On page 9 of the Calendar, appears Senate Bill 1044. Representative Acevedo. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1044, a Bill for an Act amending the Criminal Code. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Acevedo."

Acevedo: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 1044, is aimed at discouraging criminal activity in or against schools or places of worship. It increases the penalty by one level for specified crimes committed in schools or places of worship. Of stealing, damaging of properties of schools or places of worship. I ask for an 'aye' vote."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the Senate... shall the House pass Senate Bill 1044?' All those in favor signify by saying 'aye'... 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 Senate Bill 1044, there are 116 Members voting 'yes', 0 voting 'no'; and this Bill having received a Constitutional Majority, is hereby declared passed. On page 4 of the Calendar, appears Senate Bill 336. Representative Brady. Representative Brady in the chamber? Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 336, a Bill for an Act amending Bingo License and Tax Act. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Brady. Out of the record. On

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page 4 of the Calender, appears Senate Bill 304.

Representative Steve Davis. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 304, a Bill for an Act amending the Criminal Code of 1961. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Davis."

Davis, S.: "Yes. Thank you, Speaker, Ladies and Gentlemen of the House. Senate Bill 304 as amended, creates a new subsection that defines aggravated battery and aggravated assault. When a person committing the assault knows the individual assaulted to be a healthcare worker, or other person employed by or contacted by a health care organization or medical practice, and is upon the grounds of a health care organization, or is in any part of a building used for the delivery of health care, or is upon the grounds of the home of an individual at which the health care worker is discharging his or her duties, or on the grounds adjacent to that individual's home or any part of a building in which the individual resides or is located. And this Bill comes to us because of some problems that we had, certainly in Madison County, at the Alton Mental Health Center. It was requested by the Madison County State's Attorney's Office and also the Fulton County State's Attorney's Office. I'd be happy to answer any questions on the Bill, and would ask for an 'aye' vote."

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

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

Speaker Hartke: "He indicates he will."

Black: "Representative Davis, wouldn't the hospital be considered a public place?"

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Davis, S.: "I would think it would."

Black: "And workers therein..."

Davis, S.: "Yes. Yes."

Black: "...already covered under an aggravated battery statute?"

Davis, S.: "Well, I... I would think that that would be a public place, Representative."

Black: "Well..."

Davis, S.: "But apparently... apparently, Representative, under the current law what happened in... in Canton was that a... a worker was attacked and the State's Attorney could only charge the assailant with a battery which was a Class A misdemeanor instead of a felony."

Black: "Well, Representative, I think... I... I know the... it's coming back to me and I know the incident that prompted this Bill. I... do you watch... do you watch television? I know sometimes..."

Davis, S.: "Occasionally, Representative, I..."

Black: "...downstate we don't have TV, but... Do you have TV down... 'cause you're further south than I am?"

Davis, S.: "Occasionally, I watch television. Most of the time I'm workin' very hard for my constituents."

Black: "Well, I... I... that goes without saying. I..."

Davis, S.: "And I don't have very much time to..."

Black: "Absolutely, but, you know, when the Session's over, do you ever watch ER?"

Davis, S.: "Not really, Representative."

Black: "Well, see ER is a show..."

Davis, S.: "I... I... I'm not... I not a big fan of blood."

Black: "Well, I do, too, especially my own. But I remember this... this ca... Tom, Representative Dart had this Bill, originally. I think it was 2706 and ER is filmed in his area in Chicago. And as I recall the incident that got

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Representative Dart all upset, actually, moved him to tears and he took action, Dr. Green... Dr. Green was attacked in the emergency room on an episode. Tom Dart saw that episode and immediately jumped up, handed out his card to everybody on the set and then filed House Bill 2706 which would have protected Dr. Green. We would have prosecuted anyone who attacked an emergency room worker. But then evidently, Representative Dart forgot the episode because he never called the Bill. So, you... you've picked up the slack from Representative Dart, as I recall. Is that... that's what we're doing here?"

Davis, S.: "Well, the original Bill... I sent a similar Bill over to the Senate, Representative, House Bill 1392, and..."

Black: "What happened to that Bill?"

Davis, S.: "...it's... it's currently on Order of Second Reading, I believe, over in the Senate."

Black: "Oh."

Davis, S.: "Representative Dart did ask me to put an Amendment on the Senate Bill which would incorporate his original Bill, also."

Black: "All right."

Davis, S.: "So, it's a combination of his Bill and my Bill, Representative."

Black: "You know, if I can switch gears, to get back to the realm of the serious, as difficult as that is for me to do sometimes, the first question, and I don't know maybe Representative Dart could help us, but I... I was under the impression that if... if you met the definition of a public place and you came in and physically assaulted someone, that you would probably, I don't know why the State's Attorney in Canton didn't charge the person who assaulted someone in a emergency room with aggravated battery because

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I thought that was the whole purpose of subsection (8) of the law that would allow them to do that. And if that's the case, then I don't know that we need to be duplicative in... in... in passing this Bill. 'Cause, certainly, a hospital, I think, would be construed as a public place."

Davis, S.: "Well, apparently, Representative, that these healthcare workers are not currently covered. And the... and the State's Attorneys cannot charge them with aggravated battery and aggravated assault, so that's why the Amendment was put onto the Bill."

Black: "Well, is there a... I know my wife is very concerned about ER. Is this one of the reasons why... oh, who was that other doctor? George Clooney. Is this why he left the show? That he felt he was not protected if somebody assaulted him on the set of ER?"

Davis, S.: "That could be."

Black: "Well, my wife was devastated..."

Davis, S.: "That could be. I... I... I'm not... but I'm not sure..."

Black: "...just devastated when he left the show. She's never fully recovered."

Davis, S.: "And he never really gave the full reason why he did leave and that may be very well have been the reason."

Black: "I... I think it might be. I think it might have been fear that he was going to be assaulted. I... I don't know. My wife took it so hard. I... I think I resemble George Clooney. Wouldn't... wouldn't you agree?"

Davis, S.: "I... I think my wife feels the same way, Representative."

Black: "Oh... oh, about me? Oh, I'm sorry. Mr. Speaker."

Speaker Hartke: "Yes."

Black: "This has gone on quite long enough. And since you aren't

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paying any attention, did you hear any of the good questions and answers that we were giving back and forth?"

Speaker Hartke: "Yes. It's apparent you watch ER quite often, Representative Black. I was paying attention."

Black: "Oh well. In that case... oh, did they get cable down in the 'T-town'?"

Speaker Hartke: "Yes, we do."

Black: "I'll be darned."

Speaker Hartke: "Satellite."

Black: "Things are looking up. All right."

Speaker Hartke: "Satellite."

Black: "Thank you very much."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, Representative Davis to close. The question is, 'Shall the House pass Senate Bill 304?' 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 304, there are 117 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 659? Representative Mautino."

Clerk Rossi: "Senate Bill 659 is on the Order of Senate Bills - Third Reading."

