

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

123rd Legislative Day

April 29, 1994

Speaker Currie: "Nine o'clock having arrived, the House will be in Session. Members will be in their seats. The Pastor for the day, the Chaplain for the day, is Reverend Hugh Cassidy of the Blessed Sacrament Catholic Church in Springfield, Illinois. Reverend Cassidy is the guest of Representative Curran. The guests in the balcony are welcome to rise and join us for the invocation. Father Cassidy."

Reverend Hugh Cassidy: "God and Father of all, we praise You, the source of all we have and are. Teach us to acknowledge always the many good things You have given us. Guide these Representatives with fatherly care. May their deliberations enhance the dignity of all, and give us strength and courage to have concern for all. May the Lord bless us and keep us. May His face shine upon us with kindness. May he give us his peace. May the blessing of the Almighty be with us always and always. Amen."

Speaker Currie: "We'll be led in the pledge by Representative Meyer."

Meyer - 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 Currie: "Roll Call for Attendance. Representative Kubik."

Kubik: "Thank you, Madam Speaker. First of all, I'd like to congratulate our media star this morning, Mr. Rossi and Mr. Clerk. I noticed that Mr. Rossi, I don't think he spends much time with the technical staff after work. He seems to be over at Sams unwinding, you know, congratulations to you both, you represent our institution well. Madam Speaker, Representative Pankau is excused due to a death in the

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

123rd Legislative Day

April 29, 1994

family."

Speaker Currie: "Let the record so reflect and also that no Democrat is officially excused; all the Democrats are here. One hundred and seventeen answering...will take the record. One hundred and sixteen answering the roll call, a quorum is present. Representative Black, for what reason do you rise?"

Black: "Thank you very much, Madam Speaker. A point of personal privilege. The young man to my right is like a son to me."

Speaker Currie: "And luckily it's a reciprocal feeling."

Black: "Yes, yes I, everyone within the sound of my voice in the capitol complex, my son would like all of you please to save your local Springfield paper today. He is offering to buy the insert at 50 cents a piece. If you'll bring them over, he's going to spend his entire allowance today buying as many copies as he can, and autographs will be a dollar a piece. Thank you."

Speaker Currie: "We may have to line up behind Tony Rossi, Penny Fraase, and Mr. Burns, so, I don't know, maybe, we could do a little bidding war here, hold out for the highest... Representative Parke, for what reason do you rise?"

Parke: "I, yes, I think it's only fair since the other side is not pointed out in this article that we have some other famous people, Tony Rossi, and our electrician Dennis Burns, Burns was in it. I think everybody should be getting that insert because they're very famous people now, and..."

Speaker Currie: "The Chair did mention that, Representative, and suggested that maybe we're really not into 50 cents for Mr. Clerk, a bidding war among all the others."

Parke: "Well, I know that. Maybe we can have that, maybe we can auction them off."

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

123rd Legislative Day

April 29, 1994

Speaker Currie: "It sounds good."

Parke: "Well, anyway, all I could say is that those are wonderful articles on all of the hard working staff and they deserve it. Congratulations to all of them."

Speaker Currie: "Absolutely. Representative Wennlund, for what reason do you rise?"

Wennlund: "Thank you, Madam Speaker. To point out that Mr. Clerk does have one advantage, he can send his photograph to his mother. We're wondering about whether or not Mr. Rossi will send his photograph at Sams to his mother."

Speaker Currie: "Representative Biggins, for what reason do you rise? Representative Biggins."

Biggins: "Madam Speaker, I wish to address the article in the paper today, point out to the Members and to all those here, this is another reason why term limits is a bad idea. Pretty soon the staff is going to run this entire Assembly, because they're going to be here year after year after year while we are going to be back not being here able to do the business of the people that elected us because the staff is going to have all the control. Articles like this destroy the democracy that this state has created, and I think it's bad for government whether you're on the Republican side of the aisle, the Democratic side of the aisle or whether you're not in any aisle. It's bad."

Speaker Currie: "Representative Schoenberg, for what reason do you rise?"

Schoenberg: "Madam Speaker, can we contact the House nurse so she can provide the Gentleman with his laxative today?"

Speaker Currie: "Representative Black, for what reason do you rise?"

Black: "Well, Madam Speaker, I will, I rise to a point of personal privilege. The Gentleman, the Gentleman on my

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

123rd Legislative Day

April 29, 1994

side of the aisle who just sat down has obviously had a very bad evening and I will talk to him. We can talk and pontificate on this floor, but the Gentleman is getting personal. I think he has insulted my son, and I will not have that, I'll talk to him and I'll, Representative Schoenberg's idea is a good one, and perhaps both of us can come over here and work on it. That remark was uncalled for. This boy is like a son to me, and I'm telling you he didn't deserve that diatribe."

Speaker Currie: "Representative Parke, for what reason do you rise?"

Parke: "Yes, Representative Schoenberg, I mean we are just getting practiced for later on this afternoon, so, that, that we're in spirit, and we haven't lost any steps since yesterday. So, I'm sure the abuse will continue, so we're just practicing up for later on."

Speaker Currie: "Representative Schoenberg."

Schoenberg: "My name was used in debate so I wish to exercise my prerogative just to remind the Gentleman from Schaumburg that it's called per diem and not per word, that's the basis in which we receive remuneration."

Speaker Currie: "Consent Calendar, Second Day, Second Reading, Second Day."

Clerk Rossi: "Consent Calendar, Second Reading, Second Day. House Bill 3127, a Bill for an Act to amend the Property Tax Code. House Bill 3155, a Bill for an Act to amend the Professional Engineering Practice Act of 1989. Second Reading of these House Bills."

Speaker Currie: "Third Reading. Agreed Resolutions."

Clerk Rossi: "House Resolution 2455, offered by Representative Younge; House Resolution 2456, offered by Representative Younge; House Resolution 2457, offered by Representative

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

123rd Legislative Day

April 29, 1994

Younger; House Resolution 2458, offered by Representative Younger; House Resolution 2459, offered by Representative Younger; House Resolution 2460, offered by Representative Younger; House Resolution 2461, offered by Representative Younger; House Resolution 2462, offered by Representative Younger; House Resolution 2463, offered by Representative Younger; House Resolution 2464, offered by Representative Younger; House Resolution 2465, offered by Representative Tenhouse; House Resolution 2467, offered by Representative Hanrahan; House Resolution 2469, offered by Representative Schakowsky; House Resolution 2470, offered by Representative Skinner; House Resolution 2471, offered by Speaker Madigan; House Resolution 2472, offered by Representative DeJaegher; House Resolution 2473, offered by Representative DeJaegher; House Resolution 2474, offered by Representative DeJaegher; House Resolution 2475, offered by Representative DeJaegher; House Resolution 2476, offered by Representative Morrow; House Resolution 2477, offered by Representative Tim Johnson; House Resolution 2478, offered by Representative Black; House Resolution 2479, offered by Representative Cowlshaw."

Speaker Currie: "Representative Turner moves for the adoption of the Agreed Resolutions. General Resolutions."

Clerk Rossi: "House Resolution 2480, offered by Representative Biggins."

Speaker Currie: "Committee on Assignment. Back to the Agreed Resolutions. Representative Turner moved the adoption of the Agreed Resolutions. All in favor say 'aye'; opposed, 'no'. The 'ayes' have it, and the Resolutions are adopted. Death Resolutions."

Clerk Rossi: "House Resolution 2466, offered by Representative Stroger, with respect to the memory of Andre Bissic. House

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

123rd Legislative Day

April 29, 1994

Resolution 2468, offered by Representative Stephens, with respect to the memory of Harold Hutchins."

Speaker Currie: "Representative Turner moves adoption of the Death Resolutions. All in favor say 'aye'; opposed, 'no'. The 'ayes' have it. The Resolutions are adopted. Further Agreed Resolutions?"

Clerk Rossi: "House Resolution 2210, offered by Representative Giglio. Amendment #1 was adopted in committee. Floor Amendment #2, offered by Representative Meyer."

Speaker Currie: "Representative Meyer."

Meyer: "Thank you, Madam Chairman. The Amendment itself is a pretty simple and straightforward Amendment, but I think it does something to strengthen what the Resolution is attempting to accomplish here, and that is in honor of veterans to make sure that their rights in terms of hiring are preserved. The Amendment will take the date which is in the Resolutions set at September 10, and it will change that date to November 11. The reason why I propose this, Members of the House, is that September 10 in the life of a veteran, for most of us September 10 is not a meaningful day in terms of veterans recognition, but November 11 is. November 11 is Veterans Day, and in looking at the Resolution I feel that it adds emphasis to what we're trying to accomplish here; and, therefore, that's why I propose this Amendment."

Speaker Currie: "Representative Giglio, on the Motion to adopt Amendment #1...2"

Giglio: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I would ask that the Members turn this Amendment down to the Resolution. The Resolution, or the date that, and the Amendment that the Gentleman is trying to put on really has nothing to do with the Body and what the

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

123rd Legislative Day

April 29, 1994

Resolution intends to do, and that's to try and get CMS to do what they're supposed to do, and hire veterans when they're supposed to, if they're qualified and they meet the requirements, et cetera. So, I would like to leave the Resolution intact without this Amendment so, I would ask that this Amendment be defeated."

Speaker Currie: "Further discussion? Representative Stephens."

Stephens: "Thank you, Madam Speaker. This, the purpose of the Resolution, if I may address it for a moment and then relate it to the Amendment. Basically the Resolution states that this Body reaffirms its intention to vigorously champion our veterans as they seek state employment, and it seems that although we have statutory, and regulatory, and rules that help us and guide us in the hiring of veterans, we just don't quite get the message, and I think it's very appropriate that we move the date of this to November 11, a date that most of us relate to, memories of our veterans, the sacrifices that were made. This Resolution marks the 50th anniversary of the Normandy Landing, the sacrifices that were so dearly purchased at Normandy, in Korea, Vietnam, Panama and recently in the Persian Gulf, need to be upheld. We, in the General Assembly, can uphold the sacrifices only once, once again by showing our resolve, not only in passing the Resolution and sending the message to CMS, but by moving it to November 11 as this Amendment does, it sends a greater message to the general public, that we want total awareness. We have to commit to live up to our commitment to our veterans, and no better way that I can think of that, no better way can I think than to make this small change in the Resolution that changes none of the substantiative language that the Sponsor refers to. The Sponsor of the Amendment simply wants to change the date so

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

123rd Legislative Day

April 29, 1994

that we can further ingrain in the public's mind, that this Body's true intention to support our veterans. So, don't know why the Sponsor of the Resolution stands in opposition to that. This is a clear message. It's solid. I stand in support of Amendment #2 to House Resolution 2210."

Speaker Currie: "Representative Meyer to close."

Meyer: "Thank you, Madam Chairman. In closing, one of the arguments that was used previous to this debate on the floor concerning this date was that I was asked to withdraw this Amendment because if we passed it we would lose leverage with CMS in providing this information to us. I disagree with this. We in this Body pass laws, we pass Resolutions, and we expect that those laws and those Resolutions be up held to the letter. To say that they would not or to suggest that they would not just because of a date does not ring true in my mind, and if we have a department that is going to fail to respond to a Resolution or a law that we passed that then we should tell that department you should get employees that will follow through with what we ask you to do by those Resolutions and the law. And Madam Chairman, I would ask that we have a roll call on this Amendment, and I'm joined, under 55c, and I'm joined by four of my colleagues on this side of the, four of my colleagues that would also ask for a roll call."

Speaker Currie: "Representative Meyer has moved adoption of Amendment #2 to House Resolution 2210; and on that Motion, all in favor vote 'aye'; opposed vote 'no'. Voting is open. Representative Hannig, to explain his vote."

Hannig: "Yes, thank you, Ladies and Gentlemen of the House. Just briefly, I don't know why the Gentleman on the other side of the aisle wants to delay the report on this important Resolution. It would seem to me that if we favor veterans

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

123rd Legislative Day

April 29, 1994

and we favor the veterans preference that we would support a reporting date as early as possible, and that's what the Sponsor of the underlying Resolution wants to do. That's not what this Amendment would do, and I would ask that we vote 'no'."

Speaker Currie: "Have all voted who wish? Have all voted who wish? Representative Wennlund, to explain his vote."

Wennlund: "Thank you, Madam Speaker. A request of verification of the negatives?"

Speaker Currie: "Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this Motion there are 66, voting 'aye', 46...I'm sorry, 46 voting 'aye', 66 voting 'no'. The Amendment fails, and Representative Wennlund has asked for a verification. The Clerk will poll the absentees, Verification of the Negative Roll Call."

Clerk Rossi: "Poll of those voting in the Negative: Balanoff. Blagojevich. Brunsvold. Bugielski. Burke. Capparelli. Curran. Currie. Dart. Davis. Deering. DeJaegher. Dunn. Edley. Erwin. Flinn. Flowers. Frias. Gash. Giglio. Giles. Giolitto. Granberg. Hannig. Hartke. Hawkins. Hicks. Hoffman. Homer. Jones, Lou. Jones, Shirley. Kaszak. Kotlarz. Lang. Laurino. Levin. Lopez. Martinez. Mautino. McAfee. McGuire. McPike. Moore, Eugene. Moseley. Murphy, H. Murphy, M. Novak. Ostenburg. Phelan. Phelps. Prussing. Pugh. Raschke-Lind. Ronen. Rotello. Saltsman. Santiago. Schakowsky. Schoenberg. Sheehy. Steczo. Turner. von Bergen-Wessels. Walsh. Woolard. Mr. Speaker."

Speaker Currie: "Questions of the negative, Representative Wennlund."

Wennlund: "Thank you, Madam Speaker. Representative Bugielski?"

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

123rd Legislative Day

April 29, 1994

Speaker Currie: "Representative Bugielski. Representative Bugielski in the chamber? Representative Bugielski. Here he is. Representative Bugielski is here. Further questions, Representative Wennlund?"

Wennlund: "Representative Laurino."

Speaker Currie: "Representative Laurino. Representative Laurino. Representative Laurino in the chamber? We're moving. Further questions?"

Wennlund: "Representative DeJaegher."

Speaker Currie: "Representative DeJaegher. Representative DeJaegher. But that's Representative Deering. Representative Deering wishes to be verified. Does the Gentleman have leave? Representative DeJaegher, remove him. Representative Hartke asks leave to be verified, and Representative DeJaegher has returned, restore him to the roll call voting 'no'."

Wennlund: "Representative Frias?"

Speaker Currie: "Representative Schoenberg asks leave to be verified. Does he have leave?"

Wennlund: "Yes."

Speaker Currie: "He has. Further questions?"

Wennlund: "Representative Saltsman?"

Speaker Currie: "Representative Saltsman. Representative Saltsman. Representative Saltsman, remove him."

Wennlund: "Representative Frias?"

Speaker Currie: "Representative Frias. Is Representative Frias in the chamber? Representative Frias, remove him."

Wennlund: "Representative Levin?"

Speaker Currie: "Representative Levin. Representative Levin. Remove him from the roll call."

Wennlund: "Representative Stroger?"

Speaker Currie: "Representative Stroger. Representative Stroger."

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

123rd Legislative Day

April 29, 1994

Remove him from the roll call."

Wennlund: "Representative Davis, Monique Davis?"

Speaker Currie: "Representative Saviano wishes to be recorded as voting 'no'. Did you have another question?"

Wennlund: "Did I mention Representative Stroger?"

Speaker Currie: "Yes, and his name was, I asked that his name be removed from the roll call which it has been."

Wennlund: "Representative Monique Davis?"

Speaker Currie: "Representative Davis. Representative Davis. Remove her. Representative Giglio, for what reason do you rise?"

Giglio: "Madam Speaker, it has just been brought to my attention that the date of the Amendment is a state holiday, and you can't file it anyway. So, perhaps the Gentleman would like to withdraw it."

