STATE OF ILLINOIS



HOUSE JOURNAL

HOUSE OF REPRESENTATIVES

NINETY-THIRD GENERAL ASSEMBLY

46TH LEGISLATIVE DAY

MONDAY, APRIL 14, 2003

2:00 O'CLOCK P.M.

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The House met pursuant to adjournment.

Speaker Madigan in the chair.

Prayer by LeeArthur Crawford, Assistant Pastor with the Victory Temple Church in Springfield.

Representative Lang led the House in the Pledge of Allegiance.

By direction of the Speaker, a roll call was taken to ascertain the attendance of Members, as follows: 115 present. (ROLL CALL 1)

By unanimous consent, Representatives Burke and Slone were excused from attendance.

TEMPORARY COMMITTEE ASSIGNMENTS

Representative Fritchey will replace Representative Rita in the Committee on Consumer Protection on April 8, 2003.

Representative Steve Davis replaced Representative Smith in the Committee on Agriculture & Conservation on April 8, 2003.

Representative Lang replaced Representative Fritchey in the Committee on Health Care Availability & Access on April 8, 2003.

Representative Kelly replaced Representative Slone in the Committee on Health Care Availability & Access on April 8, 2003.

Representative Chapa LaVia replaced Representative Flowers in the Committee on Human Services on April 9, 2003.

Representative Delgado replaced Representative Hoffman in the Committee on Labor on April 9, 2003.

Representative Currie replaced Representative Younge in the Committee on Commerce & Business Development on April 9, 2003.

Representative Reitz replaced Representative Rita in the Committee on Computer Technology on April 10, 2003.

Representative Osmond replaced Representative Munson in the Committee on Computer Technology on April 10, 2003.

Representative Joseph Lyons replaced Representative Bill Mitchell in the Committee on Financial Institutions on April 8, 2003.

Representative Lindner replaced Representative Bill Mitchell in the Committee on Insurance on April 8, 2003.

Representative Aguilar replaced Representative Pankau in the Committee on Insurance on April 8, 2003.

Representative Bost replaced Representative Tenhouse in the Committee on Consumer Protection on April 8, 2003.

Representative Froehlich replaced Representative Parke in the Committee on Consumer Protection on April 8, 2003.

Representative Schmitz replaced Representative Black in the Committee on Rules on April 8, 2003.

Representative Cultra replaced Representative Black in the Committee on Transportation & Motor Vehicles on April 8, 2003.

Representative Sullivan replaced Representative Stephens in the Committee on Housing & Urban Development on April 8, 2003.

Representative Beaubien replaced Representative Moffitt in the Committee on Transportation & Motor Vehicles on April 8, 2003.

REPORT FROM THE COMMITTEE ON RULES

Representative Currie, Chairperson, from the Committee on Rules to which the following were referred, action taken earlier today, and reported the same back with the following recommendations:

That the resolution be reported "recommends be adopted" and be placed on the House Calendar: HOUSE RESOLUTION 225.

The committee roll call vote on the foregoing Legislative Measures is as follows:

4, Yeas; 0, Nays; 0, Answering Present.

Y Currie, Barbara(D), Chairperson

Y Black, William(R)

A Hannig, Gary(D)
Y Turner, Arthur(D)

Y Hassert, Brent(R), Republican Spokesperson

COMMITTEE ON RULES REFERRALS

Representative Currie, Chairperson of the Committee on Rules, reported the following legislative measures and/or joint action motions have been assigned as follows:

Aging: SENATE BILL 1190.

Commerce & Business Development: SENATE BILLS 374 and 1906.

Elementary & Secondary Education: SENATE BILL 1321.

Executive: SENATE BILLS 73, 973, 1070, 1105, 1414, 1461, 1474, 1492, 1510, 1803, 1938, 1961 and 1983.

Judiciary II - Criminal Law: SENATE BILLS 1440 and 1441.

Labor: SENATE BILL 1360.

Local Government: SENATE BILL 1127. Registration & Regulation: SENATE BILL 255. Revenue: SENATE BILLS 594, 615, 1212 and 1378.

