

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Speaker Madigan: "The House shall come to order. The Members shall be in their chairs. We shall be led in prayer today by the Reverend Nancy Weingartner of the Sycamore United Methodist Church in Sycamore. Reverend Weingartner is the guest of Representative Wirsing. The guests in the gallery may wish to rise and join us for the invocation and the Pledge of Allegiance."

Reverend Weingartner: "Let us turn in prayer. Dear Lord of peace, give us peace of mind as well as the mind of peace. We know, Eternal Spirit, that war is not glorious, that rows of white crosses in our national cemeteries remind us of the ugliness of war. And yet, Oh God, because war is so repulsive we ask that we not turn away, however, from all thoughts of battle, lest we dishonor those who so faithfully serve to protect our way of life. Guard our troops in the shadow of Your protective arm, comfort their spirits with the peace of Your abiding presence. Dear Lord of wisdom, as this House prepares for another day of debate, decision, and vote, we ask Your spirit to be actively engaged here, for we need Your help. Give Members discretion as heavy issues come before them. May no one act impulsively and then live to regret such a decision. May we not be afraid of voting against the pleasant or the popular if it is in the way of what is most important. Rescue all of us from being slaves of indecision, for then we are slaves of frustration and stress. Help us not to promise more than we can perform or perform less than what we promise. Grant us a willingness to understand another

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

person's point of view, for it may contain much truth. May our point of view be accurate, may our attitude be considerate. And Lord, if we must be different, may we not be difficult. Give us faith at this time to commit our decisions to Your glory and for the greater good of human kind. Strengthen our resolve, eternal Peacemaker, to live lives of justice, compassion, peace, and mercy, now and forever. 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 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. Representative Currie."

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

Speaker Madigan: "Mr. Bost. Mr. Bost."

Bost: "Thank you, Mr. Speaker. All the Republicans are present today."

Speaker Madigan: "The Clerk shall take the record. There being 118 Members responding to the Attendance Roll Call, there is a quorum present. Mr. Clerk."

Clerk Bolin: "Committee Reports. Representative Osterman, Chairperson from the Committee on Local Government, to which the following measures were referred, action taken on Friday, February... April 04, 2003, reported the same back

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

with the following recommendations: 'recommends be adopted' Floor Amendment #1 to House Bill 842, Floor Amendment #2 to House Bill 36 and 79. Representative Burke, Chairperson from the Committee on Executive, to which the following measures were referred, action taken on Thursday, April 03, 2003, reported the same back with the following recommendations: 'recommends be adopted' Floor Amendments 3, 4, and 5 to House Bill 2201. Representative McCarthy, Chairperson from the Committee on Higher Education, to which the following measures were referred, action taken on Thursday, April 03, 2003, reported the same back with the following recommendations: 'recommends be adopted' Floor Amendment #2 to House Bill 2522. Representative Delgado, Chairperson from the Committee on Human Services, to which the following measures were referred, action taken on Thursday, April 03, 2003, reported the same back with the following recommendations: 'recommends be adopted' Floor Amendment #4 to House Bill 10... Floor Amendment #4 to House Bill 1809. Representative O'Brien, Chairperson from the Committee on Judiciary II-Criminal Law, to which the following measures were referred, action taken on Thursday, April 03, 2003, reported the same back with the following recommendations: 'recommends be adopted' Floor Amendment #4 to House Bill 1281. Representative Steve Davis, Chairperson from the Committee on Public Utilities, to which the following measures were referred, action taken on Thursday, April 03, 2003, reported the same back with the following recommendations: 'recommends be adopted' Floor

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Amendment #2 to House Bill 2265, and Floor Amendment #1 to House Bill 3321. Representative Hoffman, Chairperson from the Committee on Transportation & Motor Vehicles, to which the following measures /were referred, action taken on Thursday, April 03, 2003, reported the same back with the following recommendations: 'recommends be adopted' Floor Amendment #1 to House Bill 717."

Speaker Madigan: "Mr. Sacia."

Sacia: "Thank you, Mr. Speaker. Point of personal privilege."

Speaker Madigan: "State your point."

Sacia: "In the gallery, today, we have the eighth grade class from Emanuel Lutheran Church in Freeport, Illinois. They're behind the Democrat's side of the chamber. And they're waving to ya. I guess we have some over here as well. But, if you would acknowledge them. They came all the way from Freeport."

Speaker Madigan: "All right. Ladies and Gentlemen, today is the last day for House Bills. As has been our practice, we are going to proceed through the priority calls. If a Bill is called today and you decline to call the Bill, that's the last call, we're not coming back to it. So I have in front of me a list of priority one calls. And if you decline to call the Bill now, we're not gonna come back to it. So, Mr. Meyer. Is Mr. Meyer in the chamber? All right, for clarification, I'll wait 'til Mr. Meyer is in the chamber to give him an opportunity to call the Bill. But once he's in the chamber and he declines to call the

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Bill, we're moving on. Mr. Hartke, do you wish to call 2786? Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 2786, a Bill for an Act in relation to vehicles. Third Reading of this House Bill."

Speaker Madigan: "Mr. Hartke."

Hartke: "Thank you very much, Mr. Speaker and Members of the House. House Bill 2786 is... is a piece of legislation to streamline and expedite the Department of Transportation's daily permits that are issued for oversized concrete pumps and well-drilling equipment. Currently, when a piece of equipment that is oversized and needs a permit from the Department of Transportation, they must call the Department of Transportation to get a permit to move those trucks. Many times these decisions are made at 3, 4, 5 o'clock in the morning. The weather's gonna permit these... the equipment's necessity to be moved to a construction site and is difficult of getting a hold of the Department of Transportation, which delays the activity of the construction of that day. This piece of legislation will allow for annual permits. I would be happy to answer any questions."

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

Mautino: "Yes, will the Sponsor yield? Representative Hartke, would this... would this also include the... the cranes, as well? The supersize, are they... they usually travel with a boom dolly, you know, to carry the extra... the extra weights on those."

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Hartke: "Yes."

Mautino: "Great, thanks. Support your Bill."

Speaker Madigan: "Mr. Black."

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

Speaker Madigan: "The Sponsor yields."

Black: "Representative, what... what's the current fee structure for these permits?"

Hartke: "I'm am not sure. This does not change any of the fee structures for these permits."

Black: "I'm sorry. Chuck, I didn't hear you. I apologize. What did you say?"

Speaker Madigan: "Mr. Hartke."

Hartke: "I'm not sure what the... the cost of these permits are currently. However, this legislation calls for a permit that will be \$2 thousand for a one-year permit and \$5 hundred, of course, for a quarterly permit."

Black: "All right, and..."

Hartke: "I don't know what the daily permit charge is now."

Black: "The... I believe it was Representative Mautino, asked about the transport of cranes. Are those the construction cranes that are... that are transported from site to site? Not... not the... not the shovel crane, as we know, but the..."

Hartke: "It's my understanding that this is for the... those cranes that are... that are transported, broken down. You know, when you see the trucks with..."

Black: "Okay. All right."

Hartke: "...multiple wheels and big train... cranes."

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Black: "All right. Thank you."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; 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 110 people voting 'yes', 7 people voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Davis, did you wish to call House Bill 2265? Mr. Clerk, what is the status of House Bill 2265?"

Clerk Rossi: "House Bill 2265 has been read a second time, previously. Amendment #1 was adopted in committee. No Motions have been filed. Floor Amendment #2, offered by Representative Steve Davis, has been approved for consideration."

Speaker Madigan: "Mr. Davis."

Davis, S.: "Yes, thank you, Speaker, Ladies and Gentlemen of the House. Amendment #2 to House Bill 2265 is agreed language between SBC, Verizon, Illinois Telephone Association, the Illinois Commerce Commission, and the competitive carriers to help streamline the administrative process of filing competitive contracts with the commission. The underlying Bill was an effort to... just to get rid of some of the unnecessary, overburdened paperwork. And the Amendment is, more or less, clean up language that was requested by the ICC and by the competitive carriers in committee. And I would move for the adoption of Floor Amendment #2."

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Speaker Madigan: "The Gentleman moves for the adoption of the Amendment. Those in favor say 'yes'; those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Madigan: "Third Reading. Read the Bill."

Clerk Rossi: "House Bill 2265, a Bill for an Act concerning telecommunications. Third Reading of this House Bill."

Speaker Madigan: "Mr. Davis. Mr. Davis."

Davis, S.: "Yes, thank you, Speaker, Ladies and Gentlemen of the House. House Bill 2265 is an... is an initiative brought to me by SBC. And it is an agreed to Bill, with the Amendment. It requires that the Public Utilities Act permit the carriers to respond to the marketplace by offering services at rates and terms that differ from the tariff rates. The ICC oversight helps prevent those contracts from having anticompetitive effects. And I would ask for the... an 'aye' vote on the... on the Bill."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. Those in favor signify by voting 'yes', 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 117 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Meyer. Is Mr. Meyer in the chamber? Mr. Franks, did you wish to call House Bill 209? Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 209..."

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Speaker Madigan: "Mr. Clerk, take this out of the record. Mr. Wirsing. The House is not on the order of debate on the Bill. So the Chair will recognize Mr. Wirsing."

Wirsing: "Thank you, Mr. Speaker. I know it's not in the Rules, but I..."

Speaker Madigan: "Mr. Wirsing, I think your purpose is for an introduction."

Wirsing: "Yes."

Speaker Madigan: "So, please... please, proceed."

Wirsing: "Okay, thank you. Members of the House, I want to introduce to you a group of men that are here today from the Sycamore Methodist Church, and it's called the Sycamore Methodist Men's Club, how about that. And they've come down today with the Pastor, Nancy. They're up here in the gallery if you want to give them a nice, warm welcome."

Speaker Madigan: "Mr. Clerk, we'll... we'll go on the order of House Bill 209. Has the Bill been read a third time? Mr. Clerk."

Clerk Rossi: "House Bill 209, a Bill for an Act concerning discount prescription drugs for senior citizens and disabled persons. Third Reading of this House Bill."

Speaker Madigan: "Mr. Franks."

Franks: "Thank you, Mr. Speaker. Before I start I'd like to thank Speaker Madigan for all his help in this, in making this a real priority, and his leadership. We've had a lot of people working on this Bill for a long time. There's been Citizen Action, there's been Bill Perkins and AFSCME. Representative Bill Mitchell took a lot of heat when he

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

supported this Bill a few years ago and I'm proud to have him as a hyphenated cosponsor. And also, Representative Jay Hoffman who's worked very hard on this. I'd like to thank all those people for bringing this together. And also for Governor Blagojevich and his commitment to this, he made this a big priority during his campaign. And we worked closely with the Governor's Office in crafting this agreement. We all know that the lack of medicare prescription drug coverage for our elderly and our disabled population is the single biggest gap in health... health coverage that our nation faces. Unfortunately, the Federal Government continues to drag its heels on the issue while our seniors get sicker and poorer. More than one in eight seniors have to choose between food and their prescribed medications. What's truly alarming is that while seniors make up 12 percent of our population, they purchase 37 percent of the prescription drugs that are used. Unlike large corporations and institutional customers, like HMOs, with their market power to buy drugs at discount prices, individual customers are left paying the highest prices. And these prices, those prices here in the United States, are the world's highest. They average 32 percent more than in Canada, 40 percent more than in Mexico, and 60 percent more than in the United Kingdom. And let's remember, these are the same drugs that are used all over. So, what's the bottom line? The most profitable industry in the country, the pharmaceutical industry, is charging the highest prices in the world to our most vulnerable citizens. It's bad

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

medicine, it's bad economics, and it's bad public policy. We're here today to end the price discrimination and ensure fairness for all seniors. We must protect our seniors before they lose their homes, their liberty, and their health. I... I'll be glad to answer any questions. I can explain what this Bill does."

Speaker Madigan: "Ladies and Gentlemen, this Bill is on the Order of Standard Debate. We've had one person speak for the Bill. The Chair recognizes Representative Coulson."

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

Speaker Madigan: "The Sponsor yields."

Coulson: "Representative Franks, I know we've long and hard on this issue and I congratulate you on many of... you know, keeping this alive. I have some questions. As I understand it, there is an Amendment. Can you explain what that Amendment does differently? Or is the Amendment in the Senate and not here?"

Franks: "No, it's here."

Coulson: "Okay."

Franks: "Amendment 1 and 2 be... their... engrossed, becomes the Bill."

Coulson: "Okay."

Franks: "And what House Bill 209 would do was... would provide prescription drugs to all seniors and disabled citizens at fair and reasonable prices. What we're trying to do with House Bill 209 is to establish a prescription drug discount program, which will be administered by CMS or whatever program administrator they choose, but we believe it'll be

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

CMS. And the administrator would be able to negotiate the best rates on prescription drugs. CMS already purchases drugs for the State Employees Group Insurance Program, so it makes sense that we consolidate these activities under one agency. And we believe by bringing all negotiating and purchasing for prescription drugs under one roof that we can dramatically lower the medication costs while saving the state millions of dollars. As... as you know, Representative, the Governor has issued an executive order to establish a Prescription Drug Advocates for the state, so we're already in the position to achieve savings and prudent purchasing of our drugs."

Coulson: "Thank you. So, in this case, it's slightly different than the Bills we've had in the past in that this is not a mandatory requirement for pharmaceutical companies to be a member, but they are allowed to. Correct?"

Franks: "Yes, very good point, Representative. And I think that's what got you on as a Sponsor. We have met with the big manufacturers and Pharma and they had a problem with requiring the federal supply schedule, as well as the Medicaid pricing. We took both of those issues out of this Bill. And when I talked to Cheryl Luria yesterday, of Glaxo, she told me they are not opposed to this Bill."

Coulson: "I think that's a key point for the Members of the House to understand because in many cases the mandatory nature of the other states who have done this are now in the Supreme Court."

Franks: "Right."

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Coulson: "And we don't wanna have ours to have to go to the Supreme Court. Another question, are we in any way requiring specific prices or fixing prices for medication?"

Franks: "Absolutely not, we're gonna let the market decide. But what... I... I could give you some examples, if that can help, because this is what we believe is gonna happen. Without the program, for example, for Pepcid, an average retail price here in Springfield is \$62.70. We believe with our buying club an individual would pay \$19.69 or a savings of 68 percent on that particular drug. It's all gonna be drug specific. On some drugs we're not gonna save that much, but on others we can do really well. And if we use the mail-order component, which we have here, we can do even better. Without the program, for arguing sense, there's a drug called Teclid. They pay an average retail price in Springfield of \$80.35. In the buying club we'd spend \$14.85, that individual who wanted to purchase it. And that's a savings of 81 1/2 percent. Now, obviously, these... these..."

Coulson: "Well, those are in the high end, I believe."

Franks: "Those are at the high end. And we have a couple that we've pointed out that are in the 80 percent region, some in the 60 percent region, and some, quite frankly, that are much less. But at least now, we'll be able to use our market power as it should be used. And as you know, Illinois has done a really bad job of using our market power."

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Coulson: "And as... as I understand it, generic and brand name will be handled differently. The brand name is gonna be 12 percent, plu... plus whatever discount they can receive and..."

Franks: "Yeah, that's a... that's a very important component because with this... with the Amendment, the pharmacists are now neutral on the Bill. Now, I'm not sure they're supporting it, but they're at least neutral. And what we've done is, they've agreed... and I... and I need to say this. We need to thank pharm... the pharm... our pharmacists, as well as the retail merchants, who have bargained in good faith in this for a long time. And what they've agreed to do, right off... right off the bat, is to give the average wholesale price minus 12 percent, automatically a 12 percent discount, by the pharmacists if you're using a brand name, or AWP minus 35 percent if you're using a generic. Now that's even before we negotiate or have our administrator through a PBM or if our administrator does it, and a PBM means pharmacy benefit manager, have them negotiate with the manufacturers. And we've seen... what we've been able to do already, CMS, is just like been what we have for our Legislators, and we believe we'll be able to do at least that well with our buying club. And that's how we're coming up with these numbers."

Coulson: "And... and I'm not sure if you mentioned, there's about 450 thousand seniors we believe will be eligible, and disabled, correct?"

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Franks: "It could be higher, it could be between... our numbers indicate it could be between 500 thousand and 700 thousand seniors. Certainly, everyone is eligible, it's not... and then the good part about this Bill, it's not mandatory. And if you wish to join you may, and you'd be paying a \$25 annual fee. And those people that are already signed up for circuit breaker, they will get the card for free because they've already qualified."

Coulson: "And I do have a lot more questions on how that integration is gonna work, but I won't bore the... the Assembly here. But I do have two more questions. One is, are the pharmacists required to be involved in this? How does that work?"

Franks: "The pharmacists aren't required. They choose... if they choose to be part of this they may be. But with the reimbursement rate and what we've given them as the... the dispensing fee, they won't be hurt on this. And the pharmacists in IRMA have agreed to this Bill, you know, they're neutral on it now. So, we believe that there's gonna be a lot of participation. And we wanted to make a Bill that folks could participate in because it doesn't do us any good if nobody's gonna do it and the pharmacies aren't gonna... aren't gonna be part of it. Now, we've got the pharmacists who are going to be part of this program, so it's gonna be something that's actually gonna work."

Coulson: "My last question is related to the catastrophic healthcare. As we know, we've... we've really done a great job in Illinois with the circuit breaker and the senior

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

care program for lower income seniors. This should help some seniors, but in the case of a senior who has huge medical Bills as well as large pharmaceutical bills because of a chronic disease, it still may be unaffordable for them to be able to get their medications. And as I understand it, and I'm gonna ask you this question, we're gonna still work on that catastrophic healthcare pharmaceutical coverage... in the future?"

Franks: "Absolutely. I know the Governor is committed to that, I know the Speaker is. And we've talked about this, it's a question of budgetary constraints right now. We will continue to work on that 'cause you're right. But this Bill also will help the lowest income seniors as well, even those that are members of the circuit breaker. A lot of the drugs aren't on circuit breaker, so this... we should... a lot... all the drugs should, theoretically, be covered, whatever we can cut a deal on. So, we'll be able to help the lowest income seniors, as well."

Coulson: "Okay. To the Bill. Thank you very much. I would encourage everyone to vote for this Bill. I think it's a good step in the direction where we've been going over the last five years. We've had our senior care program, which is one of the only in the country, we have our circuit breaker program. NCSL has said that Illinois has the best pharmaceutical coverage for seniors in the nation, right now. This will only move us ahead to even do a better job for our seniors. And I would encourage you all to vote for this Bill, as well as to continue to try to help seniors

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

with catastrophic coverage. And I urge an 'aye' vote.  
Thank you."

Speaker Madigan: "Ladies and Gentlemen, the Bill is on the  
Order of Standard Debate. Two people have spoken for the  
Bill. The Chair recognizes Mr. Black."

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

Speaker Madigan: "The Sponsor yields."

Black: "Representative, I... I think Representative Coulson asked  
you this question, but it's hard to get... it's hard to hear  
the answer. As originally proposed, as I understand it,  
it's been about what..."

Franks: "Three."

Black: "...three or four years ago?"

Franks: "Yes, Sir. Yes, Sir."

Black: "There was a clause, correct me if I'm wrong, that if a  
pharmaceutical company did not choose to participate then  
we would take action to bar them from selling any of their  
products in the State of Illinois. It was contentious at  
the time, that has been removed, correct?"

Franks: "Yes, I'm older and wiser now, Representative."

Black: "All right. I... I wanted to make sure. Thank you very  
much. Mr. Speaker, I... I rise in support of the Bill. I... I  
won't belabor the point or echo what Representative Coulson  
said. Contrary to some reports in the... in campaign  
rhetoric and in... in the media, Illinois has not been  
standing still on the issue of prescription drug assistance  
for seniors. I think Illinois can take pride... and I

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

certainly take pride in the fact that many Members on my side of the aisle joined by Members by your side of the aisle took some proactive efforts in circuit breaker and senior care and did what we could do with the resources we had. This, I regard, as another step in that ongoing process. And I'm sure the Senate may have some things they want to add to this Bill. And, you know, we have to remember, sometimes we start with small steps before we can walk. The original proposal by the Representative, modeled after a proposal in the State of Maine, I would remind you that the State of Maine proposal has been tied up in court and, I believe, is on the way to the Su... United States Supreme Court for an ultimate decision. So, any of these programs that are new require a lot of effort. And I think a lot of effort has gone into this program, as well have gone into the circuit breaker and the senior care program, which I think many states have looked to as a model. So, I... I intend to vote for this Bill today. I think it is yet another step in this process and progress where we try to get a handle on the costs of prescription medication for our seniors, and eventually for everyone in the state who is not fortunate enough to have insurance coverage. So, I... I commend all of those who have worked on it. And I'm sure this Bill will receive the requisite number of votes to pass."

Speaker Madigan: "Ladies and Gentlemen, the Bill is on the Order of Standard Debate. We have already had three people speak for the Bill. We are finished with proponents.

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Representative Mulligan, you are seeking recognition.  
Could you state your purpose?"

Mulligan: "Mr. Speaker, I don't think there are too many people  
that are opponents on this. But there are a few questions  
that I would like on the record."

Speaker Madigan: "So, you stand in response?"

Mulligan: "Right."

Speaker Madigan: "Yes, did you wish to address questions to Mr.  
Franks?"

Mulligan: "Yes."

Speaker Madigan: "Mr. Franks yields."

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

Speaker Madigan: "The Sponsor yields."

Mulligan: "Representative, just a couple of questions. We've  
met with... about this and we've discussed it so... but then,  
in thinking about it, there are a few questions that  
Representative Coulson did not ask and one question that  
did not come up in our discussion. First of all, it's my  
understanding that if your doctor writes a prescription  
from anywhere from 30 to 90 days that the pharmacy will  
fill that prescription for that amount of time, not three  
times for 30 days, but they can fill it for 30, 60, or 90,  
depending on what your doctor writes."

Franks: "I'm sorry, I can't hear you. I don't know..."

Mulligan: "I'm asking a question about if your doctor writes  
the prescription, or the script, for 90 days, if the  
pharmacist will fill it for 90 days?"

Franks: "I'm told by staff, yes."

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Mulligan: "All right, because 30, 60, or 90, there... there is the dispensing fees. So if you fill it for 30, you get one dispensing fee. If you fill it for 60, you get one. But if you fill it for 30, 30, 30, there... Or if you're a senior that goes to Florida for the winter or some... you'd like to have it filled or you're gonna be gone for some reason, you'd like it filled for a little longer time, as long as your doctor writes the script for that it would be all right."

Franks: "And what's good about this Bill, as well, if you're a senior going to Florida for the winter, you can do this... you can order it from here and they can do it by mail order, which would even save them more money and they can send it down to their address."

Mulligan: "My understanding was you... that pharmacies were also going to allow them to order on the Internet."

Franks: "Yes, that's correct."

Mulligan: "Okay. And then the other question I have, which didn't come up and may not be pertinent to this. But, if you are... if you buy the \$25 card and if you go for some... and you use the drug program, will that money still be eligible for a spend down for Medicaid?"

Franks: "What... this isn't any part of Medicaid."

Mulligan: "Pardon me?"

Franks: "This has nothing to do with Medicaid."

Mulligan: "I know, but the money that you spend on certain medical costs make you eligible... you have to spend down to

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

be eligible for Medicaid. So, if you put \$25 down for the card..."

Franks: "Right."

Mulligan: "...and then you... then you spend 'x' number of dollars before you spend down that month to be eligible for Medicaid..."

Franks: "Well, whatever you spend on those drugs will count for your Medicaid spend down. Now, that you're asking about the \$25 card, I don't think it will."

Mulligan: "Okay, that would probably be either something that will be determined by rule or have to be changed if we decided that that would..."

Franks: "Sure, yeah."

Mulligan: "All right. And..."

Franks: "It would be up to Medicaid, I believe."

Mulligan: "Then my other question is about sending the Bill to the Senate. Now, I know the Senate has a similar Bill, I don't know if it's the same."

Franks: "It's a identical."

Mulligan: "All right. And so, do you have any agreement with them not to change our Bill or..."

Franks: "This... this is the language. This is the Bill. This is the Bill that's gonna get to the Governor."

Mulligan: "Okay, so no matter what happens, if they hold the Bill... I think Senator Halvorson is the Sponsor, and you know, sometimes they like pride of authorship, although you've worked on it for quite some time."

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Franks: "It's not a question of pride, we're all working together to get this done. We don't care whose Bill passes."

Mulligan: "All right. So, you think that both Bills are basically the same?"

Franks: "They're identical."

Mulligan: "All right, thank you very much."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; 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 118 Members voting for the Bill, 0 voting against the Bill. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Meyer. House Bill 305. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 305, a Bill for an Act concerning security information. Third Reading of this House Bill... House Bill."

Speaker Madigan: "Mr. Meyer."

Meyer: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 305 amends the Freedom of Information Act and Open Meetings Act. This language was drafted by the Attorney General's Office and it represents two years of pretty heavy negotiations between the Illinois Press Association, public utilities, and in that respect, Peoples Gas represented their interests, the Illinois Municipal League, and the DuPage Mayors and Managers, and the City of

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Chicago. All were very important components of this negotiation. There are no... there are no dissenters in this, no opposition. And I believe that... it includes a number of very good pieces of work. Makes three changes in the exemptions portion of the Freedom of Information Acts by expanding the exemption for architects' plans to include construction-related technical documents for public and private projects, where the disclosure would compromise security. Also, amends the Open Meetings Act to provide for closed meetings to discuss security procedures and the use of personnel and equipment to respond to an actual or a threatened or a reasonably potential danger to the safety of the public. Again, it is agreed upon language. And it culminates two years of negotiations on this issue. Appreciate an 'aye' vote."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. There being no discussion, the question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 118 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Representative Kelly, do you wish to call 1415? Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1415, a Bill for an Act in relation to minors. Third Reading of this House Bill."

Kelly: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 1415 amends the Juvenile Court Act. It

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

provides that when a minor is held in detention solely for the reason of truancy, that they are kept separate from other minors who have committed serious offenses considered to be felon. In addition, they should be assigned school work as determined by the facility director. Thank you."

Speaker Madigan: "The Lady has moved for the passage of the Bill. There being no discussion, the question is, 'Shall this Bill pass?' Those in favor... Representative Lindner."

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

Speaker Madigan: "The Sponsor yields."

Lindner: "You are doing away with the truancy program in... under the jurisdiction of DCFS, is that correct?"

Kelly: "No, that is not."

Lindner: "All right, I'm sorry. Tell me what this Bill does."

Kelly: "It's when a minor is solely truant and when they are sent to detention, we are asking that they are segregated from the other populations who have committed more serious offenses. Because these are minors that are sent... have just not that I'm excusing that, but they're just not going to school. And we don't feel that they should be mixed in with the other youths that have committed more serious offenses."

Lindner: "Okay, mixed in in the juvenile detention facility?"

Kelly: "No, they can, right, mix in in the actual facility."

Lindner: "All right. And that's all the Bill does?"

Kelly: "Yes."

Lindner: "Okay, thank you."

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Speaker Madigan: "Ladies and Gentlemen, this Bill is on the Order of Standard Debate. We have had one person for the Bill, one person in response. The Chair recognizes Mr. Black."

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

Speaker Madigan: "The Sponsor yields."

Black: "Representative, I have received a great deal of correspondence about this Bill, particularly from those involved in the field of education. The regional superintendent of schools in my district have called and sent various letters, school administrators, teachers. I'm not sure that their opposition has been removed by the Amendments. Quite frankly, I've not heard from them. Is it... is it in your... in your best estimation, are they still opposed to the Bill as amended?"

Kelly: "No, I was told that they were not opposed. I received a lot of those letters and they were concerned about us taking the court out of the truancy program. And we have amended the Bill so it does not do that. They still will have to go to a judge, that would be necessary."

Black: "I'm sorry, you said they would probably still be opposed?"

Kelly: "No, they are not opposed."

Black: "They're not opposed."

Kelly: "We've made phone calls."

Black: "All right. Then... then, work me through the process. What... the concern that they had is if we take away the

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

court intervention procedures, they have no teeth... the school has no teeth to compel the student to attend school. And I share your concern, it's not that any school wants to take a truant to court after one or two days. For example, the... the policy in Champaign County, from the regional superintendent, is that they do not take any action in a court until that student has 18 unexcused absences. And I... I think the feeling is it's very important that we try to get these children to attend school. And that without going to court and involving the parent or guardian in the court hearing, that the student often just says, 'I don't care what you do, I'm not gonna go.' Well, once they're before a judge their attitude may change just a little bit. When the judge explains, 'well, let me tell you what your options may be.' The concern that many school people have, will they still have access to the courts for a chronic truant?"

Kelly: "Yes."

Black: "Not... they don't want to go to court, except in cases where the student and the parent just absolutely refuses to encourage, if that's the right word, the student to go to school."

Kelly: "I've had many meetings with the school board or many telephone conversations and I agree with what you're saying. So that's why we amended the Bill, so the court is still involved. We hope that the minors that do miss school, that they are put through a series of programs and then just don't go to court as the first option. But if

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

they still do not go to school, yes, they still can go to court..."

Black: "Okay."

Kelly: "...and they still can be sent to detention."

Black: "So... so in other words, the... the appearance in court will still be an option if all of the programs... and some of these programs may very well work, but if... if they don't and the student just refuses to go to school, then a court appearance is... is an option."

Kelly: "Yes, Sir."

Black: "All right. Thank you very much."

Kelly: "You're welcome."

Speaker Madigan: "Ladies and Gentlemen, the Bill is on the Order of Standard Debate. We have had one for the Bill, two in response. The Chair recognizes Mr. Forby."

Forby: "Will the Sponsor yield?"

Speaker Madigan: "The Sponsor yields."

Forby: "Are you telling me now that if there's a problem in the school they can take the kid back to court?"

Kelly: "Yes."

Forby: "Uh..."

Kelly: "Originally, the courts were taken out of the process. But the courts are now back in the process, so the judge is involved."

Forby: "Okay, you answered my question. Thank you."

Speaker Madigan: "Ladies and Gentlemen, the Bill is on the Order of Standard Debate. We have had one for the Bill,

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

three in response. We shall have no more in response. Mr. Mitchell."

Mitchell, J.: "Thank you, Mr. Speaker. Rep... will the Sponsor yield?"

Speaker Madigan: "The Sponsor yields."

Mitchell, J.: "Representative Kelly, I just... I stand in... in strong support of your Bill at this time. And I appreciate the fact that you and Representative Eddy both sat down and listened to the concerns of the regional office of education in my area. And I know that you went to great lengths to hold this Bill and get it amended so that you can work with the programs that are out there now. We have many alternative education programs that would have been impacted by the original Bill. When that was brought to your attention you sat down and worked out this compromise that is fully accepted by the... at least by the regional office of education folks that were down here. My regional office of education has called me and... and thanked me and said to thank you and Representative Eddy. Judge Thomas Payne also, who was a juvenile judge in our courts in Lee County, really appreciates the facts that now the court will still have the discretion to put students in alternative education programs or at least get alternative education to those students without having either incarcerated or just put back in the schools without any further action by the regional office. So, Mr. Speaker, to the Bill. I do believe that... that this Amendment takes care of most of the objections in the regional office of

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

education. And I think it's a real fine Bill that... that does not harm but only will help in the instance of students... youngsters going to court or not going to court. I'm in full support, thank you."

Speaker Madigan: "Ladies and Gentlemen, we have now had two people for the Bill, three in response. There'll be one more for the Bill and then we'll go to Roll Call. Mr. Eddy."

Eddy: "Thank you, Mr. Speaker. I stand, also, in strong support of this Bill. In its original form, this Bill was objected to by the regional superintendents because it took away the court appearance. The amended version, after a lot of work on Representative Kelly's part with the regional superintendents and the courts, have actually improved what we will do with truant minors. In fact, this Bill contains language that will require those students to continue their education while being detained in a separate facility away from some of the dangers many of those could've been in... detained in under the present truancy Bill. This is a great improvement in the safety of students who... who were detained, in some cases, in dangerous situations. And actually, came back to the school population with some skills that they had learned in some detention centers that made them worse students. So, I commend the Sponsor and especially want to thank her for working so closely with those who had some original objections. This will improve what we do with truants in this state."

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 107 people voting 'yes', 7 people voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Representative Ryg, did you wish to call 3061? Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 3061, a Bill for an Act concerning transportation. Third Reading of this House Bill."

Speaker Madigan: "Representative Ryg."

Ryg: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. House Bill 3061 is in regards to context sensitive design, which is a collaborative interdisciplinary approach to transportation planning that involves all stakeholders to promote travel choice and respect the existing built-in natural environment. House Bill 3061 is amended and supported by the Governor's Office and the Illinois Department of Transportation. Provides that IDOT shall embrace the principles of context sensitive design and its policies and procedures for planning, design, and construction of its transportation facilities and promote early and ongoing collaboration with affected citizens, elected officials, and interest groups to ensure the values and needs of affected communities are identified and considered. This effort should promote innovative solutions and balance safety, mobility, community, and environmental objectives in transportation planning. The

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Bill requires IDOT to report on its implementation efforts to the Governor and General Assembly no later than April 1, 2004. I'd appreciate your support."

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

Black: "Thank you very much, Mr. Speaker, and Ladies and Gentlemen of the House. I rise in opposition to the Bill, I spoke in opposition to the Bill in committee. I will say that the Sponsor has amended the Bill to make it certainly less onerous than it was when it was presented in the House Transportation Committee. I think the Bill is duplicative and simply adds to the cost. I used, at that time, an example of a highway that goes through my home town. It is State Route 1, the first state highway in Illinois and it goes through one of the oldest residential areas in my community, with old two-story... multi-story homes and tree-shaded lots. IDOT had about six public hearings on this reconstruction project. They obtained input from the people who lived along this street. They did the best job they could do. They... we agreed to plant two trees for every tree that was removed. And we did the very best, I think I should say IDOT did the very best they could do to accommodate concerns while still being able to plan for an improved four-lane State Route 1 through what is a very, very nice residential district. While the Amendment makes this less onerous, I... I just simply think that this is already done. To require the State Department of Transportation to take into consideration the topography,

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

the geography, the trees, the maturity of the trees, the kind of landscaping, all of the things that many of us get upset about when a highway project is considered. I think IDOT's record is... is sound in this area. They have public hearings, they do the very best they can to accommodate public concerns and public attitudes. But when all is said and done, their task is to build, maintain, and refurbish highways so that traffic can get the most efficient... move most efficiently from point 'A' to point 'B'. And when we continue to put obstacles in the path, all we usually end up doing is to increase the cost of the road or improvement project. And I would submit to you that they're already as expensive, if not more so, than any state in the Midwest. I don't think the Bill is necessary. I would point out that the Sponsor has, evidently, agreed with that position because the Amendment certainly softens the impact of the original Bill. But when all is said and done, IDOT already is mandated to have public hearings, they already take public comment into consideration as best they can. I just don't want another barrier between what IDOT is mandated to do, under the rules and regulations of the State of Illinois, and what may delay or inhibit the orderly and, sometimes, very costly process of rehabilitating or building new highways in the State of Illinois. I... I intend to vote 'no'."

Speaker Madigan: "Mr. Bost."

Bost: "Thank you, Mr. Speaker. To the Bill. Ladies and Gentlemen of the House, you know... and I don't know what I

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

can add to what Representative Black said, but folks, we have professionals at IDOT that do do a tremendous job. Now, we're going to bind them by law to... to add these things, to do these studies, to increase the costs of doing road construction that's out there. Ladies and Gentlemen, I come from a part of the state that I would prefer that the road construction would be focused on being able to provide the best possible highway from point 'A' to point 'B' so that our goods can be transported, so that we can enter in commerce with those states around us, so that we can expand existing jobs. But what this does is it, once again, builds bureaucracy, it... it gives the... it forces IDOT to spend all kinds of time and money on the things that, yes, they're important, but they're not the main priority of what we're trying to accomplish right now in this state. I think that this... this Bill, though good intend... has good intentions, I think it's something that we should possibly talk to IDOT about, meet with them, have them have their hearings, and keep doing the way they are. We don't have to do this by law. And I would just encourage a 'no' vote."