Speaker Currie: "Representative Wennlund wishes to continue with the verification. Other names, Representative?"

Wennlund: "Representative Hawkins?"

Speaker Currie: "Representative Hawkins. Representative Hawkins. Remove him from the roll call."

Wennlund: "Representative Jones, Lou Jones?"

Speaker Currie: "Representative Lou Jones is in the back of the chamber."

Wennlund: "Representative Lopez?"

Speaker Currie: "Representative Lopez. Representative Lopez is in his chair."

Wennlund: "Representative Granberg?"

Speaker Currie: "Representative Granberg. Representative Granberg. Representative Granberg. Remove him from the roll call. Further questions, Representative?"

Wennlund: "Representative Martinez?"

Speaker Currie: "Representative Martinez. Representative

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

123rd Legislative Day

April 29, 1994

Martinez. Representative Martinez. Remove him from the roll call."

Wennlund: "Representative Homer?"

Speaker Currie: "Representative Homer. Representative Homer. Representative Homer. Remove him from the roll call."

Wennlund: "Representative Hicks?"

Speaker Currie: "Representative Hicks. Representative Hicks. Representative Hicks. Remove him from the roll call."

Wennlund: "Representative Lind, Raschke-Lind?"

Speaker Currie: "Representative Raschke-Lind is in her chair."

Wennlund: "No further questions. Thank you, Madam Speaker."

Speaker Currie: "On this measure there are 57 voting 'no', 46 voting 'yes', and the Amendment fails. Any further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Currie: "Then on the Resolution, Representative Giglio."

Giglio: "Madam Speaker, Ladies and Gentlemen. I would just ask for the adoption of the Resolution as is. It's a great tribute to those who fought in the, in the World Wars and the Korean and the Vietnam War, and it's...all it does is give the veterans what they deserve and it's law already to have these veterans have some kind of preference for what they've done with regard to jobs. So, I would ask your support."

Speaker Currie: "Representative Giglio moves adoption of House Resolution 2210; and on that Motion, Representative Dart."

Dart: "Thank you, Madam Speaker. As to the Resolution, this once again reaffirms the General Assembly's commitment to the veterans of Illinois. Today the freedoms that we enjoy are guaranteed by the men and women who served in our armed forces. These servicemen and women deserve the support of the legislative Body when they return home to Illinois and

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

123rd Legislative Day

April 29, 1994

seek state employment. The Law of Veterans Preference dates back to the Civil War and has been enacted by the General Assembly, upheld by the Supreme Court, and was also in the Civil Rights Act of 1964. The Law of Veterans Preference gives these veterans a chance to work in State Government. The statute states that when two equally qualified candidates are qualified for a position, the veteran shall be preferred for appointment. As an attorney, I can further state the word, 'shall' means absolute and it can be interpreted no other way. This statute was not enacted to merely guarantee an interview of some bureaucrat. Interpret it to mean that the intent of this law is to give absolute preference to the veteran. The Resolution, will once again, will reaffirm our commitment to Illinois veterans, and I urge your support."

Speaker Currie: "Further discussion? Representative Stephens."

Stephens: "Well, for purposes of legislative intent, I think Representative Dart covered it exactly. This Resolution will allow the General Assembly to monitor the veterans hiring and safeguard the rights of Illinois veterans. We stand in support."

Speaker Currie: "Representative Giglio moves adoption of House Resolution...Representative Meyer, sorry."

Meyer: "I would like to join with the Sponsor in supporting this legislation and ask all the Membership on my side of the aisle to support it."

Speaker Currie: "Representative Giglio moves for the adoption of House Resolution 2210; and on that Motion, is there leave for the Attendance Roll Call? Leave is granted. The Resolution is adopted. On page 46 of the Calendar, appears House Bill 2641, Representative Giglio."

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

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

123rd Legislative Day

April 29, 1994

House. House Bill 2641 was a Bill that we passed out of here twice before. It got bottled up in the Senate with different Amendments and what it does, it only applies to three colleges: Chicago State, Governors State, and Northeastern University. It's for the people that are over a certain age that go to school who have made a great sacrifice all their lives and what they're doing there...what this Bill does is exempt them from the law of where they have to have records of their immunization shots. There's no housing, these people do not live there on the universities. They all live at home or other places and I would ask for your favorable support."

Speaker Currie: "Representative Giglio moves adoption of, passage of House Bill 2641; and on that Motion, Representative Weaver."

Weaver: "Thank you, Madam Speaker. A question of the Sponsor. These, all three of these schools are in the Board of Governor's system?"

Giglio: "Yes."

Weaver: "Does this, does this Bill in any way reduce the cost or get rid of any of the horrendous bureaucracy in the Board of Governor's system?"

Giglio: "Well, this has nothing to do with the cost rate. What it would do is it would save a lot of paperwork and it would save the appropriation and save the universities a lot of money."

Weaver: "I just thought maybe you were going to head in our direction and try and reduce that terrible cost that's going down the tubes out there, but it's probably not a bad idea anyway."

Giglio: "Yes, he'll do it."

Speaker Currie: "Further discussion? Representative Ostenburg."

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

123rd Legislative Day

April 29, 1994

Ostenburg: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I rise in support of this measure. As someone who has been involved with one of the universities in question that I can tell you that there are a number of students who are denied the opportunity to continue their education each year because of this immunization requirement. At Governor State University, for example, the average age of an undergraduate student is 32 years old, those students have been removed from the process of receiving the immunizations for several years, and as a result of travel and relocation and things of that sort often no longer have the records to verify that they received the immunizations. In addition, these universities have a lot of transfer students from community colleges and under current law the immunization is not required for community college students. So, it creates a double burden because they've pursued their education with the anticipation that they could articulate...matriculate to a senior level institution and then they find that because they don't have verification of immunization they can no longer continue their academic pursuit. I would urge you to grant this exemption for these students. We've passed this out of the House last year. Hopefully, we can pass it again and we can allow a number of students who currently are being denied the opportunity for a baccalaureate degree to be able to indeed pursue that, that academic course. Thank you."

Speaker Currie: "Further discussion? Representative Black."

Black: "Thank you very much, Madam Speaker, Ladies and Gentlemen of the House. I, too, rise in support of this Bill. I think Representative Ostenburg has said it most eloquently. If we're really going to implement lifelong learning, if

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

123rd Legislative Day

April 29, 1994

we're going to put money into retraining programs for those displaced workers who, through no fault of their own, have lost employment due to restructuring, downsizing or moving the plant even out of the country, then we cannot put artificial barriers in front of people in their forties and fifties who need to return to community colleges or non-residential universities and colleges because of an immunization record. It makes imminent good sense to do this. I don't buy the argument that it's an inherent danger to public health at all. I think it simply eliminates barriers and lets those people take advantage of educational opportunities that we find are needed now in later life more than ever in our history. It's a good Bill. Vote 'aye'."

Speaker Currie: "Further discussion? Representative Balthis."

Balthis: "Thank you, Madam Speaker. I just rise in support of the Gentleman's Bill and would ask everyone on our side to support this piece of legislation."

Speaker Currie: "Representative Giglio has moved passage of House Bill 2641; and on that Motion, all in favor vote 'aye'; all opposed vote 'no'. Sorry, Clerk, please read the Bill on Third."

Clerk Rossi: "House Bill 2641, a Bill for an Act amending the College Student Immunization Act. Third Reading of this Bill."

Speaker Currie: "Again, all in favor vote 'aye'; opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Saviano votes 'aye'. Have all voted who wish? The Clerk will take the record. On this Motion, 101 voting 'yes', 8 voting 'no'; and this Bill, having met the...having received the required Constitutional Majority, is hereby

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

123rd Legislative Day

April 29, 1994

declared passed. On page 46 of the Calendar, appears House Bill 2952, Representative Flinn. Clerk, read the Bill."

Clerk Rossi: "House Bill 2952, a Bill for an Act to amending the Public Community College Act. Third Reading of this House Bill."

Speaker Currie: "Representative Flinn."

Flinn: "Thank you, Madam Speaker. House Bill 2952 causes the community college, Belleville Community College, to take back over the redistricting when it is necessary. When we first districted, divided it up into seven districts, Representative Wolfe was fearful that if the trustees at that time had the authority to do it since they all came from the same area that it would not be fair and so they got the State Board of Elections to agree to do it, and the State Board of Elections now support this Bill. It would put it back in the hands of the college trustees."

Speaker Currie: "Representative, Representative Flinn, the Chair would like to remind you that you've filed an Amendment to this Bill. Would you wish to move the Bill back to adopt the Amendment, or would you rather move forward with the Bill as we see it before us?"

Flinn: "I would, I'll move it back if necessary, I'm not..."

Speaker Currie: "You're not inclined to make that Motion now..."

Flinn: "Well, it's a technical Amendment. The only problem is I don't think I can, it can be heard today if I move it back. right?"

Speaker Currie: "Representative Flinn moves adoption of House Bill for passage of House Bill 2952; and on that Motion, the Chair recognizes Representative Wennlund."

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

Speaker Currie: "He indicates he will."

Wennlund: "Representative Flinn, as I understand that the Bill as

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

123rd Legislative Day

April 29, 1994

presently drafted, applies only to Belleville Community College?"

Speaker Currie: "Representative Flinn."

Flinn: "I can't hear you. Would you repeat, that please?"

Wennlund: "Under the Bill, as presently drafted, is this Bill apply only to Bellview Community College?"

Flinn: "Belleville. Yes, it doesn't apply to any other, that's the only one that's been divided into districts to my knowledge, and we're simply trying to turn back the districting, the redistricting when necessary, back to the Belleville area College Trustees where it should have been to begin with, except that we had the State Board of Elections do it the first time. The State Board of Elections wants out of the business of redistricting."

Wennlund: "The Amendment which is not adopted would spread that throughout all community colleges in the state?"

Flinn: "No, it would not do that. It was just a technical Amendment, language Amendment, is all it was."

Wennlund: "Thank you very much."

Speaker Currie: "Further discussion? Representative Stephens."

Stephens: "Well, in case there's any confusion about this Bill, I hope that Members on this side of the aisle join me in standing in support of the Representatives Bill. It's just effects Belleville Area College. It's good legislation requested by the college, and I stand in support."

Speaker Currie: "Representative Flinn moves passage of House Bill 2952; and on that question, all in favor vote 'yes'; all opposed vote 'no'. Voting is open. Representative Hoffman, to explain his vote."

Hoffman: "Just for the record, Madam Speaker, because of a potential conflict, I vote 'present'."

Speaker Currie: "Have all voted who wish? Have all voted who

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

123rd Legislative Day

April 29, 1994

wish? Have all voted who wish? The Clerk will take the record. On this Motion, there are 112 voting 'yes', none voting 'no'; and this Bill having received the required Constitutional Majority, is hereby declared passed. On page 48 of the Calendar, appears House Bill 2962, Representative Kotlarz. Representative Kotlarz. Clerk, read the Bill."

Clerk Rossi: "House Bill 2962, a Bill for an Act concerning the dissemination of credit information. Third Reading of this House Bill."

Speaker Currie: "Representative Kotlarz."

Kotlarz: "Madam Speaker, this Bill will license credit reporting agencies. I ask for a 'yes' vote?"

Speaker Currie: "Representative Kotlarz moves passage of House Bill 2962; and on that Motion, is there any discussion? Seeing none, all in favor vote 'aye'...I'm sorry, Representative Wennlund."

Wennlund: "Thank you, Madam Speaker. Inquiry of the Chair, first? Can the Clerk tell us what Amendments are on this Bill..."

Speaker Currie: "Clerk, could you inform us of what Amendments have been adopted to the Bill?"

Clerk Rossi: "Floor Amendments #1 and #2 are on the Bill."

Wennlund: "Thank you very much, Madam Speaker. We stand in support of this Bill."

Speaker Currie: "Representative Kotlarz moves passage of House Bill 2962. All in favor vote 'aye'; all opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this Motion, there are 107 voting 'yes', 3 voting 'no'; and this Bill, having received the required Constitutional Majority, is hereby declared passed. On

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

123rd Legislative Day

April 29, 1994

page 51 of the Calendar, appears House Bill 3329. Representative Flinn. Representative Flinn. Representative Flinn in the chamber? Representative Flinn, are you ready with House Bill 3329? Clerk, read the Bill."

Clerk Rossi: "House Bill 3329, a Bill for an Act concerning the regulation of savings banks. Third Reading of this House Bill."

Speaker Currie: "Representative Flinn."

Flinn: "Thank you, Madam Speaker. What House Bill 3329 does, it amends the Savings Bank Act and provides any person that shall give a commissioner of savings bank and residential finance 60 days written notice of intent to acquire, control 10% or more of the savings bank and the savings Bank affiliate, operating under this Act. It also may examine the books, too, CSR may examine the books and records of any person intending to acquire such aforementioned control, and it also may approve or disapprove applications for savings banks. That was Amendment #2 of the Bill, was added on substantial changes on the Bill. I, these savings and loan people have given me this Bill to pass and it's something that's...I know of no opposition. It was no opposition of the committee and it's supported by all of the lending institutions. I move for the adoption of the Bill."

Speaker Currie: "Representative Flinn moves passage of House Bill 3329; and on that Motion, is there any discussion? Representative Deuchler."

Deuchler: "Mr. Speaker and Ladies and Gentlemen of the House, this Bill was discussed in Financial Institution. It did pass out with unanimous vote."

Speaker Currie: "On the Motion, all in favor vote 'aye'; opposed vote 'no'. Voting is open. Have all voted who wish? Have

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

123rd Legislative Day

April 29, 1994

all voted who wish? Have all voted who wish? Clerk will take the record. On this Motion, there are 113 voting 'yes', none voting 'no'; and this Bill having received the required Constitutional Majority, is hereby declared passed. On page 8 of the Calendar, appears House Bill 2638, Representative Brunsvold. Are you ready with this Bill? Clerk, read the Bill."

Clerk Rossi: "House Bill 2638, a Bill for an Act relating to education. Second Reading of this House Bill. Amendments 1 and 4 have been adopted to the Bill."

Speaker Currie: "Representative Brunsvold."

Brunsvold: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. This Bill was Senate Bill 159 last year. The parental training is all removed from the Bill. That's all gone none of that which was controversial last year is on there. Representative von Bergen-Wessels has put a Bill on dealing with grants on drug abuse and that was acceptable. The Bill contains 1, 2, 3, 4, 5, 6..."

Speaker Currie: "Representative Brunsvold, could you just hold for a moment?"

Brunsvold: "Yes."

Speaker Currie: "We're trying to establish whether this Bill was on Third Reading or on Second. Okay, we seem to believe that, in fact the Bill is, just as it says on Third so, carry on Representative Brunsvold."

Brunsvold: "The Bill, as last year, passed out of this House a number of different times, contains ten clean-up, ten clean-up languages, dealing with the state board, it's their provisions, contains an Amendment that Representative Hannig had put on. It was agreed. Representative Cowlshaw has a, has language on the Bill, and there are a couple of other Senators; Senator Topinka has language that

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

123rd Legislative Day

April 29, 1994

was agreed to. So, the Bill contains a lot of the information from the state board and from some Reps that was all agreed to last year, and this Bill is passed out of here on a number of occasions of Senate Bill 159. I would be glad to answer any questions about the Bill, or I can go through all the items if anyone wished, but if it's agreeable to the House I'll answer questions and ask for the passage of House Bill 2638?"

Speaker Currie: "Representative Brunsvold moves for the passage of House Bill 2638; and on that Motion, Representative Salvi."

Salvi: "Would the Sponsor yield for a question?"

Speaker Currie: "He indicates he will."

Salvi: "Is, does this, have you completely eliminated the parents to teachers program out of this Bill?"

Speaker Currie: "Representative Brunsvold."

