

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

118th Legislative Day

April 30, 1998

Speaker Madigan: "The House shall come to order. The House shall come to order. The Members shall be in their chairs. All unauthorized personnel shall please... please leave the floor. We shall be led in prayer today by Representative Jeff Schoenberg. Mr. Schoenberg, excuse me. The guests in the gallery may wish to rise and join us in the invocation. Representative Schoenberg."

Schoenberg: "He who has granted victory to kings and dominion to princes, His kingdom is a kingdom of all ages. He, who delivered his servant David from the evil sword. He, who opened a road through the sea, a path amid the mighty waters, may He bless and protect, help and exult the Members of the Illinois House of Representatives. May the Supreme King of kings, in His mercy, sustain us and deliver us from all distress and misfortune. May the Supreme King of kings, in His mercy, inspire us and all our counselors and aids to deal kindly with all who we serve. In our days we asked that Judah be saved, that Israel dwell in security and a redeemer shall come unto Zion. And as we ask for Your blessings and guidance, today, we also ask for Your blessings and guidance for the State of Israel, which today marks its 50th birthday. Our Father who art in heaven, redeemer and protector of Israel, bless the people in the nation of Israel, which marks the dawn of our deliverance. Shield it beneath the wings of Thy love. Spread over it Thy canopy of peace. Send Thy light and Thy truth to its leaders, officers, and counselors and direct them with Thy good counsel. May be this... May this be the will of God and let us say, Amen."

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

Hartke - et al: "I pledge allegiance to the flag of the United

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

118th Legislative Day

April 30, 1998

States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all."

Speaker Madigan: "Roll call for attendance. Mr. Cross."

Cross: "Thank you, Mr. Speaker. If the record would please reflect that Representative Clayton, Verna Clayton is excused today."

Speaker Madigan: "Representative Currie."

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

Speaker Madigan: "Clerk shall take the record. There being 117 Members responding to the Attendance Roll Call, there is a quorum present. Mr. Clerk."

Clerk Rossi: "Committee Reports. Representative Wyvetter Younge, Chairperson from the Committee on Appropriations - Education, to which the following measures were referred, action take on April 30, 1998, reported the same back with the following recommendations: 'do pass, as amended, Standard Debate' Senate Bill 1787. Representative Monique Davis, Chairperson from the Committee on Appropriations - Human Services, to which the following measures were referred, action take on April 30, 1998, reported the same back with the following recommendation: 'do pass, as amended, Short Debate' Senate Bill 1784. Representative Edgar Lopez, Chairperson from the Committee on Consumer Protection, to which the following measures were referred, action take on April 30, 1998, reported the same back with the following recommendations: 'do pass Short Debate' Senate Bill 1265. Representative Steve Davis, Chairperson from the Committee on Veterans Affairs, to which the following measures were referred, action taken on April 30, 1998, reported the same back with the following

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

118th Legislative Day

April 30, 1998

recommendations: 'be adopted as amended' House Joint Resolution 47. Representative Harold Murphy, Chairperson from the Committee on Personnel and Pensions, to which the following measures were referred, action taken on April 30, 1998, reported the same back with the following recommendations: 'do pass...to pass Short Debate' Senate Bill 499. Representative Skip Saviano, Chairperson from the Committee on Registration and Regulation, to which the following measures were referred, action taken on April 29, 1998, reported the same back with the following recommendations: 'do pass Short Debate' Senate Bill 1251, Senate Bill 1271, Senate Bill 1272, Senate Bill 1491, Senate Bill 1585, Senate Bill 1617, and Senate Bill 1657. Representative Calvin Giles, Chairperson from the Committee on State Government Administration and Election Reform, to which the following measures were referred, action taken on April 29, 1998, reported the same back with the following recommendations: 'do pass Short Debate' Senate Bill 1225, Senate Bill 1279, Senate Bill 1347, Senate Bill 1702, and Senate Bill 1938; 'do pass, as amended, Short Debate' Senate Bill 1674; 'be adopted' House Resolution 325 and House Resolution 422. Representative Todd Stroger, Chairman on the Committee on Local Government, to which the following measures were referred, action taken on April 29, 1998, reported the same back with the following recommendations: 'do pass Short Debate' Senate Bill 1208 and Senate Bill 1210; 'do pass, as amended, Short Debate' Senate Bill 1280; 'do pass Standard Debate' Senate Bill 1282. Representative Mary Flowers, Chairperson from the Committee on Health Care Availability and Access, to which the following measures were referred, action taken on April 29, 1998, reported the same back with the following

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

118th Legislative Day

April 30, 1998

recommendations: 'do pass, as amended, Standard Debate' Senate Bill 1904. Representative Jeff Schoenberg, Chairman from the Committee on Appropriations - General Services, to which the following measures were referred, action taken on April 29, 1998, reported the same back with the following recommendations: 'do pass, as amended, Short Debate' Senate Bill 1786. Representative Charles Morrow, Chairman from the Committee on Appropriations - Public Safety, to which the following Bill was referred, action taken on April 29, 1998, reported the same back with the following recommendations: 'do pass, as amended, Short Debate' Senate Bill 1785. Representative Phil Novak, Chairman from the Committee on Environment and Energy, to which the following Bill was referred, action taken on April 29, 1998, reported the same back with the following recommendation: 'do pass Short Debate' Senate Bill 1853. Representative Jan Schakowsky, Chairperson from the Committee on Labor and Commerce, to which the following measures were referred, action taken on April 29, 1998, reported the same back with the following recommendation: 'do pass, as amended, Short Debate' Senate Bill 1350. Representative Lauren Beth Gash, Chairperson from the Committee on Judiciary II - Criminal Law, to which the following measures were referred, action taken on April 30, 1998, reported the same back with the following recommendations: 'do pass Short Debate' Senate Bill 1217, Senate Bill 1224, Senate Bill 1289, Senate Bill 1339, Senate Bill 1432, Senate Bill 1505, and Senate Bill 1506; 'do pass, as amended, Short Debate' Senate Bill 1028, Senate Bill 1260, Senate Bill 1335, Senate Bill 1424, Senate Bill 1713, and Senate Bill 1846. Representative Eugene Moore, Chairperson from the Committee on Revenue, to

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

118th Legislative Day

April 30, 1998

which the following measures were referred, action taken on April 30, 1998, reported the same back with the following recommendations: 'do pass Short Debate' Senate Bill 1223, Senate Bill 1291, Senate Bill 1313, Senate Bill 1356, Senate Bill 1455, Senate Bill 1510, and Senate Bill 1565; 'do pass, as amended, Short Debate' Senate Bill 1267, Senate Bill 1568 and Senate Bill 1705; 'be adopted', House Resolution 322 and House Joint Resolution 59."

Speaker Madigan: "Mr. Skinner."

Skinner: "Yes, my seatmate, Representative Tom Johnson, the venerable Representative Tom Johnson has a birthday today and his secretary, Sandy Huffman, who is the best cake maker that we know within the Capitol, has baked him a cake and you're welcome to have some of his cake."

Speaker Madigan: "Mr. Rutherford."

Rutherford: "Thank you, Mr. Speaker. It's my pleasure today to have a special... two special guests with us visiting the House, Mr. Leroy McPherson, who's the City Supervisor of the City of Fairbury and the Honorable Robert Walter who's the Mayor of Fairbury. Welcome to the Illinois House."

Speaker Madigan: "Mr. Daniels."

Daniels: "Thank you, Mr. Speaker, Ladies and Gentleman of the House. I have an important issue to speak to you today about. Thousands of Illinois taxpayers from Chicago to Cairo are calling for one thing, that's property tax relief, now. There are a billion reasons why Illinois families deserve property tax relief and those reasons are all sitting in the State Treasury. The time to act is now. We need to stop wasting the taxpayers hard earned money and start returning it to them. We need to do something for the middle-class families of this state. We need to start talking about property tax relief. Ask taxpayers what

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

118th Legislative Day

April 30, 1998

their number one complaint is and they will say rising property taxes. House Republicans were the first to offer tax relief for Illinois taxpayers. The intent of our plan is simple. If you own a home under \$500,000 in Illinois, your income tax credit should be doubled and it should be permanent. This is lasting property tax relief for the middle-class taxpayers of this state and is long overdue. We are going through one of the strongest economies in Illinois history. Our economy is so strong that we stand to end the fiscal year with \$1,000,000,000 surplus. Think about that. One billion dollars that the state took from the taxpayers pockets. Mr. Speaker, it's time to give it back to them now. Just today we found out the state will have \$295,000,000 more than expected. How much is enough? When we are (sic - are we) going to stop taking and start giving back to the people what's theirs in the first place? This is the time to do it now. We can provide necessary tax relief for taxpayers of this state and make sure our bills are paid on time, even if the economy slows down. If we can't provide property tax relief in prosperous times, then when can we? By refusing to act, the message we're sending the taxpayers of this state is, we'll get back to you sometime. That's an insult to taxpayers, and I should remind Members of this Body that the \$1,000,000,000 that will wind up in the Treasury at the end of this fiscal year does not belong to us, it belongs to the taxpayers of Illinois. Homeowners that live, work and raise a family in this state need property tax relief. Illinois' small businesses that make and keep our economy healthy deserve property tax relief. Ladies and Gentlemen, tax relief that is deferred is tax relief that is denied. Our property tax relief plan provides and needs a fair hearing. The truth

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

118th Legislative Day

April 30, 1998

is, Illinois citizens need a listener more than a speaker. First, I write you a letter asking you allow our Property Tax Relief Bill to be heard on the floor. No response. Then our leader sent you a letter asking for our Bill to be released from the Rules Committee. No response. Next, our entire caucus, 58 Republicans strong, signed and sent you a letter reiterating our request. Again, nothing. Finally, we offered Amendments to Bills in committees to provide property tax relief. The response to these good faith efforts killed every time by Democrats lead by you, Mr. Speaker. Mr. Speaker, if you won't listen to us, you should at least listen to the people. I have thousands and thousands of petitions signed by the people throughout the State of Illinois, which I hold in my hand right now, Mr. Speaker, signed by the people of Illinois, voters and constituents in this state, all asking and all agreeing with us that you, the Speaker of the House, allow an immediate vote on legislation to provide our families with property tax relief. This relief will double the existing income tax credit from 5% to 10% for property taxes paid on homes valued at 500,000 or less. Thousands of Illinois citizens deserve to have their voice heard now and heard immediately. Mr. Madigan, I believe you when you say and you said on your home web page, 'as Speaker, I want every citizen in Illinois to know this is a peoples Legislature. We are here to serve the people openly, honestly and with the higher standards. I am accountable only to you.' Those were your words on your web page. These are thousands of citizens of Illinois that are asking you to act now by petition and by signature. We're getting use, as Republicans, to have our request for action stonewalled by your side of the aisle. You said we need to get on to

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

118th Legislative Day

April 30, 1998

the real issues of this state. Mr. Speaker, it's time you acknowledge that property tax relief is a real issue to the people of Illinois. So, on behalf of the Illinois working families and pursuant to Rule 58(a), Mr. Black is going to move to discharge the Committee of Rules from further consideration on House Bill 3615 and that it be placed on the appropriate order of business for immediate consideration. Mr. Speaker, I call upon you to extend the deadline on this Bill as you have on 18 other Bills currently on the House Calendar. We need permanent property tax relief in Illinois, now. Not because we say so but because the taxpayers of this state demand it. So I now yield the balance of my time to Mr. Black who will make a Motion pursuant to Rule 58(a). Mr. Black."

Black: "Thank you very much."

Speaker Madigan: "Mr. Black."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. I have filed the Motion, the applicable Motion, in writing. I believe it is in the well of the House. I believe it is in order and I'm within my rights and joined by the requisite number of colleagues to ask that the Rules Committee be discharged from further consideration of House Bill 3615 and that the House proceed to the immediate consideration of that Bill. Mr. Speaker, I would request strongly that we be given a Roll Call vote on the Motion to discharge and if the Chair decides that that is not to be, then I would ask that you recognize me to ask that the ruling of the Chair be appealed on any ruling denying us a Roll Call vote on the Motion to discharge."

Speaker Madigan: "Representative Currie."

Currie: "Thank you, Speaker and Members of the House. I object

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

118th Legislative Day

April 30, 1998

to the Gentleman's Motion and I would point out that there is no need for a Roll Call vote. We have Roll Call votes when we're required to by the Constitution or by statute. We enable people to ask for a Roll Call vote if there might be uncertainty over the outcome. For example, did you really hear more 'ayes' or did you really hear more 'nays'? But on this Motion one objection is enough and the record is clear. I object. Let me tell you in part why I object, and that is, three times the House Revenue Committee has considered precisely the contents of House Bill 3615 and three times the Revenue Committee, the substantive committee that looks at these issues, has rejected this proposal. We have done so for several reasons. First of all, this is not about the middle class. Houses worth \$500,000? I don't call those middle class people. Secondly, it doesn't include those struggling working families, young families in my district and your district, who aren't yet able to afford to buy a home. Surely those people need tax relief and nothing about this proposal offers help to those who are struggling to find their way forward to reach the American dream. As well, Speaker and Members of the House, as you know and as the maker of the Motion knows, the Governor has requested that we discuss issues of tax relief in the budget negotiation. There are about 75 ways we have chosen to offer proposals to spend, not just the latest add on from the Economic and Fiscal Commission projections, but all the money that's in the state budget. We could behave irresponsibly. We could decide to pass all manner of tax relief and programmatic changes above those for which we have revenues. I do not think... I do not think that it would be wise for us to do that and I would, as I say, object to the Motion and, as I

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

118th Legislative Day

April 30, 1998

say, I believe there's no need for a Roll Call vote."

Speaker Madigan: "The Lady's point is well-taken. The Gentleman's Motion is out of order. The Chair recognizes Mr. Black."

Black: "Well, thank you very much, Mr. Speaker. I'm sure that the Lady had a Motion in there somewhere in the essay. I don't know what it was. Mr. Speaker, in all due respect the Chair has made a ruling. The rule is very ambiguous if you would look at it or have your Parliamentarian look at it. I do not remain convinced that a single verbal objection can negate the right of any Member of this Chair to ask for a recorded vote on a question of extreme importance. If, in fact, you persist with that ruling, then you are setting up a situation in this chamber where one person, one person, in this case the esteemed Majority Leader, is denying every other Member of this Body the right to vote on an issue of tax relief to the citizens of the State of Illinois. That's not right. No one person should have that power. I'm sent down here by 97,000 people in my district to exercise my vote. The Lady is denying my right to represent my district. So, Mr. Speaker, if you persist in the ruling that one verbal objection can stop a request for a recorded vote on a discharge Motion, I would, in all due respect, ask that the ruling of the Chair be appealed and that in fact that ruling is a gross misinterpretation of the Rules of this House."

Speaker Madigan: "The question is, 'Shall the ruling of the Chair be overturned?' The question is, 'Shall the ruling of the Chair be overturned?' Those who wish to sustain the Chair will vote 'aye'; those opposed will vote 'no'. The question is, 'Shall the Chair be sustained?' The question

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

118th Legislative Day

April 30, 1998

is, 'Shall the Chair be sustained?' Those in favor of sustaining the Chair vote 'aye'; those opposed vote 'no'. Please vote. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. The Gentleman's Motion fails. Mr. Black."

Black: "Yes, thank you very much, Mr. Speaker, an inquiry of the Chair. On a Motion to appeal the ruling of the Chair, how many votes does that require? A simple majority of those voting? A majority of the House?"

Speaker Madigan: "Seventy-one votes voting to overturn the Chair."

Black: "Well, do we even need to vote? Couldn't we just check with the Majority Leader and if she objects then we wouldn't even need a vote, I suppose? But..."

Speaker Madigan: "Mr. Black, I may be wrong, but I do recall that these rules were essentially adopted by the prior administration."

Black: "Oh, they were, they were toughened... Mr. Speaker."

Speaker Madigan: "That was my recollection."

Black: "...they were toughened considerably, Mr. Speaker, and tightened down to the point where there is absolutely little that the Minority can do other than question the actual intent of your rule. I still don't believe, I maintain that a verbal objection should not suffice to deny a roll call on a Motion to discharge. I, I'm sure that there are Members on both sides of the aisle that would favor the Bill if we could get it to the House for a vote. It is a matter of extreme importance to the citizenry of Illinois and in all due respect to the esteemed Majority Leader. Invoking the name of our Governor, who I think the world and all of, a personal friend of mine, the Governor doesn't sit in this chamber and I just... I fail to

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

118th Legislative Day

April 30, 1998

understand how we could not have a vote on a simple Motion to discharge. And, Mr. Speaker, my last inquiry. How many votes would it take to sustain the Chair?"

Speaker Madigan: "The Chair is sustained unless there are 71 Members prepared to vote to overturn the Chair."

Black: "Could you...could the Parliamentarian quote the applicable rule on that?"

Speaker Madigan: "57(a). 57(a)."