Speaker Hartke: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 77 people voting 'yes', 39 people voting 'no'. This Bill, having received a Constitutional Majority, is

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

hereby declared passed. Mr. Burke, would you like to call House Bill 2221? Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 2221, a Bill for an Act concerning disabled persons. Third Reading of this House Bill."

Speaker Hartke: "Mr. Burke."

Burke: "Thank you, Speaker, and Ladies and Gentlemen of the House. House Amendment #1, which became the Bill, would codify the Executive Order of the Governor, issued on March 7, which established collective bargaining rights for approximately 20 thousand personal care attendants and personal assistants. These employees provide home care to severely disabled and severely ill persons under the age of 60. And the state has previously recognized Service Employees International, SEIU, Local 880 as their union representative. And I'd ask for the Body's favorable consideration. Be happy to answer any questions."

Speaker Hartke: "Mr. Clerk. Mr. Clerk, is there an Amendment to this Bill?"

Clerk Rossi: "Committee Amendment 1 and Floor Amendment #2 have been adopted to the Bill."

Speaker Hartke: "Floor Amendment #2, Mr. Clerk. Would that Amendment Shell the Bill? Mr. O'Brien, Amendment #2. To the Bill. Does it shell the Bill? Mr. Burke."

Burke: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Amendment #2 would, in fact, shell the Bill. And there is no language here. And I'd ask for the Body's favorable consideration."

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Speaker Hartke: "So, the Chair would advise the Members, this is a shell Bill. Representative Mulligan, do you seek recognition?"

Mulligan: "Thank you, Mr. Speaker. I'd like to ask the Sponsor a question if he will yield."

Speaker Hartke: "The Sponsor yields on the shell Bill."

Mulligan: "Representative Burke, what's the reason for making this a shell Bill?"

Burke: "Continued negotiations with all affected parties."

Mulligan: "And who... who is considered all the parties?"

Burke: "Well, first and foremost, the members of the Local 880, those that actually participate in assisting these disabled individuals and home health care workers and those parties that are representing their interests, seeking this initiative."

Mulligan: "So, just the union?"

Burke: "Pardon me?"

Mulligan: "Just the union?"

Burke: "No, there is a couple of unions involved, actually."

Mulligan: "All right. There is... there is an overall rush between several of the unions to unionize healthcare workers, in particular. I have always supported them, in fact, I was one of the few people that stood up and really railed the fact that they did not get their raise at the end of the budget last year. But I will tell you in talking to people like Lutheran Social Services, we are going forward with allowing this to happen. There are no healthcare benefits currently on the table. People like

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Lutheran Health... Lutheran Social Services, and I think Catholic Charities, but I know for a fact that Lutheran Social Services provide benefits for their workers. We have not increased their wage. They are going out of business, and then we're gonna increase and bargain by having people be unionized without taking into consideration what will happen particularly to charitable or not-for-profit providers. I think, as this Bill leaves here as a shell Bill, I think everyone should take into consideration the fact that if you're gonna allow these unions... the unions to collectively bargain, to unionize, that we also have to have a corresponding increase, at some point, for providers, otherwise, we are putting them out of business, particularly, providers that have already gone ahead and provided healthcare benefits for these workers when their own union does not negotiate them."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; 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 75 people voting 'yes', 43 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. For what purpose does Mr. Sullivan seek recognition?"

Sullivan: "Thank you, Mr. Speaker. Could I have the record reflect on House Bill 3061, I had wished to vote 'yes'."

Speaker Madigan: "The record will reflect your statement, Mr. Sullivan. Thank you. Representative Bailey, do you wish

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

to call House Bill 3486? Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "House Bill 3486 has been read a second time, previously. Floor Amendment #1 has been adopted to the Bill. No Motions have been filed. Floor Amendment #2, offered by Representative Bailey, has been approved for consideration."

Speaker Madigan: "Representative Bailey on the Amendment."

Bailey: "Thank you, Mr. Speaker. Amendment 2 to House Bill 3486 provides a new Act that shall be applicable to employers with at least 50 employees instead of the 25 employees that was agreed upon."

Speaker Madigan: "The Lady moves for the adoption of the Amendment. Those in favor say 'aye'; those opposed... Mr. Lang. The question is, 'Shall the Amendment be adopted?' Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Rossi: "No further Amendments."

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

Clerk Rossi: "House Bill 3486, a Bill for an Act concerning domestic violence. Third Reading of this House Bill."

Speaker Madigan: "Representative Bailey."

Bailey: "House Bill 3486 creates the first Domestic Violence Leave Act for the State of Illinois. With employees allowing their em... with employers allowing their employees to take leave with provided documentation. I ask for an 'aye' vote."

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Speaker Madigan: "Mr. Black."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. I just wish to commend the Representative. There was an agreement made in committee, she has held to that agreement. It has not been an easy task for her to hold to that agreement, but she has done it. And we simply thank her for keeping the agreement that was made in committee. And I again, Representative, thank you very much for standing up for that agreement. I know it hasn't been an easy task for you to get this Amendment added to the Bill, but we thank you."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; 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 118 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Brosnahan, do you wish to call 1451? 1451? Mr. Brosnahan. Turn on Mr. Brosnahan. If you choose not to call 1451, we don't plan to return to the Bill."

Brosnahan: "I understand, Sir. That... that Bill's not gonna be moving forward."

Speaker Madigan: "Okay. And then you have another Bill."

Brosnahan: "I would like to move House Bill 2215."

Speaker Madigan: "2215. Mr. Clerk, what is the status of that Bill?"

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Clerk Rossi: "House Bill 2215, a Bill for an Act in relation to civil procedure. Third Reading of this House Bill."

Speaker Madigan: "Mr. Brosnahan."

Brosnahan: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. House Bill 2215 is a piece of legislation that I've worked on with the Illinois Coalition Against Sexual Assault. It is a very important piece of legislation. What this Bill does is fairly simple, under current law, right now, the statute of limitations for civil an... for a civil action for damages for personal injury based on childhood sexual abuse must be commenced within two years, or within two years of the date of the person abused discovers or through the use of reasonable diligence should discover that the act of childhood sexual abuse occurred, and that the injury was caused by the childhood sexual abuse. In Illinois, the statute of limitations does not begin to run until the age of 18. What we are doing under this legislation is extending that statute to... to make it ten years from the age of 18 or within five years from the date of discovery. I've worked on this legislation for a long period of time. I do want to compliment the... the committee which helped me with this legislation. I think it's the... a very important piece of legislation, will go a long way towards improving the rights of victims. And I'd be happy to answer any questions."

Speaker Madigan: "Mr. Rose."

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

Speaker Madigan: "The Sponsor yields."

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Rose: "Thank you. Representative Brosnahan, thank you for bringing this to the chamber. I just have a few questions, if I may. Who is... who is in support of this Bill?"

Brosnahan: "I've worked on this legislation with the Illinois Coalition Against Sexual Assault. I've also been in contact with the Illinois Trial Lawyers Association, as well as... I've also spoken with some representatives of the Cook County State's Attorneys Office on this piece of legislation."

Rose: "Is there anybody opposing this at this time?"

Brosnahan: "In committee, I believe the Catholic Conference. Although they did not testify, I believe they filled out an opposition slip. The Illinois State Bar Association has expressed some concerns, I have worked on them. This Amendment #3 is actually in response to some of their concerns. I'm not going to stand here and tell you they are in support of the legislation, but I believe they are still opposed to it but I... I know that they are more comfortable with it now the way it's drafted with Amendment #3."

Rose: "Could you briefly describe what Amendment #3 does?"

Brosnahan: "Sure. Well, Amendment #3, actually, it becomes the Bill. And what it does, Chapin, is it extends the statute of limitations right now from... right now it's two years, it extends it to ten years. Now, that statute of limitations does not begin to run until the age of 18, so they'll have a cause of action until the age of 28. There's a second part of this Bill and that applies to delayed discovery.

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

And right now, under this Bill, we are giving those victims five years to file a civil cause of action for damages based on childhood sexual abuse, five years from the date that they discovered that their abuse and that the injuries were related to the abuse."

Rose: "Can you briefly go into the nature of the Bar Association's objection, Representative? I know you worked with them, so... I just..."

Brosnahan: "Sure. I think the nature of the Bar Association's objection is for statute of limitations. I think they wanted us to set some... a statute of repose. They wanted us to have a finite date when these actions would run out, where they couldn't file them later on. And I don't agree with that. I think cases involving childhood sexual abuse... we're not talking about a slip and fall case, we're not talking about a simple automobile accident. There's reasons why we have delayed discovery in Illinois, and we've always had it. We've had common law delayed discovery, and that was codified, I believe, in 1991. And the reason that we have delayed discovery is because the... the nature of the act of childhood sexual abuse is so unique. We're dealing with sometimes with repressed memories. Sometimes we're dealing with latent discovery. We're... sometimes we're dealing with situations where an individual may remember the events of the sexual abuse. They may remember the specific acts, but because they're so unique these individuals may be in their thirties or their forties, they may be experiencing some psychological

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

problems. Maybe it's depression, anxiety. Maybe it's alcoholism. It could be suicide attempts. And they don't make the causal connection until much later in life that those injuries that they're experiencing as adults were actually caused by the... the trauma of the childhood sexual abuse."

Rose: "Thank you, Mr. Speaker. To the Bill. Representative Brosnahan, I appreciate the work you've done on this. I am gonna vote for this. I hope that... I know there's some concern about over time how it's gonna affect, perhaps, a church congregation 40 years from now that may be substantially, if not completely, different than it was at the time the incident occurred. I do support this. As someone who has been a prosecutor, often victims, particularly in these types of instances, a young individual does not want to come forward. Often, their abuser is also their protector. And I support it for that reason. I just hope that as this goes over to the Senate we might be able to work with some of the church organizations that are... that are in opposition and this time to try to maybe, somehow craft a compromise that we can work with. Thank... thank you, Representative."

Speaker Madigan: "Mr. Rose. Mr. Rose, did you indicate that you're in support of this Bill?"

Rose: "Did."

Speaker Madigan: "Thank you. Ladies and Gentlemen, the Bill is on the Order of Standard Debate. We've had two for the

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Bill. There shall be only one more for the Bill. Mr. Molaro. Mr. Molaro."

Molaro: "Yes I... I stand..."

Speaker Madigan: "Mr. Molaro."

Molaro: "Thank you, Mr. Speaker."

Speaker Madigan: "We're all waiting patiently, Mr. Molaro."

Molaro: "Thank you. I didn't know you were gonna call on me. I... I've never understood this but I understand part of it. But I gotta ask you just specifically on the Bill. So someone turns 18 years of age and you have two years from that, currently? Is that the current law?"

Brosnahan: "That's correct."

Molaro: "Okay. And now we're gonna give it ten years?"

Brosnahan: "That's correct, but that's not dealing with delayed discovery. Right now..."

Molaro: "Right, I understand that."

Brosnahan: "Okay."

Molaro: "That's just the statute of limitations."

Brosnahan: "Exactly."

Molaro: "Right."

Brosnahan: "It's two years, currently. We're gonna make it ten years right now. And that statute does not begin to run until the age of 18."

Molaro: "And I guess the problems I've always had with these Bills, and I've voted against these before so it's certainly not the Sponsor. I... I really don't understand when we put these together and we did two years... and most the time when you have statute of limitations it's mainly

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

because if you're gonna accuse somebody three, four, five, six years after the event and you come up to them and say, 'You're accused of this crime. We want to know what you were doing on June 7, 1994', it almost makes it impossible to defend yourself because if you had witnesses, if you had calendars, they're all gone. So I guess I've always asked Sponsors, if it was two years why do we go to ten? Why not five, six, eight, nine, ten, twelve, fourteen, or get rid of it all together? Where does the magic number ten come from?"

Brosnahan: "Now, Representative, just so I can be clear. You're talking about criminal actions, this Bill only deals with the civil statute of limitations."

Molaro: "Well, the same thing to civil, right?"

Brosnahan: "And the criminal statute of limitations, I believe, was changed in 1990, when it comes to childhood sexual abuse, and that was extended to ten years. So, we are keeping this, in a way, consistent with the... the criminal statute of limitations that we just lengthened, ya know, a few short years ago. But I believe that the reason why this is definitely proper in this situation is for the reasons that I stated to Representative Rose. Childhood sexual abuse, these cases are very, very unique. And the individuals, many times, although they may recall the... the acts of abuse, they will not know until much later in life..."

Molaro: "Can I..."

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Brosnahan: "...that the injuries that they're suffering... so, that's why I think it's... that's why we're extending the statute of limitations."

Molaro: "And I got that. The last one is, now they, according to the statute... and the statute's been in place... this particular statute, where it talks about two years of the date the person abused discovers, or through the use of feasible diligence discovers."

Brosnahan: "Okay."

Molaro: "Now, someone discovers it, now it's the two-year statute. We're not talking about the discovery part, that I got."

Brosnahan: "Okay."

Molaro: "Why are we going from two years to five years after someone learns about it? Why shouldn't they be held to the same statute of limitations that everybody else knows about that once you discover... in other words, we're not talking about the discovery about the what could happen seven years psychology down the road. We're just talking about the statute of limitations, why change that from two to five?"

Brosnahan: "Well, we just think a longer period's more appropriate because even though these individuals... so many times they go through extended periods of counseling and therapy sessions seeing psychiatrists and it may take them a longer amount of time. Again, I don't want to repeat myself but..."

Molaro: "No, but..."

Brosnahan: "...it's not a typical case. That's why..."

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Molaro: "But I'm talking about after their... they go to a psychiat... let's say it takes 20 years, I don't care how long about that. Now they have it, yes, on this date at this time this person did this to me. It's not where they... it takes years to figure it out. Once they know about it and once everybody, the psychologist and them know about it, why would we give them five years after... why wouldn't they have two years like everybody else?"

Brosnahan: "Well, we want to give these victims... we want to actually help more of them out. I mean, some states have gone so far as to eliminate the civil statute of limitations. The State of Maine, there's not even a statute of limitations. So I think it's proper to extend it. And five years, originally it was ten years, now we... we've changed it down to five to accommodate some of the opposition."

Speaker Madigan: "Ladies and Gentlemen, we've had two people for the Bill, one in response. The Chair recognizes Mr. Mathias. Mr. Mathias."

Mathias: "Yes, will the Sponsor yield."

Speaker Madigan: "The Sponsor yields."

Mathias: "As you know, when this Amendment came up to... came in committee I had a concern over pending cases because of the way the Bill read. I believe it stated that it applied to any pending cases and I was concerned that there may be cases that the statute of limitations has already expired. And even though someone may have filed a lawsuit, I was concerned that this... your Bill would revive actions that

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

otherwise would have been, in effect, past the statute of limitations."

Brosnahan: "And, Sid... and I appreciate those questions and I know you worked with me on this legislation. The language that we put in this Bill was taken from the 1990 Amendatory Act. I had a chance after committee yesterday to look at some case law and you are... we were wondering what the status of law was in Illinois. And it is certainly not my intention to revive actions where the statute has already lapsed. And under Illinois law, the barring of an action by the statute of limitations creates a vested right in favor of the defendant and that action cannot later be revived. And I do have a couple of case cites if you want some light reading, if you want to take a look at those cases. But... so that is the present law in Illinois, that you can't... if the action's already lapsed... and that is not my intention to revive those actions that already lapsed."

Mathias: "If you could get me a copy of those cases, I..."

Brosnahan: "Sure."

Mathias: "Again, basically, you're saying for the record is that even though it says pending litigation, it would only apply to pending litigation where the statute... where the original statute of limitations had not already expired."

Brosnahan: "That is correct."

Mathias: "All right. Thank you, Mr. Speaker."

Brosnahan: "Thank you."

Speaker Madigan: "Ladies and Gentlemen, we've had two for, two in response. The Chair recognizes Mr. Parke."

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

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

Speaker Madigan: "The Sponsor yields."

Parke: "Thank you. Representative, I have a problem with your legislation. And the reason I have a problem is that I've been informed that there is a concern on churches being sued, under your legislation, if somebody of authority is found to be a perpetrator of this crime. And... which, I don't have a problem with the crime itself but I do have a problem with a church being sued. That means anybody's church here can be sued because this person might work for them. Now, is it your intent that you want to be able to let somebody sue these churches that may not have any knowledge of this person being a... breaking the law or a pedophile or whatever?"

Brosnahan: "Representative Parke, under present law, individuals have that same right today to sue a church, whether it was a member of the clergy, an employee of the church, whether it happened 30 years or 40 years ago. The law today... those individ... those churches, those congregations can be sued today. We... we are not changing that. We're just dealing lengthening the statute of limitations. But right now, I'm not creating a new cause of action against churches or, you know, members of the clergy. Those exist today."

Parke: "Well, I'm not... and I'm not interested in having that either. But they... they feel that this Bill extends liability. Is it... does it?"

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Brosnahan: "No, it extends the statute of limitations. It doesn't extend liability, as far as I'm concerned. No. They... they are subject to those same lawsuits today. And again, just... just to be clear, we are not creating this delayed discovery. This document isn't something new. It's been in common law, it's been codified in 1991. We are just making it clear, under this statute, that when somebody may know about the abuse, they may not make that causal connection until later in life with the injuries. So we're just saying that just that when you know about the abuse itself, that doesn't necessarily mean that the statute should start to run."

Parke: "Well, are you removing the statute of limitations on any part of this crime?"

Brosnahan: "Am I removing the statute of limitations? No. And... and again..."

Parke: "You're just extending 'em?"

Brosnahan: "...as I repeated to Representative Molaro, some states have gone that far to remove the statute of limitations when it comes to childhood sexual abuse cases in civil actions."

Parke: "All right."

Brosnahan: "We have not done that, we..."

Parke: "All right, then let me ask you this for legislative intent. It is not your intent to extend any kind of liabilities for church, other than what is in the law currently?"

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Brosnahan: "Well, I really can't answer that question. When you say... you have to look at each individual case. I'm not sure when you say, 'extending the liability'. What I... what this Bill does it... it simply extends the civil statute of limitations for actions based on childhood sexual abuse. But... and if a church knew about the abuse 40 years ago, they assisted in it, or they covered it up, those churches should be held accountable."

Parke: "I don't have a..."

Brosnahan: "I'm not gonna say that churches shouldn't be sued. In many cases they should be sued and they should be held accountable for their actions."

Parke: "Well, my concern is that... the church that doesn't... isn't aware of it."

Brosnahan: "And that would be up to... if a lawsuit's filed, that would be up to the trier of fact, whether it's a jury or whether it's a judge, to determine their liability. But I can't make any kind of a... a statement here on the floor about legislative intent to regards to liability of the churches. That's something for a... a trier of fact to decide."

Parke: "Okay, so it's... it's... it's not your intent to have a church to have... do a criminal sexual... I mean, a criminal check on every employee to make sure that they may not be liable without knowledge that this person may have a background of...?"

Brosnahan: "I'm not sure if I misunderstood the question but this legislation has nothing to do with background checks

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

or criminal background checks on employees of the churches.  
That's not included in the legislation whatsoever."

Parke: "Thank you, Representative."

Brosnahan: "Thank you."

Speaker Madigan: "The question is, 'Shall this Bill pass?'  
Those in favor signify by voting 'yes'; those opposed by  
voting 'no'. Have all voted who wish? Have all voted who  
wish? The Clerk shall take the record. On this question,  
there are 87 people voting 'yes', 26 people voting 'no'.  
This Bill, having received a Constitutional Majority, is  
hereby declared passed. Mr. Clerk, what is the status of  
House Bill 1553?"

Clerk Bolin: "House Bill 1553. The Bill's been read a second  
time, previously. No Committee Amendments. No Floor  
Amendments have been approved for consideration. No  
Motions filed."

Speaker Madigan: "Representative Currie."

Currie: "Thank you, Speaker and Members of the House. This is  
a shell Bill for purposes of the Drycleaners Environmental  
Response Trust Fund Act, should there be any decision that  
we need to make changes in that current program. I would  
appreciate your support."

Speaker Madigan: "Representative Currie, the Clerk advises that  
the Bill is on the Order of Second Reading. Mr. Clerk, has  
the Bill been read a second time?"

Clerk Bolin: "The Bill's been read a second time, previously."

Speaker Madigan: "Put the Bill on the Order of Third Reading  
and read the Bill for a third time."

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Clerk Bolin: "House Bill 1553, a Bill for an Act in relation to drycleaners. Third Reading of this House Bill."

Speaker Madigan: "Representative Currie has explained that this is a shell Bill. Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 61 people voting 'yes', 57 people voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Parke, you wish to call House Bill 3679? Mr. Clerk, what is the status of the Bill? 3679."

Clerk Bolin: "House Bill 3679. The Bill's been read a second time, previously. Amendment #1 was adopted in committee. Floor Amendment #2, offered by Representative Parke, has been approved for consideration."

Speaker Madigan: "Mr. Parke on the Amendment."

Parke: "Thank you, Re... Mr. Speaker. I offer, to the Body, Amendment #2 on 3679. When a referendum... and I'm carrying this for the Illinois Association of Park Districts. When a referendum is currently brought to the public for approval under the Park District Code, the ballot question is limited to request for a percentage of rate increase for either corporate or recreational purpose. This generic language does not give voters a clear idea the actual purpose of the proposed tax increase. So, let me... let me... I think what we want to do is that... to give every voter an opportunity to understand clearly what the referendum is about. And I'll give you an example that in my area there

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

was a referendum on the ballot and it simply said can school district... and though this only applies to park districts, now... The school district said, 'can school district 2233, or whatever it was, pass this referendum?' And it failed. And when they went back and asked people why did it fail they said because they didn't know what that school district... and they asked them well, if it was... it was for the community college. And they all sa... many of them said, 'oh, I didn't know it was for the community college. Had I had more information I would've voted for it.' And that's what we want to do. Now, this was done last year... two years ago under Bill 1915 for forest preserve districts and since then, a number of 'em have been able to pass in... tax increases because the people understood better what that referendum was for. And so, I offer this as a way of giving people, when a... when a question on park districts is on the ballot, a clear clarification of language."

Speaker Madigan: "The Gentleman moves for the adoption of the Amendment. The Chair recognizes Mr. Lang."

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

Speaker Madigan: "The Sponsor yields."

Lang: "Mr. Parke, the portion of the Bill you explained you explained very well. But there's one other change in the Bill that I find curious. On page 2 of Amendment 2, line 12, you've taken out the word 'increase' so... a... the language used to say, 'the foregoing limitations upon tax rates may be increased or decreased under the referendum

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

provisions'. Now it just simply says, 'the foregoing limitations upon tax rates may be decreased.' Are you now forbidding an increase?"

Parke: "No, I asked the same question, Representative, 'cause I... it didn't make sense to me either. So I asked for a clarification and this is it. Clarifies that the Park District Code is the controlling authority for tax rate increases in the corporate and recreational fund. But that the General Revenue Fund law continues to provide authority to decrease taxes, thereby making that... the statute consistent."

Lang: "All right, so the park district can increase and we can decrease?"

Parke: "Yes."

Lang: "And so you... what you're doing is clarifying the language with that change?"

Parke: "Absolutely."

Lang: "So..."

Parke: "Yeah, it makes it consistent with state statute."

Lang: "All right. Well, all right. I think you cleared that up. Thank you."

Parke: "Thank you."

Speaker Hartke: "Representative Hartke in the Chair. Is there any more discussion on Floor Amendment #2? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #2 to House Bill 3679?' All those in favor signify by saying 'aye'; opposed 'no'. In

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

the opinion of the Chair, the 'ayes' have it. And the Amendment is adopted. Further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 3679, a Bill for an Act concerning park districts. Third Reading of this House Bill."

Speaker Hartke: "Mr. Parke."

Parke: "We've done a good explanation of the Amendment that becomes the Bill. I would ask the Body to vote 'yes'."

Speaker Hartke: "The Chair recognizes Representative Franks."

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

Speaker Hartke: "The Sponsor will yield."

Franks: "Representative Parke, I'm just... I'm still confused on one thing. I'm reading the analysis and our analysis indicates that for park districts the only way you can decrease the tax rate is by... is by a referendum. Is that true?"

Parke: "Well, to be quite honest, I'm not gonna bluff you. I don't know if it's true or not. I really don't know."

Franks: "That's... that's the only thing... I know, that's what worries me. That's the only reason that would hold me back from voting against this Bill. 'Cause if we can't lower tax rates, except by a referendum, I think we're taking..."

Parke: "Let me assure you that that's not my intent."

Franks: "I'm sure it isn't."

Parke: "If an existing body wants to lower their rates, I am all for it."

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Franks: "I know you would be, as would I, but our analysis indicates otherwise."

Parke: "They... the staff tells that... Representative. Representative Franks, staff tells me they still can do it by Revenue Code."

Franks: "Under the code?"

Parke: "Yeah."

Franks: "Okay, good. I wanted to make sure that we're able to reduce those taxes. Thank you."

Speaker Hartke: "Further discussion? Since no one is seeking recognition, Representative Parke moves the adoption of House Bill 36... House Bill 3679. All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Lindner. Have all voted who wish? Mr. Clerk, take the record. On this question, there are 118 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Boland, are you ready on House Bill 3113? Mr. Clerk, read the Bill?"

Clerk Bolin: "House Bill 3113, a Bill for an Act concerning elections. Third Reading of this House Bill."

Speaker Hartke: "Representative Boland."

Boland: "Thank you, Mr. Speaker, Ladies and Gentlemen of the Assembly. This is a State Board of Elections Bill. It amends the Election Code to clarify that local election authorities converting voter registration records from

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

paper to computer may supply a copy in whole or in part of that electronic record to the State Board of Elections. The State Board of Elections is going to have a... going to have created a statewide computer-based voter registration file in a standard uniform format by the late summer 2003. And I'm... I believe this also ties in with the requirement from the Federal Help America Vote Act. Would appreciate an 'aye' vote."

Speaker Hartke: "Is there any discussion on House Bill 3113? Seeing no one is seeking recognition, the question is, 'Shall the House pass House Bill 3113?' All in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 118 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On Second Reading appears House Bill 3429. Mr. Dunkin. Mr. Dunkin. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 3429. The Bill's been read a second time, previously. No Committee Amendments. No Floor Amendments have been approved for consideration. And no Motions filed."

Speaker Hartke: "Third Reading. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 3429, a Bill for an Act concerning environmental protection. Third Reading of this House Bill."

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Speaker Hartke: "Representative Dunkin."

Dunkin: "Thank you, Mr. Speaker, Members of the House. Yeah, this Bill is an environmental Bill and it is... it provides that if an insurance policyholder... that they may be liable to the state and/or a unit of local government for the cost of the removal and remedial action relating to hazardous wastes or pesticides under the Act, or under any other law or ordinance establishing liability for the environmental cleanup costs. The state and the local unit of government may bring a cause of action against that particular policyholder's insurer for those costs."

Speaker Hartke: "Is there any discussion? The Chair recognizes Representative Parke."

Parke: "Thank you, Mr. Speaker. I... this is an unfortunate situation. I... I am not pleased to do this but I must rise in strong opposition to this based on the agreement that the Sponsor's made now to... We've tried to work out some kind of a solution. He's come and talked to me numerous times, he's tried to work on it. But the fact of the matter is, there is not an agreement between the parties. And it was noted that he would not move the Bill from Second Reading unless there was an agreement and that any Amendments would have to go through committee. Now, it is my contention that he made a commitment and he is not fulfilling that commitment. It's unfortunate, he can do it if he wishes, he's got the votes on his side. But let this be noted that when you make a commitment we, as a Body, expect you to fulfill that commitment and he has chosen not

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

to fulfill that commitment. It is unfortunate. Now, one of the things is that he's trying to work it out in the Senate. But one of things that... if he moves this Bill, that I would hope that he at least would make an agreement that he would inform the Senate Sponsor that, unless there was an agreement on no cause of action in this legislation, then I must strongly rise in opposition. Again, I will point out to the Body that if you make a commitment to the Members of a committee then we, in this Body, expect you to keep your word. I would like to hear the response from the Sponsor of this Bill."

Speaker Hartke: "The Chair recognizes Representative Dunkin."

Dunkin: "Representative, as you know... and I've been working with you, along with the other parties, on this matter for over three and a half weeks. Over three and half weeks I've been working with both parties to rectify this situation, and quite frankly, the reason that I've been coming and talking with you for such a long time was because the parties haven't been able to agree on anything. And the other party... one party actually reneged or went back on what we agreed on in committee. So I did not go back... I did not go back on my word, as you know. But you also know that over three and a half weeks they've been changing the dynamics of the discussion as it relates to this particular environmental cleanup. The Bill is basic... this is a shell Bill, basically. So we have time for the... for the additionally changes whenever they do agree on it. But they have to stick with their original terms of what we

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

agreed on in committee, where I gave my word to you, where I gave my word to the committee as well. But they cannot... they cannot change the dynamics or what we agreed on at the last minute. This is a shell Bill. And I need this Bill so we can continue to discuss, as we have agreed on, as I agreed in and committed to, in committee... and you know, we have a meeting set up for next week as well. So, I did not go back on my word. The parties are just changing... changing what they agreed on and what we agreed on in committee, as you well know."

Speaker Hartke: "Mr. Parke, he has responded."

Parke: "Thank you, Mr. Speaker. First of all, Ladies and Gentlemen, this is not a shell. It still has... it is still in the form that was in committee. I don't understand where the Sponsor feels that this is a shell, it is not a shell. I don't know what more to tell the Sponsor. In addition, he said that any Amendment that would be placed on this would go back through committee. It has not, is has not gone back through committee. And, so therefore, he has not fulfilled his commitment. Now it's... I do... and I take no pleasure in this. I do not enjoy doing this. I respect the Sponsor of this. But Ladies and Gentlemen, when you make a commitment you better well keep your commitment to the people of this Body. Your word means something down here. And if you're gonna give your word, you've gotta mean it. I'm sick and tired... I don't care how you try and justify this. I don't care how important this is to your district. When you make a commitment I expect

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

you to comm... to fulfill that commitment, and I don't care what your justification is. If you say you're gonna do something, you damn well better do it."

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

Dunkin: "Mr. Representative, I have not gone back on my word, as you well know. Now, I could raise my voice with the best of them in... up in here in this Body. I've been trying to work with you along with the insurance industry and the City of Chicago on this. If the insurance company is changing their agreed... the agreed Amendment that we talked about at the last minute, as you well know, what am I supposed to do? The original intent of this Bill is merely to clean up brownfields, toxic waste. There's no Bill that's gonna be appropriate for an insurance industry to be sued, of course. So, that's not true, and you know that. And you know that we've been trying to negotiate this through and through, Representative. I've been trying to work with them, I've been trying to work with you. And they're hemmin' and hawin' with no substance on it. And so we did not add an Amendment on it. The Bill is in its original form. And as I inform... informed and promised you, that we'll try to work this thing out next week, next Wednesday, where there is a meeting scheduled, where I'll attend and we'll hold it in the Senate until then. Did we not agree on that, you and myself?"

Speaker Hartke: "Mr. Parke, you have already spoken in debate and Mr. Dunkin has closed."

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Parke: "I was asked a question, Mr. Speaker."

Speaker Hartke: "He was in... he was closing. The question is, 'Shall the House pass House Bill 3429?' Mr. Dunkin."

Dunkin: "Can you take it out of Roll Call, please? Out of the record, excuse me."

Speaker Hartke: "Take this Bill out of the record. Mr. Hannig. House Bill 1459. Mr. Hannig. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1459, a Bill for an Act concerning finance. Third Reading of this House Bill."

Speaker Hartke: "Representative Hannig."

Hannig: "Yes, thank you, Mr. Speaker and Members of the House. This Bill is a shell Bill, it was shelled by the House Amendment. And it deals with the Illinois Development Finance Authority Act. We hope we have more clarity after Wednesday when the Governor gives his budget address as to where he wants to go with... with some of these agencies. And so we've shelled the Bill, we'd like to send it to the Senate. And again, now, we'll work with the Governor and with both sides of the aisle to... to get an agreement. So that's all it does at this time. I'd ask for your 'yes' vote."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass House Bill 1459?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Mr. Clerk, take the record. On this question, there are 62 Members

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

voting 'yes', 54 Members voting 'no', and 1 Member voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Holbrook in the chamber. Mr. Morrow in the chamber. On page 22 on the Calendar, on the Order of Third Reading, appears House Bill 2459. Representative Morrow. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2459, a Bill for an Act in relation to apprentice programs. Third Reading of this House Bill."

Speaker Hartke: "Representative Morrow."

Morrow: "Yes, thank you, Mr. Speaker, Ladies and Gentlemen of the House. This Bill has been around several times. About the only really change that I... that I did on this Bill was when we adopted Amendment #1 we took out the language from counties dealing with more than a hundred and ten thousand. But pretty much the Bill has... has remained the same as it was last year's House Bill 644, which passed the House with 106... 109 votes. I will be glad to answer any questions, though."

Speaker Hartke: "Is there any discussion on House Bill 2459? Seeing that no one is seeking recognition, the question is, 'Shall the House pass House Bill 2459?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 95 Members voting 'yes', 8 Members voting 'no', 15 Members voting 'present'. And this Bill, having received the Constitutional Majority,

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

is hereby declared passed. On Third Reading appears House Bill 1256. Representative Giles. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1256, a Bill for an Act concerning education. Third Reading of this House Bill."

Speaker Hartke: "Representative Giles."

Giles: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. Twelve-fifty-six is simply a shell Bill that we're gonna... that I hope that we can send it over to the Senate to continue the dialog to work on a real solution as far as the waivers requests from the various school districts. We... we're truly trying to make sure that... that both chambers will have fu... some participation in that process. What we simply want to do is just send this over and continue the dialog. And hopefully, over the summer we will have some hearings that will... all parties that has interest in this process will come together and try to come up with some real solutions to be able to address this problem so that everyone in this chamber can understand the waiver process and to make sure that each school district requests are... are heard and are granted or not granted."

Speaker Hartke: "Is there any discussion? The Chair recognizes the Gentleman from Cook, Mr. Parke."

Parke: "Thank you, Mr. Speaker. Just real quick. This is now a shell, Representative? This is a shell Bill?"

Giles: "Yes, Representative. We... I chose not to adopt Amendment #2 in committee yesterday for the simple fact that I want all parties to... to work on this issue. Number

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

one simply shells the Bill and that's all we're sending over."

Parke: "Thank you. We have no more problems. Thank you."

Speaker Hartke: "Further discussion? The Chair recognizes Mr. Mitchell. Jerry Mitchell."

Mitchell, J.: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This... this has been kind of a thorn in our side for several years. It seems as though the Senate always brings the Bill to us and we have no choices other than to vote it up or down, even though we're lobbied strongly by various school districts and various organizations for or against certain waivers. There really is only one vote for us and it's a confusing vote anyway. I certainly stand in strong support of... of the Representative's recommendation to continue talks over the summer on this issue. Both of the education associations have said that they truly believe that waivers are a part of the landscape. And they're not... there's... there's no intent to do away with the waiver process. But we do want to try to make it a little easier to understand and have a little more participation by the House. I stand in support of the Gentleman's Motion. Thank you."

Speaker Hartke: "Further discussion? Since no one is seeking recognition, the question is, 'Shall the House pass House Bill 1256?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question,

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

there are 83 Members voting 'yes', 35 Members voting 'no', 0 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On page 2 on the Calendar, on the Order of Second Reading, appears House Bill 9. Out of the record. On page 22 on the Calendar, on the Order of Third Reading, appears House Bill 2480. Representative Flowers. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2480, a Bill for an Act in relation to public aid. Third Reading of this House Bill."

Speaker Hartke: "Representative Flowers."

Flowers: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 2480 puts into law the current practice that allow the community health providers to count the total cost of mental health services paid out of a state grant fund toward a Medicaid patient's spend down obligation, not just the... the usual small amount of two to ten dollars made by the patients on a sliding scale. This practice has allowed Illinois to obtain federal Medicaid match to reimburse the state for services it would otherwise have to pay on its own. Both the Department of Public Aid and the Department of Human Services have made it clear in training seminars and the memorandums and policy manuals that update this practice that it's required by this Bill to be approved. In addition, the officials of both agencies have provided sworn testimony that, to the effect of this litigation, this practice is consistent with the federal Medicaid policy. And I'll be more than happy

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

to answer any questions you have in regards to House Bill 2480."