Speaker Hartke: "Place that Bill on the Order of Second Reading for the purpose of an Amendment and at the request of the Sponsor. On page 5 of the Calendar, on Third Reading, appears Senate Bill 468. Representative Rate... Wait. Ron Wait. Mr. Wait, would you like to call that Bill? Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 468, a Bill for an Act relating to

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rolling stock. Third Reading of this Senate Bill."

Speaker Hartke: "The Chair recognizes the Gentleman from Cook, Representative Harris. For what reason do you seek recognition? Representative Harris. Are you seeking recognition?"

Harris: "Thank you, Mr. Speaker. A point of personal privilege."

Speaker Hartke: "State your point."

Harris: "I have a... a group here from the great Village of Dalton, Illinois. The 'pod' district. Now, I would like the Senate... I mean, the House to give 'em a... a warm round of applause."

Speaker Hartke: "Welcome to Springfield. Representative Wait, presenting Senate Bill 468."

Wait: "Thank you very much, Ladies and Gentlemen of the House. Senate Bill 468 deals with the rolling stock exemption which... there's been problems over the year. The question is, 'What is considered to be a interstate truck?' This is an agreement between the Department of Revenue and the trucking industry in which it says that if there's 15 trucks a year going in and out of the state, then this exemption applies. I'd be happy to answer any questions."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall Senate Bill 468 pass?' 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? Please record yourselves. Have all voted who wish? Mr. Clerk, take the record. On Senate Bill 468, 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 9 of the Calendar, appears Senate Bill 1087.



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Representative Moore. Andrea Moore. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1087, a Bill for an Act concerning the Illinois open spaces and natural lands. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Moore."

Moore, A.: "Thank you, Mr. Speaker. Senate Bill 1087 is the Illinois Open Land Trust Landmark initiative to dedicate \$160 million that the Governor's Office is proposing. This is a bond program that would be implemented over the next four years which will implement... which will protect, preserve and enhance Illinois natural lands now and for generations to come. This program is about partnerships and it has three main components. The Department of Natural Resources shall develop and administer the Illinois Open Lands Trust Program, and it's given the authority to acquire fee simple title or conservation easements for natural areas. DNR will also administer an open land grant and loan program to preserve open lands and natural areas. This component provides grants and loans to units of local government for acquisition of open space. DNR will administer grants to units of local government as community planning allowances for capital facilities equal to 7% of the purchase price. This will assist units of local government with mitigating the cost of the tax loss associated with taking property off the tax rolls. The Illinois Farm Bureau, the Illinois Home Builders Association and the Illinois Realtors Association are neutral on this Bill. Currently, Illinois ranks 48th in the amount of open space available for outdoor recreation and... and state's landscape includes less than one-tenth of one percent of the natural communities that were there

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prior to settlement. That's one-tenth of one percent of the natural communities that were here prior to settlement. According to the 1997 Illinois Outdoor Recreation and Activities Survey Report, almost 80% of respondents said that outdoor recreation opportunities were either very important or somewhat important to them. This is... this is landmark legislation that shows the commitment on the part of the administration. It was unanimously supported through the Senate and I would ask for your approval. And be happy to answer any questions."

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

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

Speaker Hartke: "He indicates he will... she will."

Black: "Representative, is this included in the Governor's bond issue that he proposed yesterday or is this a totally separate and stand alone bond issue?"

Moore: "I believe this is separate and subject to appropriation."

Black: "And... will the financing mechanism be by the sale of bonds?"

Moore: "Yes."

Black: "And what revenue stream is identified to pay the bonds?"

Moore: "I believe it's an appropriation."

Black: "Will... will... will bond council accept the sale of bonds subject to appropriation? I thought they had to have a either a full faith and credit clause or a dedicated source of revenue."

Moore: "I... I can't answer that."

Black: "What... what... what would the bond holder do if the General Assembly one year decided not to appropriate the money to pay the bonds?"

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Moore: "Representative, I... just a moment. Let me check on that. Representative, what we believe is that these are General Obligation Bonds."

Black: "All right. So, I assume then that the bond is subject to the full faith and credit clause of the State of Illinois?"

Moore: "Correct."

Black: "All right. So... and if I remember Finance 101, a G.O. Bond is gonna have a little higher interest rate than a bond with a dedicated source of revenue, correct?"

Moore: "I would believe that was correct, yes."

Black: "All right. Let me ask you a question, very important, I think, not only to downstaters, but anybody. Is there anything in this Bill that can be construed as giving this Open Land Trust the right or access to eminent domain?"

Moore: "No. Actually, that was a part of this Bill that was negotiated out in the... in the Senate. This, initially, did contain that, but through negotiations from the realtors, the home builders and the Farm Bureau, that portion of the Bill was removed in the Senate."

Black: "So, there will be no condemnation in order to obtain the land, right?"

Moore: "That's correct. Willing sellers only."

Black: "Okay. All right. So, in effect, what you're doing then is a tradition that most of us identify with and that is a willing seller and a willing buyer, correct?"

Moore: "Correct."

Black: "Okay. Is there any requirement in the Bill that there be a public hearing and... and the reason I ask this, this happened in my district. Let's say that there is a willing seller to sell 2,000 acres, but that 2,000 acres then comes off the tax rolls. Would there be any possibility for a school district or a municipality or even a county to go to

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a hearing and object to the sale or purchase that then removes that land from their tax rolls?"

Moore: "Well, as you know, and... and one part of the... yes, there is going to be an opportunity for public input. And the issue of questioning removal from the tax rolls is addressed in the Community Planning Grant portion of this. That planning grant is going to be made available to areas in the downstate areas and it's recognized that the impact of removing from the tax rolls might be slightly more significant than in the metropolitan areas, so that 7% is allowed..."

Black: "Okay. So, how..."

Moore: "...in there."

Black: "...how... how does that work? Is that a one time payment or a yearly payment?"

Moore: "Well, the property would be purchased and the purchase price is identified, and then up to 7% of that purchase price can be used to provide capital facilities in the area where this..."

Black: "Okay."

Moore: "...purchase was made."

Black: "All right."

Moore: "And that's to mitigate the reduction in the tax... off the tax rolls."

Black: "I... I compliment on you on that. That's an excellent idea. The other thing that's come up. Once the land is purchased, who then, and maybe the word responsible is not correct, but if site improvements are to be made, access roads, developing a pond for fishing or a trail for hiking, who will pay for those improvements?"

Moore: "It would depend on... on which portion of the... the legislation you're talking about. The Department of

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Natural Resource will be acquiring some of the property, but there will be units of local government that will use this grant program to acquire and own parts of the property, too."

Black: "Okay."

Moore: "So, it would be depending on who owns the property and what kind of grants might be available for development."

Black: "So... but... but I need to make an assumption, now. If the local government is involved, then I assume they have constructive notice that they may be taking on an obligation that they're willing to take on to improve the property or to build an access road or to construct a hiking trail. So, they... they are aware of this before they go into it that there may be some added expenses on them to either develop or to maintain the land."

Moore: "I think... I think that's a reasonable assumption as they will be applying for the grants and have an intended use in mind when they actually make application."