Black: "I'm sorry, Mr. Speaker, Rule 57?"

Speaker Madigan: "(a). Mr. Parke."

Parke: "Thank you, Mr. Speaker, I have an inquiry of the Chair."

Speaker Madigan: "State your inquiry."

Parke: "Has this ruling ever been shared with the Body before? Is this the first?"

Speaker Madigan: "Yes."

Parke: "It has been?"

Speaker Madigan: "No. Yes."

Parke: "No, no on the one person verbally objecting. Have we ever done that before on the floor of the House?"

Speaker Madigan: "Yes. Yes."

Parke: "So...and it was at...it has not been this year. Was it done under the prior administration? Did we ever do that? I'm just...I'm trying to figure out where this has come from."

Speaker Madigan: "Mr. Parke, I direct you to the Rules of the last Session of the General Assembly and that was Rule 7-7(a). The same result."

Parke: "Thank you for your time."

Speaker Madigan: "Thank you. On the Order of Senate Bills - Second Reading there appears Senate Bill 1195. Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "Senate Bill 1195, a Bill for an Act to amend the

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

118th Legislative Day

April 30, 1998

Wildlife Code. Second Reading of this Senate Bill. Amendments 1 and 2 were adopted in committee. No Motions have been filed. No Floor Amendments approved for consideration."

Speaker Madigan: "Third Reading. Senate Bill 1207. What is the status of that Bill?"

Clerk Rossi: "Senate Bill 1207, a Bill for an Act amending the Counties Code. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed. The Notes that have been requested on the Bill have been filed."

Speaker Madigan: "Third Reading. Senate Bill 1222."

Clerk Rossi: "Senate Bill 1222, a Bill for Act amending the Illinois Vehicle Code. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Senate Bill 1244."

Clerk Rossi: "Senate Bill 1244, a Bill for an Act to amend the Cemetery Care Act. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed. The Notes that have been requested on the Bill have been filed."

Speaker Madigan: "Third Reading. Senate Bill 1246."

Clerk Rossi: "Senate Bill 1246, a Bill for an Act concerning schools. Second Reading of this Senate Bill. Amendment #1 was adopted in Committee. No Motions have been filed. No Floor Amendments."

Speaker Madigan: "Third Reading. Mr. Clerk, on Senate Bill 1246. What is the status of the Bill?"

Clerk Rossi: "Senate Bill 1246 was moved to the Order of Third Reading."

Speaker Madigan: "Could you state that again?"

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

118th Legislative Day

April 30, 1998

Clerk Rossi: "Senate Bill 1246 was moved to the Order of Third Reading."

Speaker Madigan: "Representative Kosel, do you want that Bill on Third Reading? Okay. Third Reading. Senate Bill 1259. Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "Senate Bill 1259, a Bill for an Act concerning parentage. Second Reading of this Senate Bill. Amendment #1 was adopted in Committee. No Motions have been filed. No Floor Amendments approved for consideration."

Speaker Madigan: "Third Reading. Senate Bill 1286."

Clerk Rossi: "Senate Bill 1286, a Bill for an Act amending the Registered Titles Act. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Representative Zickus, do you wish to move this Bill to Third? Third Reading. Senate Bill 1292. 1292."

Clerk Rossi: "Senate Bill 1292, a Bill for an Act in relation to certain property held by museums. Second Reading of this Senate Bill. Amendment #1 was adopted in Committee. No Motions have been filed. No Floor Amendments approved for consideration."

Speaker Madigan: "Representative Biggert. Third Reading. Senate Bill 1306."

Clerk Rossi: "Senate Bill 1306, a Bill for an Act amending the Metropolitan Water Reclamation District Act. Second Reading of this Senate Bill. Amendment #1 was adopted in Committee. No Motions have been filed. No Floor Amendments approved for consideration."

Speaker Madigan: "Third Reading. Senate Bill 1315."

Clerk Rossi: "Senate Bill 1315, a Bill for an Act regarding immunizations. Second Reading of this Senate Bill. Amendment #1 was adopted in Committee. No Motions have

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

118th Legislative Day

April 30, 1998

been filed. No Floor Amendments approved for consideration."

Speaker Madigan: "Representative Coulson. Do you wish to move your Bill to Third? Third Reading? Leave this Bill on the Order of Second Reading. Senate Bill 1364."

Clerk Rossi: "Senate Bill 1364, a Bill for an Act to amend the Illinois Vehicle Code. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Senate Bill 1372."

Clerk Rossi: "Senate Bill 1372, a Bill for an Act to amend the Illinois Public Aid Code. Second Reading of this Senate Bill. Amendments #1 and 2 were adopted in Committee. No Motions have been filed. No Floor Amendments approved for consideration."

Speaker Madigan: "Mr. Ryder. Leave this Bill on the Order of Second Reading. House Bill 1386."

Clerk Rossi: "House Bill 1386, a Bill for an Act in relation to visitation rights. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed. All Notes that have been requested on the Bill have been filed."

Speaker Madigan: "Mr. Dart. Is Mr. Dart in the chamber? Third Reading. Senate Bill 1475."

Clerk Rossi: "Senate Bill 1475, a Bill for an Act to amend the School Code. Second Reading of this Senate Bill. Amendments 1 and 2 were adopted in Committee. No Motions have been filed. No Floor Amendments approved for consideration."

Speaker Madigan: "Mr. Tom Johnson. Leave the Bill on Second Reading. Senate Bill 1508. Mr... Read the Bill."

Clerk Rossi: "Senate Bill 1508, a Bill for an Act to amend the

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

118th Legislative Day

April 30, 1998

Liquor Control Act of 1934. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Senate Bill 1561."

Clerk Rossi: "Senate Bill 1561, a Bill for an Act concerning education. Second Reading of this Senate Bill. Amendment #1 was adopted in Committee. No Motions have been filed. No Floor Amendments approved for consideration."

Speaker Madigan: "Third Reading. Senate Bill 1567."

Clerk Rossi: "Senate Bill 1567, a Bill for an Act concerning subscription to telecommunications services. Second Reading of this Senate Bill. Amendment #1 was adopted in Committee. No Motions have been filed. No Floor Amendments approved for consideration."

Speaker Madigan: "Representative Wood. Is Representative Wood in the chamber? Representative Wood. Leave this Bill on Second Reading. Senate Bill 1598."

Clerk Rossi: "Senate Bill 1598, a Bill for an Act amending the School Code. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed. The Notes that have been requested on the Bill have been filed."

Speaker Madigan: "Third Reading. Senate Bill 1599."

Clerk Rossi: "Senate Bill 1599, a Bill for an Act amending the School Code. Second Reading of this Senate Bill. Amendments 1 and 2 were adopted in Committee. No Motions have been filed. No Floor Amendments approved for consideration."

Speaker Madigan: "Mr. Winkel. Third Reading. Senate Bill 1602."

Clerk Rossi: "Senate Bill 1602, a Bill for an Act to amend the Court Reporters Act. Second Reading of this Senate Bill. Amendments 1 and 2 were adopted in Committee. No Motions

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

118th Legislative Day

April 30, 1998

have been filed. No Floor Amendments approved for consideration."

Speaker Madigan: "Leave the Bill on Second Reading. Senate Bill 1612. Mr. McAuliffe."

Clerk Rossi: "Senate Bill 1612, a Bill for an Act in relation to the Metropolitan Water Reclamation District. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Is Mr. McAuliffe in the chamber? Third Reading. The Chair recognizes Mr. Stephens."

Stephens: "Mr. Speaker, for a point of personal privilege. I'd like to make an announcement. A lot of us know former State Representative Bob Walters, and for your information Bob is hospitalized here in Springfield at Memorial Hospital. He was hospitalized yesterday. They are doing tests on him today. He is in Room 658-G. Of course we'd appreciate your prayers - any messages that you'd want to send to him at Memorial Hospital here in town in Room 658-G. Former State Representative Bob Walters. Thank you, Mr. Speaker."

Speaker Madigan: "Senate Bill 1694."

Clerk Rossi: "Senate Bill 1694, a Bill for an Act to amend the Illinois Securities Law of 1953. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Representative Mulligan. Third Reading. Senate Bill 1712."

Clerk Rossi: "Senate Bill 1712, a Bill for an Act concerning the Lieutenant Governor. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed. The Notes that were requested on the Bill have been filed."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

118th Legislative Day

April 30, 1998

Speaker Madigan: "Third Reading. Senate Bill 1838."

Clerk Rossi: "Senate Bill 1838, a Bill for an Act amending the Community Services Act. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Senate Bill 1875."

Clerk Rossi: "Senate Bill 1875, a Bill for an Act concerning transportation. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments have been approved for consideration. No Motions filed."

Speaker Madigan: "Mr. Reitz, what is your pleasure? Mr. Reitz, do you wish this Bill placed on the Order of Third Reading? Recognize Mr. Reitz. Your microphone is on. Do you want the Bill on Third Reading or Second Reading?"

Reitz: "Third Reading, please."

Speaker Madigan: "Third Reading. Mr. Black."

Black: "Yes, thank you very much, Mr. Speaker. I have an inquiry of the Chair. Actually, I have two, but let me just start with a simple inquiry of the Chair. I noticed that many Members of my side of the aisle have had their lights on for some time, and we got a call from City Water, Light & Power that it's creating a drain on the one generator they have on line. Is it your intention to recognize some of these people that have been seeking recognition for several minutes?"

Speaker Madigan: "I started with you."

Black: "Oh, well, let me defer. I'm still checking on something that I need to check with you on in a moment or two, but perhaps you could recognize those whose lights have been on far longer than mine."

Speaker Madigan: "Representative Cowlshaw."

Cowlshaw: "Thank you, Mr. Speaker. I think this is a

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

118th Legislative Day

April 30, 1998

combination of a point of personal privilege and an inquiry of the Chair. Mr. Speaker, at noon today the Committee on Aging met in Room 114 to consider only one Bill, Senate Bill 743, which is the Assisted Living Bill strongly supported by the AARP. This Bill has bipartisan support and it passed the Senate with 53 votes. We listened to testimony just on this one Bill, Sir, for almost an hour. Then Representative Wood, who is one of the five hyphenated Sponsors of this Bill, made a 'do pass' Motion so this Bill could be approved and move over here to the House floor. The person then serving as Chairman of the Committee said that there was no intention not to move this Bill along or to deal with this issue, but there would be no vote taken on that Motion and therefore he did not adjourn, but rather recessed the Committee. Now we all know that we will not be here in session tomorrow and so today is the deadline for moving any Bill out of a House committee. Given the statements by the person representing you sitting in the Chair as Chairman of that committee, there is an intention on the part of the Democrats to affirm the importance of assisted living for senior citizens and to take advantage of the fact that this committee has not been adjourned, it is recessed. My inquiry to you, Sir, is, does the Aging Committee reconvene immediately after session or have you set a time for that yet and if you have not, why not?"

Speaker Madigan: "Representative, if I could say two things. Number one, in terms of the scheduling of committee hearings, that would be decided by Mr. McGuire, the Chair of the committee. Number two, I might add, that it's my understanding that Mr. McGuire is the Sponsor of that particular Bill and he has chosen not to call the Bill."

Cowlshaw: "Mr... Mr. Speaker, when you convene a committee and

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

118th Legislative Day

April 30, 1998

you begin taking testimony on a Bill, for all intents and purposes the Sponsor has called that Bill and to even imply that only the Sponsor can make a Motion, that is for passing a Bill out of Committee, is clearly not correct because, Mr. Speaker, you and I both know that we sponsor Bills that get heard in committees on which we do not serve. In which case, someone who does serve on that committee has to make that 'do pass' Motion. Representative Wood is one of the five hyphenated Cosponsors of this Bill. She made a 'do pass' Motion. Now, in my opinion, to recess a committee while a 'do pass' Motion is still on the floor and has not been voted on is a violation of the rules, but even beyond any violations of the rules, Mr. Speaker, this is an important piece of legislation. And to not move this forward in virtual defiance of the strong support of the AARP, just does not make any sense to me from any point of view. So I want to know if we can reconvene the Aging Committee, either immediately after session or a time of your and Representative McGuire's choosing, so that we can deal with this Assisted Living Bill."

Speaker Madigan: "Mr. McGuire, the question is, do you plan to reconvene your committee this afternoon? Could you please answer the question? Mr. McGuire."

McGuire: "Mr. Speaker, I would like to ask Joe Lyons to answer for me. I've had trouble with my voice for two days and he ran the meeting this morning, but I was there, of course."

Speaker Madigan: "Mr. Lyons."

Lyons, J.: "Mr. Speaker, I adjourned the Aging Committee in light of recessed...recessed the Committee in light of the fact we had testimony to give on this Bill. It's a very long-reaching Bill that needs a little bit more look than

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

118th Legislative Day

April 30, 1998

one meeting in our Aging Committee, which we had one hour to look at this issue. It was the intent of the Sponsor of the Bill to not call the vote. According to the Rules, according to my interpretation, we have the right to not call the Bill if that is what the Sponsor so wishes."

Speaker Madigan: "Thank you, Mr. Lyons and thank you, Mr. McGuire. Mr. Cross. Excuse me, Representative Cowlshaw."

Cowlshaw: "Mr. Speaker, if the intent of the first named Sponsor as well as the others on this excellent bipartisan Bill is that it should continue to be discussed and moved along in this process, then, Mr. Speaker, do you not have it within your power to extend the deadline, the committee deadline for this Bill so that it could be heard again next week?"

Speaker Madigan: "On a matter such as that I would confer with the Chair of the committee."

Cowlshaw: "Well, the Chair of the committee is right here. Maybe you could ask him if he'd be willing to have the deadline extended."

Speaker Madigan: "I will do that in due time."

Cowlshaw: "Thank you."

Speaker Madigan: "Thank you. Mr. Cross."

Cross: "Thank you, Mr. Speaker. Perhaps we left the issue of property tax relief a bit prematurely. I have filed a Motion with the Clerk and I would orally as well move that you would extend the committee deadline and Third Reading deadline to May 22nd of this year for the following Bills: Not only House Bill 3615, which Leader Daniels mentioned earlier, but as well House Bill 3184, sponsored by Representative Jones, which expands the Circuit Breaker Property Tax Relief Program. House Bill 2544, sponsored by Representative Mitchell, which provides tax relief. House Bill 2545. A fine Bill sponsored by Representative Lawfer

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

118th Legislative Day

April 30, 1998

which expands the Senior Citizen Assessment Freeze Program. Representative Winkel has House Bill 3618 which requires a reduction of the school portion of a homeowner or farm owner's property tax bill. House Bill 2410, sponsored by Representative Mike Brown and Representative Roskam. House Bill 2576, which doubles the 5% income tax credit on property taxes paid for a period...the next five years. Mr. Speaker, every one of those Bills was filed at the appropriate time as the House Rules dictated. Every one of those Bills has been stuck in Rules up to today's date. Every one of those Bills, to the best of my knowledge, had a letter sent to the Majority Leader requesting that they be discharged from the Rules Committee. To date, they have not. It was my understanding that when we began this session that you were going to have an open process and allow all Bills to be heard. We have, conservatively, a billion dollar surplus in our State Budget according to Leader Daniels. Others would suggest that we are going to have up to one and a half billion dollars, one and a half billion dollars in our state budget. That's not funny money, that's not manipulating numbers by accountants, that's real honest to goodness money set aside in a savings account. We need to consider these Bills. I would move once again that you extend the committee deadline and Third Reading deadline for House Bills that I just mentioned and I guess I would quote the words of Calvin Coolidge, who not only used to be the President of the United States but did many other fine things; his line of collecting more taxes than is absolutely necessary is legalized robbery, is where we're heading in this state if we don't do the following Bills and consider them. So I would move that you extend that deadline."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

118th Legislative Day

April 30, 1998

Speaker Madigan: "Mr. Cross, your Motion is out of order pursuant to the rules."

Cross: "I would appreciate it if the Parliamentarian could cite that and I would move to override the Chair if you persist in your Motion."

Mike Kasper: "Representative Cross, on behalf of Speaker Madigan, the Motion is in order when it relates to any power within the Membership. The House Rules, particularly Rule 9, provides that the power to set the schedule for individual Bills rests with the Speaker and not with the Membership. Therefore, a Motion is not in order under these rules."

Cross: "Well, Mr. Parliamentarian, my understanding is 18 other Bills, 18 other Bills have had the deadline extended. What would be the justification for extending those 18 Bills and not these Bills that deal with property tax relief? Eighteen other Bills, if I'm correct."

Speaker Madigan: "Mr. Cross, the extensions you're referring to were not done by Motion."

Cross: "Well, then perhaps you could take away my Motion. Mr. Speaker, will you kindly extend the deadline on those Bills I just mentioned?"

Speaker Madigan: "No."

Cross: "Can you tell me why?"

Speaker Madigan: "I choose not to. Now, did you wish to appeal the ruling of the Chair?"