Speaker Hartke: "Is there any discussion on House Bill 2480? Seeing that no one is seeking recognition, the question is, 'Shall the House pass House Bill 2480?' All in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 118 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On page 19 on the Calendar, on the Order of Third Reading, appears House Bill 235. Mr. Franks. Mr. Franks. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 235, a Bill for an Act in relation to economic assistance. Third Reading of this House Bill."

Speaker Hartke: "Representative Franks."

Franks: "Thank you, Mr. Speaker. This is a Bill we talked about on the House Floor yesterday, which we had added the Amendment. And I want to thank the Speaker for allowing us to have a subject matter hearing last night, which went for about an hour and forty-five minutes, which we found very enlightening. And I think a lot of us learned a lot. And what we found is that there was still a few problems with the Bill, admittedly. And I walked over and spoke with Senator Clayborne, just a few minutes ago, who will be the Senate Sponsor. He's agreed to hold this until the parties get together and add an Amendment. The IMA had a couple of

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

issues that they wanted changed and we agreed to those changes yesterday in committee. Unfortunately, we've not been granted the extended deadline so we need to pass this and move it through. But we will... we do believe we'll be able to get an agreement with the IMA. I'd be glad to answer any questions."

Speaker Hartke: "Is there any discussion? The Chair recognizes Mr. Watson."

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

Speaker Hartke: "The Sponsor will yield."

Watson: "First, Representative Franks, I want to thank you for being so willing to work with us through the process. But I... I do have to... to say that we still have opposition here with... as it is written right now."

Franks: "Sure."

Watson: "And I know you've committed to work through that but as it is right now the chamber still has... has several issues that... that they are opposing. IMA and IRMA also want to make sure some language is... is done. And we... we are still requesting that this be extended, if possible. And if not, we are gonna have to support those people that have asked us to support them and we will probably... we will stand in opposition or 'present' until we can make those changes."

Speaker Hartke: "Further discussion? Representative Franks to close."

Franks: "Thank you. And I appreciate working with you on this Bill and many of the Members on the other side of the

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

aisle, as well as those on my... on our side of the aisle. Ladies and Gentlemen, it breaks down to this. It's time to do what's right for the working men and women of Illinois and for all the taxpayers. The financial strengths of our economy and of our citizens deals with knowing that we can count on deals that are made. This Bill has been torturously negotiated and we believe we have an agreement. We would just had a few points that, but unfortunately, we didn't have time to work out because of the deadline, but we have agreed to those changes. Senator Clayborne has said he will hold this until those changes are made in the Senate. I'd ask for an 'aye' vote here. And this Bill will establish the minimum standards in the application and monitoring of agreements. It will require public disclosure of economic development assistance spending. And it require... and it will also allow for recapture of the state taxpayer money if... if the company doesn't live up to the agreements. Very importantly, DCCA is in support of this Bill. They wouldn't do anything to hurt the economic climate in this state. It's a safe Bill, it's a good Bill. And I'd ask everyone to vote 'yes'."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 235?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Mr. Clerk, take the record. On this question, there are 62 Members voting 'yes', 40 Members voting 'no', 16 Members voting 'present'.

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

And this Bill, having received the Constitutional Majority, is hereby declared passed. On page 3 on the Calendar appears House Bill 2840. Mr... 2840. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2840, a Bill for an Act in relation to vehicles. Third Reading of this House Bill."

Speaker Hartke: "Representative Holbrook."

Holbrook: "Thank you, Speaker. House Bill 2840 is a trailer Bill, the last year's Senate Bill 2164. It addresses some concerns that were raised by the motor coach organization of the State of Illinois and with the Federal Motor Safety Carrier Administration that we seemed that we may be in violation of the way we passed the law. I know of no opposition to this Bill. I'd ask for a favorable vote."

Speaker Hartke: "Is there any discussion? Cha... the Chair recognizes Representative Jerry Mitchell."

Mitchell, J.: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I've had several calls on this particular portion... in my portion of this Bill from local private coach carriers that were concerned that even though they went through background checks and all of the different rules and regulations to be able to drive, we had passed legislation that actually duplicated all the things that they went through. What Representative Holbrook's done is take all of those concerns, put them together in one Bill, so that we will have one process for drivers to go through that allows them to do a multitude of things but they don't have to go through the same cost and the same requirements

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

for each of those individual entities. I think it's a fine Bill and I stand in strong support. Thank you."

Speaker Hartke: "Further discussion? Since no one is seeking recognition, the question is, 'Shall the House pass House Bill 2840?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Fritchey. Mr. Parke. Have all voted who wish? Mr. Clerk, take the record. On this question, there are 118 Members voting 'yes', 0 voting 'no', 0 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. The Chair recognizes Representative Currie for a Motion."

Currie: "Thank you, Speaker. I wish to withdraw the Motion to reconsider the vote on House Bill 3468."

Speaker Hartke: "You've heard the Lady's Motion. All those in favor say 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the Motion is withdrawn. On page 4 on the Calendar, on the Order of Second Reading, appears House Bill 1102. Mr. Daniels. Mr. Daniels, you want to take that Bill out of the record? You don't want to call it? Out of the record. On page 18 on the Calendar appears House Bill 132. Mr. Capparelli. Out of the record. He wants to take the Bill out of the record. On Page 24 on the Calendar, on the Order of Third Reading, appears House Bill 3047. Mr. Hannig. Mr. Clerk, read the Bill."

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Clerk Bolin: "House Bill 3047, a Bill for an Act concerning physician assistants. Third Reading of this House Bill."

Speaker Hartke: "Representative Hannig."

Hannig: "Thank you, Mr. Speaker and Members of the House. The underlying Bill dealt with the number of physician assistants that could work under any given physician. It was... there was some controversy between the Illinois State Medical Society and those who represent the physician assistants. Representative Saviano's been very helpful in trying to put together a compromise on the issue. We're very near what, I believe, is a compromise. The language is going back and forth between the two... two groups. So what we have here is another shell Bill that I'd like to send over to the Senate for the purposes of allowing us to continue the discussion on what I think will be an agreed Bill. So, I'd ask again for your indulgence in sending this Bill to the Senate. Be happy to answer any questions."

Speaker Hartke: "Is there any discussion on House Bill 3047? Seeing none, the question is, 'Shall the House pass House Bill 3047?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk. Mr. Fritchey. Mr. Dunkin. Have all voted who wish? Mr. Clerk, take the record. On this question, there are 71 Members voting 'yes', 47 Members voting 'no', and 1 Member voting 'present'. And this Bill, having received the Constitutional Majority, is hereby

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

declared passed. On page 23 on the Calendar, on the Order of Third Reading, appears House Bill 2552. Representative Kelly. Representative Kelly, 2552. Mr. Clerk. Out of the record. He wants to take the Bill out of the record. Yes. House Bill 2866. Representative Reitz. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 2866, a Bill for an Act concerning coal. Third Reading of this House Bill."

Speaker Hartke: "Representative Reitz."

Reitz: "Thank you, Mr. Speaker. House Bill 2866 creates the Illinois Coal Mining and Electric Generation Act and there are two components of this Bill. One takes... makes it easier for them to use the bonding authority that we had in a Bill a couple years ago in a coal Bill that uses the sales tax from coal to repay those bonds. The second component creates another \$300 million in bonding authority that are tax-exempt... they... tax-exempt and moral obligation bonds. The intent of this is to try and spur the coal industry back. We, ya know, we passed a Bill a couple years ago. Since then, we have seen the utility industry take a downturn with... with the problems of Enron and the entire utility industry. This is an initiative of the administration working to try and make sure that we bring all important construction and coal jobs back to Illinois. And I'd be happy to answer any questions."

Speaker Hartke: "Is there any discussion? Seeing that no one's seeking recognition, the question is, 'Shall the House pass House Bill 2866?' All in favor signify by voting 'yes';

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk... The Minority Leader like to vote? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 114 Members voting 'yes', 0 voting 'no', and 3 Members voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Representative Phelps on House Bill 1518. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1518, a Bill for an Act in relation to deer hunting. Third Reading of this House Bill."

Speaker Hartke: "Representative Phelps."

Phelps: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. House Bill 1518, as amended, this Bill would prevent units of local government from banning or restricting the ownership, possession, or sale of rifles and shotguns. The Bill does allow for units of local government to set zoning standards and for gun shops and to require certain security requirements such as burglar bars, alarm systems, and the storage of firearms when stored, is closed. This is a Bill that protects the sportsman and the hunter of this state. It does not say anything about handguns and does not take anything off the 1994 Crime Bill. If you have any questions, I'd be glad to answer 'em."

Speaker Hartke: "Is there any discussion? Chair recognizes Representative Osterman."

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

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Speaker Hartke: "The Sponsor will yield."

Osterman: "First, before I go to the Sponsor, I'd like to ask a question to parliamentarian. Does this preempt Home Rule?"

Speaker Hartke: "We will get into that in..."

Osterman: "And how many votes... okay. Representative, you just said in your opening statement that this protects the rights of hunters and sportsmen. Do you want to elaborate on how that happens or how this Bill's gonna affect that?"

Phelps: "Representative, every... every couple of years we always go through about how many... how much time we're for the sportsman and we're for the hunter. All this does is protect rifles and shotguns only. It protects the sportsmen of this state."

Osterman: "Okay. Did law enforcement bring this to you? Were there any police chiefs, were there any mayors, were there any aldermen, city council members, township chairmen, that cut... came to you and said, you know, 'we've got a problem with local laws, we're getting confused. And we need some help from the state to try to rectify this.' Specifically law enforcement, though 'cause, I mean, many times if a local municipality is trying to protect its citizens through some of these laws, the police chiefs will be onboard. So, I mean, did... did any... did any law enforcement agencies come to you with this and do they support the Bill?"

Phelps: "No, Representative, they did not come to me on this Bill. But they are, a lot of them that I have talked to,

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

support this Bill because they are avid sportsmen and hunters in this state."

Osterman: "So, no law enforcement is in support of this as an organization? Individual people that may support what you're trying to do are in support, but police chiefs, state's attorneys across the State of Illinois, they're all against this Bill. Is that correct?"

Phelps: "I'm not aware that they are against it but they did not bring... any organization brought this to me."

Osterman: "Okay. You specifically said that the issue is dealing with rifles and shotguns. And in your Bill, how is rifles and shotguns defined? 'Cause I'm, again, as you know, from the City of Chicago. And I don't mean to be facetious, but I think this is a very critical point for the Members of the Body. In your Bill rifles and shotguns is not defined, is that correct?"

Phelps: "It's a... no, it's not defined. But it's nothing that was banned in the 1994 Crime Bill... would... would legalize any of that that was banned in the '94 Crime Bill."

Osterman: "Well, how come you did not define specifically what a rifle and a shotgun is? Because, I mean, many of us in this Body have a vision of what a... a rifle and a shotgun is. And I... I... if you're out huntin' with Joe Brunsvold or other people, I obviously have a vision of what you say is a rifle, but in your Bill it's not specified. In a lot of other language in the law there are specific issues so how come it's not specified?"

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Phelps: "It's specified as hunting shotgun/hunting rifle that is not on the '94 Crime Bill."

Osterman: "That's in the Bill?"

Phelps: "Hunting shotguns, hunting rifles only. We're not talking about AK47, that is banned under the '94 Crime Bill. We're talking hunting... semiautomatic shotguns for purposes of deer, quail, goose, duck, you name it. Trucker."

Osterman: "When I looked at the legislation before I did not see that it was specified outside... outside of... it just says rifles or shotguns. I'm looking at the Bill on the... on the screen and... again, I don't mean to be... to belabor this because, ya know, I know that you're trying to protect the rights of hunters and sportsmen, but I've got this Janes Gun Recognition book here before me and there are a lot of semiautomatic weapons that are deemed rifles. So you... under here it says, 'rifles and shotguns' on line 28, 29, and 30, it does not say anything about the federal... federal semiautomatic ban. And let me go to why I ask that question. Again, those of you that live in large municipalities and talk to your police chiefs, there are a great deal of semiautomatic weapons that are taken off the streets, many semiautomatics that are used every day to commit violent crimes. There was an individual that was convicted last night in the City of Chicago for using an AK47 three years ago, shooting 'em them in a neighborhood. And a young girl was killed, 12 years old, sleeping in her bed in her home. So there are municipalities within the

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

state that has semiautomatic bans. My fear with this... and I know that this is not the intent of the Sponsor, my fear in this is if this Bill, this law, if it were to take effect, would take away some of those protections in Cook County and other places in the City of Chicago on semiautomatic weapons. And your Bill... and I know this, again, is not the intent of the Sponsor. And I think a year or two ago this Bill was sponsored by someone else. The definition remains vague. So, again, I go to you, Representative. How come it is vague and, I mean, what is your intent to do about it?"

Phelps: "On the Amendment, #2, and it says if it's not exempt under Federal Law then it can't be exempt under this law."

Osterman: "Okay. So, going to the Federal Law, we'll talk about that then. There are... there are guns that were banned at a certain point in time under the Federal Law, semiautomatic weapons ban. Guns that were manufactured or in possession previous to that, if they are in circulation, those guns can be resold and, what you're saying is, if they were in effect before the ban those guns would still be out there. So, those guns that are in circulation now, whether they be on the street or in someone's home... cities that have semiautomatic weapons bans, if those guns are out there now your Bill says they cannot... this would preempt those bans. And those guns would still be able to be used, purchased, resold, which is what happens in the... a lot of situations, whether it's at gun shops or other venues. Those guns would still be out there. And those law

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

enforcement agencies, those mayors, those people that see the effects of those guns everyday, they would not be able to enact legislation to protect themselves."

Phelps: "These are guns that... for the long guns for hunters and sportsmen that are rarely ever used in a crime... in what you're speaking of, Representative."

Osterman: "Representative, I'm not arguing that point. And again, I'm not saying that someone's gonna take a deer rifle and try to kill someone. That may happen, but you're trying to protect. My point is, in your Bill... and again, I say that this is not your intent, but this is what the Bill says. The Bill covers other guns, semiautomatic rifles that are out there in circulation that are used in crimes. Under your Bill, that would be preempted. That's not your intent but the way the Bill is written, rifles and shotguns is not defined. A street sweeper shotgun, Representative... and they call it a street sweeper not because they're out hunting with it. It's not called a... a prairie sweeper or a... a yard sweeper. It's called a street sweeper, Representative. It's got 12 bullets underneath them... in a magazine... it's under the street sweeper... under the shotgun. Those guns are used by criminals. And that, under your Bill... and again, I go back to this because I respect what you're trying to do to protect the hunters and the sportsmen in the State of Illinois. Under your Bill, that would be able to be preempted."

Phelps: "I... Representative, in all due respect, I disagree with your interpretation of this Bill. You're wrong on that, it

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

is not a long gun. What you're talking about with street sweepers is all banned under the '94 Crime Bill and this Bill does not make those guns, firearms, legal."

Osterman: "But that's not specified. Let me go to one other point 'cause I know there are other people that probably want to talk to this Bill. Have there been situations in the State of Illinois, that you're aware of, where sportsmen or hunters have been pulled over, their gun seized and them locked up for unlawful possession, unlawful use of a firearm, dealing with rifles or shotguns?"

Phelps: "I'm sorry, Representative, can you repeat the question? I was talking to Representative Reitz."

Osterman: "You're intent of the Bill is to protect sportsmen and hunters. And I'm assuming that that means in some of these municipalities people are driving through, sportsmen are driving through, some of them might be going to Wisconsin from southern Illinois. They might drive through the City of Chicago or Skokie and they might get pulled over and they might have on their possession a long gun or shotgun. And I'm assuming that what you're trying to do is make sure that those individuals are not put in any jeopardy. My question to you is, specifically, are you aware of any situations? If there's no... there has not been a problem with this then what are we looking to address? If... if the sportsmen of the State of Illinois and the hunters of the State of Illinois aren't being affected right now why are we looking to do this?"

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Phelps: "This is a safe me... safety measure... a safeguard that they are not ever gonna come to... under attack. That the sportsmen and the hunters of this state are gonna be protected and we are never gonna do anything to make sure that they are not gonna get their way on what they want to use in shotguns. What you were talking 'bout a while ago, Federal Law bans the guns you're talking about. Everyone that you're speaking of, the Federal Law bans them now. This does not preempt Federal Law by no means."

Osterman: "Ladies and Gentlemen, to the Bill."

Speaker Hartke: "To the Bill."

Osterman: "Under the Federal Law, guns that were in circulation were grandfathered in when the semiautomatic ban was put into place by Congress. So, thousands and thousands of guns that were manufactured, purchased, prior to that law going into effect that covered our nation, those guns were grandfathered in. Those guns are in circulation, those guns are resold every day around the State of Illinois. Gun manufacturers got around that with some things, like a TEC-9. It came up with a Bill called an AB-10. An AB10... AB stands for after ban. Same thing as in TEC-9 with a small modification. The intent of the Sponsor is to protect hunters and sportsmen around the State of Illinois, and I support him in what he is trying to do. My question is this though, if there's never been a case of someone that's been pulled over, if there's never been a case of a... a sportsman that's been arrested, locked up in a jail in Cook County or Chicago, then why the need? I guarantee you

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

this, if that situation did occur, the NRA would make sure that every Member of this House and the Senate across the way would know about it. I asked the City of Chicago and they came up with one situation where a sportsman was pulled over and his car was looked into, he had a rifle. Ariel Sharon, the prime minister of Israel, had been at a speaking engagement and was in one of the hotels so they had a lot of security. A hunter took a wrong turn, he was stopped, his car was searched, he was asked why he had a long gun. He responded he was going hunting and they let him go, he drove away. Never been any situations of hunters getting locked up, not one. Local municipalities come up with ordinances like semiautomatic bans, handgun bans, to do one thing, and that's protect their residents. They don't do it to harass hunters or sportsmen, they do it to protect their residents. In sta... in cities like the City of Chicago, we lose 400 individuals... 400 people with families every year to gun violence. You have to do something. There are mayors among us, there are city council... former city council member mayors among us. I would ask each one of you, what would you do if you lost 400 people every year? Four hundred of your neighbors, people with families, every year. What would you do? Would you sit on your hands and do nothing? These laws are there to protect citizens. That's what they're do... there to do. As we are here to protect the citizens of the State of Illinois, local municipalities try to do that. If this Bill's enacted, semiautomatic weapons that are out there

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

now, semiautomatic bans that are out there now to protect citizens, those bans will be taken away. Before you vote for this, I'd ask you strongly to consider that and vote 'no'."

Speaker Hartke: "This Bill is on Standard Debate. Mr. Phelps has introduced the legislation and spoke in favor. Mr. Osterman has stood in response. We will recognize two more people in response, two more people in favor of the Bill, and then Mr. Phelps will close. The Chair recognizes Representative Bost."

Bost: "Thank you, Mr. Speaker and Members of the House. To the Bill."

Speaker Hartke: "To the Bill."

Bost: "And actually, probably, to the previous speaker. In 1994 a charge was made to a person traveling through Evanston, Illinois, not with a long gun, but with a handgun which was in the trunk of that person's car. He was coming to southern Illinois to go hunting. The gun was seized, taken away, destroyed, and the guy... and the person was charged. He tried to explain to them that, you know, he was coming hunting in southern Illinois and they said, 'with a handgun?' We tried to deal with that problem in a debate and... and in a Bill, several years ago, similar to this that dealt with handguns. And they came down and they brought their argument down. Evanston brought their argument down. And when asked, the clerk of the City of Evanston, what was the meaning... you know, why in the world would you... would you stop someone from hunting? She said,

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

'well, I do not understand anything about hunting. I just thought this was a good thing to have on our books.' And that was the exact problem that exists here and what this Bill does. This Bill says that long guns, not handguns, so let... let's be very clear about that. If you... if your statute bans handguns, that still remains in effect. This says rifles and shotguns that are used for hunting in the State of Illinois, that your hunters, your sportsmen of your communities are protected. In response to another statement that was made, what would you do if 400 people, or whatever the number were, in your community were assaulted and shot? Well, one thing you'd do is you'd make sure that your law enforcement enforced the existing laws and you'd put these people behind bars because they're criminals. We're not talking about criminals in this Bill. We're talking about the people who use shotguns and use rifles in a legal sport of hunting in this state or target practice in this state and in this nation. This is an industry, this is a... something that fathers, sons, daughters, mothers, other people enjoy around this state and we're just trying to protect the rights of those hunters and sportsmen with this piece of legislation. It isn't that difficult. We... the Sponsor has already said that there's not a problem with the fact that... of the concern of those weapons that were already banned under Federal Law. This doesn't open the doors so they'll all go out and be able to hold onto these weapons. It doesn't change the fact that you still have to have a FOID card.

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

It doesn't change the fact that you still have to have a background check. It doesn't change the fact that you still have to be a law-abiding citizen. What it says is that if you are a hunter you can be protected. That your own local community can't draft laws that would allow someone to come in and take those things that are yours away from you that you use in a legal fashion. Folks, this is... this isn't rocket science. This is sensible legislation that protects the rights of our hunters in this state. It's time that we passed it and I encourage your 'aye' vote."

Speaker Hartke: "The Parliamentarian will give the ruling on Representative Osterman's request."

Uhe: "Representative Osterman, on behalf of the Speaker and in response to your inquiry, House Bill 1518 preempts Home Rule powers in a manner that requires a Three-fifths Supermajority."

Speaker Hartke: "This Bill's on Standard Debate. We'll have two more stand in... in opposition to the Bill. Representative Currie."

Currie: "Thank you, Speaker and Members of the House. We've heard of one instance in which an apparent hunter was stopped some years ago in Evanston with a handgun. If that is a problem, this Bill would not solve it because this Bill purports not to deal in handguns. The definition of rifle and shotgun is missing so an AK47 look-alike might be available for use and transport in your home community, should House Bill 1518 become law. As I read the Bill, no

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

local community could tell you how you may carry your long gun in and around the streets of Evanston or Glenview or Carbondale because it talks specifically about the transportation of these rifles and shotguns. So, does that mean that you can wear your rifle over your shoulder as you walk to your supermarket to buy this week's groceries? In addition, while there is some language about safety and the security and zoning, that applies only, only to the retail sale of the... of the long guns. So, does that mean that you can't zone out of the place right next door to the park where children play, a shooting range? Clearly it does. Well, I don't think any of us in our right minds want to go home and tell our city fathers and mothers that they can't protect the children in the playground from a shooting range. They can't protect the children on their way home from school from a shooting range right next door. This is not good public policy for the people of our communities and it stands the notion of local control on its very head. Those of use who respect the ability of our communities to make good sound decisions to protect the safety and the security of our citizens ought certainly to be voting 'no' on House Bill 1518. And those of us who don't want guns wandering freely through our neighborhoods, don't want AK47 look-alikes, and don't want shooting ranges all over the neighborhood ought certainly to vote 'no'. I urge your 'no' votes and I would request, Speaker, if it seems to have the appropriate number of votes I would request it a verification."

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Speaker Hartke: "Verification has been requested and you will be granted that right. We still seek two... one person in... in opposition and one person for the Bill. The next person up is Representative Coulson. Do you stand in opposition to the Bill?"

Coulson: "Yes."

Speaker Hartke: "Representative Coulson."

Coulson: "Thank you, Mr. Speaker, Ladies and Gentlemen. Will the Sponsor yield?"

Speaker Hartke: "The Sponsor will yield."

Coulson: "I have a question on assault rifles. Are those considered long guns? What is... what is that in your Bill?"

Phelps: "Representative, under the 1994 Crime Bill, all those assault weapons are banned. This does not... this does not preempt anything in the Federal Law."

Coulson: "So, if... if you're using a semiautomatic or an assault-type rifle for hunting, which I believe is used at times in other states..."

Phelps: "Not... in... in all due respect, we're talking here. When... in your... when you said other states..."

Coulson: "Well, I live near another state, in Wisconsin. So, in all due respect, there are some of us who live very close to borders where people might have other types of long guns that are maybe not allowed for hunting in the State of Illinois but are allowed for hunting in Wisconsin or Indiana. And they may, then, have that long gun in their possession, correct?"

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Phelps: "And... and the same thing, Federal Law says that bans all those assault weapons. This does not preempt Federal Law. It would... same to be in Wisconsin it would be in Illinois or Kentucky or Indiana."

Coulson: "To... to the Bill. I would remind..."

Speaker Hartke: "To the Bill."

Coulson: "...people that there are many municipalities, especially in the northern suburbs that have taken a lot of effort to look at how they want to protect the citizens of their area. There are many guns that are called rifles that may or may not be outlawed by the Federal Law that, perhaps, we don't want to have in some of our communities. The other thing about this Bill is it talks about, not only can we not regulate long guns and rifles, it also talks about not being able to regulate ammunition, components, accessories, et cetera. And I believe, as the previous speaker said, that our communities should be able to protect their children, to protect people in the... in their communities in the way that that community wants to be protected. None of our Home Rule units have said we're just gonna do this willy-nilly. They've had hearings, they have done everything that they need to do to have their community understand what's going on. I... I don't believe that the Sponsor of the Bill is trying to allow long guns that are in all these communities. But I also want to make sure that people are aware in voting against this Bill, I'm not trying to take hunters' long guns away from them, but

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

we are trying to protect our communities. And I'd urge an 'aye' vote."

Speaker Hartke: "The Chair recognizes the last person to speak for the Bill, Representative Reitz."

Reitz: "Thank you, Mr. Speaker. I'd like to clarify a couple on... a couple of the opponents. One, we talked about the... the transportation issue. The transportation issue is already covered under the law. Anyone going to transport a gun it has to have it unloaded and encased. And I believe Representative's House Amendment #2 took care of the school zone issue, I would... I would hope. So, to the Bill. This is... this is simply more of a tourism. As the Representative said, this is about sportsmen, this is trying to protect, ya know, long guns, their ability to have long guns, shotguns, rifles that are used for hunting. They're seldom used in crime. Most of the people that we have a problem with in our society don't use these types of guns. They're going to use guns that are already illegal and they don't care what the law is, no matter what. You could take a gun, set it down, and it's not going to hurt anyone. It's gonna rust before it does any danger to anyone. We need to keep that in mind. And the other... to touch on the tourism part, there are \$450 thousand right now in retail sales in... two years ago in the State of Illinois for... for guns for sporting... that sportsmen bring to this state. We have 8,438 jobs and we generate over \$29 million in tax revenue for the State of Illinois. That's what this Bill is about, it's about promoting sportsmen

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

rights and promoting sportsmen issues and tourism in the State of Illinois. And I'd appreciate your 'aye' vote."

Speaker Hartke: "Representative Coulson, you spoke in debate.

For what reason are you seeking recognition?"

Coulson: "I'd like a point of clarification. I was urging a 'no' vote. Thank you."

Speaker Hartke: "Sure. Representative Tenhouse, we're through the... we through with the debate. For what reason do you seek recognition? Representative Reitz to close. Phelps to close, excuse me."

Phelps: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. Nothing in this Bill affects any municipalities ordinance that regulates handguns. This Bill does not preempt the 1994 Crime Bill on assault weapons. Illinois is the only state at one of only eight states that allows units of local government to ban or register the right to own a rifle or a shotgun. Forty-two states have a preemption law that protects the rights of hunters and goan owner... gun owners equal to House Bill 1518. Every two years we in this Body hear people tell us, 'help us protect the law-abiding citizens that hunt and the sportsmen in this state. Let's go after the criminal. We have enough laws on the book, let's enforce the ones we got.' That's what we all hear every two years. Well, folks, I'm telling you here today, it's time to put our money where our mouths are at and let's protect our hunters and our sportsmen and this is what this Bill will tend to do. There are a lot of hunters and sportsmen all across this state that are

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

watching what each and every one of us do on this vote. We say we're friends with the hunter, well let's prove it. I urge an 'aye' vote."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 1518?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Majority... This... this question requires 71 votes. There has been a verification requested. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 63 Members voting 'yes', 43 Members voting 'no', 11 Members voting 'present'. Mr. Phelps, would you like Postponed Consideration?"

Phelps: "No, lock the Roll Call."

Speaker Hartke: "And this Bill having recei... failed to receive a Supermajority, is hereby declared lost. House Bill 2370. Mr. McAuliffe. Mr. McAuliffe. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2370, a Bill for an Act concerning plumbers. Third Reading of this House Bill."

Speaker Hartke: "Representative McAuliffe."

McAuliffe: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I have in front us House Bill 2370. This is... would amend the Illinois plumbing licensing law. Everybody should be on board. And I'd ask for... I'd be happy to answer any questions that anyone may have."

Speaker Hartke: "Is there any discussion on House Bill 2370? The Chair recognizes Representative Parke."

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

Speaker Hartke: "The Sponsor will yield."

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Parke: "Representative, you said all parties are on board. Does that include the business community?"

McAuliffe: "We have the plumbers union, the plumbing contractors, and the West Municipal Conference are all onboard. I didn't hear any opposition from any of the... the group that you just mentioned."

Parke: "Nothing from the Illinois Chamber?"

McAuliffe: "Not that I'm aware of, no."

Parke: "Do you know if they were... "

McAuliffe: "It's not affected."

Parke: "Do you know if they were ever opposed to it?"

McAuliffe: "I... not... no, never. But..."

Parke: "Now, is this in the final form that it's gonna be passed out of the Senate with or are you continuing to work..."

McAuliffe: "Yes, this is the... no, this is the final form. And the West Municipal Conference, they were the last group that wanted to be part of the process for this Bill and they signed on and they're happy, too."

Parke: "Thank you."

Speaker Hartke: "Further discussion? Since no one is seeking recognition, the question is, 'Shall the House pass House Bill 2370?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Mr. Clerk, take the record. On this question, there are 104 Members voting 'yes', 12 Members voting 'no', 1 Member voting 'present'.

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

And this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Joyce, for what reason do you seek recognition? He declines recognition. On page 20 on the Calendar, on the Order of Third Reading, appears House Bill 1360. Representative Lou Jones. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1360, a Bill for an Act in relation to public aid. Third Reading of this House Bill."

Speaker Hartke: "Representative Lou Jones."

Jones: "I thank you, Mr. Speaker and Members of the House. House Bill 1360 is a 5 percent increase for TANF, which is the... which is the increase for people on public aid. Last year... last year we did a 5 percent increase and the... the Governor... the former Governor, in his good wisdom, did that increase, which increased the amount for a family of four from 377 to 392. This Bill here is another 5 percent, which will take it from 392 to 416. And this Amendment that will be put on this Bill... right now the Bill says 15 percent and I put an Amendment on yesterday to reduce the 15 to 5 percent. Also, if the Bill gets out and gets to the Senate there's an October 1 effective date. Also in that Amendment it will state, 'upon the availability of the funds.' Right now, with this Bill at 5 percent, will cost the state \$5.6 million. And again, that Amendment will be put on in the Senate that says, 'availabil... upon availability of funds.' And I ask for an 'aye' vote."

Speaker Hartke: "Is there any discussion? The Chair recognizes the Gentleman from Cook, Mr. Parke."

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Parke: "Thank you, Mr. Speaker. To the Bill."

Speaker Hartke: "To the Bill."

Parke: "I believe the Sponsor and the underlying Bill is a worthy endeavor. But I must rise and respectfully remind the Body that the State of Illinois has no extra money to expand any program or to give anybody a raise. Matter of fact, we are going to be over \$300 million in the hole for this current fiscal year and there doesn't look like there's any relief in the future. So, be aware that there is no money to pay for this Bill and there won't be any money next year to pay for it either. And, unfortunately, the Governor will probably have to veto this."

Speaker Hartke: "Further discussion? The Chair recognizes Representative Krause."

Krause: "Thank you, Mr. Speaker. To the Bill."

Speaker Hartke: "To the Bill."

Krause: "I rise in support of the efforts of the Sponsor and others who have worked through the years for TANF. The Temporary Aid to Needy Families, and a number of us have worked on it in a number of programs, has been an attempt to try, to just try and... sometimes, unfortunately, in the smallest way, to give an increase to people who are in need. I've had... I have worked with Representative Jones through the years on legislation as it has related to TANF. The original Bill that she did file was for the 15 percent, and now has stepped back to make the Bill 5 percent and still subject to appropriation. So that if in the end it is determined that funds are not appropriated, this Bill

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

would not move. But I think it is of importance that we do not forget, even during difficult budget times, of the need for poor people. I have tried in past years to try for housing because many of them do not receive any type of housing. And have tried legislation to increase the housing of \$57 a month and although this chamber did support it, it did not pass. I think it is important to make a statement. And to make a statement on this Bill that the TANF increase here, subject to appropriation, should be considered, in the end, by those who are working on the budget. I salute Representative Jones for all of her work through all of the years in this area, and would ask for support."

Speaker Hartke: "Further discussion? Since no one is seeking recognition, the question is, 'Shall the House pass House Bill 1360?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk. Mr. Dunn. Have all voted who wish? Mr. Clerk, take the record. On this question, there are 91 Members voting 'yes', 0 voting 'no', and 25 Members voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On page 19 on the Calendar, on the Order of Third Reading, appears House Bill 416. Representative Collins. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 416, a Bill for an Act in relation to criminal law. Third Reading of this House Bill."

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Speaker Hartke: "Representative Collins."

Collins: "This... 416 comes as the automatic transfer. We're just gonna transfer the discretionary transfer. The State's Attorney and everybody's onboard with us now but they're not in opposition, they're neutral to the Bill. I ask for an 'aye' vote."

Speaker Hartke: "Is there any discussion on House Bill 416? The Chair recognizes Representative Black, the Gentleman from Vermilion. Good morning, Sir."

Black: "Good morning, Mr. Speaker. How are you this morning?"

Speaker Hartke: "Good."

Black: "It's good to see you. I have an inquiry of the Chair."

Speaker Hartke: "State your inquiry."

Black: "On 416, what Amendments have been added to the Bill?"

Speaker Hartke: "Mr. Clerk."

Clerk Rossi: "Committee Amendment #1 and Floor Amendment #5."

Black: "Floor Amendment #5 adds to the Bill, correct? It does not become the Bill? I'm not... I'm not sure, Mr. Clerk. That's why I ask. If it... if it helps, staff tells me that Floor Amendment #5 becomes the Bill."

Speaker Hartke: "Let... let's ask the Sponsor of the Bill."

Black: "Okay."

Speaker Hartke: "Representative Collins."

Collins: "It becomes the Bill."

Black: "All right, fine. And Floor Amendment #5 was drafted in... in conjunction with the State's Attorney of Cook County, is my understanding that they... I don't... I don't want to put words in your mouth. The Cook County..."

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Collins: "Neutral."

Black: "The Cook's County... the Cook County State's Attorney's Office has no particular objection with Floor Amendment #5 being on the Bill... or, being the Bill?"

Collins: "That's correct."

Black: "Okay."

Collins: "We worked very hard to come to this agreement."

Black: "Okay. Fine, thank you very much, Representative."

Speaker Hartke: "Further discussion? Chair recognizes Representative Lindner."

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

Speaker Hartke: "The Sponsor will yield."

Lindner: "I'm trying to read through Floor Amendment #5 very fast, but could you tell me what proceedings now does the discretionary transfer include?"

Collins: "Well, the discretionary transfers are the 15-, and 16-year-olds for unlawful use of a weapon on school grounds, delivery of controlled substance, armed robbery, and hijacking."

Lindner: "All right. And... and that will mean that the judge will make that decision whether or not to transfer that case..."

Collins: "Yes."

Lindner: "...instead of mandatorily being transferred. Is that correct?"

Collins: "Right. That... that means the judge will hear each individual case and make a decision on those... based on the merits of the case."

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Lindner: "And how many other crimes, then, are mandatorily transferred?"

Collins: "These are... these are the only ones that we're talking about. All of the other ones the state's attorney didn't agree on so we didn't... we took 'em out of the... out of the Bill."

Lindner: "All right. And is the Bar Association neutral or for this Bill now?"