Brunsvold: "We have removed all of the expansive language of what this Bill did as far as increasing K-12 any parental programs. The original parenting programs that was in law last year and two years ago is still a law. I haven't changed that."

Salvi: "I understand."

Brunsvold: "Well, in light of that I just want to indicate my support for this Bill."

Speaker Currie: "Further discussion? Representative Davis."

Davis: "Representative Brunsvold, does this have anything to do with community college investments?"

Brunsvold: "Yes, Representative one provision allows community college to invest in mutual funds that invest primarily in corporate investment grades or global government short-term bonds."

Davis: "Does it have anything to do with the Chicago Community

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

123rd Legislative Day

April 29, 1994

College with the investments made by that treasurer of, you know, he invested in some funds, and it was not maybe something..."

Brunsvold: "This would apply statewide."

Davis: "I understand."

Brunsvold: "So, if there's been some investments there, this would probably affect that, yes."

Davis: "In other words, this would give all community college treasurers to invest in mutual funds..."

Brunsvold: "Mutual funds."

Davis: "And, this money they're investing belongs to the taxpayers, right? Is it possible they could lose some dollars?"

Brunsvold: "Well, we've, we always invest money. You know, it's our principle here in the General Assembly that when government has money they should invest it to gain interest, and that interest usually should be done in a prudent person under the Prudent Person Rule, and I, you know you try to invest in, in very reliable funds. Is there a possibility that might happen, yes, but it's very remote."

Davis: "Thank you, Representative."

Speaker Currie: "Further discussion? Representative Morrow."

Morrow: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. Will the Gentleman yield?"

Speaker Currie: "He indicates he will."

Morrow: "Representative Brunsvold, I think what Representative Davis was trying to do was get some clarity on the situation that occurred with the city where the treasurer invested about \$97 million in high-risk investment that the, that turned out to be a loss to the city colleges, and I think she wants to make sure that this Bill does not

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

123rd Legislative Day

April 29, 1994

absolve him of that investment. It does not..."

Brunsvold: "No, absolutely not, it does not."

Morrow: "...deal with that situation in detail..."

Brunsvold: "I agree with you, Representative Morrow, that shouldn't happen."

Morrow: "All right. Thank you, Madam Speaker."

Speaker Currie: "Representative Brunsvold moves for the passage of House Bill 2638; and on that Motion, all in favor vote 'aye'; opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this Motion there are 111 voting 'yes', none voting 'no', and this Bill having received the required Constitutional Majority, is hereby declared passed. On page 46 of the Calendar, appears House Bill 2653, Representative Dart. Clerk, read the Bill."

Clerk Rossi: "House Bill 2653, a Bill for an Act to create a safe neighborhoods Law. Third Reading of this House Bill."

Speaker Currie: "Representative Dart."

Dart: "Thank you, Speaker, Members of the House. This is the safe neighborhood Bill. It's a Bill which has been something that has been worked on long and hard with numerous groups and has provisions ranging from dealing with drug abuse to gangs to child abuse. It is a Bill of great length, contains numerous provisions and I'm not going to detail each one of them; I would be happy to answer questions, but the thrust of this Bill is to try to make the neighborhoods...from one end of this state to another, safer to be in. It's targeted gangs and people who have been preying on our neighborhoods and making it an unsafe place to live right now. There is something in here, in each of these...in this Bill, provisions that each

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

123rd Legislative Day

April 29, 1994

person here should like. There is some that they may not like, but is a comprehensive package which goes from top to bottom trying to get at the very things that are destroying our neighborhoods out there. As I mentioned before, it's a rather extensive Bill and I'll answer any questions people may have."

Speaker Currie: "Representative Dart moves passage of House Bill 2653; and on that Motion, Representative Wennlund."

Wennlund: "Thank you, Madam Speaker. First of all, an inquiry of the Clerk as to which Amendments were adopted to this Bill?"

Speaker Currie: "Clerk, would you tell us which Amendments have been adopted to this Bill."

Clerk Rossi: "Committee Amendments 1 and 2, and Floor Amendments 3 and 5."

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

Speaker Currie: "He indicates he will."

Wennlund: "Representative Dart, it appears that with the Amendment that this Bill is approximately two inches thick. Do you want to tell us in detail, I think that it is important that the Members of the House know exactly what it is they're voting on here with about an inch and a half of legislation before them. Can you tell us what really is in this Bill? What are the key provisions of this Bill?"

Dart: "I'll do that, that would be fine. As I said, I did not want because of the length to go through each one but I can hit some of the key ones. One of the major things is, there was a study that was done and Representative Cross was going to speak on this more at length than me, there was a study that was done by the Juvenile Justice Commission a couple years back on trying to rewrite and reform our juvenile laws right now dealing with

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

123rd Legislative Day

April 29, 1994

delinquency, pretty much at the offenders as opposed to the abuse and neglect. This is calling for that study to actually be implemented and it has called for a tiered system of dealing with juveniles instead of the present system we are now where we lump them all together and basically nothing gets done to be quite honest with you. It calls for more community involvement on that first level for juvenile offenders until it escalates to greater offenses and then it sets forth penalties for that. It deals with transfers of gang members or people who have committed violent felonies when they are related to gang activities in the Juvenile Court System. It provides for mandatory community service for gun offenses committed by gang members, juvenile gang members within the juvenile system under 17. In addition, to that, we have provisions here dealing with the...actually the system that we presently have set up as far as for sentencing of juvenile offenders between the ages of 13 and 14 who are convicted of murder. Right now it's an indeterminate type of sentencing for those individuals. This is trying to put some type of logic into the scheme so that they aren't released because, technically right now, someone who murders somebody, a 14-year-old who murders somebody could be released in one day. Right now, we believe there should be some type of determinate scheme set up so that there is a little more reasoning to this. There's also provisions in here which deal with child abuse, increasing and when I say increasing because there are enhancements in this Bill, penalties. Virtually everyone of the enhancements in this Bill, though, is kicking up the maximum as opposed to the minimum. So that the impact on the criminal justice system will not be as great, but we're giving the judges more

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

123rd Legislative Day

April 29, 1994

leeway to actually do the sentencing that they need to. Because if there was ever a complaint I heard from judges is that we'd tied their hands by kicking up the maximum without messing around with the minimum. We aren't raising the cost of this. In addition to this we have provisions in here dealing with abuse...children who are abused neglected, requiring that they receive three physical examinations. If they are going to be returned back to their family we want to require that while under the supervision of the court system that there is at least three physical examinations done on an abused child who had been returned to his house. There is also provisions dealing with drug testing in here. If a parent has been...the reason a child was brought into the system was due to drug related-problems, the parent must submit to periodic drug testing as well. There is numerous provisions in here dealing with gang and gang related offenses and I guess that might be the centerpiece of this. It deals with the numerous offenses that gangs in general are constantly doing to our community. We're increasing once again the maximum not the minimum. The maximum period for gang members who intimidate people, compel membership in their organization, harass jurors, witnesses, and the like. We also had provisions in this as well dealing with, when crimes are motivated or in furtherance of gang activities once again increasing the maximum part of it so that the judges are given the leeway where they can deal with that. We have sections in here dealing with...alcohol abuse, dealing with drunk driving, increasing once again the maximum, not the minimum for the people who are drinking and driving while on suspended licenses. We have provisions in here dealing with, what is called, expungable

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

123rd Legislative Day

April 29, 1994

probation which is 1410 probation which is a probation you get where it does not go on your record. And we have numerous provisions dealing with firearms. Most of the firearms provisions are ones that the NRA has been in conversations with and negotiated with at length. When this Bill was in committee, other than the assault weapons provision, they were in agreement with these provisions and there was some debate and they had still not gotten back to me about the storing of weapons provision. The way it is written in here right now, Representative, and I know it's a concern of yours, there's no mandate about having trigger locks. The version that came out of the Senate, it was actually stiffer, I guess in some respects. This does not mandate the trigger locks, but requires that if not trigger locks you've got to store the gun securely within the house, and this is going after the children who get...will come in contact with guns. And as I said before, there are quite a few other provisions that I would be happy to answer but these are really the thrust of it, and I would be happy to answer any more questions."

Wennlund: "What were the provisions...the other provisions relating to firearms that were in Amendment #2, I believe?"

Dart: "Amendment #2 was not adopted in committee. I believe, it was...let me think."

Wennlund: "Amendment #2 is not on the Bill?"

Dart: "Amendment #1 was not adopted; Amendment #2 is on the Bill, correct? Amendment #2 did nothing different than the original Bill did other than it remove the assault weapon provisions. This Bill, as it sits before us right now, does not have any provisions dealing with assault weapons in it. That language was pulled out."

Wennlund: "Does the...was the Speaker's Amendment on the super

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

123rd Legislative Day

April 29, 1994

police force amended onto this Bill; is it part of the Bill now?"

Dart: "No, that is part of the Bill right now, as well."

Wennlund: "Thank you very much."

Speaker Currie: "Further discussion? Representative Blagojevich."

Blagojevich: "Madam Speaker and Ladies and Gentlemen of the House. We should discuss this legislation and we ought to keep one eye on the Chicago Tribune headline today which interestingly enough points out that in our City of Chicago we are experiencing one murder every 10 hours. It's interesting to point out that it's reminiscent of what Thomas Hobbs wrote with regard to a state of nature: 'Long, long ago our ancestors lived in a hobbsian state of nature where life was nasty, beast, brutish and short.' Tragically, in many of our communities in our state and certainly in our city, many of our fellow citizens live in a hobbsian state of nature where life is nasty, beast, brutish and most tragically of all, far, far too short. Our ancestors entered into a social contract opting out of that state of nature because they determined that they would limit some of their liberties in the interest of having safe neighborhoods. Our ancestors wanted to be able to have sanctuary in their caves. They want to be able to be free from residential burglars invading their caves. Our ancestors also wanted to be able to walk the streets of their neighborhoods, free from the fear that a group of juvenile gang members might blow them away with an assault weapon. Our ancestors, way back in that state of nature, recognized that when they gave up those liberties that it became governments' first duty to provide for the public safety of its citizens and if you look at that Tribune

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

123rd Legislative Day

April 29, 1994

article, we are not doing that. We are not doing that. We have breached our social contract, those of us in government have breached our social contract with our fellow citizens because their neighborhoods are not safe. Let me, if I can, permit me to paraphrase President Nixon and make this perfectly clear; let me make this perfectly clear. By simply abandoning assault weapons, we will not solve the crime problem. I have legislation that would require violent felons to serve 85% of their time in prison, but you enact that, it is not going to solve the crime problem. Human nature being what it is, we're never going to completely solve the crime problem; but we can limit it, we can contain it; and we must control it. And the only way to do that is through a comprehensive plan that adjusts and addresses all the different aspects of crime. The mayor's plan here does that. It talks about juvenile justice; it talks about firearms; it talks about child abuse; it talks about drug prevention. It's comprehensive, it's responsible; and ultimately that may, in effect, bring us back to safe neighborhoods which in the final analysis is why we're here and our ancestors way back in the stone age decided to form civil societies. I urge all of you to support Representative Dart's Bill, particularly those of us who live in Chicago. We need safe neighborhoods. We need to improve the quality of life for our fellow citizens and help them live in a world that is not a hobbsian state of nature. Thank you."

Speaker Currie: "Further discussion? Representative Tom Johnson."

Johnson, Tom: "Yes, I hate to follow Representative Blagojevich here and talk about the state of nature. I'll paraphrase his President, President Clinton, who at the end of his...I

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

123rd Legislative Day

April 29, 1994

believe it was his State of the Union address said, 'There is not another single law that we can pass that is going to take care of the death and mayhem and crime that is afflicting our streets' but, in fact, this is value issues and goes back to the home and the neighborhood and the communities and it involves all of us and not just the Legislature. I will say in terms of this piece of legislation, there has been a lot of thought and work gone into it, really on both sides of this aisle and I think it makes a very good start at some serious issues that do need to be addressed and brought into our time and sadly the times in which many of our children are now insecure in their streets. The Bill itself, I think, will continue to be worked on in the Senate. I support this Bill from this side of the aisle. There are a couple of other things that I think that the Membership should be aware of that are in this Bill and I think that one of the most important aspects of the Bill is, it starts off right on page 1 where it sets up a commission really to take another hard look at the entire Juvenile Court Act and to make their recommendations back to this Legislature within 18 months, knowing that this is an ongoing problem. But on page 78 of the Bill it does increase the number of forcible felonies, and I think that court...the chamber needs to be aware of that. It adds into the categories of forcible felonies: Armed robbery, aggravated robbery, residential burglary, aggravated vehicular hijacking, aggravated battery with a firearm, aggravated discharge of a firearm, home invasion, aggravated kidnapping, et cetera. I think it is interesting to note that on that page it eliminates residential burglary out of that section and that, I think, is what the Representative just said that we should take

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

123rd Legislative Day

April 29, 1994

care of these burglars. But, now on page 83 of the Amendment, I think it also adds, Mr. Dart, if I'm not mistaken one additional category to the death penalty and that is in aggravation that would qualify somebody for that murder if it was committed as a result of intentional discharge of a firearm by the defendant while the defendant was the driver or passenger in a motor vehicle dealing with the drive by shootings. On the whole, I think this Bill merits our support. I hope that the Sponsor will continue to work with the Membership of the Senate. The only negative aspect of this entire thing that I see at this point is, of course, the Speaker's Amendment that is going to require the expenditure of some \$200 million without explanation as to where these funds are going to be taken from, and I would only hope that, you know, either he comes forth with where these funds are going to be coming from and where they're going to be taken out of, before this thing becomes law. But again, other than that I find support for this Bill. Thank you."

Speaker Currie: "Further discussion? Representative Lang."

Lang: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. When I first read through this Bill there was much that concerned me regarding civil rights and civil liberties, the right of privacy and some others. But as I look through it and as I discuss it with the Sponsor and the City of Chicago, it appears to me that they've tried very hard to put together a fair Bill, a tough Bill on crime but a fair Bill. They have reduced quite a few problems I had with the Bill down to just a few and they pledge to continue to work on those problems as the Bill works through the Senate. So, I proudly rise to support this Bill. I think it is a good Bill. I think we ought to

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

123rd Legislative Day

April 29, 1994

move it along in the process and in the process make our streets a little safer. I would recommend a 'aye' vote."

Speaker Currie: "Further discussion? Representative Lindner."

Lindner: "Thank you, Madam Chairman. I rise in support of this Bill, also. I know Representative Dart has worked hard with Representative Cross and other Members on our side of the aisle. The juvenile justice three-tier system is one that is recommended by the experts. I think we really need to start to curb crime at the Juvenile Court level, and I would ask everyone on our side of the aisle to support this Bill. Thank you."

Speaker Currie: "Further discussion? Representative Martinez."

Martinez: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I stand in support of this measure. I would like to ask the Sponsor a question if possible."

Speaker Currie: "The Sponsor will take your question. Representative Dart, Representative Martinez has a question."

Martinez: "Representative, is this the measure that Mayor Daley called us to his office to brief us on?"

Dart: "Correct."

Martinez: "Yes. Consequently, after that briefing newspaper coverage stated that it was a joint effort between the Governor and the Mayor."

Dart: "Correct."

Martinez: "Very good. If ever there was a chance for this Body to work together, this is it. Because the Governor expressed total support for this measure and I think it encompasses...many, many areas of law that already are on the books but perhaps haven't been enforced for whatever reason. This Bill is a comprehensive crime Bill directed at trying to stem the...crime in the cities and the urban

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

123rd Legislative Day

April 29, 1994

areas and crime that is steadily creeping into the suburban areas as well. If we don't do anything now, if we don't support this in a bipartisan manner...well, we have a chance now to work together. Let's indicate to our constituency that we indeed can work together and support this measure. Thank you."

Speaker Currie: "Further discussion? Representative Balthis."