Cross: "I definitely persist in my Motion to overrule the Chair or sustain the Chair, however you want to phrase it."

Speaker Madigan: "The Gentleman moves to overrule the Chair. The question is, 'Shall the Chair be sustained?' Those in favor of sustaining the Chair vote 'aye'; those opposed vote 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

118th Legislative Day

April 30, 1998

record. The Gentleman's Motion to overrule the Chair fails. Mr. Rutherford."

Rutherford: "Thank you, Mr. Speaker. Because there's... all of us are here, the media and the public is watching, could you explain to the Body what criteria is used to determine whether an extension is given by the Speaker or not?"

Speaker Madigan: "No, I cannot, Mr. Rutherford."

Rutherford: "Is it that you don't have a criteria or you're just... not wanting to..."

Speaker Madigan: "The decisions are made on a Bill by Bill basis."

Rutherford: "And could you give some kind of a parameter, I mean, because they are sponsored by certain Members?"

Speaker Madigan: "No."

Rutherford: "Because they are Democrats or Republicans, because they have certain subject matter dealing with taxes or agriculture, the environment, conservation, any... any clue whatsoever as to what goes through the process to determine a Bill extension deadline?"

Speaker Madigan: "There is no criteria."

Rutherford: "No criteria, whatsoever?"

Speaker Madigan: "That is correct."

Rutherford: "Completely... A Ouija Board, even?"

Speaker Madigan: "There is no criteria."

Rutherford: "Then let me follow up then on House Bill 3615. Would the Speaker consider the extension of House Bill 3615?"

Speaker Madigan: "No."

Rutherford: "Is there at this point on this Bill any criteria?"

Speaker Madigan: "I missed your question."

Rutherford: "I said if this... Recognizing that you had no criteria necessarily for the previous ones for yes or no,

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

118th Legislative Day

April 30, 1998

is there a specific reason for this Bill that there is a no given?"

Speaker Madigan: "No, there is not."

Rutherford: "Thank you."

Speaker Madigan: "Mr. John Turner."

Turner, J.: "Thank you, Mr. Speaker. Many Members on my side of the aisle, either by a Motion to extend or a Motion to bring these tax considerations out of committee, have not been successful in doing so. I have to tell you, Mr. Speaker, you've always been very fair with me. I go home to my district every week and every week I hear from my constituents, why can't we have property tax relief? And I'm sure that the Members on your side of the aisle hear the same thing, and the only thing that we can do as Legislators under the control of the Speaker is to make the appropriate Motions. And when those fail, or when we are overruled, we are left with only one alternative and that is to ask you to move these Bills, to bring them out of the Rules Committee or to extend the deadlines. And so I'm asking you, Mr. Speaker, on behalf of the people in the 90th District and on behalf of the people of the State of Illinois, if you will consider allowing us to at least debate whether or not the people from the State of Illinois should have property tax relief. I can't believe that the Majority Leader speaks for every single Member on your side of the aisle when she stood up and made what seemed to be an eloquent assertion that we didn't need to consider property tax relief. I think it is very important and I think that people on your side of the aisle want to hear us at least debate it and I believe that we should be allowed not only to debate it but then to vote on it. I would like to again remind the Speaker, as it's already been indicated

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

118th Legislative Day

April 30, 1998

to you, that there is going to be a billion dollar surplus. It could, in fact, be 1.5 billion dollars. I would also like to point out to the Speaker that other states are either considering or already have passed property tax relief. Those states include Kansas, New Hampshire, New York, Oregon, Indiana, Connecticut, Texas, Iowa, Maryland, Missouri, Minnesota, Rhode Island, Virginia. Those states and the people from those states are getting tax relief. The people from the State of Illinois deserve that same kind of property tax relief and at least a debate on it. Mr. Speaker, would you allow the General Assembly to debate the issue and take a vote on whether or not the people of the State of Illinois should have property tax relief."

Speaker Madigan: "Mr. Daniels."

Daniels: "Mr. Speaker, today it was brought to my attention that there was an article in one of our news media regarding allegations that your office, you, in particular, and your staff were going to engage in retaliatory actions against anybody that brought up issues relating to the Bradford contract. Now, I ask you this, and I ask you this because in 1995 when you wrote me a very similar letter to the one that I wrote to you last week and you accused this side of the aisle of fraud and, of course, the matters turned out not to be that and corrective actions were taken. There was no action, concerted action, to attack you individually or personally or any Member on your side of the aisle that felt strongly about that issue. We answered those questions and addressed them. Now, apparently, because some people on your side of the aisle or staff members don't like the context of the letter that we sent, which is almost identical to your '95 letter and our Resolution, which is almost identical to your Resolution in '95. The

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

118th Legislative Day

April 30, 1998

indications are that your press secretary and members of your staff are claiming that your office will undergo a concerted effort of intimidation, retaliation, threats and other efforts to punish, 'those people that have been part of the questioning of this contract.' Now, Mr. Speaker, the inquiry is of the Chair. Are you or any member of your staff engaging or will you engage in retaliatory efforts against any Member of this House, Republican or Democrat, or any staff person, Republican or Democrat, as a result of the questioning and the discussions relating to the Bradford contract?"

Speaker Madigan: "The answer is no."

Daniels: "I'm very pleased to hear that and I think that's the right way to go. Now we can assume then that some of the allegations about you're going to release individuals phone records and some of the things that we've been reading about in the newspaper or one of these informational sources, I think they call themselves an intelligent thing, one of those things are inaccurate and that their sources are not telling the truth as it relates to you and your administration. Is that correct, Sir?"

Speaker Madigan: "I'm not going to speak to the contents of any publication. I answered your question."

Daniels: "All right. Well, then we're glad to hear that that report was in error and erroneous because I told Members on my side of the aisle that I'm sure that you understood that these things were dealing with the issue of good government and we believe strongly in that, just as you did in 1995 when you brought up the very same questions. Thank you."

Speaker Madigan: "Mr. Black, are we going to have the pleasure of your dulcet tones again?"

Black: "I certainly hope so, Mr. Speaker. I appreciate your

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

118th Legislative Day

April 30, 1998

indulgence. I do have an inquiry of the Chair and I know yesterday, and I agreed with you completely, as many of us in this chamber do about the workings of the Senate - a very strange Body, very, very difficult to understand. But I am concerned about one item that is currently under consideration in the Senate. According to LIS, dated April 29, 1998, a Bill was moved from Second to Third Reading today in the Senate, sponsored by a Gentleman by the name of Representative Bradford. Now could this shadow be so gigantic that it is going clear across the rotunda? Shouldn't that name have been changed? Is he able to do this? I mean, this is something that should be on the Fox Network, the world's scariest Bill sponsor or something. How is he doing this? Surely he can't be sponsoring this Bill that's in the Senate. Do you have it within your power to reach out to our colleagues in the Senate and perhaps indicate that Mr. Bradford should not be the Sponsor of the... and get this, the Tort Immunity Bill?"

Speaker Madigan: "We'd be pleased to pass along your interest and your information. I'm not sure what the result will be in the Senate."

Black: "Well, that's... Mr. Speaker, that's probably the most honest answer you have given this week and I want you to know that I'm with you on that 100%. But it would be interesting to see if this Bill continues under the sponsorship of former Representative Bradford, but...and I do appreciate that. I think it is something that we do need to look into because this man's reach is exceeding his grasp. A paraphrase on an old quote, Mr. Speaker. But I digress. Mr. Speaker, pursuant to House Rule 13, I would ask the Speaker to create a special committee, which you certainly have the right to do pursuant to House Rule 13

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

118th Legislative Day

April 30, 1998

and you've done so this year on the very important topic of hogs. Perhaps a special committee, seriously, on the importance of property taxes and property tax relief could be committed by you. Could be commenced as your rules permit and that we could at least have a committee hearing on the various and sundry proposals to...and something that I think all of us in this chamber can support on a simple concept of returning to the taxpayer what is, in fact, belongs to the taxpayer. It's not our money. And rather than sit here day after day figuring out ingenious ways to spend it, why not create a special committee to at least debate in that committee the process, procedure, ideas, concepts of returning some of the money created by boom times in the State of Illinois to the taxpayer. I think that's a very reasonable request. If we can create one to see if hogs can fly, we can certainly create one to see about property taxes being relieved for those overburdened taxpayers and/or any creative idea that might put some tax money back in the pockets of the taxpayer. So pursuant to that rule, Mr. Speaker, I know I'm joined by colleagues on my side of the aisle and I would think by your side of the aisle, create that special committee in the time we have left and let's debate the issue. If we can't...if you won't let us do it on the floor, at least let us do it in a committee. The special livestock committee seems to have worked fairly well, depending on who you talk to, so perhaps the committee on property tax or tax relief could also work as well, Mr. Speaker. I would hope you would take that under consideration and create that committee and at least move the issue to full and open debate in a committee hearing."

Speaker Madigan: "Mr. Biggins."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

118th Legislative Day

April 30, 1998

Biggins: "Thank you, Mr. Speaker. I would like to add a little information about the Revenue Committee Hearing that we had this morning. We discussed House Bill 3615 and the fine Majority Leader did indicate what had transpired in the meeting, that the Bill did not pass. But her report neglected to break down the vote and strange as it may seem, every Republican voted for middle class property tax relief in committee this morning, but every Democrat on the Revenue Committee did not. Now, that happened and things happen, but I can't believe that every Democrat on that, a Member of this Body, would vote against property tax relief. I think that it's only fair to your Members to give them a chance to show that they're for property tax relief by putting up House Bill 3615, so that those that want this will have an opportunity to vote for it and I'm sure all of them would not vote against it as they've already done today. Mr. Speaker, would you tell me if you're going to put up House Bill 3615?"

Speaker Madigan: "The answer is, no. Mr. Tom Johnson."

Johnson, Tom: "Thank you, Mr. Speaker. Just an announcement, but before I do that I would just like to echo the sentiments of my colleagues here. Being one of your Chairmen, one of your bipartisan Chairmen, I know that you do not want to be arbitrary and capricious in terms of the way you conduct yourself as Speaker and I would urge that you would extend the time just as you have with other Bills so that we can get a full and fair debate as it relates to tax relief for the taxpayers here in Illinois. Now, as to my announcement. The announcement is, the Prison Reform Committee will not meet today as scheduled. Thank you."

Speaker Madigan: "Mr. David Phelps."

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

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

118th Legislative Day

April 30, 1998

House. Just, Mr. Speaker, just in case you take in consideration the requests from the Gentlemen on the other side of the aisle over the weekend to digest about possibly forming a task force on property tax relief or whatever, I would like to volunteer to be one of those who continues...hopefully... Maybe we could name this task force the Nine Hundred Million Dollar Property Tax Relief Savings that we both cosponsored last year. Maybe we could name it that. That would be a good goal."

Speaker Madigan: "Mr. Phelps, would you like to call your Senate Bill 560 on the Order of Third Reading?"

Phelps: "Sure, why not?"

Speaker Madigan: "Mr. Clerk, read the Bill. Senate Bill 560."

Clerk Rossi: "Senate Bill 560, a Bill for an Act to amend the School Code in relation to State goals for education. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. Phelps."

Phelps: "Thank you, Mr. Speaker. This is the Bill that Senator O'Malley sent over that addresses most of the standards that the State Board of Education has been working, along with the other groups that...teachers' groups that have been also in negotiations and for the most part, I don't think they're earthshaking. And it's been on the Calendar for awhile and I'd be happy to try to answer any questions."

Speaker Madigan: "Mr. Parke."

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

Speaker Madigan: "The Sponsor yields."

Parke: "Mr. Phelps, I have...I need to understand what standards you're referring to. Can you share two standards that you're talking about?"

Phelps: "Well, for the most part, I think we're talking about the

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

118th Legislative Day

April 30, 1998

standards that the Federal Government has imposed upon states to consider, and those that we took into consideration in 452. Outside of that, I think they're pretty much what we've embraced throughout the Legislative Session last year in our discussions."

Parke: "Representative Phelps, can you give me two examples of what you're talking about? I still don't know what you're talking about."

Phelps: "Well, the standards of excellence and also the testing provisions. The requirements that we look at students in terms of their graduation through 12 grades. The reading standards, what we expect them to reach at the level of fifth grade. The mathematic standards that we talked about. So... And then I think the Goals 2000, some of those questions that we've refined in the language in this Bill that are more acceptable to, I think, you and I."

Parke: "You're telling me that there's Goals 2000 standards in this Bill?"

Phelps: "Well, when I...when we refer to that, we're talking about the federal standards that come to the state to be considered. Our tag, Goals 2000, that's part of the whole subject matter here. But in that context, we have framed more of our own acceptable goals that we're not objectionable to. Some of the Christian Coalition groups and other people that felt like they were objectionable. So, this...this piece of legislation has somewhat improved that further acceptance in general terms."

Parke: "Representative Phelps, are these mandated requirements from the Federal Government or are these suggestions that have come from some group out of Washington D.C. saying that all states should implement this or something similar to it, or is this voluntary and are we accepting their

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

118th Legislative Day

April 30, 1998

recommendations?"

Phelps: "They're mandated in the sense that the states then have a right to redefine or restructure, but the general intent, I think, is handed down from the Federal Government. But it's not like verbatim and that's what...that was one of the flexibility provisions that we embraced in this piece of legislation. So we have some of our own personality, the state, our own voice into these goals but, essentially, they're universal throughout the 50 states."

Parke: "And if we do not implement this Bill, there will be no sanctions against the state?"

Phelps: "I'm sorry, I didn't hear that."

Parke: "Mr. Speaker, we're having trouble hearing. Again, if we do not implement this Bill, there's no sanctions that the Federal Government can bring against us?"

Phelps: "Not that I'm aware of."

Parke: "And do you think...are these guidelines that we're offering to every school district in the state saying these are recommendations from the Federal Government and we have customized it for the State of Illinois, and now we think these would be good ideas for you to accept in your school districts?"

Phelps: "Right. Except the public hearings and the input, what's structured here have had local boards and districts input. So it's not like we're just handing it down and they're seeing it for the first time."

Parke: "Has there...was there...in the committee hearing, was there any objections to this by anybody?"

Phelps: "I really can't remember because we haven't done that...we didn't attend to this this particular year. So this is carryover. So I don't believe so. I don't remember if there were. I honestly don't remember."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

118th Legislative Day

April 30, 1998

Parke: "What did this pass out of committee with? What was the vote? What was the vote that this passed out of committee under? Do you remember that?"

Phelps: "It was overwhelming, but I don't know if it was unanimous. I really can't remember."

Parke: "Does your analysis show you what the Roll Call was?"

Phelps: "No."

Parke: "Thank you, Representative Phelps."

Speaker Madigan: "Mr. Black."

Black: "Yes, thank you, Mr. Speaker. First of all, an inquiry of the Chair. Could the Clerk tell us if any Amendments have been added to the Bill?"

Speaker Madigan: "Mr. Clerk."

Clerk Rossi: "No Amendments have been adopted to the Bill. Floor Amendments 1 and 2 are pending in the Rules Committee."

Speaker Madigan: "Mr. Black."

Black: "Yes, thank you. Mr. Speaker, for further edification, could the Clerk inform me - this is a low numbered Bill, so it's been around most of this General Assembly Session going back even to last year. Was, in fact, Senate Bill 560 ever assigned during the calendar year 1998 to committee?"

Phelps: "Mr. Speaker, can we just take this out of the record?"

Speaker Madigan: "Mr. Phelps requests that the Bill be taken out of the record."

Black: "I think that's a very wise idea. This is a gross abuse of the process, Mr. Speaker. This Bill was discharged from the Rules Committee and sent directly to the floor. Now, if it's good enough for Senate Bill 560 that's been around here as long as some of the Members, then it's good enough for the Bill that we would like discharged from Rules

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

118th Legislative Day

April 30, 1998

Committee. That's the abuse of the process that drives me to distraction and distraction is about 30 miles south of where I live. It's that abuse of the process that I don't understand."

Phelps: "Mr. Speaker, I took the Bill out of the record."

Black: "You better take the Bill out of the record."

Speaker Madigan: "The Bill is out of the record."

Black: "You ought to be ashamed trying to slip this through."

Speaker Madigan: "The Bill is out of the record."

Black: "That's an abuse of the process and you know it."

Speaker Madigan: "Mr. Schoenberg, do you wish to call your Senate Bill 1215? Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1215, a Bill for an Act amending the Criminal Code of 1961. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. Schoenberg."

Schoenberg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 1215 amends the Criminal Code concerning domestic battery. It provides that domestic battery... The current law provides that domestic battery is a Class A misdemeanor and that a subsequent or second offense is a Class IV felony. The Bill provides that domestic battery would be a Class IV felony if the defendant has a prior conviction under this code for domestic battery or a violation of an order of protection. The Amendment... This Bill seeks to impose harsher penalties to those who commit domestic battery. There was no opposition to this initiative, which was an initiative of Cook County State's Attorney Richard Divine. There is an Amendment to the Bill. The Amendment to the Bill is an initiative that I'm collaborating on with Attorney General Ryan, the chiefs of police, with respect to the tracing of illegally used firearms. I'd be happy to answer any

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

118th Legislative Day

April 30, 1998

questions. There's no opposition to the Amendment, as well."