Collins: "We... we haven't heard from them."

Lindner: "All right. But you did draft this with... in accordance with the state's attorney?"

Collins: "Yeah, we worked very hard with the state's attorney to come up with this so everybody's in agreement."

Lindner: "All right. I want to thank the Sponsor. I know this went through our Criminal Law Committee and we had some reservations about it. And she has worked very hard on this Bill, so I think it's an acceptable Bill now. I would urge an 'aye' vote."

Speaker Hartke: "Further discussion? Since no one is seeking recognition, the question is, 'Shall the House pass House Bill 416?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Mr. Clerk, take the record. On this question, there are 64 Members voting 'yes', 50 Members voting 'no', 3 Members voting 'present'. And this Bill, having received the Constitutional Majority,

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

is hereby declared passed. House Bill 2618. Mr. Bradley.  
Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 2618 has been read a second time,  
previously. Amendment #1 was adopted in committee. No  
Motions have been filed. No further Floor Amendments  
approved for consideration."

Speaker Hartke: "Third Reading. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 2618, a Bill for an Act in relation to  
park districts. Third Reading of this House Bill."

Speaker Hartke: "Representative Bradley."

Bradley: "House Bill 2618 would permit an extension from 20 to  
30 years the maximum time for repayment of bonds issued by  
the Chicago Park District, under the various provisions,  
authorizing it to incur bonded... bonded indebtedness. This  
language does nothing to increase the amount of debt that  
the district may incur."

Speaker Hartke: "Is there any discussion? Seeing that no one  
is seeking recognition, the question is, 'Shall the House  
pass House Bill 2618?' All in favor signify by voting  
'yes'; those appised... opposed vote 'no'. The voting is  
open. Have all voted who wish? Have all voted who wish?  
Have all voted who wish? Mr. Clerk, take the record. On  
this question, there are 95 Members voting 'yes', 20  
Members voting 'no', and 1 Member voting 'present'. And  
this Bill, having received the Constitutional Majority, is  
hereby declared passed. Mr. Scully on House Bill 3309.  
Mr. Clerk, read the Bill."

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Clerk Rossi: "House Bill 3309, a Bill for an Act in relation to support. Third Reading of this House Bill."

Speaker Hartke: "Representative Scully."

Scully: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. This is a shell Bill, amends the Uniform Interstate Family Support Act. We discussed this Bill... this Amendment on the floor two days ago. And the complexities of enforcing interstate child support orders make it very difficult for the paren... the custodial parent to get the support they need. We need uniformity in these laws. This is a proposal of the Uniform Interstate... through the Uniform Act Laws Committee. And we ask for your support for this technical Amendment whether we can... in order that we can continue the debate on this issue."

Speaker Hartke: "Is there any discussion on House Bill 3309? Seeing that no one is seeking recognition, the question is, 'Shall the House pass House Bill 3309?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 60 Members voting 'yes', 53 Members voting 'no', 4 Members voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Holbrook, are you ready on House Bill 842? Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 842 has been read a second time, previously. No Committee Amendments. Floor Amendment #1,

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

offered by Representative Holbrook, has been approved for consideration."

Speaker Hartke: "Representative Holbrook... on Floor Amendment #1."

Holbrook: "Yes, on Floor Amendment #1. This clarifies that counties do have a right to acquire properties through eminent domain to build parking facilities. They already have the right to manage and own and run them, and also to acquire property for public use. This is a... really a more of a clarification. I know of no opposition. And Metro Counties is one of the sponsors of this... or supporters of this. I move for its adoption."

Speaker Hartke: "Is there any discussion on Floor Amendment #1? Since no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #1 to House Bill 842?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Hartke: "Third Reading. Take that Bill out right now. Mr. Clerk, read House Bill 842."

Clerk Rossi: "House Bill 842, a Bill for an Act in relation to county government. Third Reading of this House Bill."

Speaker Hartke: "Representative Holbrook."

Holbrook: "Yes, we just adopted the Amendment on this Bill for the right for parking facilities for county. I move for its adoption... or for its passage."

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Speaker Hartke: "Is there any discussion on House Bill 842? The question is, 'Shall the House pass House Bill 842?' All in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Mr. Clerk, take the record. On this question, there are 91 Members voting 'yes', 24 Members voting 'no', 1 Member voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On page 4 on the Calendar, on the Order of Second Reading, appears House Bill 1281. Representative O'Brien. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1281 has been read a second time, previously. Amendment #1 was adopted in committee. No Motions have been filed. Floor Amendment #4, offered by Representative Turner, has been approved for consideration."

Speaker Hartke: "Representative O'Brien to present the Amendment."

O'Brien: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. What Floor Amendment #4 does... adds to this Bill is that it provides for a five-year look back into any and all death penalty reform measures that are enacted in the 93rd General Assembly. It has a panel that is set with three members appointed by the Senate and House Majority, so it would be six members from there. Two members from each, the House Minority Caucus and the Senate Minority Caucus. Somebody from the Governor's Office, Cook County

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

State's Attorneys Office, Cook... Cook County Public Defender's Office, the Attorney General's Office, and I believe the State Appellate Defender's Office. It asked for them to look at some very specific criteria whether or not the... any reforms that should be passed this year, whether or not they actually are meeting the mark in terms of the recommendations that were made under Governor Ryan's administration for reforms to the death penalty system, in terms of proportionality, in terms of the methods in which people are being charged, convicted, and the death penalty imposed. And I would be happy to answer any questions. And I would urge for this Amendment's adoption."

Speaker Hartke: "Is there any discussion on Floor Amendment #4? Representative Meyer. The Gentleman from Will."

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

Speaker Hartke: "The Sponsor will yield."

Meyer: "Representative, is there opposition to this Amendment?"

O'Brien: "There were no slips filed in committee and I don't believe that there's any opposition to this Amendment."

Meyer: "My... my records indicate that even though the... there are certain groups that are backing this, that this... Floor Amendment #4, they would've rather supported Floor Amendment #2. Why was that... why is this one being used instead of that one, if it's an agreed process and the other's preferable?"

O'Brien: "There were discussions at one point in time with the Sheriffs' Association and the FOP and various other groups. But they came to me and asked... looking for an opportunity

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

to add some language. And we said that we would attempt to do that but then that was not... the Amendment was not adopted... not considered. And they have no... it has no connection with this Amendment, with these provisions, and they have no opposition to it."

Meyer: "Was... was there opposition expressed to that other Amendment that they would've rather adopted?"

O'Brien: "No, they didn't come... there was... they didn't present at committee. I haven't... you know, when I talked with the Sheriffs' Association, they didn't indicate any opposition to this language whether or not any of the provisions that they wanted were adopted."

Meyer: "Thank you."

Speaker Hartke: "Further discussion? Since no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #4 to House Bill 1281?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment is adopted. Further amendments?"

Clerk Rossi: "No further Amendments."

Speaker Hartke: "Third Reading. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1281, a Bill for an Act in relation to criminal law. Third Reading of this House Bill."

Speaker Hartke: "Representative O'Brien."

O'Brien: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. House Bill 1281, as amended by House Amendment #1, which was adopted in committee, and Floor Amendment #4, which we just... just addressed, is a death penalty reform

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

package, much of which is based on the recommendations made by Governor Ryan's commission on capital punishment. Before I begin presenting, this Bill was worked on extensively by myself and the Cook County State's Attorneys Office, various advocacy groups. And it is supported by the Illinois Fraternal Order of Police, the Justice Project, the Cook County State's Attorneys Office, Office of the State Appellate Defender, Illinois Death Penalty Education Project, the ACLU, the Illinois State's Attorneys Association. The provisions... the major provisions of this Bill starts out with a pilot program for videotaping. As we all know, that there is likely to be a videotaping Bill that would require videotaping in all circumstances. But all of the Bills that we have seen do not go into effect for at least two years. This pilot project is in order to start the process sooner, to be able to work out all of the kinks, to deal with the rules of evidence, how admissibility's gonna work, what kind of hearings that we have to have. The second provision is dealing with the aggravating factors, eligibility factors, for purposes of death penalty eligibility. What we are removing is, 'victim was killed as a result of a hijacking of an airplane, train, ship, bus, or other public conveyance and further strikes in the felony murder rule crimes of armed violence, forcible detention, calculated criminal drug conspiracy, and street gang criminal drug conspiracy.' It removes as aggravating factors, 'participation in a drug felony, murder by an incarcerated person of another

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

incarcerated person. It does not remove the provision regarding the guard in the... whether it's a detention facility or the Illinois Department of Corrections, 'murder by the head of the conspiracy, and drive-by shootings.' Aggravated factor that is added. It adds as an aggravated fac... agg... aggravating factor, 'a person whose participation in an investigation or prosecution of the defendant.' So if you kill somebody because they are participating in a prosecution against you that would be an increase in an uneligibility factor. We have also added mitigating factors for individuals who have been found eligible for the death sentence. We also... we will be including, under those mitigating factors, the defendant's background if it includes a history of extreme emotion or physical abuse and whether the defendant suffers from a reduced mental capacity. We have also provided for a attorney general... the Attorney General's Office to work with all of the state's attorneys to adopt voluntary guidelines on procedures for deciding whether or not to seek the death penalty. The notice of intent to seek the death penalty should be no later than 120 days after arraignment and shall include in the notice of all the statutory aggravating factors. The Amendment also provides that all law... law enforcement reports regarding the investigation of any felony offense shall provide all investigative materials to the prosecutor, including materials that would negate the guilt or reduce sentence or punishment of the defender. The provision that deals with DNA. The Bill

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

provides that a defendant may request that the court order a comparison analysis by the Department of State Police. The defendant has to show that they have good cause, that they are... they have been charged with any offense, to ask for the comparison from evidence collected by criminal justice agencies pursuant to the offense for which they are charged. The defendant states that he is seeking comparison to known and unknown samples kept by the State Police by that the comparison is to be performed by a lab compliant with the quality assurance standards required by the Department of State Police, and that the prosecution's given reasonable notice. Post-trial DNA testing is also provided for here in the event that the court determines that the testing would significantly advance the defendant's claim of innocence. Post-conviction relief, if a person under sentence of death petitions the court and the court does not dismiss the petition as without merit, it shall order the petition to be docketed for further consideration and hearing within one year of the filing. They have ex... exceeding fee guidelines where we provide for the Capital... Capital Litigation Trust Fund do... monies, excuse me, and petitions for executive clemencies shall be filed within 30 days of the date that the supreme court issued a final ruling sel... setting execution. We also have a limitation on disclosure for genetic marker grouping analysis. There's no limitation on disclosure of this information as it applies to the defendant. And I would be happy to answer any questions."

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Speaker Hartke: "Is there any discussion? The Chair recognizes Representative Lindner. This Bill is on Standard Debate. Do you stand in opposition?"

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

Speaker Hartke: "Representative Lindner, do you stand in opposition?"

Lindner: "I just want to ask some questions."

Speaker Hartke: "Do you stand in opposition? This Bill is on Standard Debate."

Lindner: "I would like to get some clarification. Can I ask some questions?"

Speaker Hartke: "You may ask some questions."

Lindner: "Thank you. Now, you said many of these things came from Governor Ryan's Death Penalty Reform Committee. Can you tell me how many of the things that you just enumerated were in the commission or what was added?"

O'Brien: "Actually, there were 85 proposals made and the things regarding the DNA testing, most of that comes straight from the Governor's proposal. The reduction in the aggravating factors, although we do not encompass as many reductions as were re... outlined in the Governor's proposal... or his commission's proposal. The reduction and aggravating factors, the removal of some of those factors were as outlined in his report. But we just didn't go as far. His was, as you might recall, from 20 down to 5. And I... we just don't go that far. The notice of the intent to seek the death penalty provision, the investigative reports, I believe the DNA testing post-trial, and the executive

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

clemency provision are all things that came specifically from his commission's recommendation."

Lindner: "All right. Now, how many of the eligibility factors... there were a number of eligibility factors and the commission reduced those considerably. Did you reduce those further or did you use all of the eligibility factors?"

O'Brien: "I... I'm sorry, could you repeat your question? I didn't hear exactly what you said."

Lindner: "There were a number of eligibility factors for the death penalty and the commission reduced those, I believe, their recommendation. Did you reduce those further or did you accept all of the commission's recommendations?"

O'Brien: "No, actually we didn't accept all of the committee's... commission's recommendations. They wanted to go from 20 to 5. We accepted some regarding some of the aggravating factors, but not nearly all of them. So, under this proposal there would still be more aggravating factors than under what the commission had recommended."

Lindner: "Now..."

O'Brien: "For instance, the... I know that they had recommended a victim over age 60 be removed... for child sexual assault, be removed. This provision doesn't remove those."

Lindner: "All right. There were several Amendments on this Bill. Could you... are they all still on the Bill and what does each one add?"

O'Brien: "Amendment #1 adds all of the provisions regarding death penalty reform. The only other Amendment that's

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

added is Floor Amendment #4, which adds the provision regarding the... the study of any death penalty reforms enacted by the 93rd General Assembly. So, it's Committee Amendment #1 and then Floor Amendment #4. There's nothing else on the Bill."

Lindner: "Those are the only two Amendments that are on?"

O'Brien: "Yes."

Lindner: "Is... what about the exception for children and the elderly and the eligibility factors?"

O'Brien: "Those eligibility factors still remain under this Bill. So, for the provision that I discussed a little bit earlier about victim over age 60, as an aggravating factor, that would remain intact. Child murder, aggravated child sexual assault, aggravated murder of a child, or murder of a child being an aggravating factor, those would remain."

Lindner: "All right. It's my understanding that a lot of these reforms have already been done by Supreme Court rule. So, are any of the things that in your Bill, are they already done by Supreme Court rule?"

O'Brien: "The... the one duplication that we have with what is already being done by Supreme Court rule is the investigative reports where there's been a rule that requires them to turn over all investigative materials. That is encompassed in this legislation. Other than that, I'm not aware of Supreme Court Rules that have been adopted that any of this would duplicate."

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Lindner: "And you referenced in the Bill pilot programs for videotaping. Where will those be and how will those be chosen?"

O'Brien: "The Bill sets for some criteria regarding the... the videotaping. And it is to be on a, I believe, a somewhat competitive basis where police agencies would actually come forward and say that they are interested in doing that. And it's subject to appropriation and the state's gonna have to provide this money. And then it would look at, probably, picking at, I believe, it is four site so that we can try and encompass both a very large municipality or counties and smaller, more rural ones. But a lot of that will be left up to rule. But it does set this framework within the legislation."

Lindner: "All right. You named... you went so fast at the beginning. You named a number of groups that you have worked with. Was there any one of the... body that was involved in the Death Penalty Reform Committee that you did not work with? Any groups?"

O'Brien: "That was in involved with the death penalty reform effort? No. In terms of the justice project, all of... the ACLU, they all had impact in this as well as, you know... the Cook County State's Attorneys Office did a lot of the actual drafting of this, but all of the groups, you know, since it's been out there so long, have really had a lot of opportunity to take a look at it and did during drafting, as well."

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Lindner: "And as far as you know, is there anyone opposed to this now?"

O'Brien: "I am not aware of any opposition to this."

Lindner: "All right. Thank you so much, Representative."

O'Brien: "Thank you."

Speaker Hartke: "The Chair recognizes Representative Black."

Black: "Thank you very much, Mr. Speaker. I have no idea whether I'm in support of the Bill or in opposition of the Bill."

Speaker Hartke: "We'll put you down in response."

Black: "The introduction of the Bill was longer than a life sentence. Would the Sponsor yield?"

Speaker Hartke: "The Sponsor will yield."

Black: "Representative, the one thing you talked about that con... well, the two things that concern me. Number one, is there are more Bills on both sides of the rotunda dealing with death penalty reform, it's hard to track what is in what Bill and what isn't in what Bill. But I guess we'll have to work that out later in the Session. You talked about reducing the aggravating factors and I heard you say something about reducing the aggravating factors that could trigger a death penalty in the cases of drug-related crimes. Can you tell me specifically what... what aggravating factors are you eliminating that would be eligible for the death penalty that involves a drug-related felony?"

O'Brien: "Those would be... I'm trying to read off of too many things here. Aggravating factors: participation in a

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

felony, murder by... by a calculated criminal drug conspiracy and street gang criminal drug conspiracy. And the reason that those were taken out was in most circumstances it was more difficult to ever be able to prove the aggravation factor so that they could get to the level of the death penalty. Those are very, very complex. The state's attorney said, 'you know what, they're almost always unworkable and we don't use these aggravating factors.' So, these are some that we would think would... it would make the system better and be easier to manage if they were removed because they said to... in order to show a calculated, criminal drug conspiracy is almost impossible to begin with."

Black: "What... what aggravating factors involving drug-related activity would still qualify for the death penalty? Maybe that's what I should've asked."

Speaker Hartke: "Further discussion? The Chair recognizes Representative Rose. Oh, excuse me. Mr. Black, you haven't concluded?"

Black: "Mr. Speaker, I know it's... I know it's hard to keep track when you're up there, but we're... we're still engaged in..."

Speaker Hartke: "Okay."

Black: "...delightful repartee."

Speaker Hartke: "I thought somebody had died, it... it was so quiet."

Black: "She's a... she's checking on something for me."

Speaker Hartke: "Okay, I'm sorry."

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

O'Brien: "Representative Black, the aggravating factors begin on page 3, which is Section 10. I don't know if you want me to read all of those but this is where the... where the state's attorneys and the police organization said that the ones that have been left would be the ones that they would use. And while they don't... may not necessarily enumerate that it was a drug crime... for instance, under Section 9-1, paragraph (a) (1), this would be something that would fall under, what is usually, a drug crime. That a person kills an individual without lawful justification commits first degree murder if, in performing the acts which caused the death he either intends to kill or do great bodily... bodily harm to that individual or another, and knows that his act will cause that death to that individual. So, what the state had told... was telling me in our negotiations and as we were going through it that they... individuals, as a general rule, that are involved in drug conspiracies and drug crimes let's say it's a... or gang-related activity where it's a drive-by shooting or that their act, when they shoot the weapon, whether it is in furtherance of a... a drug act or whether it's in furtherance of a gang act, already is... fits that definition of Section 9-1... (a) (1). So, by adding all of these other factors they were really... the mud... the water got very, very muddy. So that they would be covered under provisions that we already had."

Black: "All right. Ya know, I was particularly... and I... I'm glad you pointed that out. On page 4, line 29, Section 5. It... it appears that a defendant committed a murder pursuant

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

to a contract, agreement or understanding by which he was to receive money or anything of value in return for committing the murder or procured another to commit the murder for money or anything of value. And goes on and talks about... so in other words, there would still be a provision for a distributor or a pusher who kills somebody for cheating him out of drug money or something of that sort. That's still an aggravating factor that would be eligible for the death penalty?"

O'Brien: "Absolutely."

Black: "Okay."

O'Brien: "And if they killed an innocent person as a result of their actions that would still be covered' as well."

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

Speaker Hartke: "Further discussion? The Chair recognizes Representative Rose."

Rose: "Mr. Speaker, will the Sponsor yield?"

Speaker Hartke: "The Sponsor will yield."

Rose: "Good afternoon. We've got some... some information in front of us. There's a provision in here that requires all investigators to turn over all evidence and reports to prosecutors. To tell ya, it's... a great idea, obviously. But my question is what's the... what's the sanction if... if, ya know, someone forgets or loses a piece of paper or something gets lost in the pipeline?"

O'Brien: "You know, the sanction is not set forth in here, just as it's not set forth in the Supreme Court rule that this actually duplicates. So, if there is no sanction, I think

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

it goes to whether or not there... when the judge looks at the review of the case, it goes to... to the weight of all of the things that he's reviewing. That is my understanding anyway."

Rose: "So, the sanction will be left up to the court? Is that..."

O'Brien: "The san... I'm sorry, I didn't hear you."

Rose: "The sanction would be left up to the court, is that what you're saying?"

O'Brien: "I believe so."

Rose: "Okay."

O'Brien: "I... I think mostly it goes to the weight of whether or not they're going to, you know, grant a defendant's Motion for a review, for a new trial, for those kinds of things and then... Then it goes up, whether or not those things are accur... they can show that they weren't done. But I think that's the purpose of the Supreme Court rule and the reason why this report came out is 'cause there were some instant... incidents where maybe they didn't have that. But it didn't have all of the information that was available to the prosecution."

Rose: "One last question. Can you enumerate... I think there's one, two... looks like six eligibility factors that will be repealed under this version. What... what are they?"

O'Brien: "It starts with... the victim was killed as a result of a hijacking of an airplane, train, ship, bus, or other public conveyance. Strikes from the felony murder rule crimes of... armed violence, forcible detention, calculated

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

criminal drug conspiracy, and street gang criminal drug conspiracy. It further removes as aggravating factors participation in drug felony, murder by an incarcerated person against another incarcerated person, murder by the head of a conspiracy, and drive-by shootings. Because they were felt... and for the most part, most of those aggravating factors, prosecutors told us that they felt that they could, in fact, charge those cases and seek the imposition of the death penalty based on the other factors available to them, not just by having to prove the nature of the crime but because of the other circumstances surrounding the crime that they would still be able to... to use those to seek the imposition."

Rose: "And that would repeal those off the list of eligibility factors?"

O'Brien: "It would take those out."

Rose: "Okay. Thank you. Nothing further."

O'Brien: "Thank you."

Speaker Hartke: "Further discussion? Since no one is seeking recognition, Representative O'Brien to close."

O'Brien: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Yes, there is a lot of work going on this year regarding this issue. This is... at this point, at least one Bill that I know of that everybody is in agreement to. We know that there might be a lot of proposals coming back and forth but we sure have put a lot of work into making this the best possible Bill it could be. And I would urge your 'aye' vote. Thank you."

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Speaker Hartke: "The question is, 'Shall the House pass House Bill 1281?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Representative Slone votes 'aye'. Have all voted who wish? Mr. Clerk, take the record. On this question, there are 113... 112 Members voting 'yes', 6 Members voting 'no', and 0 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Is Representative Morrow in the chamber? Are you ready on 3190? Mr. Clerk, read the Bill. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 3190, a Bill for an Act concerning public contracts. Third Reading of this House Bill."

Speaker Hartke: "Representative Morrow."

Morrow: "Yes, thank you, Mr. Speaker, Ladies and Gentlemen of the House. Thirty-one-ninety... 3190, as amended, provides that any state, local government, or school district subcontract for a public works contract shall include a provision setting forth the percentage of female and minority worker that the... and this is where the Amendment #1 is, the original language had 'subcontractor', now it includes 'contractor', plans to employ the... to perform work on public works projects. I... Amendment #1 took out the monetary language for sanctions against contractors. And we replaced that language that if they don't meet the requirements, that they be taken off the bid list for two

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

years. I'll be glad to answer any questions on House Bill 3190, as amended."

Speaker Hartke: "Is there any discussion on House Bill 3190? Seeing that no one is seeking recognition, the question is, 'Shall the House pass... oh, Representative Black. You're so quiet I didn't hear ya."

Black: "Mr. Speaker, have I done something to offend you today?"

Speaker Hartke: "Oh, absolutely not."

Black: "All right. I didn't think I had."

Speaker Hartke: "The Chair recognizes Representative Black."

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

Speaker Hartke: "The Sponsor will yield."

Black: "Representative, one of the, perhaps, unintended consequences of the way this is drafted... now, see if I'm... see if I'm right. The contractor or the subcontractor has to make a... set of goal of the percentage of females and minorities that will be employed on the job. It's my understanding that this would be a good faith goal, not... not a goal set in... in law. And if they don't meet that goal, I'm not sure there's any real punishment factor involved. And I... I guess... well, scratch that. There is punishment factor. But it would seem to me that since you are allowing them to set the goal, and it's a good-faith goal, that they may low-ball... they may low-ball the goal."

Morrow: "Well, what... what I would like you to do, Representative Black, and for... for the other Members that are listening to... to the debate. I left on your desk a

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

report dealing with Soldier Field. And what I found out as being chairman of the advisory board on Soldier Field, that the subcontractor, when he makes his agreement with the... with the Prime, he buys in, it's called bought-agreement. There... there's a column on your... in your package and I'll give you an example. Look at page 2 of 18. Demolition to an abatement, it was bought at 25 and 5. In other words, Brandenburg, who is the prime contractor on this... on this bid, agreed with Turner that he would hire 25 percent minority, 5 percent female. Now if you go the column that says 'MBE contract amount', he's only gotten to 21.84 percent minority and 3.86 percent female. Now, what... what my Bill is getting out, we're not forcing you to take that percentage, you agreed for that percentage. And we're saying is, stick to your agreement. Now, a lot of contractors... and this is why we took out the monetary penalties, Representative Black, a lot of contractors would rather just pay the... the monetary... Representative Black, lot of... lot of contractors would rather just pay the monetary fee. Do you understand what I'm saying?"

Black: "And just... and just as a cost of doing business?"

Morrow: "As a cost of doing business."

Black: "Okay, okay."

Morrow: "We're saying... and... and many of the contractual groups, African-Amer... minority contractual groups, female contractual groups, even the... even some of the white, Caucasian men contractual groups, said take out the monetary language and put in the language that deals with

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

taking you off the bid list for two years. Now, I'm willing... if... if it's up to the will of this Body, to pass this over to the Senate to sit down with the contractual groups and deal with the good faith effort. I don't think you should be penalized if you, let's say, a percentage short. Do you understand what I'm saying, Representative Black?"

Black: "Right, yeah."

Morrow: "Now, this bid... this... this... this bid that we're looking at, I want to commend Representative Acevedo and Representative Lou Jones and former Representative Bill O'Connor because they are members of the advisory board too. When we first looked at this bid dealing with abatement, they ranked 12 percent in minority participation. The advisory board worked hard for them to bring their percentages up to 21 percent. So... and I'm not saying... and... and out of the 200 bids on Soldier Field that I'm using as an example, there may be less than 20 bids that they did not meet their goal. So, I'm not saying here, that House Bill 3190, that all contractors are just ignoring their goals, that there are some and we just want them to bring themselves to the line."

Black: "Okay."

Morrow: "Representative Black, Soldier Field is almost 80 percent done but we have McCormick Place coming up, we have the Dan Ryan coming up. Both of those are \$700 million projects, each. We also are gonna probably... I'm not... I don't know if we're gonna see it this year, but eventually,

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

we're gonna have a Bill proposed to us to expand O'Hare. I'm being... I'm getting prepared for the future. Soldier Field is a done deal, but I just feel that minority and female participation should be guaranteed on future contracts."

Black: "If... if you have any money left over from the upcoming McCormick Place expansion, would you share it with some of the downstate civic centers?"

Morrow: "Representative Black, I'm always willing to share anything with you."

Black: "Thank you very much, Representative."

Speaker Hartke: "Further discussion? Since no one is seeking recognition, the question is, 'Shall the House pass House Bill 3190?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all vot... have all voted who wish? Mr. Clerk, take the record. On this question, there are 87 Members voting 'yes', 24 Members voting 'no', and 7 Members voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On page 25 on the Calendar, on Third Reading appears House Bill 3661. Representative Mautino. Frank Mautino. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 3661, a Bill for an Act concerning insurance. Third Reading of this House Bill."

Speaker Hartke: "Representative Mautino."

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Mautino: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Amendment #2 shelled this Bill. We're working with the Department of Insurance to structure and bring the continuation of benefit coverage into compliance. Appreciate an 'aye' vote."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass House Bill 3661?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Mr. Clerk, take the record. On this question, there are 67 Members voting 'yes', 49 Members voting 'no', and 1 Member voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On page 15 of the Calendar, on the Order of Second Reading, appears House Bill 3341. Representative Miller. Do you want to take the Bill out of the record? You do not want to call the Bill? Out of the record. On page 6 of the Calendar, on the Order of Second Reading, appears House Bill 1809. Representative Stephens. 1809. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1809, the Bill's been read a second time, previously. No Committee Amendments. Floor Amendment #4, offered by Representative Currie, has been approved for consideration."

Speaker Hartke: "Representative Currie."

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Currie: "Thank you, Speaker. This is a... a program subject to appropriation that will help care for and educate caregivers for autistic children."

Speaker Hartke: "Is there any discussion on Floor Amendment #4? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #4 to House Bill 1809?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have. And the Amendment is adopted. Further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1809, a Bill for an Act in relation to health. Third Reading of this House Bill."

Speaker Hartke: "Representative Stephens."

Stephens: "Majority Leader summed the Bill up quite aptly. I'd appreciate an 'aye' vote."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 1809?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Mr. Clerk, take the record. On this question, there are 116 Members voting 'yes', 1 person voting 'no', and 0 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On page 8 of the Calendar, on the Order of Second Reading, appears House Bill 2369. Mr. McAuliffe. Mr. Clerk, read the Bill."

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Clerk Bolin: "House Bill 2369, the Bill's been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Saviano, has been approved for consideration."

Speaker Hartke: "Representative McAuliffe on the Amendment."

McAuliffe: "Yes, thank you, Mr. Speaker, Ladies and Gentlemen of the House. I'd like to adopt Floor Amendment #1 to House Bill 2369. This would simply give any professional engineer the emeritus title. And they wouldn't be able to practice but they would be able to keep their title. And I'd ask for the adoption of Amendment #1."

Speaker Hartke: "Is there any discussion on Floor Amendment #1 to House Bill 2369? The Chair represents Rep... recognizes Representative Black."

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

Speaker Hartke: "The Sponsor will yield. Shh. Shh. Shh."

Black: "Representative, if... if a professional engineer elects to take a emeritus status, if I read the Bill correctly, that individual can go back into active practice anytime within three years. Is that correct?"

McAuliffe: "Yes, it is."

Black: "And what... what would that engineer have to do to... to go back in the active practice of engineering?"

McAuliffe: "If he would go back into the active status he would have to do any of the... I believe he would have to do whatever the continuing education would be to be a professional engineer."

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Black: "So... would he... would he have to pay a fee or would he just have to update his... well, resume's not the right word... fill out the form to make sure he's still... still eligible for, you know, the PE designation."

McAuliffe: "Yes, I believe he would still have to pay that fee anyways. That would be... the department would rule on what that fee would be and then they would have to..."

Black: "Okay, fine. Fine."

McAuliffe: "He'd still have to pay that anyways."

Black: "So he'd have to pay the back fees, right?"

McAuliffe: "Correct."

Black: "Okay, thank you very much."

McAuliffe: "Thank you."

Speaker Hartke: "Further discussion? Since no one is seeking recognition, the question is, 'Shall the House pass... adopt Floor Amendment #1 to House Bill 2369?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment is adopted. Further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2369, a Bill for an Act concerning professional regulation. Third Reading of this House Bill."

Speaker Hartke: "Representative McAuliffe."

McAuliffe: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This would just give the pro... professional engineers an emeritus status, just like if you're a

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

heavyweight champion of the world once a heavyweight always, you're a State Representative or Congressman, you'll always have that title. And I'd be happy to answer any questions."

Speaker Hartke: "Is there any discussion? Since no one is seeking recognition, the question is, 'Shall the House pass House Bill 2369?' All in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Mr. Clerk. Representative ChapaLaVia. Have all voted who wish? Mr. Clerk, take the record. On this question, there are 118 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On page... on Third Reading appears House Bill 1715. Representative Brady. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1715, a Bill for an Act in relation to public health. Third Reading of this House Bill."

Speaker Hartke: "Representative Brady."

Brady: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 1715 simply establishes that the Department of Public Health now as the agency to distribute grants to all coroners and medical examiners or persons charged with such duties under the state statute. This Bill would... to change the function to the Department of Public Health because of the elimination of the necropsy

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

board. And I'd be happy to answer any questions of any of my colleagues."

Speaker Hartke: "Is there any discussion on House Bill 1715? The Chair recognizes Representative... Mr. Black, do you have questions? He declines recognition. Further discussion? Since no one seeking recognition, the question is, 'Shall the House pass House Bill 1715?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, are 118 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 2201. Representative McGuire. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2201. The Bill's been read a second time, previously. Amendment #1 was adopted in committee. Floor Amendment #3, offered by Representative McGuire, has been approved for consideration."

Speaker Hartke: "Representative McGuire on Amendment #3."

McGuire: "Thank you, Mr. Speaker, Ladies and Gentlemen of the General Assembly. The Bill 2201 has been brought to me and to try to help the Joliet Junior College in my hometown, the oldest junior college in the country, to obtain... or retain, I should say, a liquor license. They have had a liquor license because they have a school of culinary arts and a banquet hall separate from the junior college facilities campus themselves. And for some reason... for

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

some reason, that liquor license either expired and no one knew it or... I don't know what the reason is but they have asked me to see what we could do to help get that. And that's what 2201 does. And I'll try to answer any questions if you have 'em, otherwise, I'd appreciate your... your 'aye' vote."

Speaker Hartke: "Is there any discussion? The Chair recognizes Representative Kosel."

Kosel: "Thank you, Mr. Speaker. I'd like to speak in behalf of this Bill. This particular culinary arts program at, what we call 'Juco', Joliet Junior College, the oldest community college in the... in the country, is a nationally renown culinary arts program. And this is really needed so that they can have a real-life experience in what the real restaurant business is about. And I would ask for your favorable support of this legislation."

Speaker Hartke: "Is there any discussion... further discussion on Floor Amendment #3? Since no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #3 to House Bill 2201?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have, and the Amendment is adopted. Further Amendments?"

Clerk Bolin: "Floor Amendment #4, offered by Representative McGuire."

Speaker Hartke: "Representative McGuire."

McGuire: "Okay, Representative... or, Mr. Speaker, Amendment #4... I've had so many Amendments here. Which one is four?"

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Okay, four is the one that we just talked about. And three we just... okay, three I think we have done some time ago. Am I correct? Amendment 3 was done... Excuse me."

Speaker Hartke: "Mr. Clerk, has Amendment #3 been adopted?"

Clerk Bolin: "Amendment #3 was just now adopted today."

McGuire: "Yeah, I'm trying to figure out what four is, to be honest with ya, Sir."

Speaker Hartke: "We are on Amendment #4."

McGuire: "Yeah, #4 allows us to have liquor in the buildings."

Speaker Hartke: "Is there any discussion on Amendment #4? The Chair recognizes Representative Davis, Steve Davis."

Davis, S.: "Yes, thank you, Speaker. Will the Sponsor yield for one question, please?"

Speaker Hartke: "The Sponsor will yield."

Davis, S.: "According to the analysis, Representative, Amendment 4 merely allows an exemption for al... alcoholic liquors to be delivered and sold in Joliet Junior College areas. Is that correct?"

McGuire: "That's correct."

Davis, S.: "And that's all that the Amendment does?"

McGuire: "That's correct."

Davis, S.: "All right, thank you."

Speaker Hartke: "The Chair recognizes Representative Boland."

Boland: "Would the Sponsor yield?"

Speaker Hartke: "The Sponsor will yield."

Boland: "Representative McGuire, are you not a graduate of Joliet Junior College?"

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

McGuire: "I spent two years there, Representative Boland. I don't know if I graduated. I moved on, though."

Boland: "Don't know if you grad... And, is it not true that you were a football star at Joliet Junior College?"

McGuire: "I wouldn't characterize it as 'star', I was a football player."

Boland: "So, did you eat the food from these culinary classes, Representative McGuire?"

McGuire: "No, I watched my diet, Representative Boland."

Boland: "So, are... are you not, though, in the Joliet Hall of Fame in Joliet Junior College?"

McGuire: "Yes, I am guilty of that. I'm in the hall of fame..."

Boland: "So..."

McGuire: "...of Joliet Junior College."

Boland: "Is... is this Bill a conflict of interest for you, Representative McGuire?"

McGuire: "No, Sir. I don't drink."

Boland: "I thought this had to do with culinary sciences."

McGuire: "No, it's not a... it's not a conflict of interest."

Boland: "Do you eat? Do you eat? You don't drink but..."

McGuire: "I have eaten several times in the culinary department, yes."

Boland: "And... and is it of the star quality that we've heard?"

McGuire: "Yes."

Boland: "Okay, well, then I guess I can support your Bill, even though this may be a blatant conflict of interest by Representative McGuire here."

