

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE
SECOND SPECIAL SESSION

1st Legislative Day

December 16, 1999

Speaker Madigan: "The House will come to order. The Members shall be in their chairs. The Clerk has received a communication from the Office of the Governor. Mr. Clerk, read the communication."

Clerk Rossi: "Proclamation, Whereas, on January 1, 1995, Public Act 88-680 entitled 'An Act to create a Safe Neighborhoods Law' became effective; and whereas, Public Act 88-680 contained a significant number of criminal offense penalty enhancements, new criminal offenses and juvenile delinquency provisions; and whereas, on December 2, 1999, the Illinois Supreme Court in People v. Cervantes, Docket No. 87229, ruled that Public Act 88-680 violates the single subject clause of the Illinois Constitution (Article IV, Section 8 (d)) and is unconstitutional in its entirety; and whereas, in the event the Illinois Supreme Court does not grant a rehearing, the provisions of Public Act 88-680 cannot be applied to criminal and juvenile offenses until reenacted into law; and whereas, it is essential that the provisions of Public Act 88-680 be reenacted before the Illinois General Assembly returns for Regular Session on January 12, 2000, so that the criminal offenses and enhanced penalties can be applied to criminal acts committed between the effective date of the reenactment and the year 2000 Legislative Session. Therefore, pursuant to Article IV, Section 5 (b) of the Illinois Constitution of 1970, I, George H. Ryan, Governor of the State of Illinois, hereby call and convene the 91st General Assembly in Second Special Session to commence on December 16, 1999 at 6:00 P. M., to consider only the reenactment of provisions contained in Public Act 88-680 (as subsequently amended). Such reenactment may include any amendatory changes necessary to maintain the penalty on a first offense of 720

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ILCS 24-1 (a) (4) and (a) (10) as a felony, but which allows the court additional discretion in sentencing certain first-time offenders. Such Special Session shall be limited to consideration of Senate Bill 224 now pending before the General Assembly.

Speaker Madigan: "Pursuant to the Proclamation of the Governor, the House will come to order. I'll be very pleased because we can pray for a second time. Please rise. We shall be led in prayer by Lee Crawford, the Pastor of the Victory Temple Church in Springfield."

Pastor Crawford: "Let us elevate our minds, as well as our hearts. Most eternal God, precious Lord in Heaven, we pray according to Your servant Saint John, that this is the confidence that we have in You that whatever we ask You in according to Your will that You will hear us. I ask that You would hear us as we pray sincerely out of our hearts. We ask You to hear us as we request wisdom from You, we request direction, we request guidance. We ask that You would strengthen us as we do what You've called us to do. This we kindly pray, Amen."

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

Bellock - 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. Please be advised that there will only be one per diem today. Representative Currie."

Currie: "Thank you, Speaker. Please let the record show that Representative Lou Jones, Shirley Jones, Jeffrey Schoenberg, and Harold Murphy are excused for the Second

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Special Session today."

Speaker Madigan: "Cross."

Cross: "Thank you, Mr. Speaker. The record would reflect Representative Black and Representative.... Representative's Black and Pankau, if you would please excuse them. Thank you."

Speaker Madigan: "Thank you. So, we've been advised that there are six people absent. Mr. Cross. Mr. Cross."

Cross: "Thank you, Mr. Speaker. I spoke in error earlier. If you and the record would also reflect that we have excused absences for Representative Beaubien as well as, Coulson. I neglected to add those earlier."

Speaker Madigan: "Is there any further information that should be made available to the Clerk before we close this roll call? Any further information? Mr. Clerk. Any further information? Take the record. There are 97 people responding to the Attendance Roll Call, there is a quorum present. And if anyone has any additional information, please advise the Clerk. Okay. Mr. Clerk."

Clerk Rossi: "Introduction of Resolutions. House Resolution #1 of the Second Special Session and House Resolution #2 of the Second Special Session are assigned to the Rules Committee."

Speaker Madigan: "Representative Currie."

Currie: "Thank you, Speaker. I move for the immediate consideration and the suspension of all applicable House Rules, so that we can adopt the Second Special Session House Resolutions 1 and 2."

Speaker Madigan: "You've all heard the Lady's Motion. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it; and the Motion is adopted. The Chair recognizes Representative Currie."

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Currie: "Thank you, Speaker. Would the Clerk please read Second Special Session House Resolutions #'s 1 and 2?"

Speaker Madigan: "Mr. Clerk."