Black: "Okay. All right. So, nothing in the Bill could be construed as getting... putting pressure on an unwilling seller or going into a municipality where they don't want it. If there is opposition expressed, I assume then that the commission, obviously, would go elsewhere where people want them to come in and want them to set aside land. For example, my county, on a per capita basis, my home county of Vermilion, has more open space land per capita than any county in the state."

Moore: "I commend you."

Black: "And, we're very proud of that. So... but there's nothing in this Bill that could be construed as going in and using any kind of heavy-handed tactic to say, 'We're here to set aside 500 hundred acres. We know what's best for you and

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don't bother us.' It's completely willing on... on everyone's part."

Moore: "It's completely willing and further than that, it is based on the idea of partnerships."

Black: "Okay."

Moore: "The state is wanting to build partnerships..."

Black: "All right."

Moore: "...across the entire state..."

Black: "Okay."

Moore: "...with these projects."

Black: "Thank... thank you very much, Representative. Mr. Speaker, to the Bill."

Speaker Hartke: "To the Bill."

Black: "I... I commend the Sponsor for working out many of the details that did... and I think legitimately have some people concerned, particularly the use of eminent domain. Once you get into the realm of a willing seller and a willing buyer and a willing partnership, you're not only setting aside that land, but in determining what it will or will not be used for, makes eminent good sense. I think this is good public policy. Again, I think the Sponsor has worked most diligently to address the... the legitimate concerns that people had, particularly in downstate areas. And I think the 7% factor on the loss of tax revenue is a... is a very creative and innovative and long overdue plan. I commend you, Representative and I urge an 'aye' vote. And if I could, Mr. Speaker..."

Speaker Hartke: "Yes."

Black: "...an inquiry of the Chair."

Speaker Hartke: "State your inquiry."

Black: "Have you been threatened? Do you need additional help?"

Speaker Hartke: "Today, at... by you..."

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Black: "I... I see you're surrounded. I mean... We'll... we'll send up a couple of folks to help you, too, if you need it."

Speaker Hartke: "This may be protecting against you."

Black: "All right. Fine. Well... Thank you very much. I'll take all the help I can get, Mr. Speaker."

Speaker Hartke: "The Chair recognizes the Gentleman from Jo Daviess, Representative Lawfer. For what..."

Lawfer: "Thank you, Mr. Chairman (sic-Speaker). Will the Sponsor yield?"

Speaker Hartke: "He indicates she will."

Lawfer: "Representative, you mention several changes from the original Bill that a lot of people were familiar with. You mentioned that eminent domain was... has been taken out. Is that correct?"

Moore: "That's correct, Representative."

Lawfer: "There... the original Bill called for the Department of Agriculture to be involved in this in some respect. Is that still in the Bill?"

Moore: "Representative, no, that... that actually was removed in the Senate..."

Lawfer: "Okay."

Moore: "...because there were objections."

Lawfer: "From the ori... I think the original Bill that we... went into the Senate called for the Department of Agriculture..."

Moore: "Yes. And that was removed."

Lawfer: "That is out of it, so it strictly is a DNR responsibility at this time?"

Moore: "Yes."

Lawfer: "Representative, the grants and loans that the department would be administering, can they do this to... you said,

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local governments. Is that correct?"

Moore: "Yes."

Lawfer: "Can they give this to not-for-profit organizations?"

Moore: "Not directly, but... with... partnerships with them can occur, but not directly."

Lawfer: "Could you explain that a little more? How that might happen."

Moore: "The... either the local government or the state could acquire the property and then in enter into management agreements with specific not-for-profits to manage the property."

Lawfer: "But, no money to not-for-profits to purchase land any?"

Moore: "That's correct."

Lawfer: "So, to... to clarify that, Representative, you'll bear with me. In other words, a local government... okay, a... a private agency could not acquire land and then sell it to DNR?"

Moore: "No, Representative, they could not."

Lawfer: "In other words, the Nature Conservancy if they purchase land, could they sell that to DNR?"

Moore: "I think it's possible if they purchased with other money other than state money."

Lawfer: "Okay and I think they do that in some regard. I, of course, come from a rural area where there is a lot of open lands and so on, do you see that this being administered throughout the state or do you see that it might be just in more in metropolitan areas?"

Moore: "No. The... the goal is to try and... because this is a four year program, it is... the goal is to try and acquire the natural areas and of course, as I mentioned in the beginning of the discussion, natural areas are few and far between and are fast diminishing and so those will be a



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priority. And it is... wherever those happen to be, are those areas that will be looked at, closely."

Lawfer: "Thank you very much, Representative. But you also mentioned natural areas on and I think they are defined in the Bill. Is that correct? And are these the same definitions that are used in other parts of the statute, such as Nature Preserve Commission Act?"

Moore: "Yeah, generally speaking, that's correct, Representative."

Lawfer: "So, you don't see that the open space or natural area or the conservation easement or conservation and recreation purposes are new definitions and per se?"

Moore: "No."

Lawfer: "If this Bill is... is passed and of course, it has had overwhelming support, how will we, as the Members of the General Assembly, know that or have a track on what is being accomplished by this legislation?"

Moore: "Through the Department of Natural Resources and you should remember also, Representative, as I've said before, there's an appropriation that will be coming with this and this is a four year program. So, I am confident that the Department of Natural Resources will keep us very informed and involved especially when they are in areas where we rep... where we are elected."

Lawfer: "Mr. Chairman (sic-Speaker), to the Bill."

Speaker Hartke: "To the Bill."

Lawfer: "I... I think there's a lot of good points in here. I think the Representative has answered the questions very fairly. I would hope that if this becomes enacted and signed by the Governor, that the Department of Agriculture or I mean... I'm sorry, the Department of Natural Resources would report to the General Assembly. There is some

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concerns from people in my area on the Conservation 2000 Program and how those funds are allocated and how... the oversight on that. And I would hope that the Department of Natural Resources would be open in regards to the... how these funds are spent and where they're spent and report annually to the General Assembly. Thank you very much."

Speaker Hartke: "The Chair recognizes the Gentleman from Jefferson, Representative Jones."

Jones, J.: "Thank you, Mr. Speaker. You know, several Members in this General Assembly have made calls to 911 and law enforcement all over the state to come and apprehend you and now that they have arrived, we've been waiting in great anticipation of when the handcuffs are gonna come out and they're gonna complete their job and remove you from the Chair up there. So, I just wondered, can we anticipate that from the local law enforcement there right away or is it gonna be awhile?"

Speaker Hartke: "These gentlemen are here to protect me, not to arrest me. The Chair recognizes the Gentleman from Cook, Representative Murphy."

Murphy: "Mr. Speaker, thanks. I rise on a point of priv... personal princ..."

Speaker Hartke: "State your point."

Murphy: "We have with us today some elected officials from Country Club Hills Park District. Would you please join in with me and welcome them to Springfield."

Speaker Hartke: "Welcome to Springfield. The Chair recognizes the Gentleman from Lake, Representative Mathias."

Mathias: "Thank you, Mr. Speaker. Before... before you're taken away, I would like to rise on a point of personal privilege."