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Speaker Hartke: "Further discussion? Since no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #4 to House Bill 2201?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment is adopted. Further Amendments?"

Clerk Bolin: "Floor Amendment #5, offered by Representative McGuire."

Speaker Hartke: "Representative McGuire on Amendment #5."

McGuire: "Floor Amendment 5 is to expand fl... Amendment 4 to the Michael Bilandic Building in downtown Chicago, as requested by Mr. Madigan. And that's Floor Amendment 5."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #5 to House Bill 2201?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment is adopted. Further Amendments?"

Clerk Bolin: "No fur... no further Amendments."

Speaker Hartke: "Third Reading. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2201, a Bill for an Act in relation to alcoholic liquor. Third Reading of this House Bill."

Speaker Hartke: "Representative McGuire."

McGuire: "Well, Ladies and Gentlemen of the General Assembly, I think you've heard what the... the Bill is about in the various Amendments. And if there are no further questions..."

Speaker Hartke: "Is there any discussion on House Bill 2201?"

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

McGuire: "...keep Representative Boland from asking any questions. I'd appreciate an 'aye' vote."

Speaker Hartke: "Is there any discussion on 2201? Seeing that no one is seeking recognition, the question is, 'Shall the House pass House Bill... Representative Slone.'"

Slone: "Thank you, Mr. Speaker. Will the Gentleman yield for just a moment for a question?"

Speaker Hartke: "Yes."

Slone: "Mr. McGuire, if... if you addressed this in your testimony on the Amendments, I didn't hear it. Is there any precedent for this among any of the other schools?"

McGuire: "Other junior colleges?"

Slone: "Yes."

McGuire: "I'm... I'm not aware. I think there are culinary schools in other... actually, they're called community colleges. Joliet Junior College is the only college still referred to as a junior college in the legislation, some years ago, that created the community colleges. But I... I'm sure there are culinary art schools in... in other campuses, but I don't know of any for sure."

Slone: "But do they... do any of them serve alcohol at any of their functions?"

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

Slone: "Okay, so as far as you know no... this would be only... there would be only one institution that would be covered under this language, is that right?"

McGuire: "I'm not sure, Representative, because this particularly applies to the Joliet Junior College and the

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

School of Culinary Arts. Representative Fritchey thinks Harper College has that. There may be other colleges around the state, I'm just not familiar with all the other community colleges."

Slone: "Okay, thank you."

McGuire: "Thank you."

Speaker Hartke: "Further discussion? Since no one is seeking recognition, the question is, 'Shall the House pass House Bill 2201?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Mr. Clerk. Mr. Wirsing. Mr. Leach. Have all voted who wish? Mr. Clerk, take the record. On this question, there are 109 Members voting 'yes', 9 Members voting 'no', and 0 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 1180. Mr. Mitchell. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1180, a Bill for an Act to amend the School Code. Third Reading of this House Bill."

Speaker Hartke: "Representative Mitchell."

Mitchell, J.: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 1180 is a... is a Bill that we've been working on for several years. This will change the way we fund special education in the State of Illinois. This is an initiative that is the work of both upstate and downstate. We are very concerned about the cost of special education in the State of Illinois. We've crafted a Bill,

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

that now puts reimbursement under a formula. And the formula is based to the ADA in special education. It also creates a block grant, which will be called the Special Education Block Grant. This Bill is one that is needed for many reasons. It's stated by many of the education groups that we spend a... about \$1 billion over and above the amount of money that we receive from the State and the Federal Government. You also know that many of the things that happen in the special education arena are basically mandated from the Federal Government, we have no choice. And maybe that's as it should be. The rights of those students with special education have been mandated to the local school districts through the State of Illinois. But to pay for those, a billion dollars is... has to be taken out of the regular education fund for this expense. We have made this Bill revenue ne... neutral for this year, but it is also tied to the foundation level. That then brings the foundation level into play in both the suburbs and downstate and makes it an important part of the formula overall. This is something that's been worked on by the special education people, every education group, plus the alliance. There aren't... there is no opposition to this Bill. It mirrors what's done in Chicago, although Chicago already has a block grant for this same reason. I urge an 'aye' vote and would be happy to... to answer any questions."

Speaker Hartke: "Is there any discussion? The Chair recognizes Representative Kosel."

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

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Speaker Hartke: "The Sponsor will yield."

Kosel: "I wanna compliment him as spokesperson for the Education Appropriation Committee. He has done an absolutely excellent job in bringing people together and addressing a very serious problem that we have within the educational field in Illinois. All of your schools have been... have been very, very desperate to find an answer to some of the problems that we have with special ed funding. While this won't solve all the problems, it's sure going to go a long way to help. And I would definitely urge a 'yes' vote on this. Thank you."

Speaker Hartke: "Further discussion? The Chair recognizes Representative Black."

Black: "Thank you very much, Mr. Speaker. Will... will the Gentleman that was my eighth grade teacher in American History yield?"

Speaker Hartke: "The Gentleman from Whiteside will yield."

Black: "Well, thank you very much. At the time he lived in Vermilion."

Speaker Hartke: "The Gentleman from Vermilion thrown out, now in Whiteside."

Black: "That's right. Oh, he was an excellent teacher. I... I looked up to him, still do."

Speaker Hartke: "You must've been a good student."

Black: "Representative Mitchell, would you... would you help me? I know the press is probably busy doing all the things they do. But many Members of this chamber... let's destroy one of the great half-truths that's been around here for about ten

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

years. And that is, at the end of the budget year somebody always gets up and says, 'well, we fully funded categoricals. Look at what we did, we fully funded categoricals.' And people run back home to their district and say, 'well, by golly, we fully funded special education.' That just is absolutely not true. Would you once again, for the benefit of those people who are new, when we say that we have fully funded categoricals, especially in the area of special education, what that means and what it doesn't cover?"

Mitchell, J.: "Well, Representative, you're absolutely right. And by the way, I'm from Lee County, not Whiteside. But be that as it may, the... the problem with special education is that it's been on a reimbursement type of situation. We have to keep track of every single dollar that's spent in spec... special education, submit that to the State Board of Education, and then they reimburse our districts on those things that are reimbursable. The things that they deem not reimbursable, then simply become the... the cost to the regular ed program because we have no other way of... of getting money for special education programs except through the graces of this... of the State and the Federal Government. The Federal Government has, again, mandated some \$1 billion over and beyond what the State and the Federal Government has agreed to pay for. A perfect example of that is... is co... a good colleague of ours several years back, when we did fully fund the categoricals, went home and said exactly what you did. Representative

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Cowlshaw made the mistake of saying we fully fund special education. And not saying we fully fund special education to the reimbursable rate that is allowed under law, which is totally different. In other words, we get \$8 thousand for each special education teacher in our district. Now, with their additional training and the additional the... degrees that they have to have, that cost is usually, and this is in downstate, 15 to 20 thousand dollars above what you could hire a regular ed teacher for. We get reimbursed \$8 thousand, that hasn't changed since late eighties, early nineties. It should be changed. We took that out of this Bill simply because we were afraid that that cost would be so heavy that the Bill would not... would not fly. Suburban admini... suburban colleagues of mine came to me and said, what can we do about the extraordinary cost of special education? So we sat down with the State Board of Education and Gary Lieder, who is the director of the Special Education Administration Association of the State of Illinois. And they had come up with a formula that, I think, does two things. Number one, we can now increase special education funding as the economy improves. But secondly, our administrators are going to save a ton of time. Superintendents and business managers across the state will no longer have to set and rein... resubmit claims for every single penny and justify the cost of... of special education, which is well beyond what they get reimbursed for, which will save us not only money, but time as well."

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Black: "Representative, I thank you for your work in this. And I hope that all of you, particularly those of you who new... who are new to this chamber, will not fall into this trap of thinking that when we say we fully fund categoricals, that you'll then run home and tell somebody, 'well, we have fully funded your special education program.' We haven't fully funded special education in the State of Illinois for more years than I can remember. We basically give a school system \$8 thousand for every certified teacher that is in special education. I'll just give you one example. My hometown of Danville, not a wealthy town by any means, last year, had to get into their General Revenue Funds from their property tax levy to subsidize the cost of special education at more than \$3.5 million. And yet, we want... some of us read in the paper where we are fully funding categoricals. We are not, we haven't in special education for years. This is a good Bill, long overdue. I hope you'll vote 'aye'."

Speaker Hartke: "Further discussion? Representative Giles."

Giles: "Thank you, Mr. Speaker. Will the Sponsor yield for a question?"

Speaker Hartke: "The Sponsor will yield for a question."

Giles: "Representative Mitchell, I know you've worked long and hard on this piece of legislation and I think you've been very creative in some of the things you have done. I just have a... just a simple question. You know, looking at... on our side of the aisle here, we're looking at the opponents of this legislation. And there's a couple groups here that

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

sort of disturb me... the reason why they would be in opposed to your piece... to this piece of legislation, the Illinois Special Education Coalition and the Childcare Association of Illinois, and then a few others. But could you just briefly tell this Body why they would be in opposition? And... and I believe you have answered in your... in your presentation."

Mitchell, J.: "Thank you, Representative. And I'm... I'm glad you brought that up. In the original Bill, when we formed the... the block grant for special education, we had put in there the private funding under extraordinary and those are... are line items 702 and 703 that is put in the state budget for the purpose of tuition for education outside the public school. Now, many of the students that are in special education have problems so severe that there is no way that the public school can afford to educate those children. Therefore, those are... are basically put out on a tuition basis and the money is recouped for... through... for these private schools, through the State of Illinois, under these line items. Their opposition was very strong, very vehement, because those were included in the block grant and they felt that because there would not be the auditing for those particular line items anymore, that they would, quite possibly... use state... or, districts would use that money for other reasons and they would not get reimbursed. So we sat down with Childcare Association of Illinois, representing the privates, and worked out Amendment #1 that excluded 702 and 703, and those will stand alone as line

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

items. And their opposition to the final, amended version of this Bill has been taken away."

Giles: "Thank you, Representative. I just wanted that to be clarified. You know, I think this is a... to the Bill. I think this is a very creative way of trying to solve a problem and I truly commend the Sponsor in the way he did it. Being a budget crunch year with the deficit problems that we have, and of course, the problems that we have in all of our school districts, I... I... this is very creative. And I just urge all Members to put an 'aye' vote on this piece of legislation. It is something that's badly needed. All of the costs can be justified in special education. So, I just urge you to support this piece of legislation."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Robinson... excuse me, Crawford. Mr. Eddy. Hudsonville."

Eddy: "Thank you, Mr. Speaker. To the Bill."

Speaker Hartke: "To the Bill."

Eddy: "Just strong... just rise in very strong support of this Bill. As a school superintendent, I can tell you that this is an area that, as the Representative from Vermilion mentioned, is never fully funded. And this goes a long way toward making the formula much easier to understand, much easier to implement. It eliminates a tremendous amount of very burdensome paperwork and more importantly, it does provide for equity. This is the type of formula, equitable funding formula, that we should move toward in this

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

chamber. And I strongly, strongly support the legislation."

Speaker Hartke: "Further discussion? Since no one is seeking recognition, Representative Mitchell to close."

Mitchell, J.: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, this... this has been a work in progress for several years and I... I really think we've got it as close to being right as we possibly can. Changing the way we... we fund special education in the way that we've done it gives us three different ways to increase special education funding from now on. We realize that there is no way we can add money to the Governor's budget at this time, the economy is just too flat. But the percentage that's put into the formula's the 17.5. We can raise that as the economy gets better and increase money to every single school district in the State of Illinois. We can raise the foundation level, which would increase money to every single school district in the State of Illinois. This is a matter of... of making special education more equitable than any other formula or any other method that we fund schools, including regular education. The third way we can increase funding for special education in the future is to raise the flat grant amount that every single school district gets for special education teachers, and that reimbursement is right now at \$8 thousand. It should be raised. Everybody understands that, but right now we just can't afford to do it. So in the future, as the economy gets better, we can come back and revisit this Bill and change any one of those

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

three items within the formula itself and increase funding for special education. I appreciated all the help that I've had on this Bill. I appreciate an 'aye' vote. Thank you, Mr. Speaker."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 1180?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 117 Members voting 'yes', 0 voting 'no', 0 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 3088. Representative McCarthy. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 3088, a Bill for an Act relating to schools. Third Reading of this House Bill."

Speaker Hartke: "Representative McCarthy."

McCarthy: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 3088, we put Amendment #2 on it the other day, which shelled the Bill. It... the purpose of the Bill is gonna stay the same, it's gonna amend the Private Business and Vocational Schools Act. It basically works with a special... since so special schools in our state that are now evaluated by both the State Board of Education and the State Board of Higher Ed, as well as one national accrediting agency. We do want to keep the negotiations alive, and that's why I agreed to shell the Bill and hopefully move it over to the Senate. So I would

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

appreciate your 'aye' vote. And I can assure you that this Bill will not be used for anything else other than the... what I just mentioned. So, thank you."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass House Bill 3088?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question... Mr. Clerk, take the record. On this question, there are 61 Members voting 'yes', 56 Members voting 'no', and 1 Member voting 'present'. Mr. Black."

Black: "Mr. Speaker, a... just an inquiry of the Chair."

Speaker Hartke: "State your inquiry."

Black: "It appears that your voting switch is malfunctioning."

Speaker Hartke: "Yes."

Black: "And I know that the record should reflect that you intended to vote 'aye' on the special education funding Bill."

Speaker Hartke: "Yes, I did."

Black: "But evidently your switch is malfunctioning."

Speaker Hartke: "Thank you very much for helping me. And this Bill, having received the Constitutional Majority, is hereby declared passed. On page 23 on the Calendar, on Third Reading appears House Bill 3676. Representative Molaro. Mr. Clerk, read the Bill."

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Clerk Rossi: "House Bill 3676 has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 3676, a Bill for an Act concerning taxes. Third Reading of this House Bill."

Speaker Hartke: "Representative Molaro."

Molaro: "Thank you, Mr. Speaker. This Bill is not a fee increase. That being sai... that being said, this is a initiative of the Department of Revenue. And all it does is add two words to a long-standing statute, and that's the word 'long-term' to differentiate it from 'short-term'. So, the Bill now reads, 'the long... the net long-term capital gain for taxable year.' So, it would... didn't have that language in there, now it does, it doesn't have any confusion. They've been acting for many years as though that term did exist in the statute. It puts in the statute... all of the people involved in this have been contacted and it was their initiative as long... as well as the Department of Revenue, which of course, this is not a tax... or, a fee increase. Thank you."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is... Representative Hamos."

Hamos: "Will the Sponsor yield?"

Speaker Hartke: "The Sponsor will yield."

Hamos: "Representative Molaro, is this a fee increase?"

Speaker Hartke: "No, this is not a fee increase."

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Hamos: "Oh, I thank you. I just wanted you to make that clear."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 3676?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 118 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On page 23 on the Calendar, on Third Reading appears House Bill 2870. Mr. Lyons. Joe Lyons. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 2870, a Bill for an Act concerning telecommunications. Third Reading of this House Bill."

Speaker Hartke: "Representative Lyons."

Lyons, J.: "Thank you, Speaker, Ladies and Gentlemen of the House. House Bill 2870 is actually some cleanup, technical clarification from the Telecommunication Act of 19... of 2001, that provides that only telecom carriers that provide local exchange service or the hard lines into our homes, rather than all carriers, are required to notify their end users about the contributions to the program that is there to eliminate the digital divide. So, this is intent of the original legislation. And I'd be happy to answer any questions, would like to have your 'aye' vote."

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Speaker Hartke: "Is there any discussion? The Chair recognizes Representative Black. Representative Howard. The Chair recognizes Representative Howard."

Howard: "Yes, thank you, Mr. Speaker. Representative Lyons, I'm confused about what this Bill is supposed to do."

Lyons, J.: "Representative, the original Telecommunication Act dealt with only the hard-line phones, or the phones that come into our house through wire. It was never intended to deal with the... the cellular phone business, okay. This just clarifies that in this language. There was part of the concern on the digital divide issue was for the hard-line carriers, or for the... for the... for the companies who provide us service to our homes through wire to go through the effort, which they did last fall, to solicit volunteer contributions for the digital divide. This just clarifies that it's only the... the local exchange phone companies, not the cellulators, that are required to do this."

Howard: "Just wanted to be certain."

Lyons, J.: "Oh, absolutely, Connie."

Howard: "Thank you so much."

Lyons, J.: "Good question."

Speaker Hartke: "Further discussion? The Chair recognizes Representative Black."

Black: "Representative, would the... oh, I'm sorry. Mr. Speaker, will the Sponsor yield?"

Speaker Hartke: "The Sponsor will yield."

Black: "Representative, I just... I just need a clarification. I think Representative Howard asked it, but it's very hard to

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

hear in here. I'm not concerned with whether they notify me, I am concerned as to whether or not I have to pay that fee and as I recall the original legislation, cellular and Internet dial up, we do not pay a digital divide fee, correct?"

Lyons, J.: "Representative Black, it's not even a fee, it's a voluntary solicitation to contribute to that. That's what this deals with."

Black: "Okay."

Lyons, J.: "It doesn't deal with any type of a fee. It deals with it..."

Black: "So, this just... eliminates another line on what is already becoming a very confusing billing process for cellular providers. We don't have to... they don't have to put any reference to the Digital Divide Act on their Bill, correct?"

Lyons, J.: "Correct."

Black: "Okay."

Lyons, J.: "The cellular community was never part of that initial legislation."

Black: "Okay, thank you."

Speaker Hartke: "Further discussion? The Chair recognizes Representative Hamos."

Hamos: "Thank you, Speaker. But just... to follow up on Representative Howard's comments, Representative Lyons. This does not eliminate, in any way, the requirement that we did have as part of the Telecom Act to have a voluntary solicitation for the local exchange carriers, right?"

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Lyons, J.: "Correct."

Hamos: "Okay, we wanted to make sure, because this is not supposed to change any of that. Thank you very much."

Speaker Hartke: "Further discussion? Since no one is seeking recognition, Representative Lyons to close."

Lyons, J.: "Appreciate an 'aye' vote."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 2870?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, 118 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 2317. Representative O'Brien. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 2317, a Bill for an Act concerning local government. Third Reading of this House Bill."

O'Brien: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House."

Speaker Hartke: "Just a minute."

O'Brien: "This is..."

Speaker Hartke: "Just a minute, Representative O'Brien. Just a minute. Proceed, Representative O'Brien."

O'Brien: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. This Bill is a shell Bill. What the in... We wanna continue to work on the provision. What the intent is to do is to create a mechanism to offer refunds when

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

there are special assessment areas and when the work is completed, when there are residual moneys left over when they have more money that they collected in the special assessment fee than what was needed to pay off the bonds to have the work done. We don't currently have a mechanism to return that money to the property owner that paid for the assessment fee. We'd like to move it over to the Senate so that we can get language that everyone can agree to that would maybe broaden the number of things that could be included in a special assessment area and also to provide a mechanism for refunds when there's extra money."

Speaker Hartke: "Is there any discussion? Since no one is seeking recognition, the question is, 'Shall the House pass House Bill 2317?' All in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Mr. Clerk... Mr. Parke. Mr. Brosnahan. Mr. Stephens. Have all voted who wish? Mr. Stephens. Mr. Clerk, take the record. On this question, there are 73 Members voting 'yes', 44 Members voting 'no', 0 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On page 20 on the Calendar, on the Order of Third Reading, appears House Bill 1248. Representative Nekritz. Out of the record. You don't want to call that Bill? It's out of the record. Representative Younge on House Bill 2605. Mr. Clerk, read the Bill."

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Clerk Bolin: "House Bill 2605, a Bill for an Act to create the Illinois African-American Peace Brigade. Third Reading of this House Bill."

Speaker Hartke: "Representative Younge."

Younge: "Thank you, Mr. Speaker. House Bill 2605 would establish the Illinois African-American Peace Brigade, which would make available volunteers to Africa and urban innercities. We... we have... through volunteers, we would be able to foster the friendship between the State of Illinois and African nations. About three years ago I went to Ghana, Accra, Ghana, and the one thing the people asked for was help in reference to their educational institution. And I... I know that there are large numbers of people who would like to volunteer, who have educational backgrounds. The other serious problem that we have in this state is the very, very low test scores in urban innercities. Sometimes the percentage of passing is as much as 50 percent lower than the hi... highest percentages. And the volunteers would be able to go to schools, assigned by the superintendent of schools of the State of Illinois, and help students in reference to their tests and their studies. The volunteers would receive training if authorized by the director. And I ask for your support in this matter. There would be a advisory council of 15 persons forum to help direct the program and evaluate the results. And I ask for your passage of this matter."

Speaker Hartke: "Is there any discussion? The Chair recognizes Representative Black."

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

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

Speaker Hartke: "The Sponsor will yield."

Black: "Representative, forgive me because of... the notes aren't clear. But our file is marked with a notation that you had agreed to hold this Bill on Second, pending an Amendment. I... I have no idea who put that on the file or what Amendment we're talking about. Is that your recollection?"

Younge: "No, I don't have any knowledge of that, Representative. I mean, what were the circumstances? But I have no knowledge that there was any..."

Black: "Okay. Is... I very, very hurriedly went through the analysis. Forgive me, you may have said this in your opening remarks. Is... is there any cap on this Bill? I mean, how many participants or how many people could participate or how much money may be appropriated to the program?"

Younge: "The Bill says that the... the director appointed by the Governor would decide how... what the programs would be and... and which volunteers are approved. Ordinarily, what happens is a group of about 25 people are under a leader in a particular project. So, you're talking about small numbers. And... and the director would be the one to determine the size of the program."

Black: "There's... there's some reference in the Bill to those participating in this program must exhibit a proficiency in... in the language. And I assume that means the language of the country they would be serving in, was that correct?"

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Younge: "That... that is correct."

Black: "Do you anticipate that... I'm just having trouble imagining that there would be thousands of people who would be proficient in the language of the various nations on that subcontinent."

Younge: "That would be one of the things that would hold the numbers down, Representative Black."

Black: "Okay."

Younge: "Because it... it... that would be a requirement."

Black: "Will... will the director's pay, in any way, be tied to the number of people participating in the program? I mean, I... I think you had mentioned that the director would be paid, certainly, a... a sum commensurate with the responsibilities. But my fear is that if we pay what is a normal director salary range in Illinois, 90 to the low 100s of thousands, if only 15 people participate in this program, that might seem to some like a... a salary not commensurate with the number of people participating in the program."

Younge: "Well, that would... those would be questions for the appropriations process. The director would be paid at the level that the Department of Agriculture's director is paid. And... and if the council, the advisory council, in its evaluation, did not see that there were enough volunteers to justify it, that would influence the situation. So there will be an evaluation to see that enough people are volunteering to justify the program."

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Black: "All right. Representative, thank you very much for your indulgence. I appreciate it."

Younge: "You're welcome."

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

Stephens: "Thank you, Mr. Speaker. Will... will the Lady yield?"

Speaker Hartke: "The Lady will yield."

Stephens: "Representative, did you say, in your introduction, the Bill does basically two things? One, the... the youth groups to the continent of Africa. And then you mentioned something about urban, wasn't that... did that have to do with stateside or not?"

Younge: "Yes, there are... there is an emergency that exists in urban innercity schools, so far as the ISAT tests are concerned. The tests scores are quite low and there needs to be volunteers to mentor..."

Stephens: "Okay. Does... does your Bill address that? And how?"

Younge: "It addresses that by saying that that is the second purpose of the Bill. And that the state superintendent..."

Stephens: "Okay, so the basis of the Bill is that we're going to create the... the groups of volunteers to go to Africa. And then, because they do that, that's going to help their test scores?"

Younge: "The... there are two separate type of projects. One, a foreign service and the other, a... a service in cities in the State of Illinois, Representative."

Stephens: "Okay, thank you. To the Bill, Mr. Speaker."

Speaker Hartke: "To the Bill."

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Stephens: "As far as the appointment of this director, I think the Body should take note about the... the way it's going to be handled. It's spelled out in the Bill. Any living, travel, education, and leave allowances, any housing, transportation, subsistence, and clothing that the director determines. Healthcare... including healthcare, following up to three months after service, benefits of subsection (g) or Section... on the same basis of volunteers. I just think we need to be aware that we're giving way too much power to one individual working in the continent of Africa. I have no oppo... opposition to working with any group that's helping those in the continent of Africa. In fact, I join our President and his \$4 billion effort in his budget this year to help with AIDS research and eradication in the continent of Africa. And secondly, Representative, to the Bill. I'm... I'm not against what you're doing, it's just that every time we say to the public, to our constituents, that there's a little something extra, outside the household, that we can help you with that's going to improve your children's ability to score well on a variety of educational tests, when we do that we're saying to those households, let government do it, the house... the family can't do it. And exactly the opposite is true. I've been looking at education issues for over 20 years. The only thing that I can statistically link for sure is that if you've got a family unit that cares about itself, cares about the children in their family, there is a direct correlation to how well those children do in school. It

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

has nothing to do with dollars, it has nothing to do with region of the state, it has to do with families. And I wish that we would have more opportunity here to talk about ways that we could keep families together without, without government assistance. I think that that... without government assistance. I think that is oh so important. I'm gonna vote 'yes' for your Bill. But we... you and I have a lot of work left to do. Thank you."

Speaker Hartke: "The Chair recognizes Representative Mulligan."

Mulligan: "Thank you, Mr. Speaker. I rise in opposition to this Bill. As much I respect the Sponsor of this Bill and the... we've been very generous with the Bills that we've passed out here that have potential to create money. If you take a look at sections in this Bill... one section of this Bill that creates this peace brigade says sense, 'the Director and the Assistant Director of the Illinois Africa-American Peace Brigade shall receive annual salaries that are same as the salaries of the Director and Assistant Director of Agriculture', which might be interesting to the Chair, and... 'respectively, until such time as their salaries are set by the Compensation Review Board, and thereafter, shall receive salaries as set by the Compen... Compensation Review Board.' This Bill amends sections that create Departments of Finance, Agriculture, all the major departments, Aging, Central Management Services, DCFS. I think it's an inappropriate place to put ini... initiatives such as this. I do not happen to be Irish, although I have an Irish last name, but we could certainly put out the

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Irish-American Peace Brigade, looking at what's happening in Northern Ireland. The Governor has abolished the Commission on the Status of Women, there are other things that are going on this time. To put money into an effort like this or even to send it over just to honor the Lady's request seems to me to be inappropriate at this time. I certainly cannot support something at this because it puts it on the status of the major departments of the State in... in Illinois and sets their compensation as such. This is not a small task for us to be sending this Bill over to the Senate. I strongly urge a 'no' vote."

Speaker Hartke: "Further discussion? Since no one is seeking recognition, Representative Younge to close."

Younge: "This Bill addresses a very urgent problem in this state, and that has to do with the test scores in the cities in Illinois. And I... I think that it would be very important for us to bring those test scores up right now through the development of a mechanism where people can volunteer to go in and help the... these students. And I ask for your support in this matter."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 2605?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Mr. Clerk, take the record. On this question, there are 67 Members voting 'yes', 36 Members voting 'no', 15 Members voting 'present'. And this Bill, having received

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

the Constitutional Majority, is hereby declared passed. On page 20 on the Calendar, on Third Reading appears House Bill 486. Representative Flowers. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 486, a Bill for an Act concerning healthcare for women. Third Reading of this House Bill."

Speaker Hartke: "Representative Flowers."

Flowers: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. House Bill 486 deals with the epidural and the other sources of medication that will be paid for. And there was a situation with Medicaid and public aid and we put it in an Amendment to address that issue. And I'll be more than happy to answer any questions you have in regards to the Bill."

Speaker Hartke: "Is there any discussion? Since no one is seeking recognition, the question is, 'Shall the House pass House Bill 486?' All in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Mr. Clerk. Mr. Parke. Have all voted who wish? Mr. Clerk, take the record. On this question, there are 101 Members voting 'yes', 3 Members voting 'no', and 13 Members voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 1952. Mr. Hultgren. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1952, a Bill for an Act in relation to property taxes. Third Reading of this House Bill."

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Speaker Hartke: "Representative Hultgren."

Hultgren: "Thank you very much, Mr. Speaker and Members of the House. This is a Bill that we passed out last year, Representative Mary Lou Cowlshaw sponsored this Bill. It has to do with a tax levy and it just... in the City of Naperville. It's limited just to this 1997 tax levy where there were errors in the notice... it was scribes' errors in the publication notice, this clears up the errors. The tax levy was approved by the voters, it's been collected, but it's been unable to be used. I'd ask for your approval and be hap... happy to answer any questions."

Speaker Hartke: "Is there any discussion? The Chair recognizes Representative Currie."

Currie: "Thank you. Would the Gentleman respond to some questions, please?"

Speaker Hartke: "The Gentleman will respond to questions."

Currie: "First of all, Representative, I'm sorry. I missed committee when this Bill was presented. How much money is at stake?"

Hultgren: "It's a \$150 thousand that's a stake, which a... it doesn't sound like a huge amount of money for our state, but for the park district in Naperville, it is significant for them."

Currie: "And what year is in question?"

Hultgren: "It was 1997. And part of the problem on this it's... it's been hanging on for a long time, it was a scribes' error. In the meantime, we have changed how these notices are done and... and some variations that can be in there."

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

But it didn't go back to this date and specifically address this case."

Currie: "Do you... do you have... could you tell me who made the mistakes, the three mistakes?"

Hultgren: "I can. I just talked with the city and what happened was they made the mistake of having their finance director draft the notice. The finance director looked at a forms book that was put out, they told me, by the park districts here in Illinois that had an error in it. It was a forms book that they used to put this together."

Currie: "Wait, I'm sorry. Could you repeat the second part of that?"

Hultgren: "Sure. It was the finance director and the city that put this together. And they used a forms book that, I think, was put together by... they said by the Illinois Park Districts or... or someone involved in park districts. And they... they didn't have an attorney that helped them with this, otherwise, you know, possibly this would've been caught. So..."

Currie: "They did... they did not have a lawyer helping them with this?"

Hultgren: "They did not help... have... they used a forms book to do it and..."

Currie: "Do they not have a lawyer?"

Hultgren: "Now they do and they... they've spent much money since this time. So it was... it was a... they recognized a foolish mistake, at the time did not have a competent lawyer handle this. It's cost them dearly since that time, they... they've

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

learned their lesson and... and are certain to not have this happen again."

Currie: "Had they never used a lawyer for these kinds of..."

Hultgren: "I can't answer that question. I don't... I don't think that's the case. I think on this, for whatever reason, the finance director of the park district felt like he could do the notice. And, you know, obviously, they're paying the price for that in the delay in the use and the attorney's fees that they've had to spend since that time."

Currie: "Do they use a... an internal lawyer now or do they hire..."

Hultgren: "No, they've got... they do have a local law firm that I've talked with, it's Brookes, Adams, & Terule. This is a firm in Naperville that handles some municipal matters, is also the attorney for the park district. They've been the ones that I've talked with in drafting this and having this Amendment put on."

Currie: "And I understand that there's some current litigation about this issue."

Hultgren: "I'm sorry."

Currie: "My understanding is that this issue... the issue of the mistakes that were made by the park district is currently in litigation. Is that correct?"

Hultgren: "I think that is true. I think there's... there was significant litigation on who could represent the park district on this, and objections and things. And I... I'm afraid I don't have all the answers on that but I think

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

there is some still objectors that are out there because of the scriveners' errors in the notice that was put out."

Currie: "And... and can you tell me whether the park district has lost any motions? I mean, where... where is the litigation at this point?"

Hultgren: "I'm afraid I don't know that. I can find that out but I'm afraid don't know exactly where the litigation is now."

Currie: "I would think that would be a good plan. I don't know that we are comfortable, as a Body, interfering in litigation that is pending out there that, obviously, involves some taxpayer who feels that he, or she, or many taxpayers were not well treated when these mistakes were made. So, I... I wonder if I could ask, maybe you could ask for an extension on this Bill so we could get some answers to the specifics of the... of the situation?"

Hultgren: "I'm happy to do that. Otherwise, I'd be... either that or would be happy to work with the Senate Sponsor. So either one would be fine."

Currie: "I'm sorry, what... what was the last part that you said? Work on a Senate Bill?"

Hultgren: "I'd... I'd also... yeah, I'd also be happy to work with..."

Currie: "Okay. I have a..."

Hultgren: "What happened, previously, was this got stuck in the Senate Rules. We did pass it out of the House last year or, I think it was last year or two years ago. I think it was just last year it passed out. And..."

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Currie: "Well, if you wouldn't mind holding it and as I say, either asking for an extension or trying to resolve the questions before this... on this... before we do a Senate Bill, I'd appreciate it."

Hultgren: "Ok... okay, can I ask... I'm open to either one and I don't know if you want me to pull this out of the record so we can discuss that for a moment or if we can go ahead with the vote and I'll make the commitment that I will talk with the Senate and make sure it's clear of... that we are not interfering where we should not be."

Speaker Hartke: "Turn Representative Currie's light on."

Currie: "Yeah, I think you should just take it out of the record. There's plenty of time to work on Senate Bills. I just think we don't have enough answers to these questions for us to feel comfortable moving on this at this time."

Hultgren: "This is a House Bill so my... my fear was that it would not... you know, since this is the deadline, that... you know, I didn't know if I did have a time crunch. I talked with the Speaker about this. I'm happy to request that extension, I do know..."

Currie: "I don't know whether it would be granted, of course. But, again, there are Senate Bills, I know there are going to be vehicles that are coming over and I just think, as a Body, we should not be jumping to say 'yes' to this proposition without having more answers."

Hultgren: "I'll pull it out of the record and then we can talk a little bit further. But I hope we can work something out, this is something that the park district is talking

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

about. It's something we have voted on, this exact piece of legislation, previously. And I can pull up that Roll Call as well to know how exactly we voted on it previously, if that'd be helpful..."

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

Currie: "Thank you."

Hultgren: "...so I'll take it out of the record."

Speaker Hartke: "House Bill 2439. Representative Black. 2439.

Do you want to take that Bill out of the record? Mr. Clerk, read the Bill. Oh, excuse me. Before we get started here, let's take that Bill out of the record, I'll be right back with ya. Representative Lyons, for what reason do you seek recognition?"

Lyons, J.: "Po... point of personal privilege, Speaker."

Speaker Hartke: "State your point."

Lyons, J.: "Of all the people I don't like to disrupt before they present a Bill it's Representative Black, but time is precious. I'd like the Assembly to acknowledge, I'd like to give a welcome to my seventh grade class from my own parish, above the Republicans there, to cheer on Representative Black's Bill, from our Lady of Victory School, seventh grade class. Welcome."

Speaker Hartke: "Mr... Mr. Clerk, put 2439 on the board and read the Bill."

Clerk Bolin: "House Bill 2439, the Bill's been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. Mr. Clerk, read the Bill."

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Clerk Bolin: "House Bill 2439, a Bill for an Act regarding schools. Third Reading of this House Bill."

Speaker Hartke: "Mr. Black."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. About four years ago the General Assembly passed substantive legislation on cooperative high schools. This is a concept that originated in my district from a very... by a very creative school superintendent, who has subsequently retired. I won't belabor the point, but let me tell you what a coroproperative high school district is, under current law that... that we passed about four years ago. In my area there are several small unit districts that have high... high schools of enrollment of a hundred or less. This superintendent came to, then, Senator Judy Meyers and myself and said, 'you know, we could... we could close four or five very small high schools and we would build one high school that would then have a thousand, 12 hundred, 14 hundred students in it, if you would just let us do one thing.' That one thing is kind of neat, and that's already in the law. You passed it out of here with 90 some votes four years ago. The boards of education remain the same. The elementary schools in the district in these small towns stay open. The boards will elect... the boards of education will elect one member from each board to run that high school. And then the high school will, of course, be certainly much bigger economies of scale so you can close... in the... in the actual case that happened in my district, we could've closed four, or as many as five, high

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

schools, built one school that would've been operated jointly. What we... what we failed to do and failed to understand is that when we went out for a referendum to do that we found that the cooperative high school was not eligible for a school construction grant. So that the \$16 million cost of building this high school, of course, would... would be the... the full payment of that building would fall upon the property taxpayers in small rural districts where they just don't have the property wealth to spread out that kind of a tax rate. So all this Bill does is to say a cooperative high school can be included in the school construction grant program. I'll be glad to answer any questions you might have."