State Government Administration: SENATE BILLS 680, 1416 and 1865; HOUSE RESOLUTION 227.

CHANGE OF SPONSORSHIP

Representative Holbrook asked and obtained unanimous consent to be removed as chief sponsor and Representative Turner asked and obtained unanimous consent to be shown as chief sponsor of SENATE BILL 25.

Representative Moffitt asked and obtained unanimous consent to be removed as chief sponsor and Representative Smith asked and obtained unanimous consent to be shown as chief sponsor of SENATE BILL 368.

Representative Molaro asked and obtained unanimous consent to be removed as chief sponsor and Representative McKeon asked and obtained unanimous consent to be shown as chief sponsor of SENATE BILL 461.

Representative Joyce asked and obtained unanimous consent to be removed as chief sponsor and Representative Coulson asked and obtained unanimous consent to be shown as chief sponsor of SENATE BILL 533.

Representative Madigan asked and obtained unanimous consent to be removed as chief sponsor and Representative Brosnahan asked and obtained unanimous consent to be shown as chief sponsor of SENATE BILL 946.

Representative Madigan asked and obtained unanimous consent to be removed as chief sponsor and Representative Osterman asked and obtained unanimous consent to be shown as chief sponsor of SENATE BILL 947.

RESOLUTIONS

The following resolutions were offered and placed in the Committee on Rules.

HOUSE RESOLUTION 195

Offered by Representative Saviano:

WHEREAS, Cuba was a colony of Spain; in 1895, the Cubans began the war to obtain independence; and

WHEREAS, In 1898, after the USS Maine was destroyed, the United States declared war on Spain, which ended in Spanish defeat; and

WHEREAS, The United States stayed in Cuba until 1902 helping Cubans with the establishment of the first free government; on May 20, 1902, the Cuban flag was hoisted for the first time, and the independence of Cuba was declared; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we name May 20, 2003 as Cuban Independence Day in the State of Illinois.

HOUSE RESOLUTION 196

Offered by Representative Cross:

WHEREAS, The dictatorship of Iraq has continued to develop weapons of mass destruction in violation of United Nations Security Council Resolution 1441; and

WHEREAS, The dictator of Iraq, Saddam Hussein, has demonstrated a willingness to use weapons of mass destruction against neighboring nations and the citizens of Iraq; and

WHEREAS, Saddam Hussein threatens the Middle East and the global economy with the threat to use weapons of mass destruction; therefore be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we express our support for President George W. Bush, the President's Cabinet, and the men and women of the United States Armed Forces for their courage and decision to remove Saddam Hussein from power; and be it further

RESOLVED, That a suitable copy of this resolution be presented to President George W. Bush as an expression of our support.

HOUSE RESOLUTION 206

Offered by Representative Chapa LaVia:

WHEREAS, The President of the United States has activated and deployed numerous men and women of the Armed Forces from Illinois and the nation to assignments and missions related to the ongoing global war on terror and the current crisis in Iraq; and

WHEREAS, The members of the United States Armed Forces have achieved world wide renown for their zeal and patriotism in answering their nation's call to duty whenever the cause of freedom and justice is threatened by foreign tyrants and aggressors; and

WHEREAS, The uniformed men and women of our nation are once again called upon to offer their utmost devotion in the defense of their country and to bring peace to a troubled corner of the Earth; and

WHEREAS, The General Assembly and the people of Illinois have the greatest pride in the men and women of the United States Armed Forces and strongly support them in their efforts; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we unequivocally support the men and women of our armed forces who are carrying out their missions with professionalism, dedication, and courage and are nobly and selflessly serving our country without regard to their own lives and safety.