Speaker Madigan: "Mr. Parke."

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

Speaker Madigan: "The Sponsor yields."

Parke: "Representative Schoenberg, why, in your opinion, is this necessary? What are we going to achieve and help those battered men and women that this Bill's addressing? Why do we need this?"

Schoenberg: "What this Bill...what this legislation do, would provide in the course of sentencing a strong...establishes a causal relationship between the original offense and the subsequent offenses and it would provide, I believe, further deterrent for repetitive behavior in acts of domestic violence."

Parke: "Representative, have we shown that when we stiffen penalties that we in fact deter these kinds of crimes? Have we had a progression of just more serious court... I mean prison time or incarceration? Have we shown that we are achieving goals that you're hoping this legislation will achieve?"

Schoenberg: "What we've sought to do through this legislation is to realize the nexus between the two offenses, between domestic violence and violation of the order of protection, and essentially treat...seek to treat them as one offense for the purpose of sentencing. So, therefore, under the Bill the way this is crafted, an individual who is convicted of domestic battery and later for a violation of an order of protection would be sentenced as if they had committed either act twice. What this really does is acknowledge that there is a causal relationship between this repetitive behavior and treat it as if it is

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

118th Legislative Day

April 30, 1998

repetitive behavior for the purpose of sentencing. In doing so, this would indeed provide, I believe and law enforcement officials such as State's Attorney Divine who has extensive experience in this matter, would provide that it would not only help them in terms of prosecutions, but also provide a significant deterrent for repet...against repetitive behavior for this very offensive and egregious offense."

Parke: "Well, is this the first time we've done anything like this or have we tried this in other...in other violent...acts of violence, or is this the first time we've tried this?"

Schoenberg: "This is the first time that I'm aware in the context of domestic violence that we are seeking to recognize the causal and strengthen, really, the acknowledgement for the purposes of sentencing that there's a causal relationship between the two."

Parke: "Mr. Speaker, I'm just having trouble hearing the Representative and this is a very important piece of legislation. Representative Schoenberg, what is the current penalty for this?"

Schoenberg: "As I indicated in my opening remarks, the current law provides that domestic battery is a Class A misdemeanor and that a second or subsequent offense would be a Class IV felony. The Bill establishes that domestic battery would be a Class IV felony if the defendant has any priors under this code for domestic battery or violation of an order of protection. That's how the Bill changes the existing law."

Parke: "So this is something that will just put more teeth into those people who break orders of protection. And they don't necessarily really have to physically accost the abused, but by virtue of being on the same property after

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

118th Legislative Day

April 30, 1998

the judge has told them they cannot be within a hundred feet of the abused person, this then will move from a misdemeanor to a felony. And that we think now with this Bill that we will give the court more teeth to deal with domestic abusers?"

Schoenberg: "That's absolutely correct. And if you look, not just in Cook County but in other counties, the judicial system has really stepped up its efforts to recognize the causal relationship between the offenses and in this particular case you're absolutely correct, it is putting more teeth into the law. It's giving judges the opportunity to put a halt to this damaging and offensive repetitive behavior."

Parke: "Now, does this law apply to all of the counties in the State of Illinois? There's no exemptions to this, is there?"

Schoenberg: "Sir, as I understand it, this would apply to all counties within Illinois."

Parke: "And what will be the effective date of this legislation?"

Schoenberg: "As I understand it, Sir, the effective...this Bill would be effective immediately upon becoming law, upon the Governor's signature."

Parke: "Would that require 71 votes then, if it's an immediate effective date? I guess the Chair... Mr. Speaker, a point of...inquiry of the Chair. Does this take 71 votes if it's an immediate effective date?"

Speaker Madigan: "Mr. Parke. Mr. Parke. I wouldn't think so, Mr. Parke."

Parke: "Okay, thank you, Representative Schoenberg, I appreciate the feedback."

Schoenberg: "Thank you."

Speaker Madigan: "Representative Lindner."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

118th Legislative Day

April 30, 1998

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

Speaker Madigan: "The Sponsor yields."

Lindner: "Representative, concerning the Committee Amendment, that concerns tracing by local law enforcement agencies. Is that correct?"

Schoenberg: "That's correct."

Lindner: "Are all our local law enforcement agencies equipped to do that or will they have to initiate any new program in order to do that?"

Schoenberg: "I'm sorry, could you repeat the question, please?"

Lindner: "I said are all the local law enforcement agencies equipped to do this tracing or will they have to start some new program to do that?"

Schoenberg: "All local law enforcement agencies do have the technological capability of participating in the tracing. You may recall, Representative Lindner, that last year we sent to the Governor's desk a Bill which did this very thing for all illegally obtained, illegally used firearms committed by individuals under the age of twenty-one as a way of tracing. It is not only tracing the origin of those illegally used firearms by juveniles, but also as a means of ensuring...as a means of ensuring that stolen firearms were returned to their rightful owner. What this essentially does, is take that same procedure and eliminates the age threshold of age of twenty-one and indicate that all crimes, when they're committed with a fire...an illegally obtained firearm, would be...law enforcement officials could do the tracing. And as I indicated in my opening remarks, the Attorney General Ryan, the Chiefs of Police are among those who support this and there has been no opposition either to last year's new law or to this initiative to date."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

118th Legislative Day

April 30, 1998

Lindner: "And right now do local law enforcement agencies have to do this for both federal and state or only state?"

Schoenberg: "Though they're able to do so literally through the click of a mouse."

Lindner: "The click of a mouse?"

Schoenberg: "The click of a mouse."

Lindner: "And so this will not cost any of the local law enforcement agencies more money?"

Schoenberg: "That is correct."

Lindner: "And also is there any opposition to this Bill?"

Schoenberg: "None whatsoever."

Lindner: "All right. Thank you."

Speaker Madigan: "Representative Black."

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

Speaker Madigan: "The Sponsor yields."

Black: "Representative, let me expand upon something that Representative Lindner was talking about. I... Do you have your Bill file with you? I know we requested a Mandates Note on the Bill because it is requiring local units of government to perform a trace on firearms used in certain crimes. Do you have a copy of that Mandates Note?"

Schoenberg: "Mr. Black, I don't have my Bill file with me. If you will hold on a moment I'll check our staff files to indicate or you may wish to inquire of the Clerk."

Black: "You don't have your Bill file with you?"

Schoenberg: "That's correct."

Black: "Representative, we expect you to come to the floor every day fully prepared to debate the business of your portfolio."

Schoenberg: "For the action that I was anticipating, Mr. Black, I'm prepared."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

118th Legislative Day

April 30, 1998

Black: "An inquiry of the Chair. Has the Mandates Note been filed on the Bill? Yes, Representative Schoenberg doesn't have his Bill file with him and he suggested I ask the Clerk..."

Schoenberg: "Excuse me, excuse me, Sir. I do have a legitimate copy of a State Mandates Note and the...it states that it fails to create a state mandate under the Mandates Act. And the reason why was really in response...as I indicated in my response to Representative Lindner's inquiry, because of the availability, the access to the technology that all law enforcement officials already have, they are able, literally, with the click of a mouse, with a click of a computer mouse to enter the national tracing centers of the Federal Bureau of Alcohol, Tobacco and Firearms. So, there really is no cost because it's part of an existing procedure in technology."

Black: "And assuming what you say is true, I have no argument with that. But let me ask you, I don't know the answer to this question. You assume that every law enforcement entity in the State of Illinois has the necessary computer equipment and linkage to access the database. Now, I know in many rural districts I'm not sure that's the case. I mean, are you telling me that that is the case, no matter how small your police department, this does not create a burden because you are linked by technology to this database?"

Schoenberg: "What I can tell you, Mr. Black, is that the language of the Bill is permissive to the extent that it provides that law enforcement shall trace firearms with the best available information. As I said, Mr. Black, this is identical to that which we have already passed into law with respect to illegally used firearms by individuals

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

118th Legislative Day

April 30, 1998

under the age of twenty-one. Firearm tracing is not only useful for being able to determine the trail of where illegally trafficked and obtained firearms are coming from, but it also is extremely helpful for law enforcement officials to return stolen firearms and stolen property to those who legally and rightfully own them."

Black: "All right. I just want to make sure, because in many downstate areas we do have incorporated communities that really and truly do not have a sworn police force at all. They may hire an off-duty police officer from one of the surrounding towns to patrol eight hours a week or twenty hours a week. So, I'm going to make an assumption, you tell me if it's correct. In that case would the Sheriff's Department of that county then be the responsible entity to initiate the trace?"

Schoenberg: "I'm sorry. I'm talking to two people at once. Could I indulge you one more time?"

Black: "And doing a very good job of it I might add."

Schoenberg: "Well, you're never alone with a schizophrenic, Mr. Black."

Black: "Can you give me some assurance, given the fact that there are communities in my district that do not have a sworn police force, while they may contract with a sworn officer from a larger community. In case this happens in one of those very small communities, I'm assuming then that the Sheriff's Department would assume responsibility for the technology and the tracing of the firearm. Is there anything in your Bill that you see that would not allow that?"

Schoenberg: "There's nothing in it that would preclude that, no."

Black: "All right. And, in fact, the Sheriffs' Association supports the Bill, do they not?"

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

118th Legislative Day

April 30, 1998

Schoenberg: "I believe so."

Black: "And as I recall the earlier testimony, the NRA registered no opposition to the Bill either."

Schoenberg: "The NRA, the Illinois State Rifle Association, did not register opposition to this as they did not register opposition to last year's Senate Bill 550 which became law."

Black: "Okay. All right. So the thrust of the Bill is not so much with the tracing of the firearm, but it's to enhance the penalty of someone who violates an order of protection. It's been awhile since we discussed that. Is that your intent?"

Schoenberg: "In short, the Bill enhances the domestic violence penalties associated with violations of orders of protection and it just lifts the age...it lifts the age threshold, which was previously established for twenty-one, for law enforcement officials to participate in the firearm tracing program."

Black: "Okay. And just... I have had a couple of letters and phone calls on this. To refresh my memory and perhaps some others, I believe a federal law that went into effect three years ago already states that even if you are currently a sworn police officer and you have had a conviction of domestic violence, that can be cause to take away your authority to carry a gun. And I think some people are thinking that's what your Bill does, and as I recall, a federal law already does that."

Schoenberg: "That's absolutely correct."

Black: "All right. So, what we have here is a Bill endorsed by most every law enforcement entity in the state, has no opposition that we're aware of, no organized opposition and simply trails a Bill that you passed a year ago."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

118th Legislative Day

April 30, 1998

Schoenberg: "That's correct."

Black: "You know, you've done an outstanding job for a young fellow and I commend you and I rise in support of your Bill."

Schoenberg: "Thank you, Sir."

Speaker Madigan: "Mr. Dart."

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

Speaker Madigan: "The Sponsor yields."

Dart: "Jeff, I was trying to, I'm sorry to interrupt you earlier. I was looking through the Bill myself and I have a concern with the domestic battery section that maybe for legislative intent or maybe you can just clarify it. I'm concerned we're actually lowering the penalty here. Because the way...the way I look at it under existing law right now, domestic battery is a Class A misdemeanor and for a misdemeanor you can get court supervision or the like for a misdemeanor. Under present law it says a second or subsequent violation of this act is a Class IV felony? So that would mean, supervision or no supervision, if you violate this act, the second violation is a Class IV felony. We're deleting that part and we're adding new language saying domestic battery is a Class IV felony if the defendant has any prior conviction for domestic battery. A conviction is different than supervision."

Schoenberg: "That's correct."

Dart: "And as I say, maybe you can clarify this for me, but I'm just concerned that the language here is not properly drafted and that I'm worried that we may be lowering the penalty here because you can get court supervision, which would be a violation of this act, and under this you can get five court supervisions and the felony would not kick in. Is this something that was addressed in committee?"

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

118th Legislative Day

April 30, 1998

Schoenberg: "This is identical to the crime... Thank you for raising that because Representative John Turner astutely asked this very question in committee and we answered it that...the same way, that the intent is to enhance the penalty and that the reading and the interpretation, as it was crafted by State's Attorney Divine and his staff, was to enhance the penalty."

Dart: "Was to enhance it. So, then, the intent of this Bill would be that a second violation would be a Class IV felony?"

Schoenberg: "Correct."

Dart: "So whether it was court supervision or whatever for domestic battery, then that would be...you'd be able to get it raised to a Class IV felony?"

Schoenberg: "Correct."

Dart: "Okay. Thank you."

Schoenberg: "Thank you for raising this."

Speaker Madigan: "Mr. Cross."

Cross: "Thank you, Mr. Speaker. Inquiry of the Chair. And while I support the Bill, I do have a parliamentary inquiry and it deals in the area of subject matter, same subject issue, and I see the Constitution says that Bills shall be confined to one subject. Part of this Bill deals with domestic violence, part of this Bill deals with firearm tracing. Could we get a ruling from the Parliamentarian with respect to the issue of the single subject issue?"

Mike Kasper: "Representative Cross, as to your inquiry regarding the constitutional provision, the single subject provision of the Constitution is one that, as you know, is subject to judicial interpretation rather than legislative interpretation and so that is a matter to..."

Cross: "I can't hear you, Mike, I'm sorry."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

118th Legislative Day

April 30, 1998

Mike Kasper: "I'm sorry, Representative. The single subject clause of the Constitution is one that is subject to judicial interpretation and it is the role of the courts to apply whether or not that provision has been complied with, and our House Rules permit the Chair to rule on the germaneness of proposed Amendments to the Bill. This Bill is on the Order of Third Reading. There are no proposed Amendments pending on this rule, so I believe your inquiry, which may have been properly brought when the Amendments were proposed, either in committee or on the Order of Second Reading, is untimely at this point."

Cross: "Are you suggesting or telling us that to respect to the constitutionality of a issue or a Bill, that there is no time in which we can ask a question. Not the germaneness issue, but the constitutionality. I mean, I think they're separate issues. I mean, perhaps they're the same, but we potentially then are passing a Bill out of here that will be ruled unconstitutional. And once again, I preface my comments with the fact that I support the Bill. I support both issues but the Constitution is very clear that the Bill shall be confined to one subject and while I understand that we're talking about the Criminal Code or that the Bill speaks of the Criminal Code, we're talking about two different sections, firearm tracing and domestic violence. And I'm trying make sure that we end up with a Bill that is constitutional."

Mike Kasper: "Representative, again, I believe that as to the application of that constitutional provision in question, the House Rules do not permit the Chair to make that determination on this Bill which is analogous to the germaneness rule."

Cross: "When would be the time to make that request, Mr.

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

118th Legislative Day

April 30, 1998

Parliamentarian?"

Mike Kasper: "The proper time to bring the inquiry would be at a time when Amendments are pending before the Bill, either in committee or on the Order of Second Reading."

Cross: "Well, perhaps the Sponsor wants to move it back to Second. I'll ask the question. I think there's a legitimate question about the...on the single subject and I don't know if he wishes to do that, but... "

Schoenberg: "Mr. Speaker, I'd like to proceed on Third Reading and explore this issue further as the Senate prepares to consider this for concurrence."

Cross: "Thank you, then."

Speaker Madigan: "Mr. John Turner."

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

Speaker Madigan: "Mr. Turner?"

Turner, J.: "Will the Sponsor yield?"

Speaker Madigan: "The Sponsor yields."

Turner, J.: "Thank you, Mr. Speaker. Representative, with regard to the language on tracing a weapon or a gun, what's your intent there as to how that actually works in practice?"

Schoenberg: "Mr. Turner, the current law enables law enforcement officials, local law enforcement officials to access the National Tracing Center of the Federal Bureau of Alcohol, Tobacco and Firearms to...in complying with the existing statute relating to firearms that were recovered by individuals under the age of twenty-one who use them illegally. This would...the same process would be in place. We are merely lifting the age barrier of...and enabling law enforcement officials to undergo, to access the same process of the tracing system as it currently exists and as they have been since Senate Bill 550 became law."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

118th Legislative Day

April 30, 1998

Turner, J.: "Well, when the National Tracing Center makes the trace, what do they do with that information?"

Schoenberg: "I'm sorry, Sir, could you repeat the question again?"

Turner, J.: "What do they do with the information that they obtain upon doing the trace?"