Speaker Hartke: "Is there any discussion? The Chair recognizes Representative Hannig."

Hannig: "Yes, thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Hartke: "The Sponsor will yield."

Hannig: "Representative, I... I've a couple questions I don't quite understand about the Bill. The first question is, would... would this put them in line with the... with the current school construction program? Would it put them on some priority list?"

Black: "No, it would not put them on a priority list. I... I just talked to the State Board of Education, Tuesday. The priority list still remains the same, and that is growth. Those... those districts will be #1 on the priority list, like Naperville, for example, or... or some of the suburban districts who have, excuse me... who have to build new

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

schools because of enrollment pressure. This would be in that second category where all the others... where they would be judged on need or what factors they... they're judged."

Hannig: "Where they have...."

Black: "But they are not moved to the top of the list because this is not the enrollment pressure."

Hannig: "The other question I have is that it's my understanding that right now that the state board is not taking any additional requests. That they were basically saying that the program is out of money, we're gonna try to, you know, fund what's left. I think there's... there's some needs that we're gonna fund in this year's budget."

Black: "Yeah."

Hannig: "But where do they fit in with that?"

Black: "Representative, you are... I'm glad you brought that up. You're ab... you're absolutely correct. There are no new applications and unless we pass a new con... school construction funding Bill, there will be no new applications. All we're trying to do is to say if there is a new... a school construction grant program, in FY05 for example, this is a way... and I know Senator Demuzio and I have talked about this two years ago. This is a way that I think we can encourage small rural areas to perhaps, finally agree to close a high school of... of 90 kids and build a high school and funnel in from five or six small high schools into a bigger high school with the... with the appropriate economies of scale. But you're absolutely right, all we'll do, if this should become law, is to let

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

them participate if there is to be any more school construction grant programs."

Hannig: "Thank you, Representative. You answered my questions."

Black: "Thank... thank you."

Speaker Hartke: "Further discussion? The Chair recognizes Repr... Representative Jakobsson."

Jakobsson: "Thank you, Mr. Speaker. Representative Black, I just... I have a question, I'm not sure. Do these cooperative high schools have one school board and one superintendent or do they have separate school boards and separate superintendents?"

Black: "Representative, now these aren't corporate, these are cooperatives. They will have one school board made up of representatives from each of their districts, the high school will have one principal. What has not been determined under the substantive law is whether or not, since you still have a unit district... what has not been determined under the law we passed four years ago, would each district still retain a superintendent? In all of the meetings I had with the people in Bismarck, Henning, Armstrong, Potomac, Rossville, Alvin, those small schools that brought this up, it was the sense of the people who were at these meetings that, obviously, they would want one superintendent. But each... each town would still retain its school board to run their elementary school, and then each school board would have a representative to the high school board. That way they didn't think they were giving up

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

local government autonomy. As you know from the district that we share, some of these towns, all they have left is their school, and they resist consolidation. This was brought to us by school people who said, 'I think we can do what some of our suburban friends and colleagues want us to do, if you'll do it in this creative way.' We passed the substantive legislation four years ago, but we forgot that we're not automatically included in the school construction grant program."

Speaker Hartke: "Further discussion? Rep... Representative Scully."

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

Speaker Hartke: "The Sponsor will yield."

Scully: "Representative Black, I want to make sure that I understand. The substantive legislation that we passed a couple years ago, that this is... seems like a very reasonable compromise for consolidated school districts that currently exist who now appreciate the advantage of having a... a... a school dis... a high school district that would serve several smaller elementary school districts."

Black: "That's a good point. A... a consolidated district that... that did several years ago, I have one in my district, two very small districts consolidated. They took the lowest tax rate, it isn't working like they hoped it would. They might want to participate in this, it certainly doesn't preclude that. A consolidation, as you know, gives you more economic incentives to consolidate than a cooperative high school would. But I... I... from what I've seen in my

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

rural district, they are more likely to move in the cooperative high school direction, first and foremost, rather than a consolidation. But it would not preclude, for example, in Georgetown or Ridge Farm, two very small districts that consolidated, I don't know, 12, 14 years ago. That enrollment continues to shrink and they may very well have to join with another district to build a cooperative high school to maintain any semblance of reasonable enrollment. I can... I can recall the Lady who retired from Naperville and always good naturedly, I think, but always reacted with some degree of in... incredulity when she would say, 'I hear you have a high school in your district of 72 kids.' And I'd say, 'that's... that's true.' And she would kind of roll her eyes. It... it's... it's not what they're used to in Naperville 204, I can assure you."

Scully: "And I think this would also give the... give an opportunity for those citizens and taxpayers to realize, in their own pocketbook, the... the economies and efficiencies of this cooperative high school district. I think it is an excellent move and I thank you for bringing this to our attention."

Black: "Thank you very much. I... the credit goes to former superintendent Tim Musgrave of Bismarck-Henning who thought up this idea, got it on the ballot. It passed all but in one of the districts because of costs. I think it is a positive move to see some... some movement in the rural areas to give high schools a reasonable enrollment size."

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Speaker Hartke: "Further discussion? The Chair recognizes Representative Eddy."

Eddy: "Thank you very much, Mr. Speaker. I rise in strong support of this proposition. We, at my school district, recently went through a reorganization issue. And I can attest to the fact had the school construction grant been available in that situation for a cooperative high school, which although both words start with a 'c' the word 'cooperative' sure means a lot different than the word 'consolidation' to small school districts. It means that they will continue to be autonomous, that they will have local control. However, they will share the responsibility for educating kids in a more efficient, more practical, and a more educationally sound manner than some small school districts can do so. I think this is a... this is something that will encourage, eventually, consolidation through cooperation. Because when these school districts see how well they work together through a cooperative standpoint, we could certainly see the end product being actual consolidation. So, I... I think this is an important, important step toward solving one of the problems that we have in this state to move people toward the... the understanding that for children, it may be best that we put mascots and colors aside and do what's best for the education of kids. And if that means getting together in larger schools, this will pave the way for that."

Speaker Hartke: "Further discussion? The Chair recognizes Representative Mathias, the final questioner."

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Mathias: "Will the Sponsor yield?"

Speaker Hartke: "The Sponsor will yield."

Mathias: "Yes. Representative Black, if... if your... your districts should be fortunate enough to obtain the funds to build the new school, is there anything in your Bill that would... would allow local inspectors... fire inspectors to... to inspect the school during the construction process?"

Black: "I... I think I gave that authority to you some time ago. And I think you filled that void most admirably."

Mathias: "Okay, I just wanted to make sure that these builds... schools are gonna be built safely and that there will be oversight."

Black: "Well, I... I know the local inspector did say that we would take the wheels off the schools as soon as they were in place."

Mathias: "Thank you, Representative."

Speaker Hartke: "Representative Kosel."

Kosel: "Thank you. I have a question for the Sponsor. If this was a special ed cooperative high school, would it be funded through this?"

Black: "That's a good question, Representative. And no, it would not. Special education cooperatives are not included in the school construction grant program, area vocational technical centers are not included in the construction grant program, and as we found out to our chagrin a couple of years ago, neither were cooperative high schools. That is why we're attempting to add them at this time. I have a special edu... a special education cooperative that serves

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

all of Vermilion County, run by an old high school classmate of mine. And it is something that he and I have talked about. I didn't think I could probably, in... in this fiscal year, put two or more of those kinds of special education cooperatives in one Bill."

Kosel: "Thank you."

Speaker Hartke: "Representative Black to close."

Black: "Thank you very much, Mr. Speaker, and Ladies and Gentlemen of the House. I really think this will help a number of school districts from all over the state who are in those pockets of stagnant growth, or no growth in population. I know that some of you have expressed concern to me about the size of high schools that we support in rural Illinois. I think this is a... a positive step that many in rural Illinois will embrace if they can simply be included in any future school construction grant... grant program that the General Assembly might see fit to extend. Thank you."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 2439?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 118 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 3191. Representative Morrow. Mr. Clerk, read the Bill."

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Clerk Bolin: "House Bill 3191, a Bill for an Act concerning public contracts. Third Reading of this House Bill."

Speaker Hartke: "Representative Morrow."

Morrow: "Yes, thank you, Mr. Speaker, Ladies and Gentlemen of the House. I guess this is my last Bill of... of my trilogy of... of trying to correct some of the... some of the ills that we've seen at Soldier Field. What House Bill 3191 does as amended, provides that if a change order in any public works contract entered into by a state, unit of local government or school district authorize or ne... necessitates any contract price increase that is 25 percent or more of the original contract price then a portion of the contract that is covered by the change order must be resubmitted for bidding. I'll be glad to answer any questions on House Bill 3191, as amended."

Speaker Hartke: "Is there any discussion on House Bill 3191? The Chair recognizes Representative Joyce."

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

Speaker Hartke: "The Sponsor will yield."

Joyce: "Representative, is there any exceptions for emergency situations?"

Morrow: "Yes, there is. There's... there's language that deals with... with the emergency change orders, yes."

Joyce: "Thank you."

Speaker Hartke: "Mr. Parke. Representative Parke."

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

Speaker Hartke: "The Sponsor will yield."

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Parke: "We're confused what this Bill does. Can you say it one more time, Representative?"

Morrow: "When a... when a... when a contractor puts in a bid for... for work, he bids it at a certain amount. Well, sometimes the actual scope of work is greater than the actual bid. And we don't have a problem with the concept of change orders, change orders are basically a no-bid contract to allow the awarded contractor to complete the scope of work. Now, what happened at Soldier Field... there was a contract that was let for asbestos abatement. The contract was bid for \$4.2 million, the change order was \$9.2 million, almost double the original bid. The Advisory Board, which are made up of Members of Representative Acevedo, Lou Jones, Bill O'Connor, when he was serving, we... we felt that that should be rebid. Why should he get a no-bid contract for double the original bid? Well, Soldier Field is on a fast track. They refused to rebid it. Now, the bidders who came in second on the bid bid their bids which between 12 to 15 million dollars, which was reflective of the actual work that needed to be done. Now, I'm not trying to say that there was any... anything illegal done that... that the bid was awarded to the low bidder, knowing that he was going to get this change order submitted, but we just want to have some protections. There is a section in the... Terry. Representative Parke. There is a section within the State Act, the State Finance... State Finance Act 30 ILCS 105-902. This is something we're trying to... to get some clarification on. My staff feels...

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

has informed me that Soldier Field was in violation of the statute that deals with change orders. IDOT has a different opinion. They're willing to work with me on this... on this language, if it goes to the Senate. But we are trying to get an opinion from Attorney General Lisa Madigan on this, to bring Soldier Field and any future state finance projects into compliance."

Parke: "Thank you, Mr... thank you... I appreciate that information. But, however, I must rise in opposition to this Bill. Ladies and Gentlemen, to the Bill."

Speaker Hartke: "To the Bill."

Parke: "I understand what the Sponsor's trying to do, it does make sense from his perspective. But one must understand that in the State of Illinois, if we have to rebid every time a change order is put in, that is gonna slow down the process of... of building. It's my understanding that the Illinois construction industry, especially contractors and IDOT, are all in opposition to this Bill. So I would ask that you either vote 'no' or 'present' on this legislation."

Speaker Hartke: "Representative Morrow to close."

Morrow: "Yes, as I said earlier, Representative Parke, you are correct, IDOT was opposed... is opposed to this Bill. They are... the City of Chicago is opposed to this Bill. We have... we have... I've discussed with the City of Chicago and IDOT. If it's up to the Body that we pass this out on Third Reading, then we will work in the Senate to address some language. Representative Parke, you know... as you know,

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

I've always been a Legislator who wants to involve all parties involved. I have always been willing to... to listen to... be given some language. Some of the contractor groups that are opposed to this Bill have not given me any language, Representative Parke. If they give me the language when this Bill goes to the Senate, I'll be more than happy to... to consider their language and make this a part of the Bill, if it... if it enhances the Bill to address the issue that I'm trying to get at. One thing though, to the Members of the General Assembly, understand, a change order is a no-bid contract, a no-bid contract. And I'm not saying that change orders on Soldier Field were in the position as the bid that I just addressed. I'm not here to say that Soldier Field or the contractors or the unions at Soldier Field have done anything underhanded or illegal. All I'm trying to address is to make a unpalatable situation more palatable. I'm trying to address the situation where there is a level of... of... not being a level playing field to making it a level playing field. I go back to the old song that James Brown says, 'I don't want nobody to give me nuttin', just open up the door and I'll get it myself'. And I need 'green' votes on House Bill 3191."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 3191?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Mr. Clerk, take the

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

record. On this question, there are 80 Members voting 'yes', 37 Members voting 'no', and 0 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Representative Kurtz, for what reason do you seek recognition?"

Kurtz: "Mr. Speaker, point of privilege?"

Speaker Hartke: "Yes, state your point."

Kurtz: "I would like to introduce to the Assembly the Middle School of Huntley. And they're up here on the... these are the eighth graders, and they're up here to my left. Please give them a big hand. Stand up, guys."

Speaker Hartke: "Welcome to your State Capital, Springfield, Illinois. On page 23 on the Calendar appears House Bill 2778. Representative Saviano. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2778, a Bill for an Act concerning pharmacies. Third Reading of this House Bill."

Speaker Hartke: "Representative Saviano."

Saviano: "Thank you, Mr. Speaker, Members of the House. House Bill 2778, as amended, has two provisions. Both are supported by the Illinois State Medical Society and the Illinois Pharmists Association. Also, both provisions are technical cleanups in... in language, we were able to put it all together. There's no opposition to this. I would ask for a favorable vote."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass House Bill 2778?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open.

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there's 117 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Boland on 2... 3486. Mr. Boland in the chamber? Mr. Bailey, excuse me. Ms. Bailey. Out of the record. House Bill 1662. Representative Daniels. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1662, a Bill for an Act in relation to public aid. Third Reading of this House Bill."

Speaker Hartke: "Representative Daniels."

Daniels: "Mr. Speaker and Ladies and Gentlemen of the House, we amended this Bill yesterday with Floor Amendment #2, which is an agreed Amendment working with the Speaker's Office and the Committee on the Developmentally Disabled. This provides the Department of Public Aid may offer community-based and home-based services to those individuals that may not qualify. This is regarding the Katie Beckett waiver or home-, and community-based services waiver. And I seek your favorable support."

Speaker Hartke: "Is there any discussion? Since no one is seeking recognition, the question is, 'Shall the House pass House Bill 1662?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 118 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

received the Constitutional Majority, is hereby declared passed. Representative McGuire, are you ready on House Bill 3398? Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 3398, the Bill's been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative McGuire, has been approved for consideration."

Speaker Hartke: "Representative McGuire."

McGuire: "Thank you, Mr. Speaker, Members of the House. Excuse me. Thirty-three-ninety-eight is a prevailing wage improvement Bill. And what 3398 does... makes a series of technical changes to the Prevailing Wage Act designed to improve enforcement of the Act. House Amendment 1 makes four changes to the original Bill, two are, of which, technical in nature. It provides all appropriate statutory references to the Illinois FIRST Program. It removes the definition of 'fixed work', which was one of the concerns to the Illinois homebuilders. It refines the wage posting requirement, excuse me, gives the Department of Labor the authority to interview workers. Now, there has been some concern and discussions about the 3398 and labor has been speaking with the Associated General Contractors and others, and they have agreed that there is room for agreement. Both groups have pledged to continue the si... discussions and consider any further changes in the Senate, but due to the ticking clock today, we would like to pass this Bill over to the Senate. And AGCI, the Associated General Contractors, said, at the worst, they would be

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

neutral and continue the worst on the Bill. I'll try to answer any questions you may have, if they're not too technical or legal in nature. And I appreciate your 'aye' vote."

Speaker Hartke: "Is there any discussion on Floor Amendment #1? The Chair recognizes Representative Parke."

Parke: "I would like a clarification, Mr. Speaker. Is this prevailing wage? No, no. No, that's okay, that's okay."

Speaker Hartke: "I think so, yes. This is prevailing wage."

Parke: "All right. I just wanted to make sure I don't make the mistake twice. I just... first of all, I'd like to... would the Sponsor yield? Representative, is... is most of this being done already or is this new? Are you codifying current law? Is this... most of this stuff already in place and you're trying to codify it?"

McGuire: "Yeah, it's changes to the Act, Representative."

Parke: "I'm sorry."

McGuire: "It's... it change... it is changes to the Act. It doesn't codify."

Parke: "So, it says it adds to the Act several types of publicly-funded projects. So you're expanding what has... what prevailing wage has to be paid to?"

McGuire: "To Illinois FIRST Projects, yes."

Parke: "Well, is it..."

McGuire: "It covers all Illinois FIRST funded to projects."

Parke: "Well, it says here that you're gonna... it includes such types as Illinois FIRST, school construction projects, transportation projects, and removes from the underlying

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Bill a provision allowing contractors to be compensated for revisions of prevailing wage rates. Is that your understanding of what this does?"

McGuire: "It... it... it expands the Act to cover all Illinois FIRST Projects. I... I didn't quite follow..."

Parke: "Well, it says... also says school contract."

McGuire: "...the other projects you had mentioned."

Parke: "It says school construction projects is gonna be expanded and transportation projects. Is that your understanding?"

McGuire: "I don't believe that's in the Bill, Representative."

Parke: "They say it's in the Amendment, Representative. If you look at... if you look at page 10... I mean, line 10, it says, 'School Construction Bond Act and funds for school infrastructure, and/or funds for transportation purposes.' Amendment 1 I'm looking at."

McGuire: "Those are all in... in the bounds of Illinois FIRST."

Parke: "No, it says General Obligation Bond Act. It doesn't say exclusively Illinois FIRST."

McGuire: "It's everything encompassed by Illinois FIRST, as I'm told by my legal eagle here."

Parke: "So, all right. Let's... let's try it another way. You're saying that under Section 3 of the School Construction Bond Act, it only applies to Illinois FIRST funding... bonding?"

McGuire: "It's all covered under the fund for Illinois future, which is Illinois FIRST."

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Parke: "Well, Representative, we are not reading it the same way you are. And we think it expands beyond the Illinois FIRST funding programs, 'cause you're referencing General Obligation Bond Act, which is not necessarily the Illinois FIRST Program. So, if that's not your intent, I'm gonna ask our side to consider voting 'present' or 'no' on this Amendment. Well, we'll let you put it on the Bill, but then I'm going to speak against the Bill, unless you can make a commitment to clean it up in the Senate to make sure it only does what... what your intent is."

Speaker Hartke: "Are you finished, Mr. Parke?"

Parke: "I would just like for him to respond to me whether or not he's willing to... if it's... if it's beyond..."

Speaker Hartke: "Mr. McGuire."

Parke: "What he intends it to, will he clean it up in the Senate. Representative, I'm saying if there's more here than... than you are intending, by virtue of this Amendment..."

McGuire: "No. No. No, Sir."

Parke: "Well, to the Bill, Ladies and Gentlemen."

Speaker Hartke: "To the Bill."

Parke: "The Illinois construction industry and especially contractors, the homebuilders, and the Statewide School Management Assos... Alliance all say it's more than the intent of the Sponsor. I would rise in opposition to this Bill. In committee it was passed on an 8 to 5 vote. I would ask you to either vote 'no' or 'present' on this Bill... on this Amendment."

Speaker Hartke: "On the Amendment."

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Parke: "When the Bill is presented."

Speaker Hartke: "The Chair recognizes Representative Hamos."

Hamos: "Thank you. Ladies and Gentlemen, to the Bill."

Speaker Hartke: "To the Amendment."

Hamos: "There is really..."

Speaker Hartke: "To the Amendment."

Hamos: "...no legal concept called Illinois FIRST, but everything that we have been bidding, every construction project that we have been using our state... precious state dollars for right now, school construction, all the other transportation projects, has been roughly under the category of Illinois FIRST. But so what, what's wrong with that? The point here is it's not everybody has to bid or do work on state projects, but if they decide they want state money to do work on state projects, they ought to pay prevailing wage. That's all this says. If you're a contractor and you don't feel like doing this, don't come to this state to do state projects. So, whether we call it Illinois FIRST or not, this is an important principle to establish. If we're going to believe in unions and prevailing wage, that's what this Bill establishes. And I think we should all be voting 'yes', whether or not it's limited by something... some fiction called Illinois FIRST."

Speaker Hartke: "Further discussion? The Chair recognizes Representative Black... on the Amendment."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House."

Speaker Hartke: "On the Amendment."

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Black: "On the Amendment and in response to the previous Representative. While there may be no legal reference to Illinois FIRST, I don't believe there's any legal reference to State of Illinois tax money. It's the people's money, State of Illinois doesn't print it. We don't have a printing press down in the basement, we take it from people. And when a nonunion contractor wants to bid on a project, that nonunion contractor is simply bidding to get some of his or her tax money back into their business. Where is it written in stone that if you're not a union contractor you can't do business with public taxpayers' money? Well, I know it's in the Davis-Bacon Act. We have an attorney general's opinion... written opinion, I believe, that it did cover Illinois FIRST projects. Which I think the previous speaker's probably right, somewhere in the last five months that did disappear. But be that as it may, you know, I think that sometimes we... we let our emotions get away with us on this floor. That somehow there's a pot of money called 'State of Illinois money'. The State of Illinois has no money, they don't print it. It isn't money by fiat or any other government Act. It is money taken from people. And I've always maintained that people in business have a right to bid on getting some of their tax money back into their business operation. What in the heck is so revolutionary about that?"

Speaker Hartke: "Further discussion? Since no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #1 to House Bill 3398?' All those in favor

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. The Amendment is adopted. Further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 3398, a Bill for an Act concerning employment. Third Reading of this House Bill."

Speaker Hartke: "We discussed the Bill. Mr... Are we ready to vote? Mr. McGuire."

McGuire: "Thank you very much, again, Mr. Speaker. We just ask for your 'aye' vote. Thank you."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 3398?' Representative Lang."

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

Speaker Hartke: "The Sponsor will yield."

Lang: "Thank you. Just for purposes of legislative intent, Representative."

McGuire: "Yes, Sir."

Lang: "Thank you. I... you know, the Senator... you can talk to the Senator later. Hello, Senator. Cou... is the language in the Bill boiler plate language that we use anytime that an Illinois FIRST project is referred to?"

McGuire: "It was drafted by the Reference Bureau, yes."

Lang: "And we... so this is language that we use for each project?"

McGuire: "Yeah."

Lang: "And second question is... is do the homebuilders have a position on this?"

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

McGuire: "Homebuilders what?"

Lang: "Do the homebuilders have a position on your Bill?"

McGuire: "I'm not aware of the homebuilders' position at all."

Lang: "All right, thank you."

Speaker Hartke: "Representative Parke."

Parke: "Mr. Speaker, just a quick question for the Sponsor. Does the Sponsor believe that... that the attorney general believes that all of... all of Illinois FIRST projects are covered under the prevailing wage? Or, excuse me, the Department of Labor. Is the Department of Labor thinking that all of Illinois FIRST projects are covered by prevailing wage?"

McGuire: "My information is the Attorney General... Ryan."

Parke: "Department of Labor."

McGuire: "Yes, that's... that's correct. You need statutory authority and they... the Department of Labor, I don't think, has that authority. I'm not gonna question that, but the attorney general... maybe."

Parke: "Well, is the attorney general enforcing the opinion that all of the Illinois FIRST projects are covered under the prevailing... are covered... are prevailing wage... are covered by the prevailing wage?"

McGuire: "That... that's an opinion, I presume, of the attorney general."

Parke: "Uh, Representative, I..."

McGuire: "This is codification of that."

Parke: "I know you're whispering, but I... I can't hear you."

McGuire: "I'm sorry, would you repeat that?"

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Parke: "Yes, do you think that the Attorney General's Office is enforcing the Department of Labor ruling that all of Illinois FIRST projects are covered by prevailing wage?"

McGuire: "Yeah, we're speaking of the intent of the Attorney General Ryan... opinion. Not sure what the intent of the present attorney general is, that's... that's not known right now."

Parke: "All right, let me say it in another way. Is the attorney general of the State of Illinois, I don't care who it is, enforcing the opinion of the Department of Labor that all Illinois FIRST projects are covered by the Prevailing Wage Act? Do you know that? Because what you're doing with your Amendment, in our opinion, is that you're expanding the Prevailing Wage Act to all of the Illinois FIRST projects by your Bill."

McGuire: "That's the intent of the Bill."

Parke: "That's the intent of the Bill?"

McGuire: "Yeah..."

Parke: "All right, then our notes say that the... the Illinois Homebuilders' Association is opposed. The construction industry of Illinois is opposed. Excuse me, I've been informed by staff that the homebuilders are no longer opposed. But the Illinois construction industry and the Statewide School Management Alliance is also opposed. So, in my opinion, I would ask those people that are interested to vote either 'present' or 'no'."

Speaker Hartke: "No further discussion? Representative McGuire to close."

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

McGuire: "...earlier, Mr. Speaker, the Associated General Contractors have been in negotiations on this... on this piece of legislation. And as I mentioned earlier, that they have expressed that there is room for agreement. And they also have expressed that at the worst they would be neutral if this Bill were to go to the Senate for further clarification. And I guess what we're saying is everybody seems to be in agreement to be in agreement, but that there should be more work done on it in the Senate. And that's all that we're asking, is that we pass this Bill over to the Senate, work on it in the Senate. And the Associate General Contractors will be, at the worst, neutral. Thank you."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 3398?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Mr. Clerk, take the record. On this question, there are 79 Members voting 'yes', 35 Members voting 'no', 4 Members voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 2280. Representative Coulson. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2280, the Bill's been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Saviano, has been approved for consideration."

Speaker Hartke: "Representative Saviano on Floor Amendment #1."

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Saviano: "Thank you, Mr. Speaker and Members of the House. Floor Amendment #1 merely amends House Bill 2280 to include the CNRA... CRNAs into the nurse licensure compact agreement. This... this is an Amendment that has been worked out with the Illinois State Medical Society, the Illinois Nurses Association, and the Illinois APRN Association. This is an agreed Amendment. I ask for adoption of Floor Amendment #1."

Speaker Hartke: "Is there any discussion on Floor Amendment #1. Since nobody is seeking the recognition, the question is, 'Shall the House adopt Floor Amendment #1 to House Bill 2280?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment is adopted. Further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2280, a Bill for an Act concerning the licensure of nurses. Third Reading of this House Bill."

Speaker Hartke: "Representative Coulson."

Coulson: "Mr. Speaker and Ladies and Gentlemen, House Bill 2280 creates the Nurse Licensure Compact Act that allows for reciprocity of licensure for licensed practical nurses, R.N.s, and with the Amendment, the advanced practice nurses to the State of Illinois. It's an initiative of several different healthcare groups because of the shortage of nurses that we have in the state right now. And I'd appreciate an 'aye' vote."

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Speaker Hartke: "Is there any discussion? Since no one is seeking recognition, the question is, 'Shall the House pass House Bill 2280?' All in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, 118 Members voting 'yes', 0 voting 'no', 0 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 1952. Mr. Hultgren. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1952, a Bill for an Act in relation to property taxes. Third Reading of this House Bill."

Speaker Hartke: "Representative Hultgren."

Hultgren: "Thank you, Mr. Speaker and Members of the House. I have talked a little bit with the Majority Leader, we tried to get some questions answered. This is the Bill that was up a few minutes ago. It deals with the Naperville tax levy, where there was a error made by the finance director of the park district, where they... on the publication they wrote the word 'notice' when and it wasn't supposed to have that word on it. They also kept a sentence out of that notice that stated the amount of the alevy... levy, and that it also had one other word that was inappropriate in it. What this is doing is clearing that up and I'd ask for favorable support on that."

Speaker Hartke: "Is there any discussion? The question is, 'Shall the House pass House Bill 1952?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

voting is open. Have all voted who wish? Mr. (sic-Ms.) Graham. Mr. Parke. Mr. Clerk, take the record. On this question, there are 89 Members voting 'yes', 23 Members voting 'no', 6 Members voting 'present'. And this legislation, received the Constitutional Majority, is hereby declared passed. On page 19 on the Calendar, on the Order of Third Reading, appears House Bill 223. Representative Monique Davis."

Clerk Bolin: "House Bill 223, a Bill for an Act in relation to interrogations. Third Reading of this House Bill."

Speaker Hartke: "Representative Monique Davis."

Davis, M.: "Mr. Speaker, House Bill 223 requires videotaping of custodial interrogations of minor suspects in nonprobationable offense... investigation. It requires videotaping of custodial interrogations of adults. It also requires that... it's the videotaped interrogation Bill, and it passed out of the Senate with 58 'yes' votes and not any negative votes."

Speaker Hartke: "Is there any discussion? The Chair recognizes Representative Lindner."

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

Speaker Hartke: "Sponsor will yield."

Lindner: "Representative, this went through our Criminal Law Committee and you had said you would hold this on Second and make the Bill the same as the Senate Bill. Is that correct?"

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Davis, M.: "And, we did that. Well, except we added the Amendment a few days ago and they made one minor change on Wednesday, which would have been too late for us. And what that minor change said was, it repeated when the person being questioned was in a police station. And, that's exactly what the Bill is about... the total Bill is about in custody in a police station."

Lindner: "So, actually that is already in the Bill."

Davis, M.: "That is correct."

Lindner: "All right. And otherwise you and Senator Obama worked on this and yours is the same Bill, is that correct?"

Davis, M.: "That is correct."

Lindner: "All right now, did you work with the Illinois State Bar, the state's attorneys, and law enforcement on all the Amendments?"

Davis, M.: "That is correct, yes."

Lindner: "And are those groups now, are they for this, or are they neutral or what?"

Davis, M.: "They are in support of this Bill or they're neutral."

Lindner: "All right. Which groups are in support and which groups are neutral?"

Davis, M.: "I'm not sure. The Illinois State Bar Association is in support. Let's see..."

Lindner: "The law enforcement groups and the state's attorneys."

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Davis, M.: "Cook County is in support. Illinois State Bar Association... Well, they're in support. They wrote me a letter."

Lindner: "Okay. You're speaking of the Cook County State's Attorney's Office?"

Davis, M.: "Yes."

Lindner: "All right. And what about law enforcement?"

Davis, M.: "I'm sorry. The Fraternal... What'd you say?"

Lindner: "What about law enforcement?"

Davis, M.: "The City of Chicago is objecting supposedly based on funding. But this is not requiring any state funding at all. The Fraternal Order of Police is neutral. The Department of State Police is neutral. It's only the Sheriffs' Association that's opposed because of that minor change that we did not have time to make. It doesn't in no way change the content or implementation or effect of the Bill."

Lindner: "All right. Now, you have made the... I know you've worked on this for a long period of time and you've made the Bill much narrower working with these groups. Could you tell me the changes that were made and exactly what the process of videotaping would entail, and where it would be done?"

Davis, M.: "The major change, of course, was we gave definitions, you know, originally we didn't have the definitions in the original Bill. And you asked that we do that."

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Lindner: "Okay. And, what is the definition, if you can tell me."

Davis, M.: "Custodial... the custodial interrogation, 'is that which takes place in a police facility.' A police, you know, department or police facility... rather than in a car, or on the street."

Lindner: "Right. Only at the... at the police station then?"

Davis, M.: "At the police station, that is correct?"

Lindner: "All right. And, what are the other changes, then?"

Davis, M.: "We limited it to homicide. We took out the sex crimes, limited it only to homicides."

Lindner: "I'm sorry, I couldn't hear you. You took out sex crimes and it's limited to what now?"

Davis, M.: "Murder. Homicides."

Lindner: "Just this videotaping..."

Davis, M.: "Capital offenses."

Lindner: "...is limited to homicides and it will only take place in a police station."

Davis, M.: "That is correct."

Lindner: "All right."

Davis, M.: "And we took out the freedom of information from the tapes, that is excluded."

Lindner: "All right. And for police..."

Davis, M.: "Well, it's included, I'm sorry, it's included."

Lindner: "And for police... and for police stations who don't have the videotaping equipment, are they exempt from this, or are they given a certain amount of time to purchase the equipment? What will happen?"

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Davis, M.: "The Bill really doesn't speak to it if they don't have this equipment. But there are federal dollars that can be captured through... in no way does the state have to provide funds. And the local officials would have to provide their own dollars."

Lindner: "Okay. So, the local police..."

Davis, M.: "If they can't afford video taping, Representative, they can do auditory only you know, the..."

Lindner: "All right. So, the Bill provides that if the police station doesn't have funds for the videotaping equipment they can do audiotaping?"

Davis, M.: "That is correct."

Lindner: "All right. Thank you very much."

Speaker Hartke: "Further discussion? The Chair recognizes Representative Black."

Black: "Thank you very much, Mr. Speaker. I have an inquiry of the Chair."

Speaker Hartke: "State your inquiry."

Black: "Yes. Mr. Speaker, I rely on the integrity of the Chair and the Clerk's Office. And sometimes when we're going over a number of Bills, I look up there and I see this is a Bill called a description of 30 characters only. What in the world is that about?"

Speaker Hartke: "The system can only have 30 characters to describe the Bill, and apparently there were more than..."

Black: "Well, there's more than that in this chamber, you know that."

Speaker Hartke: "...30 characters... so this is an error."

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Black: "An error... in 'air' like I breathe air?"

Speaker Hartke: "No. The other error, e-r-r-o-r."

Black: "Error, error."

Speaker Hartke: "Error."

Black: "Okay. So, it... the board is in error."

Speaker Hartke: "The description given in the board is in error."

Black: "I think according to the House Rules if the board is not operative we're supposed to adjourn."

Speaker Hartke: "How about your laptop? I don't think you were recognized for that Motion, Mr. Black. Is that better? There you go. Further discussion? Since no one is seeking recognition, Representative Monique Davis to close."

Davis, M.: "I would just urge an 'aye' vote and thank all of those who helped me so very much."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 223?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 77 Members voting 'yes', 0... 34 Members voting 'no', and 7 Members voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Representative Lou Jones on House Bill 1091. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1091, a Bill for an Act in relation to minors. Third Reading of this House Bill."

Speaker Hartke: "Representative Jones."

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Jones: "Thank you, Mr. Chairman, Members of the House. House Bill 1091, we debated this Bill a couple of days ago and there were some questions as to how the juveniles were going to be notified and who was going to notify them. An Amendment was put on then and the Amendment clarifies that the clerk of the circuit court shall initiate the notification process for expungement of juvenile records, either on the individual's 17th... 17th or five years after all juvenile court proceedings have been terminated. Then, after the clerk makes the notification, law enforcement has 90 days to object. If they object, a hearing is then held and the judge decides what should happen. If they don't object, then the judge shall enter an expungement order. The Amendment makes clear that people whose dispositions were prior to the date of the Amendatory Act, must still file a verified petition and start the process themselves, all... also. The Bill simply creates a process for automatic expungement of the enforcement in juvenile court records for indigent minors. Please listen, the Bill does not change the requirements for expunging juvenile records. Several years ago, the Legislature carefully carved out the situations where a juvenile can expunge law enforcement and court records. This Bill does not, and I repeat, this Bill does not modify those conditions. It merely creates a process for indigent minors to follow the already existing expungement provisions. Juveniles from families with resources to hire counsel already get their records expunged. This simply extends that already existing right

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

to all minors. Expungement of records is crucial to the education opportunities and employment of juveniles."

Speaker Hartke: "Is there any discussion? The Chair recognizes Representative Rose."

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

Speaker Hartke: "The Sponsor will yield."

Rose: "Representative, is this... is this a... didn't we have a Bill like this last week?"

Jones: "Beg pardon?"

Rose: "Didn't we have an expungement Bill last week?"

Jones: "Not like this, this is just... is juveniles. And I think, if I'm not mistaken, you're talking... you know, you're talking about Representative Howard's Bill."

Rose: "How is that... how is this Bill different?"

Jones: "I think hers was adults and this is juveniles."