Speaker Hartke: "State your point."

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Mathias: "Yes. I would like to... the House to welcome the president and two members of the Buffalo Grove Park District and please give them a warm welcome."

Speaker Hartke: "Welcome to Springfield. The Chair recognizes the Gentleman from Kane, Representative Hoeft."

Hoeft: "Thank you, Mr. Speaker. We have a lost Coca-Cola over here which is not important, but the \$400 cash rebate is. So, whoever ordered a Coke."

Speaker Hartke: "There's a Page off to the Republican side who's ordered a Coke for someone and has forgotten who is the owner of that Coke, so, would you let her know. The Chair recognizes the Genl... the Gentleman from Kankakee, Representative Novak. Representative Novak."

Novak: "How about turning me on here."

Speaker Hartke: "Oh. You're on."

Novak: "We're turned on. Representative Moore."

Moore: "Yes."

Novak: "I am turned on and I need to speak to you about your Bill."

Moore: "Well, I'm glad to hear from you, Representative."

Novak: "Representative, are there any provi... are there any... are you turned on, Representative?"

Moore: "It appears so."

Novak: "Okay. Representative, are... are there any provisions in this Bill that allows for state mandated eminent domain?"

Moore: "No, Representative, there are not. Originally, that was contained in the legislation, but through negotiations in the Senate with the home builders, the realtors, and the Farm Bureau, that was removed."

Novak: "Okay. Are there plans to take... this is 40 million a year for four years, is that correct?"

Moore: "Correct."

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Novak: "Okay. Is this a bond program or is it GRF or what?"

Moore: "It's a bond program."

Novak: "Is there any type of fee or a tax that we have to raise to pay for this?"

Moore: "No."

Novak: "I see the Governor over there saying no. Okay. In addition to this question, are there any plans to supplant the OSLAT and Lock... Lock On Program with this money?"

Moore: "No, Representative, I think that program is different. They will compliment one another, obviously."

Novak: "Pardon me?"

Moore: "I said that's a different program and one that... they... these programs will compliment one another..."

Novak: "Yeah, but you're..."

Moore: "...but no, it is not intended..."

Novak: "...you're not gonna add..."

Moore: "...to supplant their grant program."

Novak: "You're not gonna add any dollars to the OSLAT or Lock On Program with this money? So the..."

Moore: "It's a possibility that there will be dollars added to that program, but not by this Bill."

Novak: "Well, I just got an I... impression from my park district superintendent today that saying they were... they... they support this Bill because they were under the impression that more dollars were gonna be put into the competitive grant OSLAT Program."

Moore: "There are more dollars that are going to be available for your park district, but it's through the... the matching grant program that exists within this Bill. And there... that's the local match Section of the Bill and they'll be approximately 20 million dollars out of the 40, annually, that will be for the local match."

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Novak: "Are those competitive grants, too?"

Moore: "I... they will be grants that are applied for in criteria met."

Novak: "So, you're gonna have two competitive grant programs, then? You have a Lock On and an OSLAT program, now?"

Moore: "Yes."

Novak: "This is gonna create ano... part of this... part of these bucks are gonna create another competitive grant program, right?"

Moore: "This is another Open Land Grant Program."

Novak: "Okay. Are there any plans right now on the drawing board to purchase particular pieces of property in this state, right now?"

Moore: "Representative, I think there is an established natural areas inventory that the state has, and I believe that there will be a committee to review what areas should be looked at."

Novak: "Are there any plans to purchase any land from public utilities?"

Moore: "Not... no, Representative, I don't believe that's the case."

Novak: "Pardon me?"

Moore: "I do not believe that's the case, Representative. No plans to purchase..."

Novak: "Are there..."

Moore: "...public utilities."

Novak: "Would you say that again?"

Moore: "No plans to public... purchase public utilities with this Bill."

Novak: "No, I'm not talking about purchasing public utilities."

Moore: "What did you say?"

Novak: "Purchasing land..."

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Moore: "Excuse me."

Novak: "Purchasing land that is owned by public utilities. No."

Moore: "If it met the qualifications for the natural areas and it was one that was decided on, it could be possible, but no eminent domain, so, it would only be with a willing seller."

Novak: "Okay. Thank you."

Speaker Hartke: "Further discussion? The Chair recognizes the Lady from Grundy, Representative O'Brien."

O'Brien: "Thank you, Mr. Speaker. Representative Moore, I just wanted to rise in very strong support and compliment you on your work that you've done on this Bill. As a downstater, I... I'm truly grateful that this Bill was negotiated and worked on so that everyone feels they can have an interest and by removing eminent domain, you really do give people the ability to feel comfortable with this program. The ability to feel that they will have a say in where these properties are going to be located within their communities and within their areas of the state. And I think it's very important that even as downstaters, that we recognize the land as rapidly vanishing and that we have to work together in a partnership. And I am a very strong proponent of this Bill. I want to compliment the Sponsor and everyone from the Governor's Office on down that worked on it. And she ought to be commended and I would, certainly, urge an 'aye' vote. Thank you."

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

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

Speaker Hartke: "She indicates she will."

McCarthy: "Representative, I still have one minor question with the Community Planning Allowance Grants. And I've gotten

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two or three explanations, but I would certainly appreciate your explanation as to the counties that are exempted from applying for this grant and the reason. The reason we got a committee, I think, has been since taken back by the department, but what is your understanding is the reason why Cook and all counties touching Cook are not avail... you know, available to those grants?"

Moore: "Okay. To make sure that the chamber understands, the available... those counties are available for land purchases."

McCarthy: "Correct."

Moore: "It's the Community Planning Grants that are going to mitigate taking this... the property off the tax rolls that Cook and the collar counties that are... the contiguous counties to Cook, which are the collar counties, are not available for and... my understanding, is because in some areas of our state the assessed valuation when taking property off the tax rolls the assessed valuation can have a significant impact on the unit of local government where that property is removed. In the metropolitan area, our assessed valuation is considerably higher than the lower... than the... than the downstate areas and so the impact isn't as significant. The 7% is... of the 7% of the purchase price of the property and it will go for putting some capital facilities into some of these smaller downstate communities because that will assist them. The impact with a higher EVA... EAV, just isn't quite as... as great."

Speaker Hartke: "Further dis..."

Moore: "And in addition to that, in our area, you know that the purchase price is... for a property is significantly higher than it is downstate, also. And to put 7% of a really

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expensive piece of property would make the program pretty cost prohibitive."

McCarthy: "Okay. And what are the counties other than Cook that are not eligible for those grants?"

Moore: "The collar count... the metropolitan collar counties."

McCarthy: "And there's five of them?"

Moore: "Including Cook, I think there's six."

McCarthy: "And... and you represent one of those counties?"

Moore: "It's... it's the counties that are contiguous to Cook."

McCarthy: "And... and your representative area is completely inside those counties?"

Moore: "The... the area I represent is Lake County, yes and there are several Lake County Legislators here and we all recognize that... that... that portion of this program will not affect our area."