Schoenberg: "The information that's obtained from tracing has more than one purpose. One purpose is to enable law enforcement officials, not only on a local level but...and on a state level, but on a national level, as well, to discern patterns of use of firearms as a result of making them part of the tracing system. In fact, prior...after...just recently I was able to obtain off the internet a very fascinating study that was funded by the Department of Justice on the effectiveness of tracing since the imposition of the Brady Bill. This not only allows law enforcement officials from the local level all the way up to the national level to discern trends in the use of illegally used firearms, but it also, on the most basic level for the individual gun owner whose firearm may have been stolen, this would be an immeasurable help in enabling local law enforcement officials to follow the trail of that firearm and hopefully reacquiring it for its rightful owner."

Turner, J.: "So, there could be subsequent criminal charges filed based upon whatever is found through the tracing? Is that correct?"

Schoenberg: "I believe so, but I can double check if you'd like."

Turner, J.: "And the language, it says local law enforcement shall, when appropriate, use the Federal Bureau of Alcohol, Tobacco and Firearms. What do you mean by adding the language or what does the language that you've added, 'when

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

118th Legislative Day

April 30, 1998

appropriate' mean?"

Schoenberg: "Mr. Turner, I think that those issues were addressed through Mr. Black's inquiry."

Turner, J.: "Well, I apologize, I didn't hear what you said. Could you just briefly tell me what you indicated to Representative Black, earlier?"

Schoenberg: "Mr. Black expressed a concern about small...about smaller jurisdictions that perhaps did not have the same type of capabilities as larger jurisdictions, and this language was deliberately crafted, as it had been a year ago for the Bill which now became law, with respect to firearms used illegally by juveniles to recognize those realities and not mandate them to do so, but give them to the best of their ability the capacity to do so."

Turner, J.: "Where does the funding for the National Tracing Center come from? Is that federal funding or state?"

Schoenberg: "That's federal funding, Sir. Which is why, in reference to an earlier question, there is no cost to us that literally through the click of a computer mouse we're able to access that National Tracing System."

Turner, J.: "All right. As to the other portion of the Bill then, does the enhanced violation apply to domestic battery where bodily harm is both alleged and proven as well as when only physical contact is alleged and proven?"

Schoenberg: "I'm sorry, could you repeat the question again, Sir."

Turner, J.: "Sure. As I understand it, you're making domestic battery for a subsequent offense a Class IV felony rather than a Class A misdemeanor. Are you doing that for domestic battery that has as its gravamen of the offense, bodily harm as well as for physical contact or is it just one or the other?"

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

118th Legislative Day

April 30, 1998

Schoenberg: "For either of the two."

Turner, J.: "Representative."

Schoenberg: "I believe I answered your question, I'm sorry."

Turner, J.: "I'm sorry. You did answer it?"

Schoenberg: "Yes I did, Sir."

Turner, J.: "What was your answer?"

Schoenberg: "I said either of the two. The Bill provides that a violation of the order of protection is a Class IV felony if the defendant has any priors for domestic battery or an order or a violation of an order of protection."

Turner, J.: "So, under your Bill it doesn't make any difference whether the domestic battery is simply insulting contact versus bodily harm?"

Schoenberg: "No, there's no distinction between the two."

Turner, J.: "Correct? Correct?"

Schoenberg: "Correct."

Turner, J.: "Now, Representative, have you made the Class IV felony non-probationable?"

Schoenberg: "That's not addressed in this Bill. The issue of probation is not addressed in this Bill. Whatever..."

Turner, J.: "If it is not addressed, then am I correct that under current law it would be an offense for which probation could be meted out as a sentence?"

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

Turner, J.: "Since it's not addressed does that mean then that probation is a permissible sentence?"

Schoenberg: "I still didn't hear the second portion of the question. I'm sorry."

Turner, J.: "You've indicated that it's not addressed in the Bill. Does that mean then, since it's not addressed in the Bill, that probation is a permissible sentence?"

Schoenberg: "Mr. Dart in his question asked this and I believe it

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

118th Legislative Day

April 30, 1998

came up in...you referenced this in committee as well. And that answer stands now as it did then that the way this is read...the way this is read is to enhance the penalty for the subsequent offense so that the violation of an order of protection would be a Class IV felony if there is a prior conviction for domestic battery or a prior conviction for a violation of an order of protection."

Turner, J.: "Right, I understand that. I'm just asking whether or not it's still probation...probation is still a permissible sentence? That's all I'm asking. Can you still get probation?"

Schoenberg: "As I understand it, Sir, probation is permissible for a Class IV felony under current law."

Turner, J.: "Representative, as I recall in committee the question that I actually had was with the language, and I'm not sure I was the only one that asked. I think there were several of us that did."

Schoenberg: "Right, Sir, and Mr. Dart did raise that very issue earlier, as well, and asked me to express the legislative intent and I did so. Because as we agreed in committee that it could have been read more...it could have been read in more than one way and that was addressed earlier, Sir."

Turner, J.: "Thank you."

Speaker Madigan: "Mr. Winkel."

Winkel: "Will the Sponsor yield?"

Speaker Madigan: "Sponsor yields."

Winkel: "Representative, I do appreciate your efforts here with this Bill. I think it's a move in the right direction, but I do have a couple questions. Is there discretion in the State's Attorney in charging this? I mean, it's well and good that it's on the books, but what's the discretion in actually charging it?"

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

118th Legislative Day

April 30, 1998

Schoenberg: "Sir, the State's Attorney always has discretion."

Winkel: "So there's certainly nothing that mandates that this new approach that you're proposing actually be used, is there?"

Schoenberg: "That's correct."

Winkel: "But what about with the court, with the judge? I mean, is the judge going to have to impose a sentence if the State's Attorney exercises his or her discretion in making these charges?"

Schoenberg: "Sir, if it is a second offense, the law clearly articulates what the judge's sentencing guidelines are."

Winkel: "Well, with an order of protection, too, I'm a little concerned. Let's say you've got your second violation and that violation... Well, let's just say hypothetically you've got an order of protection that you can't come within 150 feet or you can't make a telephone call, and what if somebody drives by the house twice or makes a couple calls asking about his or her kids. Does your change, does your new statutory approach take effect in a serious case like that?"

Schoenberg: "Sir, as I understand it, the judge would have to make an initial determination on whether there was indeed a violation, and if in fact there was, then these sentencing provisions would apply."

Winkel: "All due respect, Representative, I can see your mouth moving from here but I can't hear you. I couldn't hear you."

Schoenberg: "Yes."

Winkel: "So as I understand it then, under this new statutory approach, then you could end up with a Class IV felony for having driven by a house twice."

Schoenberg: "I'm sorry, I didn't hear the end of your question. I saw your mouth moving, but I didn't hear the end of your

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

118th Legislative Day

April 30, 1998

question."

Winkel: "I used to watch 'Clutch Cargo' when I was a kid, so I've been trying to follow as best I could. No, my question, Representative..."

Schoenberg: "Sir, the court still has to make the original determination."

Winkel: "Now wait a minute. I've got to remember my question, too, here. Just a second. My question, I think, was if under your new statutory scheme, if you drive by twice..."

Schoenberg: "Perhaps scheme is the wrong choice of words, Sir."

Winkel: "New statutory proposal, a new way of going about it, new approach, stiffer sentencing..."

Schoenberg: "That's better."

Winkel: "The stiffer sentence could be imposed on somebody for having made two telephone calls, a Class IV felony. Is that right."

Schoenberg: "The judge has to determine whether or not that is indeed a violation. If the judge determines that it is so, then it would indeed be a second or subsequent offense, but the court has...the judge has to make the initial determination."

Winkel: "Well, I noticed the same pattern. I took that as a yes. That was yes?"

Schoenberg: "Pardon me?"

Winkel: "Did you say yes?"

Schoenberg: "Yes."

Winkel: "Okay. It's the same thing with driving by twice or... I mean same answer?"

Schoenberg: "Yes."

Winkel: "Okay. What is the sentence for a Class IV felony?"

Schoenberg: "One to three years, Sir."

Winkel: "I'm sorry?"

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

118th Legislative Day

April 30, 1998

Schoenberg: "One to three years, Sir."

Winkel: "Okay. I mean, my point is this. I mean, I think your Bill overall is a good Bill. I understand what you're trying to do. I'm just trying to point out that this second offense doesn't necessarily have to be a violent offense and I guess I'm a little concerned about that."

Schoenberg: "Well, Mr. Winkel, I have to tell you that some of those phone calls are not merely inquiries for the baseball scores and the weather, as you are well aware."

Winkel: "What about driving by the house twice?"

Schoenberg: "Sometimes driving by is a prelude to a more serious physical act. Again, Sir, it's the court's determination as to whether or not indeed it is a violation, and let me say that one of the reasons why I think that I... one of the reasons that I'm proud to support this Bill is that Cook County State's Attorney Divine, in his prior legal career as the chief assistant in the Cook County State's Attorney's Office, has extensive experience in these areas and exhaustive knowledge of the law and as the State's Attorney of the largest jurisdiction in this state, unfortunately, he has more experience in these matters than any other jurisdiction in the state."

Winkel: "Well, I appreciate that. Now, one of your earlier answers kind of intrigued me. You said something about the click of a mouse in tracing, that it's just a click of a mouse. What did you mean? Are we supplying mice under this...?"

Schoenberg: "No, you don't smell a rat, Sir. I was referring to a computer mouse."

Winkel: "I see. So, you're contention under this, I mean, it certainly not your intent to create an unfunded mandate, but could you...?"

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

118th Legislative Day

April 30, 1998

Schoenberg: "Not only is it not my intent, Sir, but we have an expressed written opinion for a request for a Mandates Note that it is not."

Winkel: "So, it costs absolutely nothing to do the tracing?"

Schoenberg: "The costs are absorbed, literally. The local law enforcement officials can access this database with the click of a computer mouse."

Winkel: "Oh, the click, okay, the click of a... okay, got it, thank you. Thank you. I do appreciate that. Representative, I think you've got a good Bill here. Obviously, there's nobody in opposition. I appreciate your intent. I appreciate your patience. I appreciate your listening and answering... answering my questions. Thank you."

Schoenberg: "Thank you."

Speaker Madigan: "Mr. Schoenberg to close."

Schoenberg: "I think we've debated this quite enough. We're certainly supportive of what's in it and I urge your support for Senate Bill 1215, as amended."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? The Clerk shall take the record. On this question there are 117 people voting 'aye'; 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Representative Myers, do you wish to call your Bill? Mr. Clerk, read Senate Bill 1258."

Clerk Rossi: "Senate Bill 1258, a Bill for an Act amending the Higher Education Student Assistance Act. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. Myers."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

118th Legislative Day

April 30, 1998

Myers: "Thank you, Mr. Speaker. Senate Bill 1258 amends the Higher Education Student Assistance Act to change the monetary award amount to \$4,320 instead of the current 4,120 for two semesters or three quarters of full-time undergraduate enrollment or 2,160 instead of the current 2,060 for two semesters or three quarters of part-time undergraduate enrollment. Pretty simple Bill. It just changes the amount of the maximum award."

Speaker Madigan: "Any discussion? There being no discussion the question is, 'Shall this Bill pass?' All those in favor signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 116 people voting 'aye'; 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. McGuire, do you wish to call your Bill? Mr. Art Turner, do you wish to call Senate Bill 1370? Mr. Arthur Turner. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1370, a Bill for an Act to amend the Longtime Owner-Occupant Property Tax Relief Act. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. Turner."

Turner, A.: "Thank you, Mr. Speaker and Ladies and Gentlemen of the Assembly. House Bill 1370 simply allows the county government the ability to grant property tax relief to people who have lived in their homes for a long period of time, but live in an area where there's gentrification taking place, and so, this allows the local unit of government the ability to grant property tax relief to those individuals in regards to the effects of gentrification, and I move for the adoption of Senate Bill

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

118th Legislative Day

April 30, 1998

1370."

Speaker Madigan: "Mr. Parke."

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

Speaker Madigan: "The Sponsor yields."

Parke: "Representative Turner, why is this necessary?"

Turner, A.: "Representative Parke, I don't know how familiar you are in the City of Chicago, but in certain areas there is gentrification taking place, and as a result of that gentrification, the value of the homes are far exceeding the income of the seniors who have lived in their houses for long periods of time. This would allow county government the ability, if they so desire, to give those individuals some sort of relief so that they're not bombarded with the high property tax that result as of... as a result of development that's taking place in certain areas."

Parke: "Does this Bill only apply to Cook County..."

Turner, A.: "No, it applies... "

Parke: "...or to the City of Chicago?"

Turner, A.: "...any county that so desires to implement the program, they would be able to do it."

Parke: "I'm sorry, what did you say? Only Cook County or throughout the state?"

Turner, A.: "Well, any counties with 3 million or more inhabitants."

Parke: "So, it only applies to Cook County."

Turner, A.: "Okay."

Parke: "All right, and what is the guidelines? Is this arbitrary? Can... and who makes the decisions... is this a... does the Cook County Board... Cook County Board pass a resolution that says these three homeowners get property tax relief?"

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

118th Legislative Day

April 30, 1998

Turner, A.: "Cook County Board would set the guidelines for it and..."

Parke: "And then those..."

Turner, A.: "...if I'm not mistaken, Representative, I do believe this is good for any county in the state, but you must have a population of at least a half a million people in order to participate. So it's not just Cook County."

Parke: "So, is it 3 million or a half a million?"

Turner, A.: "Any county with over a half million people. No, with over...with over 500,000 residents, right."

Parke: "Okay, so any county with over 500,000 residents can get this. Let me ask you, what guidelines will the Cook County Board establish? What are the guidelines in this Bill?"

Turner, A.: "It's up to the county. I mean, the intent is to try to help those senior citizens in areas where, say like around the United Center. There are people who have lived in their homes for 40 and 50 years. All of a sudden, there's been major redevelopment going in that area. Homes, now, are selling for 300, 400,000. Property taxes have went up and the homeowner who's been there for the last 40 years, as a result, that senior citizen is now...is hit with a high property tax. So the County Board would determine who would get that relief, but we are granting county government the ability to grant that relief to individuals who live in an area where gentrification...as a result of gentrification, property values have exceeded...or have increased."

Parke: "Okay, it's... We need further... Well, first of all, the Cook County Board will have the ability to set guidelines. So, therefore, that will take Board action to do that. Do we have built into this legislation any specific guidelines that we give to the Cook County Board? Do we say that it

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

118th Legislative Day

April 30, 1998

must be someone 65 or older? Must they have a certain amount of income? Do we give the Board any guidelines, or is this an arbitrary decision that the Cook County Board can make on their own and then all citizens must apply to the Board to get this?"

Turner, A.: "There are some guidelines in the law, currently. In fact, the length of time and some of the other issues... "

Parke: "Could you share those with us, please?"

Turner, A.: "If you will just bear with me one minute."

Parke: "Certainly."

Turner, A.: "Let me grab a statute book."

Parke: "Certainly. No problem."

Turner, A.: "While we're looking for that provision, are there any other questions you may have?"

Parke: "Yes, it's been brought to my attention that, perhaps, further clarification of who qualifies. It is my understanding that perhaps what you're trying to tell the Body is that this Bill applies to counties of 3,000,000 or more and that cities of 500,000 citizens or more within Cook County, or any county of 3,000,000 or more, can qualify, which means in essence, this Bill only applies to the City of Chicago because there is no suburban towns in Cook County that exceed 500,000, so this only applies to the City of Chicago. Am I correct?"

Turner, A.: "Representative, the provisions are for any municipality over 500,000. Now, I haven't looked at the census lately to tell you who, outside of the City of Chicago, has over 500,000 people, but anybody that has over 500,000 people, if their County Board so desires, they can participate in this program."

Parke: "Well, I contend, Representative, that there is no town, other than the City of Chicago, that has 500,000 citizens

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

118th Legislative Day

April 30, 1998

or more. So, in essence, Ladies and Gentlemen, this Bill only applies to the City of Chicago. Now, again, on the Cook County Board, I'd like to know what the parameters are that we're giving to the Board to make the decision of which citizens will qualify. And that's what I'd like to know, because I don't want any Board to have an arbitrary decision-making that says that if you're 50 years old that you can qualify for this. I would like to see that it's sixty-five or older..."

Turner, A.: "Well, Representative, they would have to have lived in their home for X number of years. We're not just saying this is something for anybody over a particular age. It also would have to be for people within an area where gentrification is taking place. The County Board is reflective of the people of the County of Cook, and I have faith in that County Board, which has both Democrats and Republicans on that board, that they know those areas and the people that we are trying to help with this legislation. There are times when there's legislation introduced in this Assembly which helps the City of Chicago. There's other legislation would help other parts of the state. This is a very real problem in the City of Chicago. It's one that's unique, I think, and not only to the City of Chicago but in particular, I know, to Chicago and in particular the area in which I reside where we have...we are now being faced with gentrification similar to that what happened around DePaul, if you're familiar with the City of Chicago, what happened around the DePaul community on that near north side where homes ten years ago were selling for 40 and \$50,000 are now valued at a half a million dollars. There are seniors in that area who now have to decide how they are going to pay their property tax

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

118th Legislative Day

April 30, 1998

and whether they will eat. We are trying to provide some relief for those individuals who, because of development and urban renewal or whatever you choose to use as a term for improving the housing conditions in a certain area, are now faced with high property tax as a result of that development."