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

Speaker Currie: "He indicates he will."

Balthis: "Representative Dart, it's my understanding that there are more than one Amendment, that there is some agreement that will be placed on this Bill in the Senate. Could you define what those are and whether you're in agreement with those going on the Bill?"

Dart: "Amendments that have been agreed to go on in the Senate?"

Balthis: "That are being talked about...some of the parties are involved with."

Dart: "To be honest with you, I'm not 100% sure of the exact intricacies of all the talks. I know the subject matter, though, is on guns as far as, maybe watering down some of the provisions that are in here right now. Outside of that, I'm not aware of it; but if anything, that's the direction of it now. I have not gotten a lot of information outside that. Most of it, I think, is targeted towards some of the gun transfer measures that are in here now."

Balthis: "The one question is in regard to age, someone owning a weapon at 21 or 18. There's been some discussion of that."

Dart: "There has been. I'm not sure if that is the precise subject matter of it. I haven't been made party to that one."

Balthis: "Okay."

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

123rd Legislative Day

April 29, 1994

Dart: "But I know that all the discussions that has been going on regarding Amendments deal with that area you're talking about."

Balthis: "Okay. Maybe Representative Cross can elaborate on that. Thank you."

Speaker Currie: "Further discussion? Representative Cross."

Cross: "Will the Sponsor yield?"

Speaker Currie: "Indicates he will."

Cross: "Representative Dart, before I ask any questions, I'm still not sure, was Representative Blagojevich speaking in favor or against this Bill for you?"

Dart: "I don't know."

Cross: "Okay. He mentioned Tom Hobbs, is that Roy Hobbs' brother?"

Dart: "His older brother, he was...too."

Cross: "His older brother. Thank you. My understanding and working with you on this is that...not only you but members of the mayor's staff has been working with a variety of agencies and interest groups on this Bill and they are continuing to work with those groups. Is that correct?"

Dart: "Correct."

Cross: "All right. And up to this point the Governor's Office has been very supportive of this Bill with the exception of the latest Amendment put on by the Speaker. Your understanding is that you're going to continue to work with the Governor's Office on this or whoever picks it up in the Senate. Is that correct?"

Dart: "Correct. I'm going to keep working on this."

Cross: "Okay. Thank you. Thank you. Ladies and Gentlemen of the House, I rise in strong support of this Bill. This Bill is as a good overall effort, very comprehensive in an attempt to address the variety of issues. The pleasing

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

123rd Legislative Day

April 29, 1994

aspect of this Bill is the hard work that the...so many people have put into it. It is not a perfect Bill yet, There is still work that needs to be done on it, but overall it's a good Bill. The Governor's Office, with the exception of the Speaker's latest Amendment, is in support of this Bill and once it gets over to the Senate, I know there's some things that need to be cleaned up and will. But overall at this point, it's an excellent Bill and I would encourage everyone on this side of the aisle to vote for it. Thank you very much."

Speaker Currie: "Further discussion? Representative Moffitt."

Moffitt: "Thank you, Speaker and Ladies and Gentlemen of the House. Will the Sponsor yield?"

Speaker Currie: "He indicates he will."

Moffitt: "Just a point of clarification. On the issue of lowering the age at which juveniles can be tried as adults. It does not do anything in that respect in this Bill as far as lowering it, does it?"

Dart: "No. No. The only thing it really targets is the fact that right now, 13 and 14-year-olds who commit murders are given what is indeterminate sentences. This isn't mandating them to do anything other than make the determinate sentences so we're sure where they're at, and they can only be held there up till five years anyway till they turn 21. So, it's really not messing around with that scheme at all."

Moffitt: "Okay. Thank you. To the Bill itself, or on that issue, I certainly support the concept of lowering the age at which we can try juveniles as adults for certain crimes, very serious crimes. I had a Bill that would address that and I hope as a legislative process continues that we take up that issue. I rise in support of the Bill. I commend

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

123rd Legislative Day

April 29, 1994

the Sponsor for an outstanding effort and would urge everyone to support it. Thank you."

Speaker Currie: "Further discussion? Representative Pugh."

Pugh: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. It's...it's not easy being a lone voice in the wilderness. But I stand in opposition of this Bill for a couple of reasons. Will the speaker yield for a few questions? Will the speaker yield?"

Speaker Currie: "He indicates he will."

Pugh: "Representative Dart, in reference to the presumptive transfer provision of the legislation. Can you explain or expound on that?"

Dart: "Sure. What we've done here is we've made it a rebuttable presumption so it's something they...the presumption can be overcome by the defense attorney presenting the evidence for, the reasons that it should not be transferred to adult court. It is only for a limited number of cases dealing with Class X felonies drive-by shootings, major drug offenses with firearms and violent felonies that have gang activity involved with them. Those are the only ones that we're impacting with this measure."

Pugh: "Are you aware that the existing transfer policies appear to impact disproportionately upon minority and African-American youths?"

Dart: "Well, I don't know if...I'm aware of statistics showing that, I don't know as far as that they are geared to do just that."

Pugh: "Are you aware of the Solovy Commissions' recommendations?"

Dart: "Correct. Yes."

Pugh: "And their recommendations stated that we should put a halt on all these presumptive transfer recommendations and they should be studied?"

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

123rd Legislative Day

April 29, 1994

Dart: "Well, yes, I am and to be honest with you that's one of the major reasons why...proceeding with this provision dealing with rebuttable presumptions, we really target the whole system by actually trying to do something with the whole Juvenile Court System by actually doing something with this study that's out there. The study is something that talks about the automatic transfer, the whole works. So, I mean, if the study is put in place we might actually do away with some of the automatic transfers and put in another scheme altogether."

Pugh: "You say, if the study is put into place?"

Dart: "Yes."

Pugh: "Okay. We've talked in committee about an educational component to this piece of legislation and you stated that there was an educational component."

Dart: "What it is now is is that (it is one of the points that I didn't highlight here) was that, some of the gang related offenses that are committed dealing with firearms, we're mandating community service but as opposed to the normal one, right now, we're basically a community service and there's no telling what the youth is doing. There's references to education and employment where we're encouraging those...two of the things that should be going on during the community service and then community service hours will be cut back and cut down given sort of as a trade off with the amount of hours that those things are going on. And, the other thing too, Representative Pugh, that I want to make clear too, is that I have two other Bills that really direct that more and I was more...there is some provisions in here but the other Bills that I was talking about really take that on much more strongly. And those are out there right now. But they aren't in this

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

123rd Legislative Day

April 29, 1994

one."

Pugh: "So, the reality is...is that this legislation does not have a component focusing on education."

Dart: "As far as a primary focus, no, the primary focus is the offenders who are the most violent offenders we have out there now."

Pugh: "Does it have a secondary focus on education? Well, it doesn't have a primary focus."

Dart: "It makes reference to it but, I mean there may have been a communication problem. My major focus is in another Bill dealing with educational components."

Pugh: "And this is the major, the mayor's legislation."

Dart: "Correct."

Pugh: "Can you answer, the mandatory terms, it contains provisions for the community service that you mentioned. The Senate thinks...of that is taking the discretion away from the judges once again? When you talk about mandatory terms, you're talking about taking the discretion away from judges."

Dart: "No, actually it's the exact opposite because what we do around here normally is just kick up penalties and we change it from a Class IV to a Class III and so on or we change it from, instead of it being three to five we change it from eight to 40 years. That way you're taking away discretion here. With this, though, we're kicking up the top level so we're giving the judge actually more discretion when he comes across someone who merits being taking off our streets for a much longer time, he has that ability. As far as the lesser sentences he could have imposed, those are still available here. There might be one or two points where the minimum is kicked up in here. As I say, it's a rather lengthy Bill, but the vast majority

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

123rd Legislative Day

April 29, 1994

of almost every one of these enhancements are all kicking up the top level of it, so in reality there is actually more discretion to a judge but it's a discretion on the side of sending them away longer."

Pugh: "But, if the community...but if the community service component and probation mandates commitment until the youth reaches the age of 21, isn't that taking the discretion away from the judge?"

Dart: "Well, in that regard, yes. But in reality, as I said, the...in some of these cases some of these people merit that. These are only the most serious offenses and just to clarify something, I sort of misspoke. The educational component you're talking about is there but it's in the study that's being called to be implemented. It calls for a more of a community-based approach to initial offenders and that's not physical legislation. This is calling for that legislation to be drafted by this committee to put the report out, and hopefully we would have it by next year. But that's were the educational, the community and the neighborhood component as far as dealing with youths who are initial offenders as that."

Pugh: "I too, agree that there needs to be some focus on youthful offenders but we seem to be taking a shotgun approach to dealing with these youths and if our children are our future then I think we need to have more studies done, particularly when you look at the cost associated with housing youthful offenders; it's almost double the cost of housing older offenders. And it just seems not to make good economic sense to not have some kind of components in there because crime enhancement penalties does not deter crime. That's a given, am I correct?"

Dart: "There's still some debate there."

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

123rd Legislative Day

April 29, 1994

Pugh: "So, if we're putting...taking 13, 14 and 15-year-olds and incarcerating them, we are not dealing with the problem, we're exacerbating the problem."

Dart: "The focus of this, though, is not your average offender. These are the more violent ones who are causing the repeated problems in our streets right now, though. And, for right now the money has not been put into dealing with it at the front end so this is the next best thing the community can do."

Pugh: "So, this...in essence this Bill serves as a three-strikes you're out component for juvenile offenders."

Dart: "No, no."

Pugh: "Under the Habitual Juvenile Offender Act, if an individual is adjudicated three times for a Class II or greater felony or twice adjudicated delinquent for first time offends then he would be classified as a three-time offender."

Dart: "That's the present scheme, yes. Right now they have...we aren't playing around with the habitual criminal part is one of the few places in the statutes right now where juveniles are given determinate sentences; as a matter of fact, the only one. Our focus was more on the gang offenses, murders."

Pugh: "In closing, Madam Speaker. One of the task force members stated and Representative Johnson and I talked about the need last year for developing some systematic approach to looking at the juvenile justice system. The juvenile justice system or the Juvenile Court Act is being manipulated and torn down. It's being torn assunder. When you add that to a lot of the cases that the Department of Children and Family Services are faced with, we're wholeheartedly killing off our youth. We're annihilating our future and until there's some type of courageous

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

123rd Legislative Day

April 29, 1994

attempt to address the problems with some educational or preventive type of activities then we're going to continue to respond to the situation, respond to press releases as opposed to addressing the problems which we were duly elected as Representatives to come down here and address. And until we do that, I can't support legislation of this kind."

Speaker Currie: "Further discussion? Representative Davis."

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

Speaker Currie: "He indicates he will."

Davis: "Thank you. Representative Dart, what does your Bill...what does this Bill says about gun ownership or gun selling?"

Dart: "The primary focus, I'm glad you brought this up, Representative Davis."

Davis: "I want you to speak clearly, please, and distinctly so I can understand your answer."

Dart: "I do that on a regular basis here. I, the focus of this deals with transfers, illegal transfers of guns. It does not go after you legal gun owners at all, this deals with gun dealers who are transferring guns out of the back of their cars to people who are gang members primarily."

Davis: "All right, Representative, if you catch an adult and he is dealing guns out of the back of his van or the back of his truck, what happens to him in your Bill?"

Dart: "We have increased the penalties for those people. If you want I can get you the exact numbers?"

Davis: "Is it a, what do you call it, a misdemeanor?"

Dart: "No, it's a felony."

Davis: "So, the gun dealer becomes a felon when he transports and gives guns to youth, is it youth or..."

Dart: "To people that are not supposed to have the gun."

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

123rd Legislative Day

April 29, 1994

Davis: "All right, let me ask you this."

Dart: "The dealer has to knowingly do this."

Davis: "He gives it to a person who's not supposed to have it, now the dealer is supposed to know who's not supposed to have the gun?"

Dart: "If, the dealer's required under law right now to ask for FOID card. If he's transporting guns to someone who doesn't have that then he's in violation of a law which is presently a misdemeanor. We raise it up to a Class IV felony, which is one to three years in the pen, which in the real world though is never sentenced to the penitentiary, it's a probation sentence."

Davis: "It's probation?"

Dart: "Yes. Yes."

Davis: "The one who supplied the weapon?"

Dart: "Yes."

Davis: "When people who sell alcohol to a person who commits a vicious act can be tried for something real serious?"

Dart: "Yes."

Davis: "But, anyway, so now the gun dealer can get up to three or four years according to your Bill?"

Dart: "Three."

Davis: "That's good. Now, that's really good. When he has guns that he's dealing out of his van or truck, and he sells it to people who don't have a FOID card, this dealer can get three or four years in prison."

Dart: "Well, up to three."

Davis: "Up to three years in prison, or he could get probation."

Dart: "Yes, and to be honest with you the reality of it is normally probation."

Davis: "So, we're leaving that kind of up to the judge?"

Dart: "Yes."

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

123rd Legislative Day

April 29, 1994

Davis: "Don't you think we ought to be a little tougher on those guys, we're going to give them probation?"

Dart: "Well..."

Davis: "Well, let's think about this now. We're going to, we're going to give the man who supplies the murder weapon probation, the man who gives this young person who is intent on committing a crime, gets probation."

Dart: "Yes, it's a sad statement of how things are right now, but unfortunately..."

Davis: "It's your Bill, Representative. It is your Bill. I want, listen to me..."

Dart: "Representative, let's not confuse things here. I'm increasing the penalty for that. Do you want it decreased?"

Davis: "No, I want it increased."

Dart: "I guess that's what the Bill's doing."

Davis: "Well, but it's only increasing it to three or four years with the possibility of probation. I think he should be treated as severely as these 13-year-olds."

Dart: "Well, the people who rob people on the street can get probation, too."

Davis: "Okay, let's go to my point number two. What does your Bill, Representative, state about drugs or drug selling?"

Dart: "The primary focus in the drug related aspects of this Bill deal with, one of them is the presently expungable probation that occurs for first time offenders of minor possession charges of drugs. Right now, you get an expungable probation...you're given the probation by the judge and it's, 'See you later'. Under this, it requires there be some drug testing done for this person who's been given a break of a lifetime, so to make sure that this person is really complying with the terms of probation,

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

123rd Legislative Day

April 29, 1994

which is you stay clean. That's probably one of the major focuses here, and then there's some...there's another provision dealing with leaders of gangs where there's drugs involved with it, we, have once again kicked up the top level of penalties for the leaders of these drug gang conspiracies where the judge could really sentence them."

Davis: "Does your Bill have any treatment provisions in it?"

Dart: "Well, as I said, the primary one deals with a, the break of a lifetime provision dealing with expungable probation. As far as actual treatment provisions, there is mandates as far as for...in the area of child abuse we're requiring medical screening for little kids who are given back to their parents, drug testing for their parents as well. As far as actually appropriating money for drug testing, no."

Davis: "Representative. Okay, thank you. Representative, I mean, I'm just looking at this Bill called 'safe neighborhoods,' and in order to have safe neighborhoods, we need to prohibit the selling of drugs, and we need to prevent, it's desire, people wanting it..."

Dart: "It is prohibited, now."

Davis: "It is prohibited, but it isn't enforced."

Dart: "Well, it's enforced, but we don't have enough room in the prison."

Davis: "...it's not enforced."

Dart: "But, Representative Davis, I used to be in the courtrooms every day. That's where I spent five years of my life."

Davis: "Let's say it's selectively enforced."

Dart: "I don't think it was selectively enforced at all."

Davis: "But, there's no increase in penalty for drug selling?"

Dart: "For the major drug dealers, yes, we kicked it up so they can really go away; I mean the large drug seller."

Davis: "The major drug dealer, in your Bill, the major drug

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

123rd Legislative Day

April 29, 1994

dealer who has like the..."

Dart: "The leader."

Davis: "Is he the leader of the gang or is he the leader of the mafia?"