McCarthy: "Okay. I... I still think this... I still think this, as I said in committee, is a... is a great piece of legislation. I have talked to the people from the Department of Natural Resources who tell me that a good majority of the grants go up in those six northeast counties, anyway, so that we can make up the difference in not being available for that 7% Community Planning Grant, in that way. And I would just like to get on the record, that I compliment them for saying that the majority of these grants are going to go in those six northeast counties and I don't think we can hold them legally liable to make sure that happens. But I, certainly, would encourage the department to make sure that those of us in the northeast counties get enough of these regular land purchases, so it more than makes up for us not being available for those 7% in planning grants. But these... this 7% cannot be directly paid to one of the taxing



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districts that affect... is affected, correct?"

Moore: "No. They will be implemented through the purchase of capital facilities of some kind."

McCarthy: "Would that include like roads?"

Moore: "I'm not sure if roads would... or whether it would be a building or... I'm not sure exactly what would be clearly defined as far as capital facilities. It could be a road, I'm told."

McCarthy: "So... so it could be a capital facility that would make it up to the district. It would save them money because then they wouldn't have to build something out of their funds, so we..."

Moore: "That's absolutely correct."

McCarthy: "...so the... the loss in revenue would be offset?"

Moore: "Yes."

McCarthy: "Thank you and I will support the legislation and I hope the department follows through in the... the northeast corridor."

Moore: "And thank you very much for your input, Representative."

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

Murphy: "Yes. Thank you, Mr. Speaker. Announcement. Committee on Personnel and Pension has been cancelled for tomorrow. Committee on Personnel and Pension has been cancelled for tomorrow."

Speaker Hartke: "Thank you for that announcement. Further discussion on Senate Bill 1087? Seeing that no one is seeking recognition, Representative Moore to close."

Moore: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This program is about partnerships. Local government, conservation and outdoor recreation agencies, private conservation organizations and the Illinois

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Department of Resources (sic-Department of Natural Resources) will team up to protect open space natural areas, wildlife habitat, watersheds and greenways and to increase outdoor recreation opportunities. This is a great piece of legislation. Please vote 'aye'."

Speaker Hartke: "The question is, 'Shall Senate Bill 1087 pass?' All those in favor signify by saying 'yes'; those opposed 'no'... 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 1087, there are 117 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 of the Calendar, appears Senate Bill 128. Representative Brunsvold. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 128, a Bill for an Act amending the Illinois Income Tax Act. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Brunsvold."

Brunsvold: "Thank you. We had the Bill earlier. Mr. Black requested that I take it out of the record and we discussed the Bill and I'd ask for the passage of Senate Bill 128."

Speaker Hartke: "Is there any discussion? The Chair recognizes the Lady from Cook, Representative Coulson. Representative Coulson. Are you seeking recognition? She declines. Any further discussion? Seeing no one is seeking recognition, the question is, 'Shall Senate Bill 128 pass?' 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? Please record yourselves. Have all voted who wish? Mr. Clerk,

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take the record. On Senate Bill 128, there are 93 Members voting 'yes', 22 Members voting 'no', 0 voting 'present'; and this Bill having received a Constitutional Majority, is hereby declared passed. Representative Brunsvold in the Chair."

Speaker Brunsvold: "Page nine, Senate Bill 1109. Mr. Clerk, read the Bill. 1109. Mr. Clerk."

Clerk Bolin: "Senate Bill 1109, a Bill for an Act in relation to child welfare. Third Reading of this Senate Bill."

Speaker Brunsvold: "Representative Pankau, with Bill 1120... 1109."

Pankau: "Mr. Speaker, would you take this out of the record. There was a Member that had a question on it and I told him that I would confer with him tomorrow."

Speaker Brunsvold: "Thank you. Take the Bill out of the record Mr. Clerk. On page 8, appears Senate Bill 1029. Mr. Ryder. Is Mr. Ryder ready? Mr. Clerk, what's the status of Senate Bill 1029?"

Clerk Bolin: "Senate Bill 1029 is on the Order of Senate Bills - Third Reading."

Speaker Brunsvold: "Place that Bill on Second Reading. What's the status of Senate Bill 1030?"

Clerk Bolin: "Senate Bill 1030 is on the Order of Senate Bills - Third Reading."

Speaker Brunsvold: "Place that Bill on Second Reading. Senate Bill 1042. Mr. Franks, are you prepared to do this Bill? Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1042, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of this Senate Bill."

Speaker Brunsvold: "The Gentleman from McHenry, Representative Franks."

Franks: "Senate Bill 1042 deals with a growing problem across the

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state in the use of secret compartments in cars by criminals. These secret compartments are used to smuggle drugs and to hide guns. Often these secret compartments has sophisticated electrical and hydraulic systems that can put a loaded weapon in a criminal's hands in seconds. It... it places our, as a result, our police officers have had situations become suddenly life threatening when weapons have been produced from these secret compartments. This Bill makes it a crime to use secret compartments to hide guns and contraband from police officers. It also makes it a crime to install these secret compartments in vehicles. As an added deterrent, this Bill also allows the seizure of vehicles with these secret compartments. There is no fiscal impact."

Speaker Brunsvold: "The Gentleman has asked for passage of Senate Bill 1042. And on that, the Gentleman from Vermilion, Mr. Black."

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

Speaker Brunsvold: "Sponsor yields."

Black: "Representative, when I was a young lad, I had a Captain Marvel Secret Ring and it had a secret compartment. I don't know that I still have it, but if I find it and I'm pulled over, will they confiscate my Captain Marvel ring with the secret compartment in it?"

Franks: "That's a good question, Representative, as I have one of those rings, myself."

Black: "Oh, weren't they lovely?"

Franks: "They're terrific. The issue here is there has to be a criminal intent and one can devi... can understand criminal intent if there is drugs or contraband being hidden with the intent to keep it hidden from a police officer. So if

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you're keeping a secret love letter or something in your Captain Marvel ring, that's okay."

Black: "Okay. All right. And... and that, obviously, that was a facetious question. There's no criminal intent in my mind at all. Although, I might have questioned you about that."

Franks: "Okay."

Black: "Until I went to the committee hearing and saw the video and some of the pictures, I had no idea that this went on. I've got to tell you, I had absolutely no idea how creative some of these people obviously are and the money and time spent to create these secret compartments. But if I understand this Bill, if there is a secret compartment in the car, is it your intent that then the police will confiscate the car?"

Franks: "Yes, it is, if the secret compartment was being used in criminal activity."

Black: "All right. So if there was nothing in the compartment, the driver then keeps the car?"

Franks: "That's my understanding and that's... that's the intent of this law. It has to be used for criminal purposes. There has to be an intent there."

Black: "Well, we could get into some constitutional issues, I think, if we talk about intent. Let me give you a scenario that someone mentioned to me. Let's say that you're one of these people that and... and to some extent, I... I... I know a few of these, grew up in the Depression. They don't like banks, but... they know better today to carry large sums of cash. So maybe they take a... an armrest in their car and they have a friend of theirs hollow that out and... and let that armrest come up, so maybe they would put their money and or... and or their wristwatch in there for safekeeping. What happens in a case like that? There's no

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criminal intent, but there still is a compartment and it does have money and valuables in it. What would the person's defense be in a case like that?"