Parke: "Representative Turner, I understand from what you have told me what you're trying to achieve with this legislation and I respect it, and I happen to think that what you're trying to do has merit, but, quite frankly, to tell me that there are Republicans and Democrats on the Cook County Board when that is dominated by Democrats..."

Turner, A.: "Well, I can't help about the domination, Representative."

Parke: "...begs the issue. All I want to know..."

Turner, A.: "All I want you to know is that..."

Parke: "...is what guidelines we're giving to the Cook County Board, by virtue of your legislation, to achieve what you want to achieve."

Turner, A.: "Right."

Parke: "And that's all I've asked you."

Turner, A.: "Well, Representative, I don't, you know...as you know, as you know, I don't necessarily get hung up on how many Dems and how many Republicans there are. I believe in trying to help all the people of the State of Illinois and for your definition, let me define for you who we're trying to help. According to Section 25/10 in the revenue section, it defines...these are the people that we're talking about. Longtime owner-occupant means a person who, for all of at least 10 continuous years, has owned and has occupied the same dwelling as a principle resident and domicile or any person who, for the last five years, has

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

118th Legislative Day

April 30, 1998

owned and occupied the same dwelling place as a principle resident and domicile if that person receives assistance and acquisition of the property as part of a government or nonprofit housing program. And so, those are the people that we're trying to help with this legislation."

Parke: "Representative, is there any financial guidelines? I would hate to see us pass this legislation and find that we have some kind of an investment property that's been purchased by a developer getting some kind of a tax break because they've owned the property for five years and don't qualify as being poor, which who you are trying to help, I'm sure. I just want to make sure that this legislation does what you want it to do, and so far, I'm concerned at what I'm hearing. If the only guidelines are that they have a residency guideline, then that's...that bothers me. That's not enough. Is there more guidelines that we're giving to the Cook County Board than that?"

Turner, A.: "Beyond the definition that I've just given you in terms of who would qualify, the Board would make that determination and I would assume that the Board, like you and like myself, is not trying to help people who can afford to pay those property taxes. So that would be left up to the County Board."

Parke: "Thank you."

Turner, A.: "And that's already current law, Representative. So we're not trying to change the law and we're allowing some discretion to the County Board to make...to further clarify. And this is only if the county government decides to do so, so we're not saying that this is going to happen. This still has to be approved by county government and I think that they would take into consideration and it would be my hope, as well as yours, is that people or

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

118th Legislative Day

April 30, 1998

millionaires who happen to be living in a particular area who can afford to pay the property tax, would not be granted this deferral."

Parke: "Thank you, Representative Turner. To the Bill, Mr. Speaker. Ladies and Gentlemen of the House, I understand the dialogue. The Sponsor has been very straightforward in trying to answer my questions, but I just am concerned on how this is going to be structured. We're giving the Cook County Board permission to structure guidelines for helping with the value of homes that are now escalated to large amounts of value and this only applies to the City of Chicago. I'm concerned about the legislation, not the intent, not the Sponsor, and I would ask that you take a good, hard look at this because I'm not sure that we're achieving what the Sponsor wants to do and that I am concerned about what the Board will do to further establish guidelines and we could end up helping wealthy people, rather than just poor people. So I would suggest you would take a look at this and I hope other Members who might have more insight in this would ask further questions."

Speaker Madigan: "Representative Monique Davis."

Davis, M.: "Thank you, Mr. Speaker. To the Bill. In answer to some of the questions raised by the previous speaker, try to picture this scenario. There's a very old community in which many buildings are unoccupied, boarded up, the previous owners have left and left them in disarray. There is one, let's say there's one owner on that block, or two, who have stayed into their homes. There may be three flats, but it's family owned and family living quarters, and then someone comes along and purchases these formerly empty properties, these former boarded up properties or decayed properties. They buy them, let's say, for 40,

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

118th Legislative Day

April 30, 1998

50,000 and they spend 40 or 50,000 in repairing and restoring. Once that happens, these prices are escalating on the market to 400,000 and \$500,000 and the people are doing that in order to, perhaps, increase their income or to have much better living quarters. But, don't forget the two original owners on that block, their families may still be there. They're senior citizens. They have done absolutely nothing to really increase the value of their property to the tune of 400 and \$500,000. Once that block or more has become with new facades, and so forth, this family that remained in that community, whose homes or buildings were not boarded up are now being faced with gargantua, or very huge tax increases, almost overnight. They in no way can pay the kind of taxes that's being charged on a property that is just being sold for 500,000. They just happened to have remained on a block in which many of them have lived for 30, 40, 50 years. So what the Sponsor is attempting to do, is to give the County Board, who certainly has all of the information, the opportunity to say to Miss Jones, who is retired, who has not brought their property up to the standard of 4 or 500,000, that you will not be taxed on that impossible rate that you cannot pay, and it is in no way intended to protect large builders or large financiers. It's intended to protect that person who remained on a block where many other people abandoned the block, but these people stayed in their property. It's livable for their family and they don't want to have to be pushed out because now there's another group who wants to create this extremely expensive neighborhood and we think they should have a right to continue to stay in that property and who, but the County Board, will know where these situations exist, and I urge an 'aye' vote."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

118th Legislative Day

April 30, 1998

Speaker Madigan: "Mr. Hoeft."

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

Speaker Madigan: "Sponsor yields."

Hoeft: "Just an editorial comment. I think the concept is laudable and I think, again, in terms of the state law, I do not understand why we segregate it to Cook County. If it's a good idea for Cook County, it certainly should be used as a tool for the rest of the state. Representative Turner, basically what I'm hearing is that you're giving permission to the Cook County Board to establish this and you are not establishing the parameters of the program."

Turner, A.: "That's correct."

Hoeft: "Cause I was confused cause I wanted to know age of the people, income level, and all of this. This would be allowed at the discretion of the board to sit there and say we're cutting it off at a certain income level, or something along that line."

Turner, A.: "Representative, I'd like to just clarify one last point. This Bill is good for any county. What we're trying to do here is make it binding via Cook County on the City of Chicago and that's why we spell out the...define the terms the way we do because we want to make it binding on the City of Chicago so that if county government says, yes, this is what they want to do, by our action here today we will make this binding on the City of Chicago."

Hoeft: "And then you've built into this, then, the flexibility that each of the counties then, because of the wealth of the county and because of the age and all this, can establish parameters at different levels."

Turner, A.: "And that's already current law, Representative."

Hoeft: "Fine. That's impressive and that's good. My biggest fear is that a county like Cook, a city like Chicago, has

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

118th Legislative Day

April 30, 1998

neighborhoods which have a huge range of value and some of these, on a yearly basis, go up and some of these, on a yearly basis, go down. We have declining neighborhoods. We have rejuvenating neighborhoods. That's part of the city life, the dynamic of the city. The property tax is used from this whole in order to support our schools and our libraries, our park districts and things like this. If we cap a municipal or city government, a school district, and we restrict their income flow, and now we are starting to say the rich areas where they're going to get new property, new taxation, we are going to now start taking that away. I'm fearful that it's going to hurt our schools, that the long-term effect is that the declining neighborhoods will lose value but those areas that are regenerating values will restrict it. Is there any provision in this Bill that will allow the City of Chicago's schools, that so desperately need the money, to be able to, in some way, be made up for the taxation that they are losing through this Bill?"

Turner, A.: "No, Representative, there is none. But the upside of that is that the rehabilitation of those particular communities will automatically bring in new tax revenue because it's added new value to the properties...the new properties that are coming in that area. Which currently there's nothing going on in that area. What we're trying to do is protect those...longtime occupants who've been there for a number of years, who probably are at an area where the taxes are...where they're affordable at this point. So it does not change that but, in fact, the development is going to bring in additional dollars which would, in fact, help the school part of the tax formula."

Hoeft: "And the school districts would then be the beneficiary of

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

118th Legislative Day

April 30, 1998

this after the owner moves out and the new owner comes in.

Then you would have the higher assessed valuation."

Turner, A.: "That's correct. But not only that, that school district would benefit because of the rehabilitation that's taking place in that area. So, what now is a vacant lot next door to me, would be a home that sells for \$400,000 that would be taxed, that currently is not being taxed, and it would also protect that longtime homeowner who lives in that community."

Hoeft: "As I said before..."

Turner, A.: "So there is no loss."

Hoeft: "As I said before, I think what you're doing is laudable. I, again, will stand up for the school districts and say, I wish there was some way this could be accomplished and the Chicago Public Schools would not lose any revenues. But I compliment you for preparing a Bill that I think will protect quite a few people. Thank you, Sir."

Speaker Madigan: "Representative Andrea Moore. Andrea Moore."

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

Speaker Madigan: "Sponsor yields."

Moore, A.: "Representative, when we discussed this in committee, I seem to recall that it was stated that every other county in the state already qualifies for this program, this long-term owner-occupancy program."

Turner, A.: "That's correct, Representative."

Moore, A.: "So, this really isn't a piece of legislation that is just for Cook County right now. It is addressing Cook County's needs, but currently the rest of the state already has this opportunity."

Turner, A.: "You are absolutely correct, Representative."

Moore, A.: "And the issue of whether you have a \$400,000 house next to the house that has been lived in for 30 or 40 years

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

118th Legislative Day

April 30, 1998

and whether or not the school districts might benefit or lose, can be justified by the 10 year requirement for the primary residence occupancy."

Turner, A.: "That's absolutely correct, Representative."

Moore, A.: "So, if someone comes in and makes all of these improvements and has just lived there for a short time, they would give the district additional monies for that assessment and that it increased in value, but they would not qualify for this program because of the length of time they've lived there?"

Turner, A.: "You're absolutely correct and, as a result of that, there would be increased taxes collected which, then, could help the school district and in this particular case, the Chicago School District."

Moore, A.: "How many votes does this Bill need, Representative?"

Turner, A.: "I hope 118, it should get. It needs 71."

Moore, A.: "Thank you..."

Turner, A.: "It preempts home rule."

Moore, A.: "This Bill passed unanimously through the Revenue Committee and, though it seems somewhat confusing at first, the rest of the state already has this program available to it. And this is to address specific neighborhoods in the City of Chicago with long-term occupants. Someone has to live in their home for 10 years and all...in order to qualify for this Act that we put in place in the 88th General Assembly and I stand in support of this legislation"

Speaker Madigan: "Representative Lindner. Lindner. Representative Brown."

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

Speaker Madigan: "Sponsor yields."

Brown: "Representative Turner, this Bill is only for Cook County."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

118th Legislative Day

April 30, 1998

Is that correct?"

Turner, A.: "This... Yes, Sir. What it does is that it, we're trying to bind the City of Chicago to actions that the County Board may take and so, yes, this directly affects the City of Chicago. This law, currently, is applicable to all counties throughout the state. So any county that so desires to give this tax break to long-term residents, can do so."

Brown: "Are you sure that my county board in McHenry County can do that now?"

Turner, A.: "Yes, I am sure, Representative."

Brown: "They can give property tax relief to senior citizens?"

Turner, A.: "Under...under the Revenue Act, Section 250-5 or -10, it...we have the definition. They have to be a long-term resident. They have to have lived in that property for 10 years and, if so, then they would qualify. Now this is only if the county board takes the action and decides that they want to provide that exemption."

Brown: "And how much property tax relief can they give...can they grant?"

Turner, A.: "They can only grant relief for that portion that's considered the growth portion, Representative."

Brown: "Representative Turner, I'm being told that if your county board, if this Bill passes and the Cook County Board decides to grant this relief, that the schools cannot opt out. Is that correct?"

Turner, A.: "That's correct, Representative."

Brown: "Now, in McHenry County, I'm told that if the McHenry County Board were to adopt an exemption for senior citizens or long-term residents, that the school districts could opt out?"

Turner, A.: "That is correct, Representative, and what we're

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

118th Legislative Day

April 30, 1998

trying to do with this legislation is bind the City of Chicago and bind the school board so that they cannot opt out."

Brown: "Well, I offered a Bill earlier in the session that would grant property tax relief to the seniors in my county and it couldn't get out of Revenue. I was told that it would never get out of the Revenue Committee. Can you expand your Bill to cover the seniors in...my seniors in McHenry County, so that the school districts can't opt out and other taxing bodies can't opt out?"

Turner, A.: "Representative, if you so desire to introduce a Bill which would address the school districts that affect McHenry County, you know, you could do that. This particular Bill, and I don't know how familiar you are, in particular, the neighborhood that I live in which is North Lawndale, this Bill has direct impact on my particular community at this point and I think that, you know, it's something that merits being passed at this time."

Brown: "All I'm asking you..."

Turner, A.: "I would be supportive of a like measure if you want to do it for your county or any other county, but in this particular Bill at this particular hour, I think that this legislation should move forward the way it is."

Brown: "But it won't help my seniors in McHenry County. Thank you."

Turner, A.: "Representative, your County Board has that option. They can do that at this particular point, if they decide they want to implement this program. As I say, this is already in the statutes and it's up to the County Board to do so."

Speaker Madigan: "Mr. Giles."

Giles: "Mr. Speaker, I move the previous question."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

118th Legislative Day

April 30, 1998

Speaker Madigan: "Mr. Giles, let me suggest we only have one more person seeking recognition, Mr. Black. Mr. Black."

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

Speaker Madigan: "The Sponsor yields."

Black: "Thank you. Representative Turner, I'm very glad you called this Bill because this had a Committee Amendment on it that was very near and dear to my heart. Committee Amendment #1, offered by Representative Moore, added the language of House Bill 3615 to this Bill, which would grant a vast majority of people throughout the State of Illinois some relief on their property taxes by virtue of doubling the income tax credit from 5 to 10%. Could you tell me what happened to that Amendment in this committee?"

Turner, A.: "Representative, I believe that Amendment was defeated."

Black: "Oh, no."

Turner, A.: "Oh, yeah."

Black: "Was it on a partisan roll call? I think it was."

Turner, A.: "It may have been, Representative."

Black: "I think it was a partisan roll call."

Turner, A.: "The Amendment..."

Black: "So, in other words, the opportunity to grant property tax relief... Sorry, do you want to check?"

Turner, A.: "Go ahead. You're correct."

Black: "Okay. All right. So an opportunity to grant property tax relief to the vast majority of citizens in Illinois was defeated in committee on a partisan roll call, that being on Committee Amendment #1, offered by Representative Moore, so now we're left with your Bill that I need to address some questions. If I understand the language of your Bill, while the long-term owners occupy... Aw the heck with it."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

118th Legislative Day

April 30, 1998

What's the acronym here? LOOA? L-O-O-A?"

Turner, A.: "You may be right, Representative. I hadn't looked at the acronym. I mean, I'm looking at the little lady that lives next door to me who's crying about what's happening in her community, and I think the Amendment that you speak of does not deal with the specific problem that this particular Bill does. And I think that it's, although it may be a laudable Amendment, you know, it was very similar in terms of the Bill or the Tax Relief Bill...Property Tax Relief Bill that the Governor introduced last year that was defeated in this Body. I think this particular situation and the effect that it has on the homeowners and in areas that redevelopment is taking place, is a very unique one and a very real one and I think it's not complicated, although it does not grant the same property tax relief to all the residents of this state and I concur that something should be done to help everybody in this state. There is an immediate crisis going on in the City of Chicago in particular, and as I say, in my particular neighborhood, that seniors are being put out of their homes because they can no longer afford to stay there and so, this issue is narrowly defined to deal with one specific aspect of property tax relief and I would hope that you would find this is something that you could support."

Black: "Well, Representative, I stood with you last spring on the issue of property tax relief statewide. I stood with you and others in this chamber..."

Turner, A.: "And I hope you're with me again today, Representative."

Black: "And I have no...and I have no question, Representative, that the little old lady next to you in your neighborhood

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

118th Legislative Day

April 30, 1998

regards this as important, but the retired couple who live across the street from me look at the additional income tax credit on their property taxes paid as a very important piece of property tax relief to them. The question is whether or not they can stay in their house. So we could argue that ad infinitum and I'm sure we're not going to change each other's opinion on the importance of the two provisions of the Bill, but let me ask you specifically about the opt out provision. It appears to me that your Bill eliminates the opt out provision from school districts or municipalities only in a county of 3 million or more. Is that correct?"

Turner, A.: "You're absolutely right, Representative. It is an opt out provision for the City of Chicago."

Black: "So, in effect, in effect, Representative, this isn't something that my county will participate in because you didn't include us in the closure of the opt out. There's no reason for any other county in the state to pass this if the municipality and the school district, which together make up probably 75% of the property tax bill, could opt out. You're only saying that they cannot opt out in Cook County. So, it really, while it addresses one of your concerns and I'm not adverse to the concern that you have, it really is a concern that can only be addressed in Cook County. It just won't happen in mine because the municipality and school district will opt out."