Dart: "The leader of drug-type of conspiracies, those like gangs, whatever you want to call it."

Davis: "Okay. Does your Bill say anything, Representative, in the Safe Neighborhoods Law about employment for youth?"

Dart: "No."

Davis: "It doesn't. Do you think maybe having youth with something to do...does it say anything about recreation for youth?"

Dart: "It does talk about those measures in regards to the entire first couple of pages of the Bill deal with trying to revamp and restructure our juvenile court system right now so that the initial offenders, (the initial children are brought into the system, juveniles) are going to be steered into the community for job programs, the whole nine yards. As far as the Bill detailing all the specifics, we didn't do that here because we couldn't, because we want the people who drew up the study to draw up the legislation, so we aren't doing it ourselves, and we make a mess of it."

Davis: "And, that's the criminal justice authority?"

Dart: "Juvenile justice."

Davis: "The juvenile justice authority. They will draw up the actual legislation."

Dart: "Correct."

Davis: "Well I hope they confer with some of us who live in these neighborhoods."

Dart: "I hope so, too."

Davis: "Where will the youth who are 13 or 14 and are tried as adults be housed before they're found guilty and after

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

123rd Legislative Day

April 29, 1994

they're found guilty?"

Dart: "The juvenile, the 13 or 14-year-olds here, the system, the Bill itself is not changing very little, but presently they are housed prior to their trial in the Audy Home over at the juvenile court facility or in a special segregated facility for them. That's where they're usually housed; unfortunately, right now they're filled to capacity, so the only people housing..."

Davis: "Wait, hold it, I can't hear you again."

Dart: "The only ones housed in Audy Home right now usually are the most violent ones, so that's over at 11th and Hamilton, and then once the adjudicatory hearing is completed the, and if the minor is adjudicated or if he's tried as an adult and found guilty, they are sent to special facilities for juveniles only until they reach 21, and then they are released."

Davis: "Where is that?"

Dart: "That is in Joliet."

Davis: "For youth who have committed violent crimes..."

Dart: "Yes, they're not mixed with the other offenders."

Davis: "The regular, older ones, okay."

Dart: "Correct."

Davis: "Does your Bill deal with adding more policemen to the streets? There had been some concern in this Body that we needed more policemen. What does it say?"

Dart: "Yes, it does. It supplies \$200 and some odd million on the first year to be directed toward employing more law enforcement officers, and it's another \$200 million the second year, and the third year..."

Davis: "Is there an affirmative action clause in supplying these policemen?"

Dart: "Yes, this does not affect that whatsoever, affirmative of

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

123rd Legislative Day

April 29, 1994

action clauses that are in place right now would be upheld and be required for any of the hiring."

Davis: "I'll tell you what, as to that question, I think sometime in the African-American community if we had more African-American policemen the children could look up to them with respect and it would kind of change the tenor from one of being not, what do you call it, provided with safety."

Dart: "Sure."

Davis: "I have requested an Amendment to this Bill, and my Amendment stated that if you pass this legislation that it would become a part of the education for children that they would know what's going to occur with them. I never got the Amendment, so I couldn't put it on there."

Dart: "Yes, I didn't even know you were trying to put that on. That's a good idea, though."

Davis: "Well, I was trying to do that because..."

Dart: "That's a good idea, thought."

Davis: "Of course it is, I feel that of course it is, I feel that it's important if we're going to pass this, we have to...I will address the Bill."

Speaker Currie: "To the Bill."

Davis: "I believe that the intent of the Sponsor is genuine and sincere, I do not believe this legislation will create safe neighborhoods. I think all this Bill will do is number one, create...say that young people who create crimes will be tried as adults. I think that's the major thrust of the Bill. I don't believe there's enough in here to create safe neighborhoods. It doesn't address drug treatment. It doesn't address the shipment, and so porting of drugs into communities. I'm going to really consider voting 'yes' on your Bill, but I want you to know I don't think it truly

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

123rd Legislative Day

April 29, 1994

addresses having safe neighborhoods. I think it addresses imprisoning young people. Thank you."

Speaker Currie: "Representative Dart, to close."

Dart: "Thank you, Madam Speaker, Members of the Assembly here. I will be brief because the discussion has been lengthy. This is by no means going to solve the world's problems. Just like what we talked about the assault weapons, no one measure, we're going to do down here is going to do that. This, however, is a comprehensive plan that was put together to try to address the most violent people on our streets, the people who are really causing the problems and making it so that people no longer feel safe in their own communities. I invite the participation and Members who have voiced concerns on the commission that's going to try to revamp the juvenile system, and as Representative Pugh mentioned before, there is not as much preventive things in here, but unfortunately at times we do not have the courage to do that. However, this is taking the next step and is saying that for those violent people, or those ones who are destroying our neighborhoods, and making it so the children cannot walk to school without fear of being shot, we are going to take care of them by keeping them away from the rest of the society. So, at that, I would just ask for your favorable support. Thank you."

Speaker Currie: "Representative Dart moves passage of House Bill 2653. All in favor vote 'aye'; opposed vote 'no'. Voting is open. Representative Black, one minute to explain your vote."

Black: "Yes, thank you very much, Madam Speaker and Ladies and Gentlemen of the House. I just think it's amazing that on April 22, 1993, 60 of you voted to outlaw corporal punishment in the public schools in this state because that

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

123rd Legislative Day

April 29, 1994

was cruel and unusual punishment. Today, this will blow out of here with 100 votes to lock them up for the rest of their natural lives. Some of you have come a long way baby, a long way."

Speaker Currie: "Representative Turner, one minute to explain your vote."

Turner: "Thank you, Madam Speaker and Ladies and Gentlemen of the Assembly. I've been here 14 years and I've watched the Criminal Code expand from here to there and nothing has changed in our neighborhoods. Here we are with another law to outlaw crime. I think this is a terrible piece of legislation. If we took some of the money that we spend on the criminal justice system and use it to employ our youth and bring economic development to some of our communities where crime is prevalent, it would be a whole different ballgame, and I urge everybody else to vote 'no'."

Speaker Currie: "Representative Stephens, one minute to explain your vote."

Stephens: "Well, to the crime contrary, this is a response to just about every neighborhood in Illinois cry for something out of the Legislature that makes some sense. I fund a police advisory board in my district and called in police chiefs and local mayors of towns from 17,000 down to 550 population, and they all had very common interests about the growing sphere of influence of criminals in our area. I don't think that it's inappropriate at all for this Legislature, and I salute the Gentleman and his Bill; there's a lot of stuff in here, not every line of which I agree with, but on the whole this package is one that ought to be supported and yes, it does have a 100 votes, so I think that we ought to blow it out of here as Father Black says."

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

123rd Legislative Day

April 29, 1994

Speaker Currie: "Representative Lou Jones, one minute to explain your vote."

Jones, L: "Thank you, Madam Speaker, Members of the House. I'd like to explain my vote. As everyone knows, the district that I live in is a crime-ridden district, and I specifically have looked at this for the last eight years, this type of legislation going out of here. It has not deterred crime at all. I asked the Sponsor in committee, 'What do you have in here in regards to education prevention?' He specifically told me that he would deal with that. This is another piece of legislation that's going out of here that will get somebody elected somewhere, and the crime will still be up in those same neighborhoods."

Speaker Currie: "Have all voted who wish? I'm sorry, Representative Giles, one minute to explain your vote."

Giles: "Thank you, Madam Chair. Also my district is a crime-ridden district as well, and the reason I voted 'aye' on this Bill is that this is an initiative, and it will get out of here, out of the House, and what I will urge as my colleague and especially the Members of the black caucus to work with me, and when the Bill goes to the Senate conference so that we can put initiatives on it to make this Bill have some validity in it and have some teeth, and I'm willing to work with anyone to do that. Thank you."

Speaker Currie: "Representative Flowers, one minute to explain your vote."

Flowers: "Madam Speaker, Ladies and Gentlemen of the House. I have reservations about this Bill, and my only reservation about this piece of legislation is the fact that it does not address the lack of education in our community. It does not address the job element in our community. And I

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

123rd Legislative Day

April 29, 1994

don't mind locking them up if they are supposed to be locked up, but the fact of the matter is, let's put something constructive in the community first, and then let's lock them all up. Thank you."

Speaker Currie: "Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this Motion, there are 102 voting 'yes', 8 voting 'no'; and this Bill, having received the required Constitutional Majority, is hereby declared passed. Representative Leitch, for what reason do you rise?"

Leitch: "Thank you, Madam Speaker. The Republicans would request a conference immediately, please?"

Speaker Currie: "How long do you expect the conference will take Representative Leitch?"

Leitch: "It's difficult to estimate right now, probably about an hour."

Speaker Currie: "All right, Representative let's see if we can't do it in 45 minutes. The House will be at ease. The Republicans will be in conference in Room 118, and the House will reconvene at the hour of 11:30."

Speaker Currie: "The House will come to order. On the Special Order of Call, State Operations, Third Reading, appears on page 46 of the Calendar, House Bill 2685, Representative McAfee. Clerk, read the Bill."

Clerk McLennand: "House Bill 2685, a Bill for an Act in relation to the operations of mines. Third Reading of this House Bill."

Speaker Currie: "Representative McAfee. Representative McAfee."

McAfee: "Thank you, Speaker and Ladies and Gentlemen of the House. House Bill 2685 comes after about four years of meetings with the Department of Mines and Minerals and the Illinois Aggregate Producers Association. What this Bill

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

123rd Legislative Day

April 29, 1994

does is it sets up for the first time, the opportunity to regulate the aggregate mining industry and we have finally come to a number of conclusions. It sets up a dedicated fund for that purpose, as well as sets up time period within which regulations are to be prepared. I know of no opposition, and this has been developed by the Department of Mines and Minerals. I ask for your support."

Speaker Currie: "Representative McAfee moves 'do pass' on House Bill 2685, and on that Motion, Representative Black."

Black: "Thank you very much Madam Speaker. May I yield my time to Representative Tenhouse?"

Speaker Currie: "Representative Tenhouse, you can first of all have your own time, and then if necessary we could give you a little of Representative Black's, but you're always concise. I don't think you will need anymore than the usual."

Tenhouse: "It won't take over 12 hours. We're okay. No, I was...will the Sponsor yield?"

Speaker Currie: "The Sponsor will."

Tenhouse: "Representative, could you fill us in? Is this an agency Bill and are they fully in support of it at this time..."

McAfee: "Yes, Art, it is an agency Bill. We have had meetings at the Department of Mines and Minerals with the Illinois Aggregate Producers Association. It only regulates stone quarries, and of course in my area there has been a number of problems with property damage and blasting. There are no state regulations and the people who are asked to be regulated are in fact the producers, the quarry owners themselves, and the Department of Mines and Minerals have prepared this Bill."

Tenhouse: "Is there any one in opposition to it at this time?"

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

123rd Legislative Day

April 29, 1994

McAfee: "Nobody that's been at any of these meetings or anybody that I'm aware of."

Tenhouse: "Thank you very much."

Speaker Currie: "Further discussion? Representative Hartke."

Hartke: "Thank you very much, Madam Speaker, I'm aware of this legislation because my association with the Aggregate Producers and so forth. I think it's very fine piece of legislation, and I think we all ought to be supporting it."

Speaker Currie: "Further discussion? If not, Representative McAfee moves passage of House Bill 2685. All in favor vote 'aye'; opposed vote 'no'. Voting is open. Have all voted who wish? Representative Morrow. Have all voted who wish? Have all voted who wish? Clerk will take the record. On this Motion there are 114 voting 'aye', none voting 'no', and this Bill having received the required Constitutional Majority, this Bill is hereby declared passed. Continuing on the same order on page 48 of the Calendar, appears House Bill 2838, Representative Sheehy. Representative Sheehy. Pass on to page 48 of the Calendar, House Bill 2938, Representative Flowers. Representative Flowers. Clerk, read the Bill."

Clerk Rossi: "House Bill 2938, a Bill for an Act in relation to transfers of real property, Third Reading of this House Bill."

Flowers: "Madam Speaker and Ladies and Gentlemen of the House, I would appreciate it if Representative Sue Deuchler would explain the Bill. One minute, please."

Speaker Currie: "Representative Deuchler, are you here?"

Flowers: "Madam Speaker, one minute please."

Speaker Currie: "Representative Flowers."

Flowers: "Madam Speaker and Ladies and Gentlemen of the House, House Bill 2938 is a Bill that would create a community

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

123rd Legislative Day

April 29, 1994

counseling center in Fox Valley, and I know of no opposition to the Bill and I will be more than happy to address any questions that you may have."

Speaker Currie: "Representative Flowers moves 'do pass' on House Bill 2938, and on that question, Representative Skinner."

Skinner: "Yes, Representative Flowers, why are you sponsoring a Bill that has to do with building a detoxification unit in Aurora?"

Flowers: "Well, Representative Skinner, because I am a State Legislator for the entire State of Illinois and drugs is a problem everywhere across this state, so I just think it's appropriate."

Skinner: "Well, I think it's important too, Representative, but I think that the record should show that the only reason you're the Sponsor is that the Democratic Leadership will not allow a Republican to sponsor this Bill. I think it's a very good Bill, I think you are a very good Sponsor, however I think that there is a better Sponsor."

Speaker Currie: "Further discussion? Representative Black."

Black: "Thank you very much, Madam Speaker. In the absence of Representative Deuchler, I don't know, Representative Deuchler and Flowers, Representative Flowers may have worked very closely together on this Bill. I don't know the circumstances of who's the lead Sponsor and why, and I wish Representative Deuchler was here. I am sure she could tell us."

Speaker Currie: "I'm sure she will be here. She is always prompt, always in her chair."

Black: "That's why I'm talking so slowly."

Speaker Currie: "Further discussion?"

Black: "Well just let me say, that in a obviously...I don't want to portray this as a Bill that does not have any

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

123rd Legislative Day

April 29, 1994

opposition, it does. I think, I think, I think there has to be...everyone of you need to read your copy, and see whether or not you think this is something that you need to vote for, for Aurora. Its a good idea, but there is some opposition to the Bill, and I'm sure Representative Deuchler and Representative Flowers have the best of intentions."

Speaker Currie: "Further discussion? Representative Cross."

Cross: "Thank you, Speaker...Mr...Madam Chairman. Representative Flowers, I appreciate your help on this Bill. I know there is some politics going on here and that's too bad on your part of it. We appreciate from Aurora your help on this matter. For the Members of the chamber, this is an initiative on Representative Deuchler's part. She has taken a great deal of time and interest in this and working with the Community Counseling Center of the Fox Valley area, in seeking to construct a facility for behavioral health care services located in the City of Aurora. This is a much needed initiative. This enables us to begin that construction in the City of Aurora. Provides a location among many other things. Representative Deuchler I know is on her way. I will try to answer any questions, and if there are any other people...I know Representative Lindner is very supportive of this. We will gladly answer any questions if any Members have any, but this is a good initiative. You are welcome to read the Bill as well."

Speaker Currie: "Representative Deuchler is here just in time to vote 'yes', and my guess is that unless there are any other questions we can go to a roll call, since we have quite a lot of business before us this afternoon. Representative Flowers moves 'do pass' on House Bill 2938 and on that

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

123rd Legislative Day

April 29, 1994

Motion, all in favor vote 'aye'; opposed vote 'no'. Voting is open. Representative Wennlund, to explain his vote."

Wennlund: "Thank you, just so that everybody on the House floor knows, the bureau of the budget and the Governors office and CDB are all opposed to this mainly because of the cost factors."

Speaker Currie: "Have all voted who wish? Have all voted who wish? Representative Lawfer, one minute to explain your vote. He does not want one minute to explain his vote. Have all voted who wish? The Clerk will take the record. On this Motion, there are 108 voting 'yes', three voting 'no'; and this Bill, having received the required Constitutional Majority, is hereby declared ...who? Who? Representative Stephens, for what reason do you rise?"