Franks: "That's acceptable, Representative, because that's not contraband."

Black: "As long as he can prove, I suppose, that the watch and the money was..."

Franks: "His own."

Black: "Okay. All right. Every year around Christmas time, police agencies do a lot of public service announcements. You know, don't leave gifts out in plain sight, don't put 'em in the front seat, don't put 'em in the back seat, put them in the trunk, et cetera, et cetera, et cetera. And I notice that some of these SUVs and vans, actually, have compartments built right into them, in the back where the carpet covers them up. And they tell 'ya you know, if you go to the beach, put your valuables in this compartment. Again, I want to make sure, that a person acting in good faith by hiding a gift or hiding valuables in a secret compartment that the manufacturer put in the car, is not going to result in that owner facing confiscation problems with his or her vehicle."

Franks: "I... and I agree with you. And... and we have that safeguard in this legislation because it specifically states it has to be contraband. If it's a Christmas gift, that's fine."

Black: "What would constitute contraband? I... I'm going to give you an example. I... again, I'll go back to somebody I know. Went to Canada for a business conference, bought some Cuban cigars, came back across the border, not in a secret compartment, I'll grant you that, but the customs officials in the United States did not look kindly upon

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bringing these Cuban cigars back into America, so they confiscated the cigars. Now, we wouldn't be in a case like this where they could also say, 'Oh, you're from Illinois. Not only will I take the cigars, I can take your car.'

Franks: "That could happen because that would be contraband. If your friend is ha... enjoying Cuban cigars in Canada, I suggest that that friend smoke them all in Canada."

Black: "Well, then another scenario that I know happens and I'm sure you do, as well, I think there's a booming market in black market cigarettes on the Illinois-Indiana border because our cigarette tax in Illinois is considerably higher than Indiana. Somebody runs over to Indiana, gets ten cartons of cigarettes, hides them in the... in the manufacturer's compartment in a... in a van or a sport utility vehicle. There are no tax stamps on that cigarette. Technically speaking, that's contraband, right? And so you could lose your car even though you were... you know... well, I guess you can't split hairs, that's contraband, that's criminal activity, so you could lose your car?"

Franks: "Yes."

Black: "Is there... what constitutional safeguards would exist... I could see in the video in committee where they've actually gone and the problem as you showed, where the dashboard comes up, where they can hide a firearm or they've hollowed out a door compartment where they've obviously used to hide drugs, that's one thing. But somebody trying to smuggle a carton of cigarettes or... or maybe depending on what happens in the next three months, maybe somebody's gonna go buy a liter of Jack Daniels in a neighboring state with a lower liquor tax, gets caught, ah hah. No Illinois tax stamp, that's contraband. I'm gonna

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take your... your vehicle. I mean... I... I'm not sure that... I'm not sure that's what we're... I don't think that's what you're attempting to do..."

Franks: "Right."

Black: "...but the scenario scares me."

Franks: "Right. That's not the intent of this Bill. As you saw the video, oftentimes... what, frankly, scared me the most... I'll give you that vignette , was when an Uzi submachine gun was placed in the passenger back seat and when the gentleman placed a magnet over the back seat, this Uzi submachine gun fell out in matters of milliseconds. And at that time, our police officers are placed in the risk of their lives."

Black: "Yeah."

Franks: "And this is the intent of this Bill."

Black: "Well... I... I agree with you. I thought the video was... was very telling. I guess my only concern is that... and I know that we pass laws to get at the very, relatively, low percentage of people who are really bad actors. But my fear is that an otherwise law abiding citizen, who really doesn't think he or she is a criminal, puts something in a compartment in their Jeep Waggoner, maybe they want to bring back a couple of cartons of cigarettes. You know what used to be one of the most popular things thirty years ago, people would go to Colorado and... and bring back as many cases of Coors beer as they could hide..."

Franks: "Sure."

Black: ...in their vehicle. And while we might say, that's wrong, you're not suppose to do that, you know you're not suppose to do it. At... at the same time, I have this fear, because I don't know how the law will delineate the



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gangbanger or the gunrunner or the drug smuggler whose car should be confiscated from the generally law abiding citizen who thinks they ought to smuggle in a quart of booze or a case of Coors or some untaxed cigarettes... a lower... from a lower tax state. It seems to me that there can't be any distinguishing characteristic. That if you do this, we're gonna take your car."

Franks: "Well, we have many laws that deal with prosecutorial discretion and..."

Black: "All right. Okay. Well... and... and I appreciate what you're trying to do and I thought the video was really outstanding and quite frankly, until I saw that, I had no idea that this was going on. I don't know whether some of the lawyers or prosecutors in the chamber will further debate the issue, but my only concern is that while what I saw needs to be corrected, I... I just hope it doesn't end up catching the wrong people and confiscating a car that probably shouldn't have been."

Franks: "Representative Black, I had that same worry myself and I asked the Detective Goff who gave that telling presentation, and he told me that he has never uncovered any law abiding citizen with one of these secret compartments."

Black: "Well... and I hope he never does. And I... I appreciate your indulgence. Thank you very much, Representative."

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

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

Speaker Brunsvold: "Sponsor yields."

Fritchey: "Representative, to follow up with some of the questions from Representative Black, it appears here that if somebody ca... has contraband in a false compartment,

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the car gets forfeited. In some states, a radar detector will be contraband. You're... you're not allowed to have them in your vehicle. If... as I read this legislation, if I were to keep a radar detector in my glove compartment, I might be in trouble for having a radar detector in my car."

Franks: "No, that wouldn't be correct."

Fritchey: "Under pre..."

Franks: "That's not... that's not it..."

Fritchey: "Under present law..."

Franks: "Under present law. Right."

Fritchey: "Under present law, I might get in trouble for having a radar detector in my car."

Franks: "Right."

Fritchey: "If I have a radar detector in a compartment that I made in my own car, now you would take my car away from me."

Franks: "Except that radar detection is legal in this state."

Fritchey: "Not in all states."

Franks: "Right."

Fritchey: "Absolutely not."

Franks: "But this wouldn't go to other states. We're talking about in Illinois."

Fritchey: "I'm gonna... take... take a... go back to the example with cig... out-of-state cigarettes that are brought back to avoid tax purposes. If those cigarettes are in my glove compartment, I can get in trouble for having the cigarettes. If those cigarettes are in a man made compartment, now you take my car. Same offense, two very different results. Don't you agree?"

Franks: "Yes, it is. But what I... I think the prosecutorial discretion can take care of that. I think what we're trying to get here is to stop the illegal hiding of drugs

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and weapons to protect our police officers."

Fritchey: "But it says here that any motor vehicle containing a false or secret compartment shall be subject to forfeiture."

Franks: "Correct."

Fritchey: "And... well, look... you know, now... now that I'm reading this a little bit more, if you have a false or secret compartment that's intended to... to hide something... whether or not... the false or secret compartment just means that it's designed to... intended to hide something. Even if there's nothing in there, you're operating a vehicle with a... with a secret compartment."