Rose: "Which... Representative, which Amendments have been adopted? I see several Amendments here. Which... which Amendments have been adopted?"

Jones: "Two and three."

Rose: "Floor Amendment #2... can you tell me about this hearing that would be set under Floor Amendment 2? I understand that notice should be given to the State's Attorneys Office they'd be allowed to... they would be allowed to file an objection, there would be a hearing. Who is the hearing in front of, Representative?"

Jones: "I... the judge of the circuit court. I read that, Representative."

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Rose: "Okay. Does this apply to... are there any exemptions for what crimes are... this applies to adjudicated delinquents, is that correct?"

Jones: "Yes."

Rose: "What... are there any exemptions for what crimes that would not be allowed to be expunged under your... under your Bill?"

Jones: "No, this does not exchange... this does not change the existing law."

Rose: "Okay. So, if it's currently... if it's currently available to... for expungement, you would... that would not change? You're not adding anything to the list of what's expugnable?"

Jones: "No, I'm not."

Rose: "Thank you, Representative. Nothing further, Mr. Speaker."

Speaker Hartke: "Further discussion? Representative Molaro."

Molaro: "It's just... Thank you, Mr. Speaker, Ladies and Gentlemen. Quickly, this is just to remind the Body. We debated this and Representative Moffitt, who I found out actually... I'm sorry, Representative Mathias, who actually reads the Bill, had a nice catch here where there was nobody who would actually do the... some human being actually has to start the expungements. This... and so all the Amendment did was make where now the clerk of the circuit court, at a certain age, would make the expungement. Again, and Representative Jones has said it, this does not change existing law now. Whatever you can expunge as a

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

juvenile, you can expunge now, nothing more, nothing less. All this does is it makes it automatic that the clerk of the circuit court, when they turn 17 years old, does this automatically. And the reason this is being done is, remember, these are... these are kids who are adjudicated, not delinquent. In criminal court they would be found not guilty. And the only problem that you have is when you're found not guilty or not delinquent, the judge just says that, you go. No one tells you, 'oh, and by the way, three or four years from now you can hire a lawyer and expunge your record'. No one tells the defendant that, no one tells the juvenile that. Remember, this is a juvenile who has been found not guilty after he was charged, he's been found nondelinquent, and this just makes it now an automatic expungement. It doesn't change the expungement statute, not one sentence or one iota. What you can expunge today you can expunge after this Bill is put into law, if we're so lucky, and nothing else. Thank you."

Speaker Hartke: "Representative Mathias."

Mathias: "Will the Representative yield?"

Speaker Hartke: "The Sponsor will yield."

Mathias: "I appreciate you filing the Amendment to at least include that the clerk has to send the notice out. But this Bill does not only apply to people who have been, let's say, adjudicated not guilty... or, not delinquent, but doesn't this also apply to those that have been adjudicated delinquent?"

Jones: "After five years."

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Mathias: "And the clerk now has to send out the notice. Who actually has to pay the clerk to send this notice out?"

Jones: "The person that the records... the records... the person whose record is being expunged."

Mathias: "So, there is a fee that will be charged to the person whose record is going to be expunged, is that correct?"

Jones: "You're correct."

Mathias: "And that fee is supposed to cover the clerk's expenses?"

Jones: "You're correct."

Mathias: "Now, will the clerk have to set up some sort of database? Because, obviously, if somebody is... let's say somebody is found adjudicated today and they're 13 years old and now there's a five-year wait or a wait until after they're 17, ea... will the clerk... I mean, there's different rules, depending on if you are not adjudicated or if you were adjudicated. Isn't that putting a lot of responsibility on the clerk to keep track of all these files?"

Jones: "Representative, the clerk is aware of what they have to do and they are not opposing the Bill."

Mathias: "So the clerk does not... the clerk is not... is that the Cook County Clerk? Is that the Cook County Clerk?"

Jones: "Yes."

Mathias: "Okay, does this a... but this a... this Bill does apply statewide, right?"

Jones: "Yes."

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Mathias: "Now, let me ask you, the whole purpose of this expungement, I mean, I understand the purpose of expungement, but if these are juvenile proceedings, aren't these proceeding sealed anyway?"

Jones: "They are sealed."

Mathias: "So, then what's the purpose of the expungement in the first place if... if you can't get access to the records?"

Jones: "There's no chance of reopening them to any conditions."

Mathias: "I'm sorry, I could not hear you, Representative."

Jones: "I was just informed it's Dorothy Brown's office, the clerk of the circuit court, not Cook County. And what... Representative no, you tell me your other question? Would you repeat your last question?"

Mathias: "Oh, yes. My question is if juvenile records are sealed, as opposed to adult records, why do we need to expunge them if they're sealed anyway and there's no access to them by the public, except I assume, the only access would be by other police agencies, who would then not have those records."

Jones: "Yes, it does. It makes the record go away. But right now, Representative, I am... I am not really clear what your question is."

Mathias: "My question is what is the necessity for having a Bill... I can understand it for an adult. But what is the necessity for having a Bill to expunge juvenile records when juvenile records are sealed and you can't get access to 'em, so nobody knows that there's any findings in them in the first place."

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Jones: "I am told that it reassures, right now, that at some point it cannot be reopened."

Mathias: "Okay, thank you, Mr... thank you, Madam... Representative. Thank you. Thank you."

Speaker Hartke: "Further discussion? The Chair recognizes Representative Giles."

Giles: "Thank you. Thank you, Mr. Speaker. To the Bill."

Speaker Hartke: "To the Bill."

Giles: "You know... and I... I understand. I think I kind of understand what the previous speaker was trying to get at. If... if these records are concealed and no one will see these records then... then what is the point of this piece of legislation? But, let me... let me explain to you from a different perspective. And... and, by the way, I think the Sponsor has an excellent piece of legislation. See, the problem is is that oftentimes, especially young individuals who... who make a mistake early on in life, we're talking about juveniles, they're... I mean, this becomes a dramatic focus point in their lives. And not just that juvenile or that individual, but the parents as well. And so, all the attention is focused on that individual going through that process of adjudication. And so once that individual is adjudicated because of that minor crime, then there is a process, and there is a process of expungement. And... and oftentimes, that particular family, that respective family is so excited and so in jubilation that... that their son or their daughter can now carry on their life and realize that mistake and move forward and begin to mature. And we know

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

those next few years are very critical years in which they will begin to look at life a little bit differently. Then, oftentime, that process of expungement, if it has to be done manually, get lost... get lost in the shuffle, get forgotten, or... or somehow it is truly neglected. If we had a law that simply says that we must mandate the judge to remind and to tell that parent or that juvenile that you can get your record expunged, then... then maybe I can understand some of the questions. But we have a situation here that I think is a win/win situation, which an individual, a young person, goes through a... a process, get adjudicated, and at a certain age that record automatically get kicked out or... or get expunged. And I think it's an excellent piece of legislation. I think, once again, we... we can't just throw the baby out with the bathwater, we... we must create opportunities, second opportunities, for young individuals who make those early mistakes in their lives to... to move forward and to go on to be productive and... and viable individuals in our society. So, I truly rise to give a strong 'yes' vote on this piece of legislation. And this is... you know, this is the 20th century, this is 2003, this is something that is long forthcoming. This should... as the young kids say, this is a no-brainer. Thank you."

Speaker Hartke: "Further discussion? The Chair recognizes Representative Graham."

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

Speaker Hartke: "The Sponsor will yield."

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Graham: "If the records are sealed at... after the case or at a certain age, isn't there certain provisions that will still allow law... law enforcement to go into the records at some point, if they're investigating something?"

Jones: "You're absolutely correct. There are certain conditions that sealed records can be opened."

Graham: "And if you expunge the record, it will in... it will take it out of the record totally; therefore, no one can gain access to it at all?"

Jones: "Absolutely."

Graham: "Okay, thank you."

Speaker Hartke: "Further discussion? Representative Sacia."

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

Speaker Hartke: "The Sponsor will yield."

Sacia: "Sponsor, I'm sorry. I... I've been listening to the last three Representatives speak to this issue. And, first of all, the Representative sitting to my right did not get his answer... his question answered, even closely. The next speaker spoke to it and did not address it. This absolute... and now I just heard a speaker say, 'oh, law enforcement can get that at a later time'. That's a bunch of crap. Thirty years in that business tells me that you absolutely cannot get a juvenile's record, ever. You cannot get it. A juvenile record is sealed, it's gone away, folks. You cannot get it. I just heard it said that this was a no-brainer. The only no-brainer here is that this is a piece of legislation that really does not have to exist because juvenile records are, folks, in fact, sealed. We

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

cannot get them. So, if I could only understand the re... the reason for the legislation, I would feel a lot better. And I would appreciate an answer from the Re... from the Sponsor. I know she's worked very hard on this Bill. I... I sit in committee with her and I know she's a tenacious worker. And I really need that answered for me."

Jones: "I'd like to read the section that I am amending. 'Records which have been expunged are sealed and may be obtained only under the provisions of Section 5-901, 5-905, and 5-915.'"

Sacia: "Representative Jones, speaking to the Bill. The purpose of your expungement is to make sure, as I understand it, that juvenile records cannot later fall into the hands of whoever, be it law enforcement, a future employer, or whatever. It's a piece of legislation that I honestly don't believe we have to pass because a juvenile's record cannot ever be a matter of record. In the most serious of crimes, you can go back and try to get a juvenile's record and you absolutely cannot get it. I... I understand where you're... what your comments on the expungement issue, but why would we need to have an expungement issue if you can't get to the record anyway? And... and again, I'm not trying to be adversarial, I'm truly trying to understand why we would need that."

Jones: "Representative, there is an expungement law of juvenile records. This ball... this Bill does... did not do that, there is an expungement law. This Bill just says that it is automatic. If you read... I'm reading from the existing law...

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

there is an expungement law, so if that was the case, why is there an expungement law... for juvenile... for juveniles?"

Sacia: "Ms. Jones, I... I don't know what you're reading to. I'm trying to understand your piece of legislation."

Jones: "I'm reading the statute."

Sacia: "Could I just finish, Ma'am? Representative Mathias brought up a very good point. The point is why are we doing this legislation when you cannot get to a juvenile's record anyway? We are creating a monster here that we don't need to create."

Jones: "Representative, I can only answer you the way that I have. There is an expungement law, I'm not changing that expungement law, I didn't create that expungement law. So, wait a minute, Representative. For the sake of time, I can stand here and argue with you from now on. I am reading from the statute. And, evidently, I don't understand your question or either you don't understand mine. And I'm very sorry."

Sacia: "Representative Jones, I'm trying to understand your legislation and I'm certainly not arguing with you, I..."

Jones: "But I'm reading to you from the statute."

Sacia: "Ma'am..."

Jones: "Do you want me to bring it to you?"

Sacia: "Let me just have my say. What I'm telling you is you are creating a piece of legislation, as I understand it, to ensure that a juvenile's record can be expunged. If you... why do you need an expungement law when a juvenile's record can never be gotten to?"

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Speaker Hartke: "Representative Molaro, for what reason do you seek recognition? We're in the middle of a debate."

Molaro: "I was... Speaker, I was just gonna answer his question that he was asked. Maybe it's right here in the statute... if I may."

Speaker Hartke: "The Chair recognizes Representative Molaro."

Molaro: "Thank you, very quickly. Just... Representative Sacia, maybe I'm having a hard time understanding the question, too. Right now, in the law, Section 5-19... right in the law, right now, describes how you can expunge a juvenile's record. Representative Jones didn't make that up, I didn't make that up, that's the current law. You can expunge a juvenile's record."

Sacia: "Then... then... then sobeit. So, I... I further ask the question, what is the purpose of the legislation?"

Molaro: "We would have to go into the legislative intent, maybe, 10 years ago when they made this. But this is the current law of the State of Illinois that no state's attorney, no public defender, no judge, no system has every challenged. This is existing law. You can expunge a juvenile's record. It's existing law. All Repre... Jo... Jones is saying that the law says you could expunge a record but you must bring a petition. She's saying she'd like the law to stay exactly like it is, she didn't make it, she's not changing it, except to say that instead of petitioning you get it auto... it automatically happens. So if you're gonna ask again why we have an expungement

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

statute, I suggest we go to the debate 10, 12 years ago and see why we have an expungement statute."

Sacia: "I'm not gonna raise that question, Representative Molaro. What I'm going to tell you is that a juvenile's record cannot be gotten at. When that juvenile becomes an adult you cannot go back and get a juvenile's record. That is fact, Sir."

Molaro: "That's... okay, that's... that's... and I don't want to argue with you, that's untrue. I've worked with many investigative in my own... the U.S. Attorney's Office could get it. If there's a record that exists somewhere in this country, trust me, a U.S. attorney or a state's attorney and a grand jury could get that record."

Sacia: "You are wrong, Sir. You are completely wrong."

Molaro: "Well, then whoever wrote this statute 20 years ago must have made a mistake because why would there be an expungement statute?"

Sacia: "You cannot get a juvenile's record, period, Sir. You absolutely cannot."

Molaro: "So... so therefore, this legislation doesn't hurt anything. All we have is an expungement statute that allows it to be done automatically, as opposed to a petition. And all I can tell ya is if there's some record somewhere, and you're telling me that a grand jury can't get their hands on, well, sobeit. But again, to the question, the expungement law is already the law of the State of Illinois. So maybe we should get something that, later on, takes the expungement record out of the law."

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Sacia: "Thank you, Representative Molaro. Repr... Representative Mendoza just told me that four years ago there was legislation or there was a law passed, and I know she wouldn't tell me that if it was anything other than correct, where in certain cases that information could be obtained. And that's all I was trying to determine. And if, in fact, that does exist, I accept that. In none of my experience was I ever able, ever able, to get a juvenile's record, and... and I tried to get it on many occasions. So, if I'm wrong I'll certainly stand corrected. And... and I was simply trying to get the Sponsor to answer that. So, I appreciate your input."

Molaro: "Thank you."

Speaker Hartke: "Further discussion? The Chair recognizes Representative McCarthy. For what reason..."

McCarthy: "Thank you, Mr. Speaker. I'd like to move the previous questions."

Speaker Hartke: "The previous question has been put. All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the previous question has been put. The question is, 'Shall the House pass House Bill 1091?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 60 Members voting 'yes', 53 Members voting 'no', 5 Members voting 'present'. And this Bill,

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

having received the Constitutional Majority, is hereby declared passed. Speaker Madigan in the Chair."

Speaker Madigan: "Mr. Black."

Black: "Mr. Speaker, that was probably the most egregious violation of the House Rules we've seen so far this year. We had a... a Representative who spoke to the head of the Circuit Clerks' Association who was listening on the Internet, called into the House, talked to her elected Representative, and wanted him to ask some questions. If anybody knew anything about the Bill it would be that circuit clerk, who's head of the Circuit Clerks' Association. He wasn't even given the courtesy of being able to ask a question on behalf of the circuit clerks of the State of Illinois. Mr. Speaker, if that's the way we're gonna do business, it is my intention, I will seek a verification of every Roll Call vote from now until we adjourn."

Speaker Madigan: "Mr. Mitchell."

Mitchell, B.: "Thank you, Mr. Speaker. It's a little late but when I wanted to pull it in, I talked to my circuit clerk in Logan County who is the legislative chairman for the Circuit Clerks' Association. She thought there was a misrepresentation on this Bill. So every Member of this House should know that the Circuit Clerks' Association were adamantly opposed to this legislation. In the debate, she... she thought that there was a misleading statement on that and she wanted it in the record that the Circuit Clerks' Association were adamantly against that legislation."

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Speaker Madigan: "Representative Lou Jones."

Jones: "Thank you, Mr. Speaker. To the last speaker. No one that you've mentioned ever came to me against this Bill. When I presented this Bill there was four... four... four law enforcement office... that came to me. There were the state's attorney, there were the State Police, and the State's Attorney Association, also. And I worked with them with this Bill. Now, I don't know why anyone over there wants to misrep... misrepresent this Bill. This Bill does not change existing law. All this Bill does... is makes a playing... playing... level playing field for an indigent minor to expunge his records. And I want to thank everybody that gave me an 'aye' vote."

Speaker Madigan: "Mr. Black."

Black: "Well, since we're explaining our vote. Had we been given an opportunity to ask the questions that we have every right under the rules of the House to ask, we could've perhaps clarified what the objection of the Circuit Clerks' Association, who represent almost every county in the State of Illinois. Maybe Representative Mitchell could have gotten that on the record as to what their objection was. It might have been an Amendment, it might have been something that was said on the House Floor, since we're on the Internet, but we weren't given that opportunity. It... it is absolutely ludicrous because somebody's tired or somebody gets their little... I won't say that, somebody gets a little irritated, that, by God, we can just take the gavel and say we're gonna shut up debate,

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

sit down, and shut up. I didn't come down here to sit down and shut up or be told to sit down and shut up. That was an egregious violation of the House Rules, just because somebody had a headache or a hair crosswise. And if that's the way you're gonna do business, I will exercise my right, under the House Rules, to seek a verification of every Roll Call vote from now until we adjourn today."

Speaker Madigan: "Mr. Mitchell. Mr. Clerk, what is the status of House Bill 3343? We're not coming back to the Bill. Okay. The Gentleman indicates he does not want to call the Bill. Mr. Clerk, what is the status of House Bill 3676? 1376. The Clerk advises that this has already passed. House Bill 2187. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 2187, a Bill for an Act in relation to criminal law. Third Reading of this House Bill."

Speaker Madigan: "Representative Nekritz."

Nekritz: "Thank you, Mr. Speaker. This... House Bill 2187 is another initiative to address the growing crime of identity theft. The Bill was... there was a Committee Amendment and that became the Bill. Subsequently, I was... in the last few days we've received some concerns that were raised by the Illinois Bankers Associations and other industry groups. We're in the process of trying to work out a compromise on this. Those groups have agreed to remove... or to be neutral on the Bill right now so that we can move the Bill forward. And I would assure the Members of this... of this Body that... that we will use the Bill only if we reach a compromise. So, I ask for your support to keep the Bill moving and help

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

to protect consumers and the citizens of this state from identity theft."

Speaker Madigan: "Mr. Black."

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

Speaker Madigan: "The Sponsor yields."

Black: "Representative, did you say this was a shell Bill?"

Nekritz: "No, Sir, it is not. It is in the form that was passed... that was created through the Committee Amendment."

Black: "All right, it's another one of... how many identity theft... theft Bills have you called?"

Nekritz: "This would only be the second one, Sir."

Black: "Only the second one. What... what identity of mine does this protect that your other one didn't?"

Nekritz: "This... the Bill in its current form seeks to... to catch the identity theft on the front end so that someone issuing credit... in its current form right now, if a credit issuing agency received an application for credit and the credit report did not have the same address, that that would trigger a... an inquiry into the application. That's one of the things it does."

Black: "Could you just amend this Bill onto the Bill you've already passed on to the Senate?"

Nekritz: "I suppose we could, Sir."

Black: "I think that'd be a good idea. Mr. Speaker, to the Bill. We have enough identity theft Bills that are already passed over to the Senate to protect everybody's identity for the next 55 years. There's nothing that we will call

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

that can't be amended to a Senate Bill coming over from the Senate or to a House Bill that's gone over to the House. I... I'm not gonna sit here and play these games and have our rights trampled on just because somebody might have a headache and we're gonna decide to shut off debate. Should this Bill get the requisite number of votes I will seek a re... verification. I will not withdraw my request and I will go through the verification if it gets 118 votes."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 93 'ayes' and 23 'noes'. This Bill, having received a Constitutional Majority... there is a request for a verification. So we need staff to retire to the rear of the chamber, we need Members to be in their seats. We need Mr. McKeon to take his seat, Mr. Molaro to take his seat. Representative Mendoza, take your seat. Take your seat. Representative Jones, take your seat. Mr. Clerk, read the names of those voting 'yes'."

Clerk Rossi: "Poll of those vote... voting in the affirmative: Representatives Acevedo, Aguilar, Bailey, Bassi, Bellock, Berrios, Biggins, Boland, Bradley, Brady, Brosnahan, Burke, Capparelli, Chapa LaVia, Collins, Colvin, Coulson, Currie, Monique Davis, Steve Davis, Will Davis, Delgado, Dunkin, Feigenholtz, Flider, Flowers, Forby, Franks, Fritchey, Froelich, Giles, Graham, Granberg, Hamos, Hannig, Hartke, Hoffman, Holbrook, Howard, Jakobsson, Jefferson, Lou Jones,

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Joyce, Kelly, Krause, Kurtz, Lang, Eileen Lyons, Joe Lyons, Mathias, Mautino, May, McAuliffe, McCarthy, McGuire, McKeon, Mendoza, Jim Meyer, Miller, Millner, Moffitt, Molaro, Morrow, Mulligan, Munson, Rich Myers, Nekritz, Novak, O'Brien, Osmond, Osterman, Pankau, Phelps, Pihos, Poe, Reitz, Rita, Rose, Ryg, Saviano, Scully, Slone, Smith, Summer, Soto, Tenhouse, Turner, Verschoore, Washington, Watson, Yarbrough, Younge, and Mr. Speaker."

Speaker Madigan: "Mr. Black, questions?"

Black: "Yes, thank you very much, Mr. Speaker. Representative Acevedo."

Speaker Madigan: "Remove Mr. Acevedo."

Black: "Mr. Turner."

Speaker Madigan: "Turner. Remove Mr. Turner."

Black: "Is Mr. Hannig back in the chamber?"

Speaker Madigan: "The Gentleman is in the chamber."

Black: "But he isn't sitting in his chair. Mr. Holbrook, the Speaker said for you to sit in your chair."

Speaker Madigan: "Mr. Holbrook's in the chamber."

Black: "If you people would just mind him, it'd be a lot easier. Is Representative Franks... he's hiding behind Representative ChapaLaVia, okay. There's one on here I.. I.. I don't know. Representative Bill Box. Oh, I see. All right. Is Representative Burke here? I'm sorry, of course he is. Representative... no, Representative Howard is there. Representative Mendoza, don't get out of your seat again. Representative Capparelli in his seat?"

Speaker Madigan: "Remove Mr. Capparelli."

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Black: "Representative Lee Preston. Oh, we're not on that special order, I'm sorry. All right, Mr. Speaker, I will not be dilatory 'cause I can see that everybody else is in their seat. But as the day grows longer, the seats might grow more vacant. We'll see. Thank you."

Speaker Madigan: "On this question, there are 90 'ayes', 23 'noes'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 1608. Mr. Phelps. The Gentleman indicates he does not wish to call the Bill. House Bill 1475. Mr. Smith. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1475, a Bill for an Act concerning port districts. Third Reading of this House Bill."

Speaker Madigan: "Mr. Smith."

Smith: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. This is a shell Bill that we would like to send over to the Senate; we'll be getting one from them, also. We have not quite come to an agreement on the language for this, but the intent is to establish a port district for the Greater Peoria Area. And I would ask for your favorable consideration."

Speaker Madigan: "Mr. Black."

Black: "Mr. Speaker, I have an inquiry of the Chair. House Bill 1475 is not on our electronic system. And according to the House Rules, if it isn't on our electronic system or on our desk, we're not supposed to be able to consider the Bill. I would ask the Bill be taken out of the record."

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Speaker Madigan: "Mr. Black, do you have the Bill on your system now?"

Black: "We have no analysis on our system. We're trying to call up the Bill. Bear with me, the computer department is helping me out. With the assistance of the Majority Leader, I find that it is a shell Bill. I would ask all Members on my side of the aisle to vote 'no'. It is a shell Bill for the Peoria Regional Port District. I have no id... port, not pork. P-o-r-t, Port District Act. Since we have no idea what it's liable to come back, who knows, we could open Meigs Field with the Peoria Port District. I don't think we can vote for this, vote 'no'."

Speaker Madigan: "Mr. Stephens."

Stephens: "I question the presence of a quorum."

Speaker Madigan: "There has been a quorum call. Those who are present will vote 'present'. Those who are not, like Mr. Davis, will vote 'no'. We are doing a quorum call, pursuant to your request. The Chair would advise... Mr. Clerk, take the record. There being 112 people responding to the Quorum Call Roll Call, there is a quorum present. Mr. Stephens."

Stephens: "Well, I... maybe it's a good time to think about why we're here. The... we are a minority that likes to work with the other sides of the aisle. And we... the last couple of Sessions, we... with your Leadership we've gotten along very well. But it's our opinion that our rights have been abridged and we... I wonder if someone who voted 'yes' on that Bill that caused so much controversy, I don't remember

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

the number, would care... House Bill 60, be careful who you get your advice from, that previous Bill, having voted on the affirmative side, could move to reconsider? And we can go back and get the county clerk's opinion voiced here on the floor, and maybe we can all go home happy and... and smell roses over the weekend and have a good time. That's all I have, Mr. Speaker."

Speaker Madigan: "Mr. Smith."

Smith: "Mr. Speaker, are we back on House Bill 1475?"

Speaker Madigan: "Yes."

Smith: "I'll be glad..."

Speaker Madigan: "But you... you've spoken, haven't you, Mr. Smith?"

Smith: "I spoke once, yes. I think there are others."

Speaker Madigan: "All right. So, Mr. Leitch."

Leitch: "Thank you, Mr. Speaker. I'd like to let the Members on my side know that this shell Bill, I think, should pass. We have a very important initiative underway in central Illinois. And I would encourage you to help Mr. Smith send this important Bill to the Senate. Thank you."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 67 'ayes' and 46 'noes'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 3218. Representative O'Brien. Mr. Clerk, read the Bill."

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Clerk Bolin: "House Bill 3218, a Bill for an Act in relation to criminal law. Third Reading of this House Bill."

Speaker Madigan: "Representative O'Brien."

O'Brien: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. This Bill is being brought in response to a U.S. Supreme Court decision that said that the states cannot impose the sentence of death upon those that suffer from mental retardation. The implementation of legislation to not allow the imposition of the death penalty for those who suffer from mental retardation was left up to the states. We have had various debates and various pieces of legislation that have dealt with this issue, and this is one Bill that deals with this issue. And what it would require is, first of all, for the issue of whether or not an individual who is being charged with a crime for which the of... sentence of death can be imposed, whether or not they are retarded, that that issue can be raised at any time prior to sentencing, so that it allows for a pretrial procedure. The mental retardation of which the individual is suffering from must manifest before age 18. There are a number of determining factors that are used to determine whether or not an individual is mentally retarded, and is characterized by a significant limitation in both intellectual functioning in an adaptive behavior as expressed in conceptual, social, and practical adaptive skills that originate before age 18. I would be happy to answer any questions about the Bill. The language, regarding the determination of mental retardation, comes

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

from the National Association of the Mentally Ill. And, again, I would be happy to answer your questions."

Speaker Madigan: "Representative Lindner."

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

Speaker Madigan: "The Sponsor yields."

Lindner: "One of the main things that was discussed was the definition of mental retardation. I think I see the definition on my computer but it cuts it off on the right, so I don't know how many more words there are on the right-hand side. But could you tell me... there were a number of mental health groups that were in opposition to some of the definitions, and the Bar Association had a definition. Who's definition is this?"

O'Brien: "The National Association for the Mentally Ill. It's their... what this... where this Bill is different from the Bill that the Senate considered last year, they had a.. a bright-line rule saying, you know, if the individual had an IQ below 70. That was unacceptable to most of the advocacy groups that deal with individuals who suffer from mental retardation. That has been removed and we allow the cognitive testing to be used just like it is for a determination of whether or not an individual should receive Social Security disability benefits and things of that nature. So, those are the things that we addressed in this Bill that weren't in the other one. So it meets that... their criteria."

Lindner: "So, a mentally... mental retardation, I believe, is also defined in the Illinois Compiled Statutes in other

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

parts. So, is this the same definition that appears in other parts of the statute?"

O'Brien: "I believe that this is the one that is in the Unified Code of Corrections, which we had talked about at several times during ongoing discussions of this Bill and of the overall reform package."

Lindner: "And is the Bar Association all right with this definition, also?"

O'Brien: "They are proponents of this Bill, along with the State Appellate Defender and the ACLU and the Cook County Judicial Advisory Council."

Lindner: "And I believe you said this in your introduction, but timing was another question and... so, this... this can be brought up at any time?"

O'Brien: "Yes, it can be a pretrial motion."

Lindner: "All right, so it doesn't have to be... previously it was after sentencing, is that correct?"

O'Brien: "It... this can be raised at any time but it can be brought before the trial."

Lindner: "All right. Thank you very much."

O'Brien: "Thank you."

Speaker Madigan: "Representative Howard."

Howard: "Yes, thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Madigan: "The Sponsor yields."

Howard: "Yes, Representative, did I understand you correctly to say that the individual who is the perpetrator must be... must have gotten this illness prior to age 18?"

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

O'Brien: "That is the standard diagnostic language of... that the... the National Association of the Mentally Ill use it for... for people that are mentally retarded. This is the standard... when they do the standardized testing, that one of the criteria is for people who are retarded, that it manifests itself before age 18."

Howard: "So does that mean, then, that no one beyond the age of 18 can ever become mentally retarded, after that age?"

O'Brien: "Right, under... under these guidelines for... for what they're looking at. Now, can they suffer from a mental... a diminished mental capacity or mental deficiency? Yes, but that is not what the Supreme Court said we have to... you know, those people... somebody that maybe had a traumatic brain injury at age 25, that's not the same category of person that the United States Supreme Court said that we need to remove from those people eligible for the death penalty. And then the reform package, House Bill 1281, that I passed, one of the mitigating factors that the judge needs to look at is just the... the people that you're asking me about now, those that suffer from a diminished mental capacity that is... does not meet the definition of 'mentally retarded'."

Howard: "Okay, so... so you're Bill only covers mental retardation."

O'Brien: "Correct."

Howard: "But there is a possibility that sometime in the future, based on a study that's going to be done, that maybe others who have suffered from something or have a

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

condition that began to exist after age 18, can also be considered for the nonexecution."

O'Brien: "Yes. And then... but, you know, you're talking about, you know, fitness hearings. And there are things that already exist now that would cover the individuals that you're talking about. But this is a very, very, specific category of individual."

Howard: "I thank you."

O'Brien: "Thank you."

Speaker Madigan: "Mr. Black."

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

Speaker Madigan: "The Sponsor yields."

Black: "Representative, not being an attorney, walk... walk me through the scenario. Someone commits a very horrendous crime while in the commission of a robbery, takes a blunt object and beats the person to death. A very similar case happened in my district to someone I know, beat the woman so badly that even her family found it difficult to recognize her. The robbery garnered \$37. When the young man in question was found and brought to trial the defense immediately questioned whether or not the juvenile was mentally competent to stand trial. I don't remember all of the details. I believe there was an exam. I believe there were two exams. I think, one that the state did, one that the defense asked for. To the best of my knowledge, the... the defense of being mentally incompetent to stand trial did not hold and the person was sentenced to life in

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

prison. What... what are you trying to fix here? Are you telling me that if I go to trial and I claim mental retardation, from the date of the trial... from the date of the alleged offense, then that becomes a... a factor that will inhibit or prohibit my being put to death, regardless of the crime I committed?"

O'Brien: "Mr. Black... and... and part of what is hard to understand here is that, you know, just because there's a fitness hearing and you make a claim that you're not fit to stand trial, it isn't the same as being mentally retarded. And that is a... although... although it seems like it should be about the same thing, it isn't always. And we are talking about individuals that are mentally retarded, where it wouldn't necessarily impact the competency hearing. And the individual that you're talking about, they might not qualify... depending on what their argument was, that they advanced why they weren't competent to stand trial. If it was not retardation, this Bill would have no impact on them. And so, if they said that they weren't competent... that they couldn't tell the difference between right and wrong because they had been beaten by their parents for 25 years, or 15 years, or whatever, that would be something different than what we're talking about here. That... you know, that there are certain skills and... and things that they lack because of mental retardation..."

Black: "All right."

O'Brien: "...as opposed to other issues. But... but, yet the... but your question is, are we saying that mentally retarded

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

people are not eligible for the death penalty in Illinois. This Bill would say that the U.S. Supreme Court has told the states that we cannot execute the mentally retarded. So, yes, that's what this Bill is trying to do."

Black: "What... what, then, is the burden of proof as to whether or not the defendant is mentally retarded? I assume that burden of proof must go back prior to the commission of the alleged crime."

O'Brien: "Yes. You know... for instance, if the individual was 19 at the time they committed... or, allegedly committed the crime, you have to show that prior to age 18 that they were mentally retarded. That this... that the onset was before they were 18 years old."

Black: "Following up on Representative Lindner's question, is there specificity in statute as to what constitutes retardation? Is it an IQ cutoff or is a combination of factors?"

O'Brien: "It's a combination of factors, under this legislation, dealing with different... various testing that is done and... and cog... and the cognitive scores on those tests that are done by licensed mental health professionals."

Black: "Is it measurable today in legal terminology and accepted... widely accepted in legal circles..."

O'Brien: "Yes."

Black: "...as to what a definition would be?"

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

O'Brien: "Yes, I believe it... I believe that the definition we have here and I believe that there's... there's no problem. That is accepted."

Black: "All right. Has... has such a definition been upheld in case law?"

O'Brien: "I... I'm not aware, and certainly don't know, a case name. I believe that is has because it's been pretty well established. It's used in the..."

Black: "Okay."

O'Brien: "...Code of Corrections and, as you know, that a lot of times that's a very litigious little industry of... all of its own. So I think that it has... the language from the National Association of the Mentally Ill, that language has passed legal muster."

Black: "Did the United States Supreme Court decision... does that have an impact on anyone who has... who is serving time now in the... not in Illinois because we're on... you know, that's all been on hold. But would the Supreme Court decision, then, say that anybody who had been sentenced to death, who can... whose defense attorney can now go back into court on appeal and show that they met the def... the legal definition of retardation. Can... are they entitled to a new trial, to be sentenced to other than the death penalty that they may have received in their original trial?"

O'Brien: "I think that those people would be entitled to a new sentencing hearing. To new sentencing..."

Black: "All right."

O'Brien: "...but probably not to a new trial."

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Black: "We... we discussed earlier today the special education funding level. And that brings to mind, in schools there are so many categories today that are... are recognized by either the state board or the Federal Department of Education, learning disabled, behavioral... behavioral... BD, behavioral disability, are those taken separately or is the definition... bear with me, as a nonattorney, the definition of retardation is everything that you look at, not just a particular category. Like, I couldn't come in and say this person has been enrolled in special education classes and developmentally disabled classes since the fourth grade, therefore..."

O'Brien: "Right. That... that would not get you to elimination from consideration for the death penalty, that in and of itself. The... the testing... there's a whole battery of tests that must be done and you can't just single it out and say, no, just because this person was in special education in grade school, that now makes them mentally retarded. What I believe that something like that does is it is the... sort of the trigger, or the wake-up call, that a defense attorney would say there might be an issue here."

Black: "Representative, is there a recognized IQ level that most courts would hold... that... that at that level or below would be prima facie evidence of... of re... retardation?"

O'Brien: "There is no presumptive level. I know that the Bill in the Senate last year was 70. Now they have talked about a compromise of using 75. But... and you know this from being an educator, that some things that can switch those

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

points may be one point or two points by the... why the advocates don't like the bright-line rule as if you have a glass of orange juice in the morning before you test you may do better than if you didn't because it affects blood sugar levels and... and, ya know, different things like that. So that's why they're... to my knowledge, there's no... the hard and fast accepted level. And that's why the advocacy groups sought... fought so hard against the 70 bright-line rule that was in last year's Senate Bill."

Black: "Staff brings up an interesting point. Is the 70 IQ threshold referenced in the Bill?"

O'Brien: "No."

Black: "There... there is no recognized threshold anywhere in the underlying legislation?"

O'Brien: "No."

Black: "Should there, in fact, not be?"

O'Brien: "Well, that... that's what the advocacy groups say. Is that if that... you know, if you say 70 is the bright-line and somebody came in that really should not be considered mentally retarded for these purposes, that... you know, they had a very poor diet and... and weren't well rested, they tested 69. So, they are not considered eligible. But an individual maybe that should, in fact, really meet these criteria, had a different diet, maybe had something better, they tested 70, all of a sudden they're eligible."