Stephens: "There are technical problems on this side of the aisle. I'm not sure every Member was voted exactly the way they want to be voted. If you would recognize..."

Speaker Currie: "Last call, last call, we are about to take the record. This is a Bill that you all want to support, I thought. Representative Deuchler wants you to support it, and if not then not, all right. On this...Representative Black."

Black: "Madam Speaker, I was at the podium and I would like my vote to be recorded as 'present'."

Speaker Currie: "Representative Black voting 'present'. We have 100...the Clerk will take the roll...Representative Rutherford, for what reason do you rise? Representative Rutherford votes 'present'. The Clerk will take the record and we have 107 voting 'yes', three voting 'no'. This Bill having...106 voting 'yes', and 3 voting 'no'. This Bill, having received the required Constitutional Majority, is now hereby declared passed. Same order of business, on page 49

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

123rd Legislative Day

April 29, 1994

of the Calendar, House Bill 3051, Representative Deering.  
Clerk, read the Bill."

Clerk Rossi: "House Bill 3051, a Bill for an Act amending the  
Counties Code. Third Reading of this House Bill."

Speaker Currie: "Representative Deering."

Deering: "Thank you, Madam Speaker, Ladies and Gentlemen of the  
House. What this Bill simply does is makes new terms for  
county board commissioners in commission counties. It only  
affects commission counties and it also has some language  
in it dealing with drainage districts fees collected by  
treasurers. I would like to answer any questions that  
anyone might have."

Speaker Currie: "Representative Deering moves for passage of  
House Bill 3051, and on that Motion, is there any  
discussion? Hearing none, seeing none, all in favor vote  
'aye'; opposed vote 'no'. Voting is open. Have all voted  
who wish? Have all voted wish? Have all voted who wish?  
The Clerk will take the record. On this Motion, there are  
110 voting 'yes', 3 voting 'no', and this Bill, having  
received the required Constitutional Majority, is hereby  
declared passed. We will back up to Representative Sheehy  
who has rejoined us. On page 48 of the Calendar, appears  
House Bill 2838. Clerk, before you read the Bill,  
Representative Hartke, for what reason do you rise?"

Hartke: "On a point of personal privilege."

Speaker Currie: "On a point of personal privilege, state your  
point."

Hartke: "Would I be out of line if I introduced Sacred Heart  
School from Effingham, Illinois?"

Speaker Currie: "In clear violation of the House rules, the House  
welcomes your group. Clerk, read the Bill, House Bill  
2838."

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

123rd Legislative Day

April 29, 1994

Clerk Rossi: "House Bill 2838, a Bill for an Act amending the Illinois Vehicle Code. Third Reading of this House Bill."

Speaker Currie: "Representative Sheehy."

Sheehy: "Chair, Ladies and Gentlemen of the House. House Bill 2838 amends the Illinois Vehicle Code, provides for the suspension of a drivers license if the driver's under the age of 21 and has a blood alcohol concentration of greater than .00, but less than .10, requires the Secretary of State to administer penalties to minors caught driving with a blood alcohol concentration between .00 and .10. I'll be more than happy to answer any questions."

Speaker Currie: "Representative Sheehy moves 'do pass' on House Bill 2838, and on that Motion, Representative Black."

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

Speaker Currie: "He indicates he will."

Black: "Thank you. Representative, it's, this has been amended by Representative Homer, is that correct?"

Sheehy: "Yes, it is, Representative."

Black: "Okay, so there's a due process. Let me ask you a question. In our rush to revoke the drivers license of a teenager that might have a .001 reading, is there any legislative intent? And I don't ask this facetiously, what if there are churches who still use altar wine for communion? Is this provided for in the legislation? They get stopped on the way home from church, and that breath, that breathometer might register .00001?"

Sheehy: "Well, there is a provision in here, Representative, on the back page of the Bill."

Black: "What page is that on?"

Sheehy: "Page 6, the last three or four lines, 'religious ceremonies, medication'."

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

123rd Legislative Day

April 29, 1994

Black: "Okay. What about, what about, all right, medicine is covered."

Sheehy: "That's also in there, Representative."

Black: "All right, but nothing, nothing at all about... I guess what I'm concerned about, and maybe I'm wrong, but if you're having a family dinner at Christmas or a holiday, and the parents see nothing wrong with their child having a relatively small glass of wine at a family dinner, the child later leaves, goes to, wants to go to the mall to attend a show, and again may blow a very, very small amount of alcohol on the breathometer. I guess that person is, what, out of luck?"

Sheehy: "They are, yes they are. But, if that person is..."

Black: "So, in other words, rather than parental responsibility, the state will determine what would happen to that child, that's right?"

Sheehy: "Yes, correct."

Black: "Is there any penalty for refusing to take the chemical test in this Bill?"

Sheehy: "There's summary suspension, Representative."

Black: "Where's that, I don't see any penalty. I don't see a penalty clause for someone who refuses to take the test. Is it in the Bill?"

Sheehy: "That's a statutory suspension. It's..."

Black: "Wait a minute, now. Are you telling me the existing DUI law is going to cover this zero tolerance Bill without Amendment?"

Sheehy: "It's in Amendment #1, Representative."

Black: "Well, could you show me or tell me what line you see a penalty clause for a teenager who absolutely refuses to take the chemical test? Where is it, on page 2?"

Sheehy: "Line 30, page 2."

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

123rd Legislative Day

April 29, 1994

Black: "Okay, all right, so that you, so the Amendment takes care of that question, thank you."

Sheehy: "Yes, it does."

Black: "Who will be responsible for notifying the offender that their license is pending suspension?"

Sheehy: "Secretary of State."

Black: "Is that specifically stated in the Bill, or is this just that your intent?"

Sheehy: "That's the way it is right now in the law."

Black: "Well, wait a minute now. I'm not an attorney so you can confuse me very easily about current law, vis a vis what this Bill is attempting to do. In other words, all the provisions of the current DUI law, if what I hear you saying is true, all of the provisions of the current DUI law automatically are in full effect when this law comes into effect, right?"

Sheehy: "As amended, yes."

Black: "Do you have any time limit in your Bill as to when the notice of suspension must be set?"

Sheehy: "My understanding is that's the Secretary of State's rule."

Black: "So, you're going to leave that up to the Secretary of State to do by administrative rule. I think that's an assumption you might want to address as the Bill goes over to the Senate. One other question, Representative. In your Amendment, and I appreciate your patience in pointing that out to me on page 2, if the minor in this case does agree to a chemical test and something shows up other than alcohol, is the minor then going to be liable for any and all criminal charges that might be filed against him or her?"

Sheehy: "Of course they're liable, but this is in regards to

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

123rd Legislative Day

April 29, 1994

DUIs, someone who has been drinking."

Black: "Well, I understand that, but I, your Bill seems to be very silent on whether or not the police could then turn around and use the results of the chemical test and file various and assundry felony charges against the individual, because perhaps traces of, of marijuana, cocaine, steroids. Your Bill seems to be silent on whether or not by taking this chemical test, this minor is opening, is being left open to some very serious charges, and I'm a little concerned about the potential abuse of that section."

Sheehy: "The Bill requires probable cause. If the person is pulled over and the person has been drinking or if the person has marijuana or drugs in their possession, it can be a criminal act."

Black: "Well, I'm not talking about possession, I'm talking about ingestion that shows up on the chemical test. Your Bill to me seems silent on whether or not the police, and subsequently the courts, could then use this chemical test result to go after this minor for a felony drug charge. Maybe the probable cause was suspected DUI, the minor who, and maybe I'm missing it, the minor seems to me to have no protection under this, Amendment...or this Bill, that that drug test will be turned around and used against him and rather than facing a 90-day drivers license suspension, he may be looking at a five-year prison sentence."

Sheehy: "That person can request a hearing by the Secretary of State."

Black: "Well now, wait a minute. That's not answering the question. The Secretary of State does not get into hearing for violations of the Drug Act; that's not a hearing offense; it's going to go to court. What I want to know is what does your Bill do to protect the rights of this minor

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

123rd Legislative Day

April 29, 1994

so that when he submits to a chemical test for a suspected DUI, is there anything in your Bill that gives this minor any reasonable protection of his or her rights that the chemical test will then be filed in a court of law with a grand jury charging him with major drug charges?"

Sheehy: "It's just the same as the current law is right now, Representative."

Black: "Well, okay."

Sheehy: "I don't know the best way to give you an answer, I mean."

Black: "All right, I appreciate your patience. I'm sure you're very sincere about this. But Madam Speaker and Ladies and Gentlemen of the House, you know in, in our rush to be punitive, and nobody can, nobody I believe could legitimately complain about what the intent of the Bill is, but some Bills come before us and they're drafted properly and they're amended properly, and they give certain people the full scope of the rights that are due any citizen of the United States. I'm not sure, no matter how noble the cause of this Bill, that the minor's rights are fully protected. Nobody wants to see a minor on the road driving a vehicle who is under the influence of alcohol. But it would seem to me, even though it is illegal for a minor to possess, consume alcohol in the State of Illinois, that you're putting a completely different standard on the minor than we are the minor's parents. I think this Bill needs a little work. I think you need to take a look at it. I hope that we're not going to be in such a rush to judgment, that we end up trying to punish every single person in the State of Illinois. I sometimes wonder if all of us could be totally honest on this House floor, how many of us may have left a family dinner, an observance, a graduation

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

123rd Legislative Day

April 29, 1994

party, I'm not talking about the horror stories of intoxicated drivers after prom or what have you. You know I look around this floor, and I'll bet there are an awful lot of Representatives, in all due respect to you and your backgrounds, who may very well have been pulled over 25 or 30 years ago and, yes, you might have blown a .00001, which to me is about the same thing as gargling listerine in the morning. I think this Bill needs a lot of work. I would urge my colleagues to look at it very carefully before they cast their vote."

Speaker Currie: "The Chair would not wish this Body to rush to judgment on any issue, but the Chair would remind Members, especially those who are coming up asking for your Bills to be called, that we won't get to a lot of Bills if everybody wishes to speak on this and all the other items that are coming before us. So, the Chair would encourage Members to be as brief as possible in this discussion. Representative Granberg."

Granberg: "Thank you. Will the Gentleman yield?"

Speaker Currie: "He indicates he will."

Granberg: "Representative Sheehy, just two questions, two hypotheticals. So, my nephew comes home from the Army and we're barbecuing in the back, our back yard. He has one beer and goes up to get some more potato salad or something; he has one beer and, would he have his license suspended under this Bill?"

Speaker Currie: "Representative Sheehy."

Sheehy: "If he's under the age of 21, let's understand this Bill is not designed to put 17-year-olds in jail at all. It's an administrative Bill; it's not criminal."

Granberg: "If he's, he's 20-years-old, he would lose his license."

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

123rd Legislative Day

April 29, 1994

Sheehy: "He could lose them for 90 days, yes. If he was..."

Granberg: "Now, let's say my same nephew has just, has just gargled with some listerine, because that has alcohol in it, and he is pulled over, would he then get his license suspended?"

Sheehy: "No, it gets a due process hearing on it, and besides that medication would go through the system immediately, and it wouldn't even register."

Granberg: "So, any trace of alcohol, any trace of alcohol whatsoever, wouldn't that be a cause to suspend his license?"

Sheehy: "If he's under the age of 21, yes."

Granberg: "Thank you."

Speaker Currie: "Further discussion? Representative Tenhouse."

Tenhouse: "Thank you, Speaker. A couple of questions, if the Sponsor would yield."

Speaker Currie: "He will yield."

Tenhouse: "To continue with what Representative Granberg was, his line of questioning here. What happens if, for instance, the young person has a cold and takes some cough syrup, and realistically, what's going to happen? Is he going to have his drivers license suspended?"

Sheehy: "Representative, there's a...we have that in the Bill already. I answered that same question for Representative Black."

Tenhouse: "Okay, I guess, to continue a little bit further from the same standpoint of where Representative Granberg was coming from. The .00 tolerance, there is no margin for error, is that correct?"

Sheehy: "That's right, and let me just say this to you. There's 14 states right now that have lowered their blood concentration level. There's five states that have zero

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

123rd Legislative Day

April 29, 1994

tolerance right now, and everyone of these states who have done this have reduced fatal car crashes, which is probably number one or two for teenagers today."

Tenhouse: "As far as the question to the Sponsor, have you ever heard of the Delany Amendment as far as federal legislation is concerned?"

Sheehy: "No, I haven't."

Tenhouse: "Okay. Well, the Delany Amendment refers to basically carcinogens and what it started out was that back in the 1960's when the Bill was originally introduced, it said that we should eliminate our carcinogens from the food supply, and I think all of us were in agreement with that. One of the problems that's happened in that time period and over the last 30 years is that because of the increase as far as the use of testing equipment, where before they were...at that point they were testing parts per thousand, then they started testing parts per million, and now we're up to parts per trillion, and so what's happened is we've seen a situation where normal prudence would tell you that one for part per trillion tolerance is certainly something that we wouldn't think much about. But, I would certainly have real concerns in relation to this Bill, when we start talking about the fact that we have no tolerance, and as we increase the testing requirements and as we increase the sensitivity of testing equipment. Thank you."

Speaker Currie: "Further discussion? Representative Hartke."

Hartke: "Thank you very much, Mr. Speaker. Would the Sponsor yield?"

Speaker Currie: "He indicates he will."

Hartke: "Representative Sheehy, is there anything in the language of the Bill that refers to possibly wine taking at a religious ceremony and so forth?"

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

123rd Legislative Day

April 29, 1994

Sheehy: "It's in there, Representative. There's a provision in here for that, for religious ceremonies and taking of medication."

Hartke: "Okay, so if you're 16 and so forth and you're, you're stopped by a patrolman, you can say, 'Well, I just came from the church service' and he will let you go?"

Sheehy: "If you're stopped because of probable cause, and your license is suspended, you have a right to have a hearing to have that rescinded."

Hartke: "Well, I guess that's maybe my problem right now. Everything that we're doing here is all good and great. What we want to do is stop teenagers from abusing alcohol and using alcohol, because the present law says it is illegal to consume alcohol unless you're over the age of 21. But, the penalties and the violation and everything else that goes with one drop of alcohol, consumed, I don't know of a breathalyzer test or an instrument that distinguishes between municipal consumed alcohol such as in cough syrups, as we mentioned earlier, or that taken at a religious ceremony, and all the repercussions kick in with the drivers license revocation, suspension, insurance, and so forth. I would suspect that we're giving an awful lot of authority to the Secretary of State and his hearing officers. I know what we're trying to do, but I don't want my vote construed as being in an objection to what we're trying to do and that is stop kids from drinking. But, I feel that maybe we're just stepping over the line here just a little bit. This could be construed also as a lawyers full employment Bill, because of all the litigation that will take place, and the hearing officers, and I don't know about you, but I got all kinds of problems sometimes with those hearing officers who arbitrarily make those decisions

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

123rd Legislative Day

April 29, 1994

without due process and so forth. I'm going to vote 'present' on this Bill, and I sincerely hope that if it does pass that we continue to work on it to address some of these problems."

Speaker Currie: "Further discussion? Representative McPike."