Franks: "You can do that as long as you're not trying to hide contraband."

Fritchey: "So if I have a secret compartment that's empty..."

Franks: "That's not a problem."

Fritchey: "Why's that?"

Franks: "Because you're not carrying contraband in there or trying to conceal it."

Fritchey: "If I... if I have... if I bought a car from somebody that had a secret compartment in that car... car and the previous owner had built this secret compartment in there to hide guns..."

Franks: "Right."

Fritchey: "Car got forfeited, gets auctioned off. I buy the car."

Franks: "If you did not know that there was a secret compartment there when you bought the car, then you have no intent."

Fritchey: "I... I... I knew the secret compartment was there."

Franks: "If you did not..."

Fritchey: "It was never... it was never my intention... it may have been the intention of the previous owner to use the

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secret compartment for illicit purposes."

Franks: "Right."

Fritchey: "It was never my intention to use it for illicit purposes."

Franks: "Then you're fine."

Fritchey: "And not... not... not... not the way this is... this is not the way that this Bill reads."

Franks: "No, I disagree. There ha... there is a requirement of criminal intent."

Fritchey: "The... the way that it reads is that a false or secret compartment means any enclosure that's intended to be used to conceal, hide, et cetera, et cetera."

Franks: "If you take a look at line 77, 'that any enclosure...'"

Fritchey: "You got a different... I do not have a line 77."

Franks: "All right. It's under definitions. Subparagraph (b)."

Fritchey: "Yes."

Franks: "'Any enclosure that is intended.' You have to... it's an intent crime. They'll be looking at the mens rea of the individual."

Fritchey: "So it was intended and designed. So... so again..."

Franks: "Again, if you go farther down, it says, 'a person's intention to use a false or secret compartment to conceal the contents of the compartment from a law enforcement officer.' It is clear that it is an intent crime."

Fritchey: "May... may... may be inferred from a number of factors."

Franks: "No. It's... it's clear that this is an intent crime."

Fritchey: "Oh, but... but... but hold on... hold on a second, Representative. It says here, 'that a person's intention to use a false or secret compartment to conceal the contents of the compartment from a law enforcement officer may be...'"

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Franks: "Right."

Fritchey: "...not shall be."

Franks: "Right."

Fritchey: "'May be inferred from factors including but not limited to.' Here's some of the things that they can look to, but that doesn't rule out them looking to other factors. That doesn't rule out the innocent individual having their car now subject to forfeiture through no criminal conduct... through no criminal actions, but simply operating a vehicle that may be inferred..."

Franks: "I believe that'd be a proof problem. And the prosecution would have to prove that."

Fritchey: "If I have a... let's say I smoke cigarettes and I don't want my spouse or children to know that I smoke cigarettes, and I hollow out a piece of the back of my driver's seat, so I can hide a pack of cigarettes in there, just from my wife and kids. Not doin' anything wrong. I get pulled over. Police officer finds this compartment and says, 'I think you're hiding counterfeit money in there, not cigarettes.' My car's subject to forfeiture on the spot. I'm now gonna have to go to court to try to get my car back because I had a hollowed out portion in my car."

Franks: "I think we can speculate on many different scenarios where we're... where you're looking at possible police misconduct. I... I just don't envision that here. Any Bill we look at we could go to the ninth degree for speculation."

Fritchey: "And... and... and that's why I think we have to be very careful on how these Bills are worded. Know... knowing you as I do, I... I know that you've got nothing but the best of intention with this Bill. The Bill's gonna fly out of here I'm sure. Everybody likes to vote again on

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'tough on crime' Bills. I think there's a lot of trouble with this language. The language, at some point down the road, no pun intended, is going to, I think unfortunately, subject an innocent person to over reaching by law enforcement and by prosecutors. I would hope, and this has come out, I don't know if there's any Amendments on this side, I don't think there have been, I... I would hope that they take a look at this and maybe clean this language up. But I wish you well with this, I guess."

Franks: "Well, we have filed some Amendments declaring a legislative intent for exactly that problem, Representative."

Fritchey: "Okay. Thank you. Thank you, Speaker."

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

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

Speaker Brunsvold: "Sponsor yields."

Cross: "Representatives... Representative, I actually have the Bill in front of me and I read... I'm reading that... at least in the initial opening page or headline page makes it a Class B misdemeanor to knowingly own or operate. Then I'm looking back on page 2 of the Bill, 'a violation', actually, that refers to a Class B misdemeanor. The sentence Section of your Bill talks about or reads that it's a violation as a Class C. So, what is it?"

Franks: "Class C."

Cross: "Then why do you... so... so, do we have a mistake?"

Franks: "I'm not sure what you're looking at, Representative."

Cross: "I'm looking at the cover sheet of the Bill, as it was given to me as the way it was drafted."

Franks: "Yeah, it looks like the cover sheet's synopsis is incorrect. It should be a Class C misdemeanor."

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Cross: "All right. Did I hear you sa... say to Representative Fritchey, you were gonna... you had an Amendment?"

Franks: "There already had been an Amendment put on to give legislative intent, as my understanding."

Cross: "What do you mean and by an Amendment to the legislative intent?"

Franks: "No. To describe, it's a legislative intent. The... the reason for this."

Cross: "Where... where's this Amendment?"

Franks: "That was my understanding."

Cross: "I've never seen an Amendment that deals with... I'm not... I have absolutely... I don't know what you're talking about."

Franks: "Okay. Well, then I'm mistaken. I apologize."

Cross: "Well, is... is there an Amendment floating around somewhere?"

Franks: "I thought there was, but apparently there isn't."

Cross: "All right. I... you know, I don't think anyone on this floor disagrees with... you know, the idea that we need to stop some of these awful things going on with guns and cars and criminals, but I... I think you're really setting us all up, Representative, for some... some examples or some scenarios that are gonna backfire on us. I... I have a Oldsmobile Eighty-eight and in the back seat you can open up a compartment that leads to the trunk. And under that, in that scenario, I think you could hide things from the back seat if you were driving along in the road. Driving along the road or just parked there. And your definition of false or secret compartment means, 'any enclosure that is intended and designed to be used to conceal.' I think... wouldn't you agree, that under your Bill that could be utilized or defined as a... a false or secret

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compartment?"

Franks: "Yes, I think it could be."

Cross: "So, under your Bill and under this scenario of anyone's child either coming back from Indiana with cigarettes or coming back from Missouri with fireworks or a young person coming back with beer in the car, now obviously, none of us agree with that. Under this Bill, you are now saying that because my child has some fireworks from Indiana and ends up coming into the State of Illinois, my car is going to be forfeited. I don't think that's you want to do, but wouldn't you agree that the way this Bill is written, that's gonna happen?"

Franks: "It could happen and that is an unfortunate by product, but by the same token, we should not be taking contraband illegally through this state in secret compartments. Otherwise, you're condoning that type of behavior."

Cross: "Well, Representative, if all of us had perfect 16 and 17 year old kids in this state, we wouldn't have to worry about it, but kids make mistakes."