Clerk Rossi: "Second Special Session House Resolution #1, be it resolved that the Rules of the House of Representatives of the 91st General Assembly be adopted as the Rules of this Special Session; and so far as the same may be applicable in the committees of the House of Representatives of the 91st General Assembly including the House Journal Review Committee and their membership shall constitute the committees of the House during this Special Session. Second Special Session House Resolution #2, resolved that the Clerk inform the Senate that a majority of the House has assembled pursuant to the Proclamation of the Governor convening a Special Session of the General Assembly and are now ready for the transaction of business."

Speaker Madigan: "Representative Currie has moved for the adoption of the Second Special Session Resolutions #1 and 2. All those in favor signify by saying 'aye'; all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it; and the resolutions are adopted. Mr. Clerk."

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

Speaker Madigan: "Mr. Johnson."

Johnson, Tom: "Mr. Speaker, I'm not sure how to couch this. Whether this is a point of order or it's a request that we get some clarification. But, it appears to me that first of all, we have a Supreme Court who told us how we can pass our legislation, which we may or may not agree with, and that is why we are here, is because the Supreme Court took that action. Secondly, while the Senate is currently acting on a piece of legislation, the Governor of this

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state, with all due respect, issued a new proclamation now in essence narrowing our rights as a Legislature to deal with legislation. I believe that we need to understand and I don't know whether the appropriate action here is to get a ruling or what. But, it seems to me that we are approaching a constitutional crisis, now in terms of what is the Legislature's ability to enact legislation and to look at its Bills and... and what form it wishes to pass legislation versus a Governor's right to tell the Legislature, 'this is how you will pass your legislation and this is the only Bill that you will consider'. I believe that we are quickly moving and this is not an issue at hand in terms of whether we should pass gun legislation or Safe Neighborhood's Act, this is now becoming an issue that I am very concerned about. And I think that the appropriate thing might even be to get a declaratory judgement from the Supreme Court in terms of, what is our prerogative as a General Assembly to take action on legislation versus the Governor's prerogative to tell us in what form and how we will take that action. And I'm not sure of the appropriate request here, I'm not sure whether this is a point of order, but I do think as Speaker of the House you have an obligation to the General Assembly to in fact protect the rights of this Legislature to act as it feels appropriate in the passage or nonpassage of legislation. And I believe that this second proclamation in fact is now a limiting proclamation on the authority of this Legislature to act. Mr. Speaker, I turn it over to you."

Speaker Madigan: "Mr. Clerk. Mr. Clerk."

Clerk Rossi: "Committee Reports. Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which

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the following measures were referred, action taken on December 16, 1999, reported the same back with the following recommendation/s: 'to the floor for consideration', to the Order of Second Reading, Senate Bill 224. Supplemental Calendar #1 is being distributed."

Speaker Madigan: "Mr... Mr. Brunsvold."

Brunsvold: "Thank you, Mr. Speaker. And I join Mr. Johnson in showing and speaking my objection to this proclamation that the Governor has given us. I don't know why in there... after therefore he just didn't write the Bill and give it to us. He has not given us a chance. I remember back when this Bill was passed and was done in the dead of night without any... without any regard for the people that were negotiating the Bill through the whole process. And here we are again at night and we got a proclamation that tells us what we're going to do. Well those, those requirements in this proclamation, again, put my constituents in a, in a bad situation. And I object, I objected then and I object now to having to put honest citizens in downstate in a situation where they can have for first time arrest under a felony when they're going about a lawful... a lawful request at a gun club or a hunting situation and they don't have an opportunity. This, under the State Bar Association's words from last Tuesday, indicate that this penalty doesn't fit the crime. And I agree totally with the State Bar Association on this. And we shouldn't look at this proclamation and we should ask the Governor to again do what he has to do to, to correct this so we can proceed with a manner of solving a problem. Not only for Chicago, cause I support their efforts to try to get the criminal there. But also, to have a little regard for the downstate that are going about a lawful activity with a

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firearm. So, Mr. Speaker, I would also state my objection to the proclamation."

Speaker Madigan: "Ladies and Gentlemen, the, the plan is that the Rules Committee will meet at 8:30 A. M. tomorrow morning. There will be a meeting of the Criminal Judiciary Committee at 9:30 A. M. in Room 114 for the purpose of considering an Amendment to Senate Bill 224. And Session will begin at 11 A. M. tomorrow morning. Again, to consider the Amendment to Senate Bill 224. So again, the plan is that the Rules Committee will meet 8:30 A. M. tomorrow morning in the Speaker's Conference Room. The Criminal Judiciary Committee will meet at 9:30 A. M. in Room 114. Session will begin at 11 A. M. Chair is prepared to adjourn. Representative Currie moves that the House does stand adjourned. And that this would relate to the Second Special Session, providing perfunctory time for the Clerk. And those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it; the Second Special Session stands adjourned until 11 A. M. tomorrow morning."