McPike: "Well, thank you, Madam Speaker. I rise in opposition to this Bill. I guess I was in the minority a few years back when we voted the change in the drinking age in Illinois from 21 to 18. I feel as, as many people, as some people do, that if, if you can fight in the armed services, if you can be tried as an adult and be sentenced to death, if you can have an abortion, if you can get married, if you can sign a contract, I always felt that you should have the right to consume alcohol. But I lost that fight, and I understand the real reason is because people between the ages of 18 and 21 abuse alcohol and we had a lot of deaths on our highways. But now we've gone a few steps beyond that. Now we say that if you have one drop of alcohol, now we say that if you go over to your grandmother's house for a christening and you have a sip of wine, and you've got, you're 19-years-old and you're married and you have a child, and you and your wife work, and you go for the christening of your own baby at your mother's house or your father's house, and you each have a sip of wine to toast a celebration, on the way home you lose your license, you can't drive to work, you can't have sip of O'Douls. Even non-alcoholic beer has alcohol in it. So, I suppose that every time a police officer stops anyone between the age of 18 and 21, I suppose he doesn't even have to have a reason under this Bill, he can pull over everybody between the 18 and 21 and simply force them to take a test, to hire a lawyer. I would advise everyone that works for a living in

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

123rd Legislative Day

April 29, 1994

this state that needs to drive a car to work, I would advise them to keep some cough syrup in their glove compartment, because every time they see a cop, they should take a drink of that cough syrup. If they don't, they're going to lose their license, they're probably going to lose their job, and this is just the opposite of what we should be doing. The average person today that's arrested for drunk driving, I think is about a 1.4, or 1.5. These are the drunks we want off the highway. We want them off the highway if it's 1.3 or 1.2, 1.0. We really don't want the cops spending all their time arresting people that have had a sip of O'Douls or a sip of wine. That is not what the General Assembly should be about, and I would ask people to vote 'no' on what I consider a rather silly proposal."

Speaker Currie: "We've had quite a lot of discussion on this Bill. How would it be with those of you whose lights are still on if you have the opportunity to explain your vote? Representative Stephens feels he needs to participate in the debate before the vote. Representative Stephens."

Stephens: "Excuse me, Madam Speaker. The, first of all, point of order. What order of business is this? Is this Financial Institutions?"

Speaker Currie: "We're on State Operations, Third Reading. The Chair announced that some minutes ago."

Stephens: "That explains why the treasurers department, or the treasurer has sent his director of community banking here too, because I'm sure that this somehow relates to the issue of community banks because otherwise you wouldn't..."

Speaker Currie: "To the Bill, Representative."

Stephens: "Well, we're talking about state resources being used on this Bill. It has to do with the Secretary of State's Office, and as a fiscal conservative that confuses me a

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

123rd Legislative Day

April 29, 1994

little bit and concerns me, and I know that the Gentleman followed Representative Sheehy around committee, and now he is, I could talk longer if you wish. I, my cheering section on the other side of the aisle is asking for more consideration. I'm concerned with, with the issue of the treasurer's office being here in defense of this Bill that has nothing to do with the treasurer's office. I'm also concerned with something I heard earlier from the Representative who is the Sponsor of the Bill, who said that medicine would have nothing to do with this, it's just not, it's not recorded, and it immediately vanishes from the system, and that's just patently untrue. And whether it's listerine that's gargled or whether it's medicine that is prescribed that has alcohol in it or, or whether it's something that's used over-the-counter, that is not immediately eliminated from the system. This Bill does have a lot of concern for those of us who are concerned about safe driving and want to make sure we get the alcoholics and the those who consume alcohol dangerously off the streets, but we do have some concern about the political ramifications of this and the politics behind all of this, and that's really all this is, is political gamesmanship. So, I would hope that every Member is in his chair and her chair and considering the political ramifications of the vote we're about to take."

Speaker Currie: "Further discussion? Representative Wennlund."

Wennlund: "Thank you, Madam Speaker. What Representative McPike said is 100% correct, but let's get to the bottom line. All this is is another abuse of the legislative process, another prostitution to legislative process by State Treasurer Quinn at taxpayer's expense to run an election. That's all this is and you ought to vote 'present' on it

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

123rd Legislative Day

April 29, 1994

and tell Quinn to quit using and abusing the legislative process."

Speaker Currie: "Further discussion? Representative Balthis."

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

Speaker Currie: "He will."

Balthis: "Representative, could you define for me what 'religious ceremony' is, and does a wedding fall into that category?"

Sheehy: "Yes, it does, Representative."

Balthis: "So, if my 20-year-old gets married and celebrates, as most people do at weddings, he would be exempt from this law?"

Sheehy: "In the hearing. If he was pulled over for probable cause, he has a right to have a hearing. So, they could rescind, and if it's a religious ceremony, he'd be let go. Let's understand, this is not a criminal offense; this is an administrative case in regards to having your license suspended. If we want to make drinking allowable for our young teenagers today, then let's change the law. One beer is breaking the law, it's as simple as that."

Balthis: "Madam Speaker, to the Bill. I think we're trying to take our young people, and you know we talk on this floor all the time about guns and crime, we're trying to make criminals out of 20-year-olds who go to a wedding. I think this is a bit ridiculous, and I would say that I think that everybody ought to at least vote 'present' on this."

Speaker Currie: "Representative Sheehy, to close."

Sheehy: "Thank you. This legislation is not intended to send 17-year-olds to jail. What it does is it's designed to send a message to those who violate the underage drinking law. They should not drink and they should not drive, and it doesn't make any difference whose Bill this is; this is a stop death on the streets, and I'm asking you to vote

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

123rd Legislative Day

April 29, 1994

'yes' for this Bill. Thank you."

Speaker Currie: "Representative Sheehy moves passage of House Bill 2838. All in favor vote 'aye'; opposed vote 'no'. Voting is open. Representative Ostenburg, one minute to explain your vote."

Ostenburg: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. As somebody who has worked extensively over the last several years with teenagers, many of whom have had alcohol and drug problems, I stand in full support of this Bill. Let me tell you, we have passed legislation that says that we will not allow students to take drivers education for a whole myriad of reasons. Drivers education prevents them from being able to drive, but we're saying that when they violate the law, when they have alcohol or drugs in their system in violation of the law, we're making all kinds of excuses for that. It's absolutely absurd that we would deny driving privileges to students in one case and in another case where they're in violation of the law to say it's all right. This is a measure that's important for anybody who has had a child who has had a drug or alcohol problem, and I encourage you to vote 'yes' on this measure."

Speaker Currie: "Representative Morrow, one minute to explain your vote."

Morrow: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I wanted to talk during debate on this issue, but one of the things that many of the newer Members need to understand, and I think some of my colleagues who were around at the time, remember the situation with Lori Dann, the situation where she went into a school and shot up some grade school children; that was a terrible incident. Well, out of that incident we passed a Bill that I think has come

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

123rd Legislative Day

April 29, 1994

to haunt us. We, young people are no longer allowed to expunge their criminal record, and my concern with the passage of House Bill 2838 is if a person is in violation of this Bill, will they begin a record, a record that they will no longer be able to expunge which means that if they did something when they were 18, 19, or 20 years old, is this going to follow them all the rest of their lives, and they will never be able to gain to achieve gainful..."

Speaker Currie: "Representative Levin, one minute to explain your vote."

Levin: "Madam Speaker, Ladies and Gentlemen of the House. I rise in support of this Bill. I think there's some misunderstanding. This doesn't change the behavior of the police at all. They still have to see probable cause in the behavior of the individual that they're going to pull over and test. This doesn't change that. This simply says if the person they pull over is under the age of 21 and tests positive in terms of any amount, they, they've exceeded the limit. It does not change at all what the behavior is that the police are looking for. It will have no effect at all on how much time or resources the police put in. It's a good proposal. It's one we need because it's unfortunate our teenagers who are drinking too much. Enjoying driving is great, but they should not be drinking."

Speaker Currie: "Representative Leitch, one minute to explain your vote."

Leitch: "Thank you, Madam Speaker. I, too, rise in opposition to this Bill. Here we go again setting a standard for young people that we don't set for ourselves as adults. If this is such a great idea, why don't we simply amend the whole law and apply it to adults. It's about as ridiculous as

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

123rd Legislative Day

April 29, 1994

the Bill we passed last year which prevents young people from getting their drivers licenses and then of course after they drop out of school and then get picked up for driving to work or driving some place without a license, we simply add to their problems by throwing them into an already overloaded criminal justice system. As many of us know who serve our constituents, it is a miserable thing to get into the swamp of not having your drivers license, and to attempt to get it back, and this is an unreasonable thing to do. It needs to be refined, and I would urge it fail until it has been so modified."

Speaker Currie: "Representative Moore, Andrea Moore, one minute to explain your vote."

Andrea Moore: "Thank you, Madam Speaker. To explain my vote. I, too, rise voting 'present' because the idea of this Bill is excellent, and I think it would get unanimous support across this floor if it had the flexibility to allow for errors that are built in any testing system. The fact that it is so narrow in its approach will make the courts jammed. It will make an impossible situation for law enforcement officers and will really defeat the purpose of what is trying to be done. So, if there can be some flexibility in the next Bill, I would suggest that you get unanimous support. Thank you."

Speaker Currie: "Representative Meyer, one minute to explain your vote."

Meyer: "Thank you, Madam Chairman. I rise to explain my vote of 'present'. I agree with the need to have those that are so inebriated with alcohol removed from the highways, that they don't endanger, so they don't endanger the lives of those of us who choose to be safe drivers, but there's much confusion as to how this Bill would be administered, and I

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

123rd Legislative Day

April 29, 1994

believe that we should continue to work towards the Bill that would adequately address this problem."

Speaker Currie: "Representative Martinez, one minute to explain your vote."

Martinez: "Thank you, Madam Speaker, Ladies and Gentlemen of this House. I have some of the reservations that have been spoken about here, but at the same time I support the concept, and I believe the Gentleman is sincere in his efforts to try to curtail the driving and drinking. I urge the Members of this House to support this measure."

Speaker Currie: "Representative Biggert, one minute to explain your vote."

Biggert: "Thank you, Madam Speaker. I, too, rise to explain my vote of 'present'. I think that the concept certainly is admirable, and I would support that, but I think that because of the way the Bill is drafted I have reservations as to how it will be administered legally, and I have a real question with the possibility of criminal charges; therefore, I vote 'present'."

Speaker Currie: "Representative Saltsman, one minute to explain your vote."

Saltsman: "Yes, thank you, Madam Speaker. This glass of wine that you're talking about that came from a wedding reception, that's a \$2,000 glass of wine, because when you go to that administrative hearing, you're going to take a lawyer with you. Now look at the calls that everyone of us are getting right now on the present DUI laws. We got people who are getting caught driving at .06, .07, under the limit, but they still have to go to court because they're under the influence. While they're under that influence they take a lawyer, now the cheapest lawyer you can get in Peoria is \$2,000 even if you're below the limit."

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

123rd Legislative Day

April 29, 1994

If this kid is wrong, if he's, if he drinks two cans of beer or a glass of wine, it's a \$2,000 drink, because Mom and Dad got to get him a lawyer to go before the administrative hearing. If I was a lawyer, I'd be screaming for this Bill. My kids are over the limit. They're not going to bother me, but I'm going to tell you, on this roll call I'm going to paste it on my bulletin board, because you're going to be getting calls on this if it passes the next two years, worse than you got when the limit got put to .10. We got enough laws in the state now to keep people from driving, to keep people from working, to..."

Speaker Currie: "Representative Walsh, one minute to explain your vote."

Walsh: "Thank you. I think, although the intention of the Sponsor is good here, I think that by all the debate and you can tell by the vote right now that there are still a lot of questions that people have on this Bill. I think we ought to defeat it and come back and try again on this, and again, I say that I think that the concept is a good one. It's one that we might be able to work with and I think again that the intentions of the Sponsor were good. I think we ought to defeat it and go on back and try to work a little harder to come up with a Bill that everyone can agree on."

Speaker Currie: "Representative Skinner, one minute to explain your vote."

Skinner: "Like the Majority Leader, 14 to 15 years ago I voted to lower the drinking age. Since then, however, teens have proven that they can't handle liquor or beer and driving. Teens need to know there are consequences to their actions, even if it's not caning. If you don't think, if you don't

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

123rd Legislative Day

April 29, 1994

think there ought to be consequences, I welcome your introducing a Bill to lower the drinking age to 18 again."

Speaker Currie: "Representative Weaver, one minute to explain your vote."

Weaver: "Thank you very much, Madam Speaker. One of the previous speakers hit the nail right on the head. Not only is this a full employment Bill for attorneys, but it's going to provide a means of harassment of kids on the highways and on the city streets that the police have never had before. I don't think anybody disagrees with the basic premise of what the Sponsor's trying to do, but you're talking probable cause; good grief they can pull them over for anything. And my daughter at the time she was under 21 was married and had a child. Had she been taking Nyquil or Dayquil or any one of 100 different over-the-counter medicines, she could have been stopped by the police and had her license taken away under this law. I think perhaps the general approach might not be bad, but it still needs a whole lot more work."

Speaker Currie: "Representative Mautino, one minute to explain your vote."

Mautino: "Thank you, Madam Speaker, Members. One of the earlier Members said that there are no consequences. If someone in the State of Illinois is stopped with and they're under the age of 21, they're charged with illegal consumption and possibly illegal transportation. There are ramifications there, but this Bill, as drafted, would take someone with a Nyquil or who's had maybe a drink, and I think it is not necessary. It is poorly drafted, and I'd appreciate a 'no' vote."

Speaker Currie: "Representative Weller, one minute to explain your vote."

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

123rd Legislative Day

April 29, 1994

Weller: "Thank you, Madam Speaker. As one who's worked with the beverage industry, as well as substance abuse groups, in concern regarding saving lives for teenagers who may be drinking, I wanted to rise and explain my vote. You know, one of the concerns I've got about this particular Bill is the fact that it's targeted at adults that are age 18 and 19 and 20. One of the particular concerns I've got is many of those that I think of particularly may be veterans who are returning home from Persian Gulf or military assignment; might be the eve of their 21st birthday and they went out with a couple of friends before they go back overseas to their station; and under the circumstances, if they had a beer with one of their friends or even with their Dad or their Mom or a glass of wine at a family dinner, they could be stopped and of course have to go through a lot of costly expense trying to protect their license and their right to drive. The best vote on this is a 'present' vote. There's some good ideas in this Bill. Let's take it back to the drawing board and put a little more common sense into this legislation."

Speaker Currie: "Representative Biggins, one minute to explain your vote."

Biggins: "Thank you, Madam Speaker. I'd like to explain my 'present' vote. I appreciate the intentions of the authors of this Bill, but I agree also with many of my colleagues. It's rather ambiguous and, therefore, I'm voting 'present'. But I do have some good news for the Members of this Assembly. Immediately after this vote's taken I'm going to contact Secretary of State, George Ryan, about this Bill, and I'm going to see if our current Secretary of State could come up with something that the intenders, that the authors of this Bill intended to have adopted into law,

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

123rd Legislative Day

April 29, 1994

because I think it's well-mentioned that maybe George Ryan could help us get this thing passed properly."

Speaker Currie: "Have all voted who wish? Have all voted who wish? Representative Wennlund, you want to, since you spoke in debate you just want to ask for the opportunity to verify? Opportunity granted. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this Motion, there are 53 voting 'aye', 10 voting 'no'; and this Bill, having failed to receive the required Constitutional Majority, is hereby declared lost."

Clerk Rossi: "House Bill 2838, a Bill for an Act amending the Illinois Vehicle Code. Third Reading of this House Bill."

Speaker Currie: "On the Order of Human Services, Second Reading, appears on page 4 of the Calendar, House Bill 2142, Representative Moseley. And this Bill has been read a second time? Out of the record. Same order of call, on page 7 of the Calendar, House Bill 2628, Representative Phelps. That has also been read a second time, previously. Mr. Clerk, what's the status of the Bill?"

Clerk Rossi: "The Bill has been read a second time, previously. Floor Amendment #1 has been adopted to the Bill. No Motions have been filed."

Speaker Currie: "Floor Amendments?"

Clerk Rossi: "Floor Amendment #2, offered by Representative Phelps."

Speaker Currie: "Representative Phelps."

Phelps: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. It's my intent to try to offer real health care reform that this Session will offer with this Amendment."