Turner, A.: "Representative, I am curious to know if the same redevelopment or the gentrification that's happening in my area or in the City of Chicago is happening in the Danville community or somewhere else in the state. If it is happening somewhere else in the state, I would yield or I would request that any Member in here that has the same

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

118th Legislative Day

April 30, 1998

problem in their community introduce a Bill with the same opt out provision and I'll support it. But in this particular case, this is unique to my area and the development is only... I won't say only happening in my area, but in particular in the City of Chicago and so, that's why we put in the opt out provision and dealt specifically with the City of Chicago. But if it's happening in your community or if it's happening in Peoria, if it's happening in DuPage County, certainly if a Bill is introduced and that opt out provision is in there, I would support it."

Black: "Well, see, now, you've used one of those big words that..."

Turner, A.: "Well, I didn't say serendipitous or I didn't say intangible."

Black: "You said gentrification..."

Turner, A.: "Oh, yeah."

Black: "Now, where I come from, that means the neighborhood's getting older. Is that definition not correct?"

Turner, A.: "Well, in Chicago, it means a lot of things. It means that there are half million dollar homes being built. It may be old and they sometimes call it historic, but it also means that, in many cases, that the value of the home has far exceeded what the little old lady who's been there for forty years has paid for her home or who can afford to pay the property tax."

Black: "I can understand that and I think that's why, years ago, when we got into property tax cap discussion, it's too bad we didn't focus on assessment increases rather than levy, but again, that goes back. Most of my district is getting older and unfortunately we are not attracting the half million dollar houses and I...that's part of the great

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

118th Legislative Day

April 30, 1998

diversity of this state and, while it's an asset, it can also be a tremendous impediment to legislation that's fair and equitable to all parts of the state. So, I guess the only other concern that I have, Representative, if the Mandates Note is correct that we have in our file, if this Bill becomes law and Cook County does adopt this tax break, and it's not without some merit, according to the Mandates Note, then we are liable. We, being the State of Illinois Treasury, we are liable for 100% reimbursement of the lost property tax revenue to the impacted local units of government, i.e. the Chicago Public Schools and the City of Chicago. Is that your interpretation of what the Mandates Note says?"

Turner, A.: "That is what the State Mandates Act says, Representative, but it is my feeling that as a result of all of the redevelopment that takes place, that there would be an increase in property taxes that are collected. So I would think that the loss to local government would be zero, if any."

Black: "Okay. I... Representative, I appreciate your indulgence. You've answered questions forthrightly. It's been a long and arduous task and many questions asked of you, and I do appreciate your willingness to answer them. An inquiry of the Chair, Mr. Speaker. If we could ask the Clerk... By the way, are your interviews finished? I didn't want to interrupt you while the interviews were going on up there. But it appears to me that this Bill does preempt home rule under the applicable section and it may have been asked earlier and I apologize. Does the Bill require 71 votes for passage?"

Speaker Madigan: "This Bill will require 71 votes for passage and the Chair would suggest that Mr. Turner would now finish

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

118th Legislative Day

April 30, 1998

the debate."

Black: "Thank you, Mr. Speaker."

Turner, A.: "Thank you, Mr. Speaker, and I know that the hour grows late and many times we tend to turn off debate as a result of that, but this is a piece of legislation, I think, that's very important and I would ask, I don't have to further expound on it. I think that the impact, in terms of the fiscal impact and a loss to the state, would be little or none. In fact, I suspect that there would be an increase to the state coffers in terms of the local coffers. I have faith that the County Board will set up whatever parameters that are necessary in terms of safeguards to make certain that the people who would qualify for these benefits would be the people who certainly would be entitled to them, and I don't think the County Board would push through legislation which would also decrease income tax, or I should say decrease tax revenues to it, and so for that reason I would move for the favorable adoption of Senate Bill 1370."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? This Bill shall require 71 votes. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 72 'ayes', 43 'noes'. This Bill, having received a super majority vote, is hereby declared passed. Mr. McKeon, do you wish to call Senate Bill 1383? Mr. McKeon."

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

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

Clerk Rossi: "Senate Bill 1383, a Bill for an Act to amend the Civil Administrative Code of Illinois. Third Reading of

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

118th Legislative Day

April 30, 1998

this Senate Bill."

McKeon: "Thank you, Mr. Speaker, Members of the House. Senate Bill 1383 requires the Illinois Department of Public Health to conduct a public education program to promote awareness and early detection of prostate and testicular cancer. It's supported by the Illinois Cancer Society, Department of Public Health, Push Rainbow Coalition (sic - Rainbow Push), Medical Society, AARP, NOW, and the Illinois Nurses Association. It was introduced by Senator Trotter, passed unanimously in the Senate and I urge your support. I'll answer any questions."

Speaker Madigan: "Mr. Cross."

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

Speaker Madigan: "The Sponsor yields."

Cross: "Representative, are there any opponents to this Bill?"

McKeon: "There are no opponents to the Bill."

Cross: "Are there any Amendments added to this Bill?"

McKeon: "None."

Cross: "What is the Department of Public Health's actual program they intend to implement to promote the awareness and detection?"

McKeon: "The Department of Public Health, in collaboration with the University of Chicago, has a federal grant to implement the program and they will be particularly targeting men who are at the greatest risk. African-American males are at a 66% higher risk than their male counterparts for prostate cancer, so much of this effort will be targeted in the African-American community."

Cross: "What if... What is the obligation of the Department of Public Health if and when that grant is exhausted?"

McKeon: "The language is permissive. It's subject to the availability of funding."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

118th Legislative Day

April 30, 1998

Cross: "What is the amount of the federal grant?"

McKeon: "I don't have that information."

Cross: "Do you know if it's an ongoing appropriation by the Federal Government or is it a one time?"

McKeon: "I believe that it is a one time grant. That's why in the Senate the Bill was amended to make it permissive subject to the availability of funding."

Cross: "Is there any cost to the Department of Public Health?"

McKeon: "According to the Fiscal Impact Note that I have, it has no impact."

Cross: "And you said no one is opposed to it?"

McKeon: "That's correct."

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

Speaker Madigan: "Mr. Parke. Parke."

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

Speaker Madigan: "The Sponsor yields."

Parke: "I understand what you're trying to achieve, but I think the Body would like to know is, how do you envision awareness to be shared with the predominantly minority community of the State of Illinois?"

McKeon: "The program, the general guidelines of the program is to include but not limited to the distribution of information, mostly printed material and other outreach material with local agencies, local community health organizations, specifically targeting people who are at the highest risk."

Parke: "Will they just simply turn over a voucher to a community group to have them print up the literature or can they buy a billboard and use it?"

McKeon: "They could do both of those things."

Parke: "And who are these community groups you're talking about giving this money, this federal taxpayer money to?"

McKeon: "Those would be indigenous community organizations in

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

118th Legislative Day

April 30, 1998

high risk areas identified by the Illinois Department of Public Health. My understanding is that these are agencies, for the most part, that they're already working with in other allied health areas."

Parke: "Do you offhand know... can you give me a name of or an organization... I'm just trying to understand what kind of organization. What... You say they're dealing with it. Would it be a county health... Well, I don't know. Share with me."

McKeon: "Right. It could include both county health departments as well as not-for-profit 501 C3 organizations who work with the Department of Public Health now on other matters of public health."

Parke: "Give me an example of a 501 C. You know all they have to do is file the appropriate papers with the Secretary of State and boom, they become a 501 C3 corporation. Are there going to be guidelines on how long they're in existence and can I form a 501 C3 corporation and I could be the owner and I say that I'm going to deal with that and ask the Department of Public Aid to give the grant to me and I'll get a salary and I'll turn over that...some money to buy a billboard. Can I do that?"

McKeon: "You probably could, but my understanding from the Department of Public Health is these are organizations that they have an ongoing relationship with and have a proven capacity. I would expect that they would implement guidelines in terms of RFPs and so forth to participate in the program."

Parke: "And you have no idea how much the Federal Government is going to give to us?"

McKeon: "The money is actually given to the University of Chicago and they are working in collaboration with the Illinois

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

118th Legislative Day

April 30, 1998

Department of Public Health."

Parke: "And do we... Again, do we know how much money is coming... Do you know how much the federal grant is, or block grant is to the states? Do you know what that is?"

McKeon: "No, I do not."

Parke: "And you say this is going to go predominantly to minorities because of the high incidence of prostate cancer. Will some go... Does that mean that...that the bulk of this is going to go to the City of Chicago because they have the largest minority population and some maybe to East St. Louis and maybe some to Peoria and some to Decatur, but what about the rest of the state? How is the rest of the state going to benefit from this or is this just a grant to a handful of cities in the state?"

McKeon: "My understanding is that the effort given the availability of funding is statewide. In fact, the Illinois Cancer Society estimates there are about 14,000 new cases of prostate cancer in the State of Illinois."

Parke: "Well, I... there's no doubt in my mind that we have almost an epidemic of problems with prostate cancer. There's no doubt about it and it's growing. I just want... I want to talk about the Bill. I want to get an understanding is that let's say it's a million dollars, how much of that... Let's say, do we have any percentages of how much money will go to other parts of the state other than the City of Chicago, who will ultimately get the bulk of this because they have the largest minority population, which is logical that would happen. But how does the other...how does the rest of the state benefit from this because there's no distinction on who gets prostate cancer around the state. Every male can get it."

McKeon: "That is left to the determination of the Department of

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

118th Legislative Day

April 30, 1998

Public Health."

Parke: "The State Department of Health will make that determination?"

McKeon: "Right."

Parke: "Are there federal guidelines on that?"

McKeon: "No."

Parke: "Who establishes the guidelines, the Department?"

McKeon: "The Department."

Parke: "Does that mean that the Executive Director of the Department gets his staff together and says draw the guidelines? Does anybody approve those guidelines?"

McKeon: "They're approved by the Department."

Parke: "So, it's just an internal decision that the Department makes?"

McKeon: "That's correct."

Parke: "Thank you, Representative, I appreciate your time."

Speaker Madigan: "Mr. McKeon to close."

McKeon: "I'd appreciate your favorable vote."

Speaker Madigan: "Those in favor of the passage of the Bill vote 'aye'; those opposed vote 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 117 people voting 'aye'; 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Reitz, do you wish to call Senate Bill 1500? Mr. Reitz."

Reitz: "No, Mr. Speaker."

Speaker Madigan: "Thank you. Mr. Holbrook, do you wish to call Senate Bill 1755? Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1755, a Bill for an Act to amend the Probate Act of 1975. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. Holbrook."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

118th Legislative Day

April 30, 1998

Holbrook: "Thank you, Mr. Speaker. Mr. Speaker, Senate Bill 1755 is an initiative that was brought out due to the Supreme Court ruling unconstitutional our current probates statute on the collection, the estate of illegitimate children. This was brought to me by one of my local attorneys. It turns out that we have parents that have never even claimed a child and when they come forward, they want a claim from the deceased child's estate. What this Bill does is, it changes our statute to where both men and women, mothers and fathers, are eligible, where currently our statutes said only the mother's family and her descendents could collect, and it also sets up a criteria for establishing a custodial relationship where if the child had a relationship. I'd be glad to take any questions. I know of no opposition to the Bill."

Speaker Madigan: "Mr. Cross."

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

Speaker Madigan: "The Sponsor yields."

Cross: "Representative, I have had a little hard time, or had quite a bit of hard time understanding what you said. I have frankly no idea what this Bill does, and I'm not being, not being sarcastic. Can you be a little more specific in how this amends the Probate Act?"

Holbrook: "Well, it removes gender as a factor for inheritance in estates where there is no will. The Supreme Court ruled it illegal in the case of Estate of Hicks, recently."

Cross: "What do you mean by gender as a factor? In what context?"

Holbrook: "Currently, only the mother and her descendants could make a claim under our statute and the court ruled that as unconstitutional and this Bill changes it to where the parent. It doesn't designate only the mother, but the

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

118th Legislative Day

April 30, 1998

parent, so it could be a mother or a father."

Cross: "That's the only thing this Bill does?"

Holbrook: "It sets up a criteria for where there has been some form of custodial relationship. Adds about a sentence or two saying that they have to have knowledge that the child was there and they had to have some contact with the child."

Cross: "Who sets up the criteria?"

Holbrook: "It's written in the Bill and then the court rules on it. It's in the statute."

Cross: "All right. I'm going to yield my time, if it's permissible, to Representative Turner, as soon as he gets the grapefruit out of his mouth. Thank you."

Speaker Madigan: "The Chair recognizes Mr. Tom Johnson."

Johnson, Tom: "Yes, to the Bill. I rise in strong support of this measure. Basically, what the Hicks case did is not so much declare something unconstitutional, but permit, basically, a father to take under intestate succession from a son's estate who the father disowned very early in life and contributed nothing to that son's support and, in fact, was long gone and then subsequently learned that his son had died intestate but left some resources. Basically, I believe and Mr... Representative Holbrook, correct me if I'm wrong on this, but I believe that what this Bill now says is that for brevity's sake here, a deadbeat parent who's been gone and absent from a child's life from early on, can't, upon learning of that child's death, now turn around and file and take the father's share or mother's share, as the case may be, under intestate succession without first showing that they had some involvement in that child's life. And so, I think this really clears up a very bad situation that has been contained in our law of

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

118th Legislative Day

April 30, 1998

intestate succession under the Probate Act for many years and I think it took the Hicks case to bring that to light. So, I rise in strong support of this measure. Thank you."

Speaker Madigan: "Mr. Holbrook to close."

Holbrook: "It's an excellent Bill. I ask for your support. Thank you."

Speaker Madigan: "Those in favor of the passage of the Bill vote 'aye'; those opposed vote 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 117 people voting 'aye'; 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Hoffman, do you wish to call Senate Bill 1756? Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1756, a Bill for an Act to amend the Criminal Code of 1961. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. Hoffman."

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 1756, the original provisions of this Bill are identical to a Bill that we passed out overwhelmingly, a House Bill that went over to the Senate concerning the cleaning up of language and getting rid of or ensuring that armed robbery, aggravated robbery has the same definition as far as a dangerous weapon as armed robbery. That was an initiative of the prosecutors, Appellate Prosecutors' Association. In addition to that, this has been amended to include the provisions of truth-in-sentencing that were ruled unconstitutional recently by the courts in regard to the Bill that was passed here a few years ago. As you know, the single subject matter issue came up, so what has happened is we have put all the provisions of that truth-in-sentencing

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

118th Legislative Day

April 30, 1998

legislation, including several other provisions regarding the Criminal Code that passed overwhelmingly out of here a couple years ago, onto this Bill so that it would not be in violation of the single subject matter. I think this is a very important piece of legislation and I ask for an 'aye' vote."

Speaker Madigan: "Mr. John Turner."

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

Speaker Madigan: "The Sponsor yields."

Turner, J.: "Representative, we've passed so many of these armed robberies and aggravated robberies and robbery Bills, I can't understand why we're doing another one. Have we passed this before and it didn't get signed by the Governor or we got criss-crossed with the Senate, or what happened?"

Hoffman: "No, we just...I don't think we've ever passed this before, Mr. Turner. What happened here is that I passed it out of the House and that is over in the Senate right now. In addition, my Senator, Senator Bowles passed nearly identical language over here. Or not nearly identical, it was identical. Identical language over here, so it's never been to the Governor. But what we did is we utilized that as a vehicle to make sure that the...what was ruled unconstitutional recently with regard to truth-in-sentencing in that Bill, is all on here so that we can get that thing moving also."

Turner, J.: "Well, I don't think that truth-in-sentencing Bill was unconstitutional. What do you think?"

Hoffman: "As you know, not being a Member of the Judiciary, I just have to... I guess, and not being paid as much as the Members of the judiciary do, I guess that I just have to live by their decision."

Turner, J.: "Well, surely you're going to have an opportunity to

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

118th Legislative Day

April 30, 1998

vote for a pay raise for the judiciary. Are you going to do that?"

Hoffman: "I don't plan on addressing that."

Turner, J.: "Okay. Well, I'm afraid prosecutors are going to be terribly confused with an aggravated robbery, an armed robbery, and a regular robbery. And maybe for the record we better clarify what the difference in all of those crimes are under your Bill and what the different sentencing alternatives a court would have for those different crimes."

Hoffman: "Well, essentially we are not changing, there already exists under Illinois law what is called aggravated robbery. Okay? And there already exists under Illinois Law what's called armed robbery. Under Illinois law armed robbery is defined as when you rob somebody with the use of a dangerous weapon and there's a definition of that. Unfortunately, under Illinois law the definition regarding aggravated robbery, as you know, aggravation, aggravated robbery is not the act of pulling out a gun and saying I'm going to shoot you, give me your money. It's saying I have a gun. You don't actually pull it out. I have a gun, I have another dangerous weapon and threaten, and to threat. So, we're not changing and saying, we're not changing any of the penalties. What we're just saying is, the definition that currently exists with regard to dangerous weapon for armed robbery will be the same as for aggravated robbery. That's all this does."