Franks: "Right."

Cross: "They do stupid things. And they should be penalized for 'em. And we have laws in place to penalize kids that do that. But do you really want to be taking away the vehicle, seize and forfeit the vehicle of the people of this state because their kids make some stupid, granted wrong, an illegal mistake like having a six pack of beer in the car? Is that what you really want to do?"

Franks: "No, that's not the intent of this legislation."

Cross: "Well, don't you think you could draft this a little better, so we don't have that result because, certainly, no one wants the hidden Uzi. No one is gonna argue with that. We all totally agree with ya, but in the real world with



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real kids you're gonna have this happen. And I don't think that's what you want to do, and there's got to be a better way to draft it. For instance, in my car, if you had some language that said, you know, 'created by the manufacturer or designed by the manufacturer would be exempt or exempted', you would take away the scenario I'm talking about. Because I think most of the time you're not gonna be able to hide the beer or the cigarettes or the fireworks, but in my car scenario and other cars you can do that. I think they're designed for skis, perhaps or to put things in there. I really think you ought to take this Bill out of the record or find an Amendment 'cause you're gonna have some awful, awful results if this Bill gets signed into law."

Franks: "I understand your suggestion, but what that would do would be to gut the Bill. Because then, if they had these manufactured compartments and the criminals were hiding their drugs and guns in those manufactured compartments then they would not be subject to forfeiture. It would take out the important part of this Bill. I think the Bill should stand as it's written."

Cross: "Representative, I also read that it says, 'it is... it's unlawful for any person to own or operate any vehicle that he or she knows to contain a compartment, da da da.' So under your Bill, if I read it correctly, my child could come back from Tennes... from Missouri with fireworks, but I'm gonna be the one charged 'cause I'm the one that owns the vehicle and it's titled in my name. Is it your intent to charge me as a parent or to charge the child? And, Representative, I guess, we really need to be careful in this Body to try to do the right thing, but not become to political and worry about our next campaign and I really

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think this is one of those Bills that we're all gonna come back and have bite us. And I wish you would let me know whether you think this addresses the adult who owns the car or the child."

Franks: "If you look under offenses, under Section A, 'it is unlawful for any person to own or operate', so it would apply to both of you."

Cross: "So are... it is your intent, under this Bill, that both the parents should be charged with a criminal offense as well as the child. And... and... and the parent having absolutely no knowledge of it. None at all. He's home... he or she's home at night, reading the paper, doing absolutely nothing wrong and the child's out doing something stupid."

Franks: "Many of us have children. I'm a father, myself. But I certainly believe in parental responsibility. And I hope that you do, as well."

Cross: "Representative, I certainly believe in it, but are... is it your intent to have the adult charged?"

Franks: "Yes."

Cross: "All right."

Franks: "Owner or operator."

Cross: "Well, Representative, under... under your theory, that you believe in, parental responsibility, should every parent be charged with drunk driving if their child's charged with drunk driving? Is that what you want?"

Franks: "No, that's not... that's not what I'm saying."

Cross: "Well, what are you saying?"

Franks: "I think the Bill is well written. And I think if you have control of your vehicle and you lend it to someone else and that person uses it for criminal means, then, you are entitled to the same punishment as the person who

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commits it. That's a... it's a..."

Cross: "Can you give me any other example in the State of Illinois where a parent will loan their child the car and the car could be forfeited? Not loan. I'm... we're just talking about the kid going out on a date and we're... we're under your Bill, now, we're gonna say, 'We're gonna take that car. We're gonna take your car. It's gone. You can't get it back. Can't have it. No defense. Because your kid took a six pack of beer or a pack of cigarettes or fireworks across the state line. We're taking away your car.' What else do... where else do we do that in the State of Illinois, Representative?"

Franks: "I think we're getting far off the real issue here."

Cross: "No. We're again, we're talking about your Bill."

Franks: "No. I think what you're missing are the criminals that put guns and drugs in secret compartments and put our police officers at risk. I... I don't know if you had..."

Cross: "But you agree, but... "

Franks: "...the ability to see that video because I think if you did, you wouldn't be asking these questions."

Cross: "Representative, no one... no one disagrees with the Uzi situation. You... you are exactly right. That is an awful scenario. No one wants it. All right, we're all in agreement. But the result is... are some ex... extreme scenarios that we don't want. And anyone will be glad to work with you on this scenario you're talking about and the awful video. But you are setting up a scenario where the owner of a vehicle, namely a mom and dad, have the potential to have a car forfeited for abso... for doing absolutely nothing wrong. And you have admitted that that's the result of this Bill."

Franks: "I'm sorry for that interruption."

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Cross: "Pardon me?"

Franks: "I... I missed your last question. I apologize."

Cross: "I asked for other scenarios in this state where parents will lose their cars, where they will have them seized by the government because their kids make a bad judgement or make a mistake because they had beer or fireworks in the car. Can you give me another example..."

Franks: "No, I can't"

Cross: "...where that happens?"

Franks: "No. I'm not aware of any other examples."

Cross: "Okay. Can you give me another example, under the law, where an adult, for instance, once again the parent can be charged with a criminal offense based on something their child does which you admitted earlier would happen under this Bill. That both the parent and the child would be charged."

Franks: "No."

Cross: "Can you give me another example?"

Franks: "No, I said owner or... owner or operator. It's not limited to only parents. It's owner or operator. If your child owns, his or her own vehicle, then there would only be one person being charged."

Cross: "Representative, it's pretty obvious that there's some glaring holes in this Bill and that no one wants the Uzi situation. Is there possible maybe to take this out of the record and rework the language on here? Otherwise, we 'are gonna have a Bill... we're gonna have a Bill that may look good politically, but's gonna have some unintended results and that's not what we ought to be doing."

Franks: "If you'll be... if you'll work with me, I'll pull it out now."

Cross: "Well, I... "

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Franks: "On some language."

Cross: "We'll work with ya, Representative. I'll work with ya on it."

Speaker Brunsvold: "The Gentleman takes the Bill out of the record."

Franks: "I'll take it out."

Cross: "Thank you."

Speaker Brunsvold: "The Chair is prepared to adjourn. The Clerk indicates that we have all the... the Agreed Bill List filed with the Clerk, so they are all... have been filed at this time. So none are out right now. Representative Mary Kay O'Brien now moves that the House stand adjourned until Thursday, May 6th, at the hour of 10 a.m. All those in favor 'aye'; opposed 'nay'. The 'ayes' have it. And the House does stand adjourned until Thursday, May 6th, at the hour of 10 a.m. That al... that is allowing perfunctory time for the Clerk."

Clerk Bolin: "House Perfunctory Session will come to order. First Reading and Introduction of Senate Bills. Senate Bill 411, offered by Representative Rutherford. A Bill for an Act to amend the Public Utilities Act. First Reading of this Senate Bill."

Crawford: "Attention Members of the House of Representatives. Would all persons not entitled to the House floor please retire from the chambers. Thank you."

Clerk Rossi: "There being no further business, the House Perfunctory Session stands adjourned."