Speaker Currie: "Representative Ryder, for what reason do you rise?"

Ryder: "Point of inquiry. We...don't have the Amendment?"

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

123rd Legislative Day

April 29, 1994

Speaker Currie: "Let me check with the Clerk."

Ryder: "Please."

Speaker Currie: "Is that Amendment printed and distributed?"

Ryder: "We don't have it."

Speaker Currie: "I believe the Amendment is being distributed even as...even as we speak."

Ryder: "Madam Speaker..."

Speaker Currie: "I thought it was out. Wait a minute. Let's just check this."

Ryder: "Please do."

Speaker Currie: "Clerk, could you please... They're telling me yes."

Clerk Rossi: "The Amendment has been printed and distributed."

Speaker Currie: "Representative Phelps moves adoption of Amendment 2 to House Bill 2628; and on that, all in favor say 'aye'; opposed, 'no'. The 'ayes' have it. The Amendment is adopted. Further Amendments? Are there further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Currie: "Third Reading. Clerk, read the Bill on Third. Read the Bill on Third."

Clerk Rossi: "House Bill 2628, a Bill for an Act concerning health care. Third Reading of this House Bill."

Speaker Currie: "Representative Phelps."

Phelps: "Madam Speaker...just a second..."

Speaker Currie: "Could we have a little order? Representative Black. Representative Black. Representative Black, for what reason do you rise? Does Representative Black have a reason to rise? I guess he doesn't. Mr. Phelps, then on this Bill on Third Reading."

Phelps: "Madam Speaker..."

Speaker Currie: "Excuse me. I gave Representative Black a chance

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

123rd Legislative Day

April 29, 1994

to explain for what reason he was seeking recognition. He chose not to. Representative Ryder, do you have a reason for seeking recognition?"

Ryder: "Absolutely. Absolutely. I've never been treated like that in the House. Never. I stood up and made a polite inquiry of the Chair. The Chair responded and then ignored me in order to pursue this Amendment. We may very well agree with this Amendment, but I don't know because you're not even giving us the opportunity to read the Amendments anymore. It's not bad enough..."

Speaker Currie: "Representative..."

Ryder: "...Speaker, it's not bad enough that you don't print our Amendments and that you don't distribute your Amendments on our side, but then when we make an inquiry and you then rudely pursue the Bill. Madam Speaker, that treatment is uncalled for, and if it persists...if it persists, then you have yet to see the kind of actions that we can take. Now I would ask that this...I would ask that Representative Phelps, who is not part of the action taken by the Chair, temporarily take the Bill out of the record so that we might have an opportunity to examine the Amendment. I would like to support the Representative if it's possible, but the Chair may very well preclude any kind of cooperation because of the actions taken by the Chair."

Speaker Currie: "Representative Phelps."

Phelps: "Thank you, Madam Speaker. It is not my intent to proceed without anyone looking at this Amendment, and I have been informed that it's distributed and I've got one in my hand if you want to look at it. However, it was my intent to have a roll call after explaining the Amendment, and that's what I want to happen. Although we are faced with deadlines, I refuse to take it out of the record. I

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

123rd Legislative Day

April 29, 1994

will not do that, but I do want a fair hearing."

Speaker Currie: "Representative Skinner."

Phelps: "I get Amendments every instant..."

Speaker Currie: "For what reason do you rise?"

Phelps: "...that I just look at, Republican or Democrat, that I have a whole lot of time and this is a major debate, and I think we can have a proper debate as we go into this."

Speaker Currie: "Representative Skinner, for what reason do you rise?"

Skinner: "Madam Speaker, I have an honorary Page here from Princeville named Heather Smith who has been taking every Amendment and putting them in numerical order. I have just been handed this Amendment. This is an abuse of process. It is the continuing...one in the continuing series of abuses of process of this Chair and the Leadership of this House."

Speaker Currie: "Representative..."

Skinner: "Now I object to consideration of this Bill on Third Reading today, if the Amendment is adopted."

Speaker Currie: "Representative Leitch."

Leitch: "Madam Speaker, this is absolutely outrageous. I had my speaker on because since we don't have the printed Amendments, since we don't know what is in this proposal, we don't know what is recommended to go into the law on this important issue. We had our speaker lights on to make inquiries of the Gentleman, to ask questions, to pose to him in a very routine and normal manner what was actually in this Bill; and yet we are deprived of that right and then we get a fast gavel. This is absolutely ridiculous. And I encourage the Gentleman to take this Bill out of the record, give us time to get copies of this thing and to have an opportunity to read about it, and then return in

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

123rd Legislative Day

April 29, 1994

some semblance of a normal process to be able to review this important proposal that the Gentleman has."

Speaker Currie: "Representative Krause, for what reason do you rise?"

Krause: "Speaker, thank you. Speaker, I would also join with the comments made by the other Members. I have just this moment received a copy of Amendment #2 to House Bill 2628; have not had the opportunity, at all, to even begin to look at...an Amendment that relates to health care. I would ask the Sponsor, Representative Phelps, that you would at this time take it out of the record and give everyone the opportunity to look at this. It is impossible to proceed with legislation without having had the time to review it, to examine it, to read it and to study. I again make the request that this be taken out of the record to give people the opportunity and the time to read the legislation."

Speaker Currie: "Representative Phelps wishes to proceed with this Bill on Third Reading, and you will all remember that the Clerk informed the Chair that the Amendment had been printed and distributed. I think we've had some time to have a look at the Amendment in the meantime. Perhaps, we're ready to proceed with Representative Phelps."

Phelps: "Madam Speaker, I believe I can put to rest all concerns..."

Speaker Currie: "Representative Phelps. You wish to take this out of the record for a moment? Is that..."

Phelps: "No, I do not."

Speaker Currie: "Representative Phelps..."

Phelps: "Madam Speaker, the Amendment is the Bill..."

Speaker Currie: "Representative Phelps, we are going to take the Bill out of the record for a moment and move on to another Bill and come back. Okay, the Bill is out of the record."

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

123rd Legislative Day

April 29, 1994

On State Operations, Third Reading, on page 49 of the Calendar, House Bill 3057, Representative Lang. Sorry, Leader Daniels, for what reason do you rise?"

Daniels: "Every time you get in the Chair the same thing happens. Every time you make an attempt to abuse this process and take advantage of the position of the Chair, you forget that you sit there as a representative of all the people of Illinois, every single citizen of this state. When we elect a Speaker, we expect that Speaker to represent all of the citizens of this state, not a narrowly defined, special interest that you have, and I suggest that the real Speaker, and by the way, where is the real Speaker? Is he in this place? Is there such a thing as Mike Madigan? Does he get up and run this House? He was elected to run the House. Where is the real Speaker? Where's Mike Madigan? Where's Mike? Where is he? We want Mike Madigan out here instead of you abusing our rights and trampling on the Minority and consequently every single citizen of this state. It's time you stop it. Where's the real Speaker? Where is the real Speaker? Bring him out here right now. Bring him out here."

Speaker Currie: "Clerk, read the Bill."

Clerk Rossi: "House Bill 3057, a Bill for an Act amending the Consumer Fraud and Deceptive Business Practices Act. Third Reading of this Bill."

Speaker Currie: "Representative Lang."

Lang: "Thank you, Madam Speaker. Once again, one of my Bills appears while chaos reigns on the floor of the House. Madam Speaker and Ladies and Gentlemen of the House, this is an agreed Bill regarding..."

Speaker Currie: "Could we have a little order, please? Representative Leitch, for what reason do you rise?"

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

123rd Legislative Day

April 29, 1994

Leitch: "Madam Speaker, the Republicans request a conference, please."

Speaker Currie: "The Chair will consider that request. Representative Leitch. Representative Leitch. I thought you...the Chair thought you wanted a conference. The Chair thought the Republicans wanted a conference. Representative Leitch, how long do you anticipate this conference will take?"

Leitch: "Probably about 45 minutes."

Speaker Currie: "Forty-five minutes, and we will expect the Republicans back at the hour of 1:50, and you have a 45 minute conference in Room 118. The Democrats, if they haven't already done so, will go to lunch, and the House will be at ease until that hour."

Speaker Madigan: "The House shall come to order. Speaker Madigan, in the Chair. On the Order of Revenue, Second Reading, there appears House Bill 2634, Mr. Lopez. Mr. Clerk, what is the status of this Bill?"

Clerk Rossi: "House Bill 2634. The Bill has been read a second time, previously."

Speaker Madigan: "Are there any Amendments?"

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

Speaker Madigan: "Is that correct? No Floor Amendments?"

Clerk Rossi: "No Floor Amendments."

Speaker Madigan: "Okay, the Bill shall be placed on the Order of Third Reading. Is Mr. Dart in the chamber? Mr... Mr. Clerk, on the Order of House Bill 2634. Read the Bill a third time."

Clerk Rossi: "House Bill 2634, a Bill for an Act amending the Charitable Games Act. Third Reading of this House Bill."

Speaker Madigan: "Mr. Daniels."

Daniels: "An inquiry of the Chair."

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

123rd Legislative Day

April 29, 1994

Speaker Madigan: "Proceed."

Daniels: "Mr. Speaker, what is the status of House Bill 2628?"

Speaker Madigan: "Mr. Clerk, what is the status of that Bill?"

Clerk Rossi: "House Bill 2628 is on the Order of Third Reading."

Daniels: "Mr. Speaker, prior to your coming out to the chambers and assuming the role of Speaker of the House, as this House elected you to do, representing all the people of Illinois, including Republicans, including people from the suburbs and not just from one locale of the state, we had an incident occur on this floor where your designated operative took House Bill 2628, an Amendment was filed with the Clerk dated April 29, 1994, and that Amendment was presented to the House. The first time this Session, Mr. Speaker, that an Amendment has been filed on the same day and considered on the same day. That Amendment was rammed through this process without a Roll Call Vote by your operative, probably at your direction, and Members on my side of the aisle got extremely distressed because the official record indicates that it was done with the approval of the House; and therefore they are recorded as voting in favor of this Amendment. Members on my side of the aisle want to be recorded as 'no' on that Amendment and objected strenuously to this Bill being moved to Third Reading. Now, Mr. Speaker, the reason that we wanted you out here is because we have a little trouble believing that you would want your operative to function in that fashion. If so, then we want to make sure that we direct to you, if you have made those instructions. If not, we want this Bill returned to Second Reading, we want that Amendment removed, we want it presented again, we want to debate that Amendment, and we want a Roll Call Vote on that Amendment. And then if it's the intention to move it to Third, we want

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

123rd Legislative Day

April 29, 1994

that explained to the House before it's rammed through in a process. Now, let me explain to you in case you may have missed the point about what this Amendment is all about. This is a universal health insurance Amendment sponsored by Representative Phelps; we think at the request of a political person in this state, who's seeking to impose upon this state the Netsch Plan II. Some say, 'What's Netsch Plan II?' Well, Netsch Plan II follows Netsch Plan I. What's Netsch Plan I? A 42% increase for the people of Illinois on their income taxes. Netsch Plan II is universal health insurance at maybe a cost of \$50 billion to the people of Illinois because in this Amendment, Mr. Speaker, and if we had been able to vote on it, we would have made sure our vote was clear, it says that we are going to follow 'federal policy'. Now, can you imagine a single Member of this Assembly wanting to follow federal policy, the policy that's bankrupting this state at every chance it can get; the one that has sent us this Medicaid program that's costing the state over \$6 billion? I can't imagine that a single Democrat would want to follow federal policy on the health care plan that's being proposed now. That's why this becomes so important. That's why it's so critical right now. That's why Republicans wanted the opportunity to discuss it. That's why we asked for the conference. That's why we went down to our room and debated this, to make sure that our voice is heard. Now frankly, Mr. Speaker, we are calling upon you, as the Speaker of the House for all the people in this state, for the people who don't want to follow federal policy and pay the billions of dollars that the liberal policymakers out of Washington, D.C. are trying to force on this state. We don't want Netsch Plan II being forced upon us without a

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

123rd Legislative Day

April 29, 1994

vote. We want our voices heard, and we want them heard now. So, Mr. Speaker, what is it that you will do for all of Illinois, not just the special interest, the person that wants to be the Governor of this state, but what will you do for all of Illinois in allowing their voices to be heard? That's the question."

Speaker Madigan: "On the Order of House Bill 2634, Mr. Lopez. Mr. Lopez."

Lopez: "Thank you, Mr. Speaker. What House Bill 2634 does is amends the Charitable Games Act to increase the number of charitable games nights that can be conducted on premises offered by municipalities from eight to 16 in a 12-month period. This is the language that the Governor has agreed, and I Motion to 'do pass'."

Speaker Madigan: "Gentleman moves that the Bill pass. Those in favor signify by saying 'aye'; those opposed say 'no'. The Clerk shall take the record. On this question, there are 66 'ayes', 2 'noes'. This Bill, having received the Constitutional Majority, is hereby declared passed. Mr. McPike, in the Chair.

Madigan: "Mr. Speaker, Mr. Speaker."

Speaker McPike: "Representative...Speaker Madigan."

Madigan: "To respond to Mr. Daniels, I don't plan to engage in a debate with you or anybody else on the question of national health care or state health care today. We told you the status of the Bill. I'm advised by the proponents of the Bill that they don't plan to call the Bill today. The Bill is on Third Reading. That's what the record reflects. The Bill is on Third Reading. Mr. Speaker, Mr. Speaker?"

Speaker McPike: "Yes."

Madigan: "Based upon the mood on the other side of the aisle and the mood on this side of the aisle, I suggest we adjourn

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

123rd Legislative Day

April 29, 1994

for the weekend."

Speaker McPike: "Speaker Madigan moves that the House stands adjourned until next... Speaker Madigan moves that the House stand adjourned until next Tuesday at the hour of 12:00 noon. All in favor say 'aye'; opposed, 'no'. The 'ayes' have it, and the House stands adjourned."

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
DAILY TRANSCRIPTION OF DEBATE INDEX

94/10/17  
11:35:00

APRIL 29, 1994

HB-2142	OUT OF RECORD	PAGE	79
HB-2628	SECOND READING	PAGE	79
HB-2628	THIRD READING	PAGE	80
HB-2628	OUT OF RECORD	PAGE	83
HB-2628	DISCUSSED	PAGE	86
HB-2634	SECOND READING	PAGE	85
HB-2634	THIRD READING	PAGE	85
HB-2638	THIRD READING	PAGE	21
HB-2641	SECOND READING	PAGE	13
HB-2641	THIRD READING	PAGE	16
HB-2653	THIRD READING	PAGE	24
HB-2685	THIRD READING	PAGE	52
HB-2838	THIRD READING	PAGE	59
HB-2938	THIRD READING	PAGE	54
HB-2952	THIRD READING	PAGE	17
HB-2962	THIRD READING	PAGE	19
HB-3051	THIRD READING	PAGE	58
HB-3057	THIRD READING	PAGE	84
HB-3329	THIRD READING	PAGE	20
HR-2210	ADOPTED	PAGE	13
HR-2210	RESOLUTION OFFERED	PAGE	6

SUBJECT MATTER

HOUSE TO ORDER - SPEAKER CURRIE	PAGE	1
PRAYER - REVEREND HUGH CASSIDY	PAGE	1
PLEDGE OF ALLEGIANCE - REPRESENTATIVE MEYER	PAGE	1
ROLL CALL FOR ATTENDANCE	PAGE	1
CONSENT CALENDAR - SECOND READING	PAGE	4
AGREED RESOLUTIONS	PAGE	4
GENERAL RESOLUTIONS	PAGE	5
DEATH RESOLUTIONS	PAGE	5
REPRESENTATIVE CURRIE IN THE CHAIR	PAGE	52
SPEAKER MADIGAN IN THE CHAIR	PAGE	85
HOUSE ADJOURNED	PAGE	89