Turner, J.: "Well, are they both Class X felonies, then?"

Hoffman: "No, they're the... I believe that armed robbery is a Class X, as you know, and I think aggravated is a Class I, I believe."

Turner, J.: "Okay. Well since..."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

118th Legislative Day

April 30, 1998

Hoffman: "I don't have that in my analysis, but I believe that's the way it is."

Turner, J.: "How is this offense going to be distinguished from armed violence?"

Hoffman: "We're not creating a new offense, Representative. It's already distinguishable."

Turner, J.: "All right. Well, I don't understand your Bill. What's your Bill do then?"

Hoffman: "Well, first of all, it has all the provisions with regard to truth-in-sentencing. It has all the provisions with regard to truth-in-sentencing that was...that we worked together on, as you remember, on the Judiciary Committee and came up with a truth-in-sentencing Bill I believe was in 1995. It has all the provisions that the court ruled on and then in addition to that, it has the underlying Bill that came over from the Senate, which essentially says that with regard to aggravated robbery, the definition of a dangerous weapon is the same as it is with armed robbery. What happened was is there have been situations in this state where a person will go up to a person and say I have a knife. I'm going to... I'm going to stab you. Give me your money. Well, if he would have said, I have a gun and I'm going to shoot you, that would have been an aggravated robbery, however, it was not the case prior to the changing of this definition. It should be the same. I don't see any distinction. The fear of the victim is the same and the definition of armed robbery, of armed robbery it would include a knife and a bludgeon and other dangerous weapons and this would make it consistent."

Turner, J.: "Okay. And you said you added crimes to the truth-in-sentencing Bill that you and I had worked on. By the way, it seems like I remember that sometimes you were

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

118th Legislative Day

April 30, 1998

working against me on that truth-in-sentencing, but I think ultimately we were working together. But what offenses did you add then?"

Hoffman: "No, we're not... This is the same Bill that was passed. We're not adding anything. All we have done is the...whether the ruling was right or the ruling was wrong, I'm not trying to pass judgement on that. All we did is take the Bill that was passed back then, as it existed, took out what was supposedly causing the single subject matter problem, which was a hospital lien issue, I believe, and we put it into this Bill, so it's the same as what we worked so hard on in 1995."

Turner, J: "Well, that was pretty good stuff. My analysis says that the Bill has provisions regarding the irresistible impulse test. Is that just incorrect? You don't deal with that test at all?"

Hoffman: "I'm sorry, I..."

Turner, J.: "The analysis that I have says that it deletes provisions or at least makes reference to what is known as the irresistible impulse test. Does your Bill do that or is the analysis incorrect or was that done previously and perhaps it's been changed by Amendment?"

Hoffman: "What you're asking... It's my understanding what you're ask... Here's my understanding of the Bill. Okay?"

Turner, J.: "Okay."

Hoffman: "And he's going to look it up. You're asking is there anything in this Bill regarding to the irresistible impulse test?"

Turner, J.: "That's what I'm asking because my analysis says that it does deal with that. But maybe it had at one point and it's been amended, I don't know."

Hoffman: "Well, I think the underlying Bill did not. Okay, the

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

118th Legislative Day

April 30, 1998

underlying Bill just dealt with the aggravated robbery. We then amended it with all the provisions that were contained in Public...actually it was Public Act 89-404, all the substantive changes. We're checking right now as to whether the irresistible impulse test was part of that. I don't believe it was. At least my analysis does not indicate that that was part of that...that Public Act. Now, it might be and I might be wrong, but it's not on my analysis. If I'm wrong, what we did is, we're just taking the...we're taking everything but the Hospital Lien Act from Public Act 89-404, we're putting it on this Bill so that we can assure the constitutionality and the viability of the provisions that were passed at that time."

Turner, J.: "All right. Did you want to go on and look that up and I'd just wait or do you want to move ahead and then perhaps another question, or can begin with other questions."

Hoffman: "Well, maybe you can enlighten me. If you could tell me what you have and I can..."

Turner, J.: "Well, I can tell you the analysis says that it deletes the irresistible impulse prong of the current insanity defense. I... If it does that, and then I have the follow-up question is, why, and there may very well be a good reason for it, and the second question would be then, is, if we're not going to use the irresistible impulse test, what will be the test applicable in the State of Illinois?"

Hoffman: "Here's what... Okay. Representative, you're right. What it would do is amend the Criminal Code of 1961 for the affirmative defense of insanity. It provides that the defendant must prove insanity at the time of the offense by a clear and convincing standard rather than by a

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

118th Legislative Day

April 30, 1998

preponderance of evidence, but the state still must prove all the elements of defense beyond a reasonable doubt. It deletes the irresistible impulse prong of the insanity defense. You're absolutely right. What this would do, is if I recall correctly, I mean, this has been a few years now, but as you know, what it does is it tightens up the insanity defense to ensure that a person who actually claims it, claims the insanity defense, was actually insane at the time. And I think this...at the time, if I remember, this was supported by law enforcement groups as well as the Appellate Prosecutors Association and I think we all overwhelmingly, in committee at that time and I think on the floor, were in favor of it also."

Turner, J.: "Well, it sounds like then the way you described it, if someone's going to assert an insanity defense, the burden of proof will be clear and convincing rather than preponderance of the evidence, which does raise the standard and makes it more difficult to assert that as a defense. Is that right?"

Hoffman: "That is correct. That is correct. Yes."

Turner, J.: "Well, that sounds like a good provision."

Hoffman: "I'm glad you approve. It took us awhile to get there, but I'm glad you approve."

Turner, J.: "Well, I don't think it was my fault, was it?"

Hoffman: "You're exactly right. You're right."

Turner, J.: "I don't think I have any other questions."

Speaker Madigan: "Mr. Phil Novak."

Novak: "Mr. Speaker, will the Sponsor yield, please?"

Speaker Madigan: "Sponsor yields."

Novak: "One quick question, Jay. Representative O'Brien had a little conversation and I over here about, what is the impact on, what is the impact on sentencing of individuals

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

118th Legislative Day

April 30, 1998

that were sentenced while the law was in effect from the time the judge overruled it? I mean, does it have any impact on those individuals that came under the provisions of the Truth-in-Sentencing Act? Were any of their convictions invalidated or were their convictions affected by the invalidation of this law?"

Hoffman: "Well, I think that unfortunately, Representative, I wish we wouldn't be here having to redo this, because I think that the truth-in-sentencing was something that we, in this General Assembly, made a statement in 1995 that we thought was very, very important. But we're here and I think what's going to happen is we're unfortunately going to see many cases come out of that issue, judicial cases. What this is saying is what we think... There's a question as to whether we can make it...pass it now and make it ex post facto. This will have, this essentially, I don't think, the intent is to say that's up to the courts. What this is going to do is it's going to immediately make sure that we have truth-in-sentencing here in Illinois and get rid of the, I think, the constitutional argument that threw it out. So, that's a very difficult question. I think the courts are going to filter that out."

Novak: "Well, I'm not an attorney, but then again you see some of these inmates, some of these people that were convicted under this law, they could go to court to seek to get a declaratory judgement whether they had standing in court then, is that it?"

Hoffman: "The issue, the issue... Mr. Brosnahan just pointed out to me and he as well as Representative O'Brien were very instrumental in ensuring that this got out of committee, so I would like to give them credit, also. However, Mr. Brosnahan pointed out to me you had mentioned what would

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

118th Legislative Day

April 30, 1998

this do to convictions. It probably wouldn't do anything to convictions, the issue is the sentence. So, I think my reading of it, the conviction would probably still stand, however how long they serve would be the issue, and that's probably what the courts are going to have to decide."

Novak: "Well, one other question. So let's assume that twenty or thirty of these people, these inmates do this. Would there be a public funding or anything like that for their legal challenges in court?"

Hoffman: "Not in this Bill, no."

Novak: "All right. Thank you."

Speaker Madigan: "Mr. Black."

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

Speaker Madigan: "The Sponsor yields."

Black: "Representative, I didn't have any intention of speaking on this Bill, but all this talk about irresistible impulse made me jump to my feet and I won't even ask you to explain it. At this point I don't really care what it is. The Amendment that reinstates the Truth-in-Sentencing Act does not become the Bill, it adds to the Bill. Is that correct?"

Hoffman: "That's correct."

Black: "All right. The underlying Bill has something to do with armed robbery under false pretenses. I say I have a knife and I really only have an Eskimo Pie stick or something. Is that what the underlying Bill does?"

Hoffman: "No. Not armed robbery under false pretenses, it's actually an aggravated robbery. If you say...you could have a knife in your pocket."

Black: "I don't."

Hoffman: "Or you could say you had a knife in your pocket."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

118th Legislative Day

April 30, 1998

Black: "Okay. I'm sorry. It was my hand, I'm sorry."

Hoffman: "Right. And you say I'm going to, I'm going to stab you. That, under Illinois law, currently would not be what is called an aggravated robbery. However, if you were to take the knife out and you were to say I'm going to stab you, give me your money. That would be an armed robbery. Now, right now under the...the status of the law is such is that, yes, it would be an armed robbery, but it wouldn't be an aggravated robbery. But if you used a gun. It's all very complicated, Representative. If you were to use a gun... if you use a gun...so you committed armed robbery if you hold it. If you hold it and point at me, that's an armed robbery. If you use a gun and threaten me with it, it would be an aggravated robbery. But if you were to use a different type of an in... If you did have a gun and you threatened me with it, it would be an aggravated robbery, but if you used a different type of an instrument, a different dangerous weapon, there was a glitch in the law. The dangerous weapon definition was not the same between the two. It's all very complicated, but that's basically it."

Black: "So, I was going to say we've advanced to the point where robbery is no longer robbery. It can be armed robbery, aggravated robbery, really aggravated robbery or highway robbery."

Hoffman: "Well, this doesn't add to definitions of robbery. It just changes the definition of the instrument."

Black: "Well, all right. What was the genesis of the underlying Bill? Where did that Bill come from?"

Hoffman: "The Bill came out of an incident that occurred in Edwardsville, Illinois where a woman was at an ATM machine in Edwardsville and a person with a knife came up to

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

118th Legislative Day

April 30, 1998

that... No, I take that back. A person came up and threatened that person - give me your money, I'm going to stab you. The problem was that the state's attorneys there and the prosecutors and the Chief of Police of Edwardsville had a problem in that they could not charge...they didn't believe the definition of aggravated robbery allowed them to charge that as an aggravated robbery. They had to charge what's called, I believe, an aggravated...either an aggravated assault or nothing. So, this cleans that up. And so the genesis of it is it comes from the prosecutors in that area. It also comes...it comes from the prosecutors...it also comes from the Chief of Police of Edwardsville."

Black: "All right. So, this emanated then from the State's Attorney of Madison County?"

Hoffman: "That's correct."

Black: "I...I... Who is that fellow? I don't remember his name. I've met him."

Hoffman: "Mr. Hane."

Black: "Oh, Mr. Hane, of course. How quickly I forget. Is there any opposition to the Bill?"

Hoffman: "It passed out overwhelmingly when I passed it over to the House, so I don't know of any, no."

Black: "You know, the only thing that concerns me is that..."

Hoffman: "Well, I take that back. People who commit aggravated robbery probably are opposed to this."

Black: "Well, and I believe while speaking of aggravation. did you...did we not pass a House Bill on this that addressed this subject that is currently resting, somewhat uncomfortably, in the Senate Rules Committee?"

Hoffman: "I don't know. I don't know. I hope... I don't know if it's still in Rules or not. I don't know if it's

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

118th Legislative Day

April 30, 1998

comfortable or not."

Black: "So, in other words, we get to pass the Senate Bill?"

Hoffman: "Yes."

Black: "Well..."

Hoffman: "But in addition, some other very important provisions that you all had put forward in '95."

Black: "Well, that's true I... But at some point I think we need to add a section under law about the aggravated offense of burying House Bills while the Senate Bills seem to have nine lives, and perhaps you and I could work on that at a later date."

Hoffman: "Yes."

Black: "Well, thank you, Representative. You've done a very moderate amount of work on this Bill, but it's a good idea whose time has come and I know you will share the credit with all of us."

Hoffman: "Yes, I will."

Black: "Thank you."

Speaker Madigan: "Mr. Hoffman to close."

Hoffman: "Thank you, Mr. Speaker. I believe that this is a good provision and it's very important to the people of the State of Illinois, and it addresses an immediate need. I ask for an 'aye' vote."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? The Clerk shall take the record. On this question there are 117 people voting 'aye', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. On the Order of Senate Bills - Second Reading there appears Senate Bill 497. Mr. Clerk, what is the

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

118th Legislative Day

April 30, 1998

status of that Bill?"

Clerk Rossi: "Senate Bill 497, a Bill for an Act to amend the Residential Mortgage License Act of 1987. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments approved for consideration. The Notes that were requested on the Bill have been withdrawn."

Speaker Madigan: "Third Reading. Senate Bill 1203. What is the status of that Bill?"

Clerk Rossi: "Senate Bill 1203, a Bill for Act amending the Township Code. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed. The Notes that were requested on the Bill have been filed."

Speaker Madigan: "Third Reading. Senate Bill 1349. What is the status of that Bill?"

Clerk Rossi: "Senate Bill 1349, a Bill for an Act in relation to taxes. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed. The Notes that were requested on the Bill have been withdrawn."

Speaker Madigan: "Representative Andrea Moore, this is your Bill. Do you wish to move it to Third? Third Reading. Senate Bill 1709. Mr. Clerk."

Clerk Rossi: "Senate Bill 1709, a Bill for an Act amending the Illinois Lottery Law. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed. The Note that was requested on the Bill has been filed."

Speaker Madigan: "Third Reading. Mr. Clerk, what is the status of Senate Bill 1598?"

Clerk Rossi: "Senate Bill 1598 is on the Order of Senate Bills - Third Reading."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

118th Legislative Day

April 30, 1998

Speaker Madigan: "Place that Bill on the Order of Second Reading.

Mr. Clerk, do you have anything further?"

Clerk Rossi: "Nothing further, Speaker Madigan."

Speaker Madigan: "Is there an Adjournment Resolution?"

Clerk Rossi: "Yes, Sir."

Speaker Madigan: "Read the Resolution."

Clerk Rossi: "Senate Joint Resolution #65, offered by Representative Currie, be it resolved by the Senate of the 90th General Assembly of the State of Illinois, the House of Representatives concurring herein, that when the two Houses adjourn on Thursday, April 30, 1998, the Senate stands adjourned until Monday, May 4, 1998 at 12:00 noon and the House of Representatives stands adjourned until Tuesday, May 5, 1998 at 1:00 p.m."

Speaker Madigan: "We've all heard the Adjournment Resolution. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Adjournment Resolution is adopted. Mr. Clerk, do you need perfunctory time?"

Clerk Rossi: "Yes."

Speaker Madigan: "Representative Currie moves that the House does stand adjourned until Tuesday at 1:00 p.m. providing perfunctory time for the Clerk. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it and the House does stand adjourned until Tuesday at 1:00 p.m."

Clerk Rossi: "The House Perfunctory Session will come to order. Committee Reports. Representative Judy Erwin, Chairman from the Committee on Higher Education, to which the following Bills were referred, action taken on April 29, 1998, reported the same back with the following recommendations: 'do pass short debate' Senate Bill 1338 and Senate Bill 1892; 'do pass as amended short debate' Senate Bill 1627; 'do pass as amended short debate' Senate

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

118th Legislative Day

April 30, 1998

Bill 1674. Representative Frank Mautino, Chairperson from the Committee on Insurance, to which the following Bills were referred, action taken on April 30, 1998, reported the same back with the following recommendations: 'do pass as amended short debate' Senate Bill 1728 and Senate Bill 1901. Messages from the Senate by Mr. Jim Harry, Secretary. 'Mr. Speaker, I am directed to inform the House of Representatives that the Senate has concurred with the House in the passage of the following Bills: House Bill 25, a Bill for an Act to amend the Rights of Crime Victims and Witnesses Act, together with Senate Amendment #1. House Bill 94, a Bill for an Act to amend the Illinois Solid Waste Management Act, together with Senate Amendment #1. House Bill 533, a Bill for an Act to amend the Service Use Tax Act, together with Senate Amendments 1, 2, and 3. House Bill 2333, a Bill for an Act concerning taxes, together with Senate Amendment #1. House Bill 2580, a Bill for an Act concerning property conveyance, together with Senate Amendment #1.' Messages from the Compensation Review Board. 'Enclosed please find a copy of the 1998 Report of the Illinois Compensation Review Board. The Report is being filed with your office pursuant to the Compensation Review Board Act, 25ILCS120/1.' Signed Robert Yugolay, Counsel to the Board. There being no further business, the House Perfunctory Session will stand adjourned."