Black: "Okay."

O'Brien: "So, they saw that that bright-line was really problematic and not used... even the Department of

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Corrections, they don't use that bright-line. They use the... the standard definition and guidelines for testing that are used by this association."

Black: "But by the time this becomes statute, there will be clear direction to the courts, both the... the prosecut... the prosecutors and the defense attorneys will have some clear direction as to that standard of retardation. And... and then it would be clear that the Supreme Court ruling says at that standard the death penalty is not an option."

O'Brien: "Correct."

Black: "All right, thank you very much. Mr. Speaker, to the Bill. I'm just an old country boy. I'm pretty dumb but I'm not stupid. If this Bill gets more than a hundred votes, I'll withdraw my request for a verification."

Speaker Madigan: "Mr. Lang."

Lang: "Thank you, Mr. Speaker. Very quickly, I rise in support of the Lady's Bill. Frankly, I can't imagine any civilized person voting against this Bill. We should not be executing or sentencing to death people who are mentally retarded. The Lady's right on the point and I think we all should support her Bill."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 113 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority... Mr. Black."

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Black: "Mr. Speaker, I always appreciate being lectured by my good friend on the other side of the aisle, as to the state of my civilization. I don't think his remark was really necessary. And as I clearly said, if it got a hundred votes I would not seek a verification. This shows the level of civilization that some of us old po' downstaters have."

Speaker Madigan: "On this question, there are 113 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, what is the status of House Bill 3321?"

Clerk Rossi: "House Bill 3321 has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Hamos, has been approved for consideration."

Speaker Madigan: "Representative Hamos."

Hamos: "Yes, Speaker, Ladies and Gentleman, this is a... a negotiated Bill between the utilities company... utility companies and CUB, dealing with a series of enforcement mechanisms at the Illinois Commerce Commission. The Amendment, itself, is a product of the four weeks of negotiations. And I'll be happy to explain the Bill on Third Reading. Thank you."

Speaker Madigan: "Those in favor of the Amendment say 'aye'; those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Madigan: "Third Reading. Read the Bill."

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Clerk Rossi: "House Bill 3321, a Bill for an Act concerning public utilities. Third Reading of this House Bill."

Speaker Madigan: "Representative Hamos."

Hamos: "Thank you. Ladies and Gentlemen, again, I think there... this is an agreed to Bill. And I want to publicly thank the utilities com... utility companies for being as cooperative as they have been. This is really dealing with a series of enforcements, civil penalties, and ICC powers. Generally, what we have is a series of penalties within the Public Utilities Act. This was trying to integrate them so that we would have very similar penalties that apply to gas and electric utilities, as applied to telecom companies, as applied to the alternative suppliers. That's really the gist of it, is trying to bring everything... trying to make everything consistent. And, again, it's a... it has no opposition. Thank you."

Speaker Madigan: "Mr. Black."

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

Speaker Madigan: "The Sponsor yields."

Black: "Representative, the onetime minimum penalty in your Bill was to be \$5 thousand. As amended it is now, what, \$1 thousand?"

Hamos: "Well, it's \$1 thousand... it's different throughout the Bill. It's \$1 thousand per occurrence. In some sections, up to \$30 thousand, which is, again, consistent with the Telecom Act."

Black: "All right. There's language in the Bill that seems to say, if I read it correctly, that consumer protection

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

agencies and municipal governments and units of state or local government shall also be subject to the penalty provisions of... of the new section. That seems to me to be a considerable departure from current practice. Is... was that taken out by Amendment or am I misreading it?"

Hamos: "That has... that has to do with a section of the Bill that is about misrepresentation, knowing misrepresentation of facts before the ICC. And it was believed that to be evenhanded and fair, it should apply to everyone."

Black: "So, if... if a corporation counsel of a city is judged to have made misleading... I hate to use the word 'false', I don't think any counsel would... would certainly do that."

Hamos: "Knowing..."

Black: "But..."

Hamos: "Knowing misrepresentation."

Black: "Okay, that misrepresents the case. Then... then the corporation counsel would be fined or the municipal government that he or she is representing would be fined?"

Hamos: "Well, I believe that... I don't... I don't know the answer to that, Representative. I..."

Black: "Representative, your honesty absolutely overwhelms me. I appreciate that. We... we seldom hear that on the House Floor. Is it my understanding that CUB can also be held accountable for their testimony and can be fined if it's been held to be misleading."

Hamos: "That is correct, for knowing misrepresentation of facts."

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Black: "And did you clear that with the Lieutenant Governor's Office?"

Hamos: "Maybe even lieutenant governors can be subject to that."

Black: "You know, actually it was that provision that makes me want to support this Bill. I... Mr. Speaker, to the Bill. This has been a strange week. Representative Hamos and I have been in agreement more than we've been in disagreement. And it's the first time in this Session I've heard anybody on the floor say, 'I don't know'. That alone is worth 10 votes. Again, if this Bill gets an excess of a hundred votes, I will not request a verification."

Speaker Madigan: "Mr. Steve Davis."

Davis, S.: "Thank you, Speaker. Will the Sponsor yield for one brief..."

Speaker Madigan: "The Sponsor yields."

Davis, S.: "...question. Representative, yesterday in committee there was a witness slip filed by the Illinois Telecommunications Association, who... and as you said, there was no opposition. However, there was still some concerns. I believe it was stated in committee. And just clarification to the Body, that there is going to be some more technical work done on this Bill once it reaches the Senate. Is that correct?"

Hamos: "That is correct."

Davis, S.: "Okay. Thank you."

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

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 112 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. The Chair will call five more Bills and no more. The following Bills will be called and there will be no more: 2549, 120, 2943, 2514, 3618. And there will be no more. House Bill 2549. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 2549, a Bill for an Act concerning mosquito abatement. Third Reading of this House Bill."

Speaker Madigan: "Mr. Joyce."

Joyce: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. We have shelled this Bill to address concerns from Representatives from the northwest area. We're working on some language with the City of Chicago and the County of Cook in order to deal with the West Nile Virus problem, spec... specifically on the North Shore and on the southwest quadrants in the mosquito abatement district of Cook County. I'd appreciate an 'aye' vote and would answer any questions."

Speaker Madigan: "Mr. Parke. Mr. Parke."

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

Speaker Madigan: "The Sponsor yields."

Parke: "My understanding is that you're shelling the Bill, gonna send it to the Senate, and you're looking to put an Amendment on the south one to incorporate that into the City of Chicago?"

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Joyce: "That... my intentions are to put an Amendment to affect the southwest area."

Parke: "Okay, then you will be leaving the north alone? And the northwest alone?"

Joyce: "The northwest I'm leaving alone. I don't know what the Representatives from... and the Senators from the North Shore are looking at. I..."

Parke: "But your... your intent, at this time, is only for the south mosquito abatement district to be incorporated into the City of Chicago."

Joyce: "The southwest, that's correct."

Parke: "The southwest. Okay, then I don't have a problem with that. But I would prefer that that would be the only one. The other one, I think they can work that out. But, thank you."

Speaker Madigan: "Mr. Black. Mr. Black. Black."

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

Speaker Madigan: "The Sponsor yields."

Black: "Representative, I... I honestly don't understand this. And given the West Nile Virus crisis, for lack of a better word... and I think it was a crisis... last summer... and I know I've heard from my two health departments in Champaign and Vermilion Counties, they anticipate a worse crisis with West Nile Virus this summer. For the life of me, I don't understand why we, at... at this time, would want to abolish a mosquito abatement district unless you can assure me that somebody will... will provide that function."

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Joyce: "Yes, Representative Black, the intentions are to replace the southwest area because they did an absolutely horrible job. And that area had the highest number of cases in the country for West Nile Virus, that were diagnosed last summer. And when they were supposed to put the pellets in the ca... catch basins and they said they did, they didn't do it. They said they did it twice. In the end, the City of Chicago had to go down and put the pellets in. And including that, they had to... in addition to that, they had to put... do the spraying themselves. The suburbs weren't taken care of, the city wasn't taken care of. We would like to find something that, statutorily, we can do to replace the existing structure and put something better in that will be more competent and more effective."

Black: "But this Bill will not leave anyone unprotected in this spring and early summer season when they need a mosquito abatement. Because everything I hear from the health department officials, they are very concerned about the West Nile outbreak that... that will be on us in about 30 days."

Joyce: "Absolutely. It's gonna be worse, it does take... you know, the... the larva have 150-day life span so the pellets can't be put in 'til mid to late May into the catch basins."

Black: "Then... the only thing I need for my own satisfaction, and to make sure I cast the right vote, I am not putting anybody at risk anywhere in this state. Because West Nile isn't gonna just stay in a county boundary, it can spread."

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

I'm not putting anybody at risk by voting for this, you have plans to make certain that mosquito abatement will continue in this affected area?"

Joyce: "Yes, and hopefully in a better way."

Black: "All right, fine. Thank you very much. That's good enough for me, Representative. Mr. Speaker, I'm becoming more civilized. If this Bill should get more than 60 votes, I'll not re... I'll not request a verification."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 79 people voting 'yes', 30 people voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 120. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 120, a Bill for an Act in relation to fire protection. Third Reading of this House Bill."

Speaker Madigan: "Mr. Smith."

Smith: "Thank you, Mr. Speaker and Ladies and Gentlemen. This, I believe, is the last Bill that was generated from the Fire Protection Task Force that Representative Moffitt and I cochaired. We certainly want to thank everyone in the House who helped participate in those hearings and helped in the legislation. This would simply allow municipalities and township fire departments to charge nonresident persons or businesses for fire protection services. Basically, if someone is in need of a fire... a fire protection service in

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

a municipality, they don't live in the municipality, the municipality, currently, cannot charge them for that service. Fire protection districts do have this power, municipalities do not. So this is just bringing parity to them. In addition, we have a couple other Amendments. One, addressing concerns of the Municipal League. And another one, on behalf of former Representative Brunsvold, for a fire protection district in his district, which allows it to consider an airport part of its contiguous property. I know of no opposition. Mr. Speaker, I would just like to thank you for creating the task force, on behalf of Representative Moffitt. I think we have done a lot of good this Session with all of these Bills. Thank you."

Speaker Madigan: "Mr. Black."

Black: "Representative... I'm sorry, Mr. Speaker. Will the Sponsor yield?"

Speaker Madigan: "The Sponsor yields."

Black: "Representative, you said in... that it gives municipalities the same rights and responsibilities as fire districts. If you look at Floor Amendment #2, staff... staff says that is not quite accurate. That it does not give municipalities the same standing as a fire district. We just want to make sure we're... we're both on the... we're on the same wavelength."

Smith: "Yes. The intent was to give them the same general authority. The language in Amendment #2 was on behalf of the Municipal League because they had some concerns about

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

some of the arrangements that municipalities may have with... with residents who live outside of a municipality and have already contracted with them."

Black: "The... the league, though, is in agreement with the way 2 is drafted, even though it's my understanding that the league wanted to be, rather than on an equal plane, a higher plane than fire districts. In other words, have more abilities than we were giving those districts."

Joyce: "I think that's safe to say, yes. But... but they are in agreement with this... with this Amendment."

Black: "All right. You've done good work on the fire protection districts, you and Representative Moffitt. Mr. Speaker, should this Bill receive more than 59 votes, I'll not re... I'll not request a verification."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 94 people voting 'yes', 17 people voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 2943. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 2943, a Bill for an Act concerning exotic weeds. Third Reading of this House Bill."

Speaker Madigan: "Mr. Phelps."

Phelps: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. This is a... House Bill 2943's an initiative from the Illinois Department of Natural Resources, our forest

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

preserve districts, and our conservation districts. It amends the Illinois Exotic Weed Act, adding kudzu and several species of buckthorn. The Illinois Exotic Weed Act prohibits the sale, propagation, planting, and cultivation of a species listed under the Act. And if you have any questions, I'd be glad to answer 'em."

Speaker Madigan: "Mr. Black."

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

Speaker Madigan: "The Sponsor yields."

Black: "Representative, what... what takes place after a... after a... a weed is designated as an erotic... oop... exotic weed..."

Phelps: "I do not know the answer to that."

Black: "Well, that might be an interesting question, too. But, be that as it may, what... what happens... what... that was a very thorny issue. What happens to a weed that is declared an exotic weed by the State of Illinois?"

Phelps: "They... commercial nurseries throughout the state would be alerted that they cannot sell this anymore... any longer."

Black: "All right. You're very young, and when I was serving on the county board, we had... and I think most county boards that... by gosh, it's been 30 years ago, had a weed commissioner, and it was provided for in statute. And... and the commissioner... we would pay for the herbicides or whatever to go out and find these exotic weeds and make a good faith effort to eradicate them. Do we still do that?"

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

Black: "So, it... it... it just simply allows for the... that you can't sell it in a commercial nursery. It doesn't mean

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

that if it's on my property I can do anything I can do within... within the law to eradicate it, correct?"

Phelps: "Yes, correct."

Black: "All right, fine. Thank you very much. Mr. Speaker, since I almost got myself in trouble with this Bill, should it get more than 40 votes I will not request a verification."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Has Mr. McGuire voted? The Clerk shall take the record. On this question, there are 111 people voting 'yes', 1 person voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 2514. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 2514, a Bill for an Act concerning insurance. Third Reading of this House Bill."

Speaker Madigan: "Representative May."

May: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I bring you House Bill 2514 which addresses the problem of small businesses not being able to provide health insurance for their employees. There... many of you will recognize this concept which I've worked on since I've been elected. This Bill ha... passed the House in the last General Assembly with 96 votes and had bu... wide business support. It, however, did not move out of the Senate. Now, with our new Governor, who campaigned on this issue, I

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

think that it's time to put it into action. It is a work in progress but I ask you for your consideration to move it to the Senate, where it will be amended to reflect the Governor's budget realities. This is a creative solution to a widespread problem. One point seven million Illinois citizens have no health insurance, 700 thousand of these are full-time workers. Small firms have more unemployed than large firms, and the uninsured in large firms are... in small firms are growing at a faster rate than any other segment. That's why I'm focusing on this niche. We have CHIP for the people who can't get insurance because of illnesses. We have KidCare, FamilyCare, Medicaid, and other programs for our poor citizens. But we need to do something for the 15... 15 percent of our population that still can't acc... access adequate medical health insurance coverage. This Bill continues to have strong bipartisan support and support from the health community and the business community. I thank my Sponsors. I recognize Frank Mautino, who is the Chair of our Insurance Committee, and Sara Feigenholtz for their help, as well as the Sponsors. Would just like to make sure that the Governor's actions in putting this into place will be successful. Changes have been made from last Session to make this pool stronger and address the concerns of the insurance agents. We'd just like to state that it includes small businesses of 2 to 50 employees. CMS in... buys insurance for 425 thousand people, this provides the economies of scale that small businesses can't otherwise attain. And CMS is

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

required to utilize all the state mandates and rating tiers that are in place for the private sector, and it's permissive to use licensed agents to market the product. An employer can go directly to CMS or to an agent if they wish. CMS will roll out the program slowly and limit the number in the initial years so it becomes a pilot... a pilot project. They can change the offering based on the market reaction and that's how they currently manage the municipal pool. It's subject to appropriation and I will be ready to answer your questions. Thank you."

Speaker Madigan: "The Lady moves for the passage of the Bill. The Bill is on the Order of Standard Debate. Mr... Mr. Parke."

Parke: "Thank you, Mr. Speaker. To the Bill. Ladies and Gentlemen, I rise in strong opposition to this legislation. In her opening comments it seems like it's just such a wonderful idea, why hasn't it been done in the past? And the fact of the matter is, it's not been done in the past because of the price tag on this. Even if we were in a position of having a income to provide this kind of program, it still wouldn't be a good idea. To take and put all kinds of small group insurance into our own state employees' program just opens up Pandora's box to all kinds of problems. You know, if you are a small group and you could pick up insurance from the outside, you'd do that. So what is gonna be left? There are lots of people who can't get insurance who are gonna have heavy burdens in terms of preexisting conditions and healthcare problems.

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

And they're going to take and turn around and then go into these plans... this plan and raise the price of insurance. Now, we have, as you probably are aware of, the state employee insurance program in underfunded as it is now. Can you imagine what the cost will be to state employees, which you and I, ultimately, are going to have to pay the difference? Whether you build in a certain amount of administrative costs, it's still gonna cost the State of Illinois, in terms of increased premiums to the state employees, to do this. This is gonna cost the State of Illinois tons and tons of money just because... not because of just the administrative costs, because the impact that it has on the overall loss ratio to the state employees' fund. Now, I will point out that the Department of Central Management Services is opposed to this. The Professional Independent Insurance Agents of Illinois, the Illinois Life Insurance Council, Hu... Humana, Cigna and the Illinois Association of Health Plans all are imp... in opposition to this. Ladies and Gentlemen, I know the Lady has worked hard on this, but the idea is not... is not ready. This is not something we oughta be doing at a time where we can't even pay our bills now, let alone doing this. Ultimately, Ladies and Gentlemen, you're gonna put another Bill on the Governor's desk that he's gonna have to veto. I rise in strong opposition to this Bill."

Speaker Madigan: "The Bill is on the Order of Standard Debate. One has spoken for the Bill, one has spoken against it. The Chair recognizes Mr. Bill Mitchell."

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Mitchell, B.: "Thank... thank you, Mr. Speaker, Ladies and Gentlemen of the House. Will the Sponsor yield?"

Speaker Madigan: "The Sponsor yields."

Mitchell, B.: "Representative, what is the cost on this legislation?"

May: "Representative, this... it's really impossible to say at this point because... be... it's revenue neutral to the state in the long term. At this point, as I explained, it would be a small pool. We don't have the number that the Governor is willing to put in. So, it's immaterial, what it is right now, because the Governor hasn't decided what our small group would be. The fiscal note that is given this year, I think, is way out of whack compared to what they had last time. When the Bill I introduced last time had a fiscal note that was open-ended and we had one price, and now we've got a fiscal note that is almost double. I just don't understand it."

Mitchell, B.: "So, you don't... you don't have an answer. You don't know how much it's going to cost. We're voting on a Bill that we don't... it's gonna cost the state something..."

May: "There was a fiscal note filed, yes."

Mitchell, B.: "...but we do not know what it's going to cost the people of Illinois."

May: "There was a fiscal note filed, which I'm sure you've seen."

Mitchell, B.: "Representative, in my area our retired teachers aren't doing too well in terms of their... their health costs. I just don't understand is how we take on

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

additional burden when we're not doing adequately with the present state pension system."

May: "This is not... yeah."

Mitchell, B.: "Excuse me, health insurance system."

May: "This is not an additional burden. As... as you're aware, under the umbrella of CMS, there are four pools now. They do not bleed into one another. There's the state employees' pool, the retired teachers, the ri... retired judges, and the municipal pool. None of them bleed into each other, so it's erroneous to say that it will affect the teachers' pool or the state employers... employees' pool."

Mitchell, B.: "I don't believe it's erroneous to say that those pools are in fiscal crisis at present, though."

May: "I had trouble hearing that question."

Mitchell, B.: "I said, Representative, I don't believe it'd be erroneous to say that those present health plans are in crisis right now, to the tune of about \$300 million."

May: "That... that won't affect that at all. I mean, it's apples and orange, completely different."

Mitchell, B.: "How do you... do you address the fact that... does this compete with the private sector with..., ya know, my insurance agents in Mt. Pulaski or Clinton? How are they going to...?"

May: "Absolutely. And I am concerned about that which is why I added a provision that the small businesses could use insurance agents, the licensed agents in this state, which I think do a good job. I've relied on them as a small

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

business owner myself. The... the other point to make is that I think we're all aware that... I found out about this, and not only from my experience but every time I'm on the campaign trail I hear about this. People with small businesses feel that they don't have a good product out there. It is a fact that more than 20 insurance companies have stopped offering small business coverage in this state. And it's a fact that many of the people right here on this floor and our constituents don't feel that they can get a good product in... for small businesses."

Mitchell, B.: "Mr. Speaker, to the Bill. I appreciate the... the work that Representative May has done on this. I... my district is not different than yours, that when I go out in my district, which consists of seven counties in a very rural area, small businesses talk about the health problems. One of the things that they don't want, though, when I talk to small businesses, is more government involvement. They don't look and say the government is doing a very good job, just look at the present budget crisis that we're in. I have very serious reservations in terms of this Bill and what it's going to cost the people of Illinois. Now, the Governor will be announcing his budget next Wednesday. We're in a fiscal crisis that you know of, but we're gonna pass legislation, once again, that we don't know how much it's going to cost the people of the State of Illinois. I, again, appreciate your work but I urge a 'no' vote."

Speaker Madigan: "Mr. Mautino."

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Mautino: "Thank you, Speaker Madigan. To the Bill. Ladies and Gentlemen, I... I appreciate how Representative May has worked on this Bill. And as she stated to committee, it is a work in progress. Throughout the course of the summer they have met and... and are looking at a way to create a pool which will be funded with no state dollars. That would be, basically, a buying group for insurance. Some states have done this, some have had success, some have not. They're looking also at a transparent pool. That allows for, basically, the department to broker or just make available to small businesses some policies that are done by standard companies. As she had in... as stated in committee, it's a work in progress. The Bill still needs to address adverse selection to make sure that we don't become a insurer of last resort, which was one of the concerns that Representative Parke had earlier. And that is to be addressed in the Senate. The Governor's Office has also said that there are... at this time there's no money that's dedicated towards this, they're gonna work on that in the Senate. There were two ways to present this Bill. One is a shell, which would allow it to go forward and... and continue the work. The Representative has chosen to show you a framework of what she's trying to do. In this pool, small businesses would take a look at a plan, which would be similar... they'd be able to choose what benefits were for their people and then purchase them outright. It has... it has a long way to go but we do have a commitment. We are working with the manufacturers, with the business groups,

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

to try and bring something forward. And there is a commitment from the Representative, this will not go to the Governor in this form. Because, as I said, you have a framework of what we'd like to see done for small business. If it turns out to be too expensive, we will not forward this legislation. But we want to make sure that if there is a possibility to create a group that some of the hardest to insure, that's your 2 to 25 group, or your sole proprietors, which is done currently, in New York, maybe takin' their model, where we would do a pass-through. These are some of the things that are under discussion. And the Representative has committed that this will not reach the Governor in this form, but she will continue and that any changes to the Bill will be brought back to this House. Her Senate Sponsor is in agreement with that, as well. And with some hope that we can find a program that may fit for the small businesses, she can bring this forward."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 99 people voting 'yes', 8 people voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 368. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 3618, a Bill for an Act in relation to executive agencies. Third Reading of this House Bill."

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Speaker Madigan: "Mr. Burke."

Burke: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. House Bill 3618 would very simply insure that surgical assistants would be currently recognized under the Hospital Licensing Act and Ambulatory Surgical Treatment Center Act and would be recognized providers by insurance companies. I'd be happy to answer any questions."

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

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

Speaker Madigan: "The Sponsor yields."

Black: "Representative, I don't have any problems with the Bill, I have just some problems with the mechanics. It... it... it mandates the surgical assistants be paid at the same rate as a surgeon's assistant? I... I'm confused as to what rate they will be paid while they're doing their job in the operating theater."

Burke: "The average would be... surgical assistants would receive 20 percent of that... that a surgeon... of what a surgeon would generally receive."

Black: "All right. Now..."

Burke: "And they could be either em... if they are employees of the hospital, this legislation would not be important. But if they are independent and certified by the state, then it is important for their reimbursement needs."

Black: "What... what's the position of the Department of Medicaid on Medicaid rates? Will they pay that percentage?"

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Burke: "Oh, most de... definitely. They would encourage this because, generally speaking, in our medical society, previous to the advancement of surgical assistants and surgical technologists, another physician... another MD surgeon would assist with the surgical procedure. And as you know, that would be rather cost prohibitive today. And, certainly, there are not sufficient MDs out there... or, surgeons to undertake the second position in a surgical procedure. So that's where surgical assistants have been..."

Black: "So, this... this does not establish a precedent on Medicaid reimbursement for a procedure?"

Burke: "No, not with... nothing... not whatsoever."

Black: "What... what about a managed care operation?"

Burke: "Not whatsoever."

Black: "No... no impact on them?"

Burke: "None."

Black: "Are they not covered or..."

Burke: "None."

Black: "All right. So, it would only be those private policies where a surgeon's assistant would be in the operatio... in the operating room for a procedure?"

Burke: "That is correct."

Black: "All right."

Burke: "Generally speaking, a surgical assistant would either work for a physician or for a hospital. If they worked for a physician, they're covered. If they're independent, they... they need to be..."

Black: "Okay."

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Burke: "...insured..."

Black: "The only..."

Burke: "...separately."

Black: "...the only entity that registered a slip in opposition is... and all I have is IAHP, and I don't know what IAHP is. Do you?"

Burke: "I don't. I know that the Illinois Hospital Association supports this..."

Black: "Right."

Burke: "...the Illinois Medical Society. And the state did not indicate any interest, DPR had no interest in it."

Black: "And I've been told that's the HMOs, and I don't think this impacts them."

Burke: "No."

Black: "All right. Thank you."

Burke: "Thank you."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 112 people voting 'yes', 1 person voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. If the Members would please remain in the chairs, we have two Members who, I believe, wish to speak toward events in Iraq. First, Mr. Brady. Mr. Brady."

Brady: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. I just wanted to call to your attention,

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

while many of us know or have family, friends and know of people that are serving in the armed forces, one sacrifice has been made here of our own Illinois General Assembly, or at least House Clerk members, and that is, none other than Amy Fritzsche. For those of you who don't know Amy, she's now the one with the Kleenex. As we're going to talk and recognize her for just a minute. Her husband, who happens to be a Springfield firefighter, was deployed today from Wisconsin, where he's been in a... in a holding area with a military police unit, which is the 233rd. And he is now on his way to Kuwait today. And we just wanted to, Amy, as your kind of extended family here in the Illinois House of Representatives, let you know how much we're thinking of you. Amy and her husband, Steve, (sic-Jay) had to make a change in their wedding plans, they were going to get married in June and they did that in January of this year. We congratulate you on that, we know this is a very, very, difficult time for you and for your husband and all your families. We wanted to let you know we're all thinking about you and we'll take extra good care of ya."

Speaker Madigan: "Before we go to Representative ChapaLaVia, the Members should stay in their seats for just a few minutes after she finishes. So, Representative ChapaLaVia."

ChapaLaVia: "Thank you, Speaker and Members of the House. Being a former... in the foreign or active army... army officer, we... we often make sure that our soldiers are well taken care of, they have their food, they have their... their

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

monies coming to them, they're rested, they know how to fight a war and come back alive. I want to give not only special recognition to Amy because as be... as a freshman here, we... we get around, we talk to people, and a lot of you will change my life through the course of my tenure here. But, initially, Amy and Tony had been there for me. And I told her today, you know, it's people like Amy that make me want to come in the morning, really want to come. And the door people, and the people that are the... the chamber House crew, and what have you. I also, though, along with Amy, want to recognize the other Members here in the General Assembly that have members of their own family that have now been activated. Those Members, could you please stand up? If you have a... a son or a daughter or a loved one that's been activated. And I want to make sure that we pray for all of these people in our House because it's very hard to concentrate, as a Member of this General Assembly, knowing that your... your loved one's in harm's way. And although we might be on different sides of the aisle and we might have different colored skins and backgrounds and ethnicity, there's one thing that makes us all brothers and sisters, is that we're American citizens. And always remember that and always treasure the fact that there are young people over there protecting our abilities to be here. So, along with that, Amy, I am here for you if you need anything and I am sure you have a... you've always had this extended family, you're just luckier than I am,

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

that I came along a... later than you. So, thank you, 'Sassy'. We love you."

Speaker Madigan: "Mr. Black."

Black: "Thank you very much, Mr. Speaker. This may not be the most opportune time to do this with the most eloquent remarks of my colleagues. I think it's something many of us have struggled with for the last couple of weeks as to whether or not we should even be here. Sometimes debating things that seem to be rather mundane and not very important in the overall scheme of family members in harm's way and life and death, but that's our job. As unpleasant as it may seem and, sometimes as... as foolish as it may seem. Mr. Speaker, I would be remiss if I did not rise to a point that I was somewhat exorcised about earlier in the day. The... the move to shut off debate is... is within our House Rules and within the Robert's Rules of Order. And it has been used and will continue to be used. Both parties have used it, generally in a fair manner. I... I just simply would... and Mr. Speaker, you know the respect I have for you. I would just simply urge that whoever is in the Chair, on an issue that is contentious and needs to be fully debated, that we... we delay... I know we all get tired and we all want to go home. But when you move to cut off debate when there are six or seven people seeking recognition, that is a move that should be made very, very, carefully. I did not think that move was in order today, our side did not prevail. I trust we will use it more judiciously in the future. For those of you on your way

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

home, I was just talking to the authorities, there are tornado watches and warnings on I-55 around Bloomington and McLean County and there are tornado warnings and watches on I-72 and I-74 between here and Champaign-Urbana. The winds are high, for those of you who ride the left lane, be very careful."

Speaker Madigan: "Ladies and Gentlemen, on Tuesday, the following Bills, which are on the Order of Postponed Consideration, will be called. They'll be called under an arrangement where there shall be one person for the Bill and one person against the Bill, and then we'll go to Roll Call. The deadline for consideration of the Bills will be Tuesday. If they're not called on Tuesday then they'll go... they'll be referred to the Rules Committee. So, that would be House Bill 198, House Bill 374, House Bill 485, House Bill 1489, House Bill 1507, House Bill 2356, House Bill 2818, House Bill 3048. These are the Bills which are on the Order of Postponed Consideration. They'll be called on Tuesday for the last time. One for, one against, and then go to Roll Call. Representative Slone."

Slone: "Thank you, Mr. Speaker. For the purposes of an announcement. Just to remind the Members of the House Higher Education Appropriations Committee that we will be meeting with the University of Illinois at 9 o'clock Tuesday morning in Room, I believe, 114. Thank you."

Speaker Madigan: "Mr. Clerk, the Adjournment Resolution."

Clerk Rossi: "Senate Joint Resolution #30, offered by Representative Currie. BE IT RESOLVED, BY THE SENATE OF

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that when the two Houses adjourn on Friday, April 4, 2003, the Senate stands adjourned until Tuesday, April 8, 2003 at 12 o'clock noon; and the House of Representatives stands adjourned until Tuesday, April 8, 2003 at 1 o'clock p.m."

Speaker Madigan: "Representative Currie moves for the adoption of the Adjournment Resolution. Those in favor say 'yes'; those opposed say 'no'. The 'ayes' have. The Adjournment Resolution is adopted. The Chair recognizes Mr. Brauer."

Brauer: "Thank you, Mr. Speaker. Real quickly, I promised Mr. Black a pig to ride home with him. The cheapest way to do that was get him live pig. There were some questions about whether that'd be humane or not. So, I figured I give him a stuffed pig for 'Kiss Me Diabetes'. So, I wanted to be a man of my word and I want Mr. Black to have a companion on his ride home. Thank you."

Speaker Madigan: "Representative Currie moves that the House stand adjourned until Tuesday, April 8 at 1 p.m., providing perfunctory time for the Clerk. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The House does stand adjourned until Tuesday, April 8 at 1 p.m., providing perfunctory time for the Clerk."

Clerk Rossi: "House Perfunctory Session will come to order. First Reading of Senate Bills. Senate Bill 274, offered by Representative Fritchey, a Bill for an Act to amend certain Acts in relation to liens. Senate Bill 275, offered by Representative Nekritz, a Bill for an Act concerning civil

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

immunities. Senate Bill 324, offered by Representative Hamos, a Bill for an Act in relation to state procurement. Senate Bill 383, offered by Representative Franks, a Bill for an Act concerning libraries. Senate Bill 392, offered by Representative Hoffman, a Bill for an Act in relation to taxes. Senate Bill 404, offered by Representative Nekritz, a Bill for an Act concerning information about children. Senate Bill 411, offered by Representative Hoffman, a Bill for an Act in relation to alcohol. Senate Bill 431, offered by Representative Holbrook, a Bill for an Act concerning public utilities. Senate Bill 440, offered by Representative Molaro, a Bill for an Act relating to financial services. Senate Bill 459, offered by Representative Saviano, a Bill for an Act concerning health care professionals. Senate Bill 475, offered by Representative Washington, a Bill for an Act concerning insurance. Senate Bill 521, offered by Representative Hamos, a Bill for an Act concerning health and human services providers. Senate Bill 528, offered by Representative Feigenholtz, a Bill for an Act in relation to families. Senate Bill 631, offered by Representative Novak, a Bill for an Act concerning taxation. Senate Bill 1003, offered by Representative Novak, a Bill for an Act concerning environmental protection. Senate Bill 1035, offered by Representative Brosnahan, a Bill for an Act in relation to criminal law. Senate Bill 1053, offered by Representative Capparelli, a Bill for an Act in relation to criminal law. Senate Bill 1056, offered by Representative

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Hamos, a Bill for an Act concerning telecommunications. Senate Bill 1064, offered by Representative Delgado, a Bill for an Act concerning health care. Senate Bill 1102, offered by Representative Mautino, a Bill for an Act in relation to taxes. Senate Bill 1109, offered by Representative Miller, a Bill for an Act in relation to public aid. Senate Bill 1198, offered by Representative Currie, a Bill for an Act in relation to health. Senate Bill 354, offered by Representative Burke, a Bill for an Act concerning professional regulations. Senate Bill 472, offered by Representative Cross, a Bill for an Act in relation to the death penalty. Senate Bill 698, offered by Representative Saviano, a Bill for an Act concerning land surveyors. Senate Bill 30, offered by Representative Monique Davis, a Bill for an Act concerning law enforcement. Senate Bill 52, offered by Representative Schmitz, a Bill for an Act in relation to vehicles. Senate Bill 96, offered by Representative Feigenholtz, a Bill for an Act in relation to transportation. Senate Bill 105, offered by Representative Saviano, a Bill for an Act concerning professional regulation. Senate Bill 233, offered by Representative Burke, a Bill for an Act concerning schools. Senate Bill 254, offered by Representative Coulson, a Bill for an Act in relation to the regulation of professions. Senate Bill 268, offered by Representative Holbrook, a Bill for an Act in relation to environmental matters. Senate Bill 317, offered by Representative Steve Davis, a Bill for an Act concerning

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

schools. Senate Bill 529, offered by Representative Capparelli, a Bill for an Act concerning college savings. Senate Bill 533, offered by Representative Joyce, a Bill for an Act concerning education. Senate Bill 553, offered by Representative Osterman, a Bill for an Act concerning security on state computers. Senate Bill 566, offered by Representative Watson, a Bill for an Act concerning education. Senate Bill 629, offered by Representative Phelps, a Bill for an Act concerning prisons. Senate Bill 810, offered by Representative Kosel, a Bill for an Act in relation to health. Senate Bill 891, offered by Rep... Representative Osterman, a Bill for an Act in relation to education. Senate Bill 18, offered by Representative Fritchey, a Bill for an Act in relation to taxes. Senate Bill 89, offered by Representative Granberg, a Bill for an Act concerning higher education. Senate Bill 178, offered by Representative Walsh, (sic-Winters) a Bill for an Act in relation to agriculture. Senate Bill 180, offered by Representative Feigenholtz, a Bill for an Act concerning records. Senate Bill 184, offered by Representative Slone, a Bill for an Act concerning port districts. Senate Bill 186, offered by Representative Ryg, a Bill for an Act concerning consumer protection. Senate Bill 200, offered by Representative Daniels, a Bill for an Act concerning mental health. Senate Bill 201, offered by Representative Will Davis, a Bill for an Act concerning education. Senate Bill 226, offered by Representative Molaro, a Bill for an Act concerning state finance. Senate Bill 1336, offered by

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

42nd Legislative Day

4/4/2003

Representative Acevedo, a Bill for an Act concerning public construction. Senate Bill 1457, offered by Representative Bradley, a Bill for an Act in relation to criminal law. Introduction and First Reading of these Senate Bills. There being no further business, the House Perfunctory Session will stand adjourned."