HOUSE RESOLUTION 225

Offered by Representative Black:

WHEREAS, 4-H is the largest youth organization in the State of Illinois, challenging nearly 400,000 Illinois youth and adults with unique "hands on" learning each year; and

WHEREAS, 4-H is an effective educational program based on the expertise of the United States Department of Agriculture and the University of Illinois Extension planned by local, county, and State committees; and

WHEREAS, More than 30,000 caring, nurturing adults work together with 4-H youth in family and community environments to create real life learning laboratories to help youth practice skills they need today and will continue to use in their future; and

WHEREAS, 4-H enriches Illinois youth with important programs that make countless differences in the lives of youth and adults and the communities in which they live; and

WHEREAS, 4-H is a family and community effort supplementing and complementing the home, church, and school with action-oriented and practical educational experiences; and

WHEREAS, This year, Illinois 4-H youth celebrate the national 4-H movement, an idea that was conceived by early Illinois educators and now annually reaches more than eight million American youth and is found in 82 nations around the world; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we proclaim that Tuesday, April 15, 2003 is 4-H Day at the Illinois State Capitol, and we salute the rich tradition of Illinois 4-H club work and the outstanding accomplishments of Illinois 4-H members and leaders.

HOUSE JOINT RESOLUTION 32

Offered by Representative Poe:

WHEREAS, The improper use of backpacks has a destructive impact on the posture and spinal health of children; and

WHEREAS, 55% of students carry more than the recommended national guidelines or 10.15% of body weight; and 66% of school nurses report seeing students with pain or injury attributed to carrying backpacks; and

WHEREAS, Up to 60% of children will experience back pain by the time they reach 18 years of age; and

WHEREAS, The American Academy of Orthopedics stated that backpack injury is a significant problem for children with 58% having seen patients complaining of back pain related to backpacks; and

WHEREAS, Doctors of Chiropractic are the health professionals best qualified to detect and correct the structural distortions caused by improper backpack use; and

WHEREAS, The Congress of Chiropractic State Associations has designed a National Backpack Safety program to educate school nurses, teachers, parents, school administrators, healthcare providers and students about backpack injury and ways to prevent it; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that we designate the month of April in 2003 and in each succeeding year as Backpack Safety Month in the State of Illinois; and be it further

RESOLVED, That the General Assembly urge the schools in the State of Illinois to participate in programs offered to them during Backpack Safety Month to educate youth about the risk of spinal injury caused by improper backpack use and design; and be it further

RESOLVED, That a copy of this resolution be sent to the State Board of Education.

SENATE BILLS ON FIRST READING

Having been printed, the following bill was taken up, read by title a first time and placed in the Committee on Rules: SENATE BILLS 368, 977, 1116, 1535, 1589, 1592 and 1754.

SENATE BILLS ON SECOND READING

Having been printed, the following bills were taken up, read by title a second time and advanced to the order of Third Reading: SENATE BILLS 616, 1117, 1133, 1156, 1168, 1175, 1176, 1205, 1347, 1375, 1407, 1409, 1468, 1493, 1578, 1765 and 1793.

SENATE BILL 1458. Having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Juvenile Justice Reform, adopted and printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1458 as follows:

on page 3, by inserting between lines 25 and 26 the following:

"Section 6. The Criminal Code of 1961 is amended by changing Section 24-2 as follows:

(720 ILCS 5/24-2) (from Ch. 38, par. 24-2)

- Sec. 24-2. Exemptions. (a) Subsections 24-1(a)(3), 24-1(a)(4) and 24-1(a)(10) and Section 24-1.6 do not apply to or affect any of the following:
 - (1) Peace officers, and any person summoned by a peace officer to assist in making arrests or preserving the peace, while actually engaged in assisting such officer.
 - (2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of an offense, while in the performance of their official duty, or while commuting between their homes and places of employment.
 - (3) Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard or the Reserve Officers Training Corps, while in the performance of their official duty.
 - (4) Special agents employed by a railroad or a public utility to perform police functions, and guards of armored car companies, while actually engaged in the performance of the duties of their employment or commuting between their homes and places of employment; and watchmen while actually engaged in the performance of the duties of their employment.
 - (5) Persons licensed as private security contractors, private detectives, or private alarm contractors, or employed by an agency certified by the Department of Professional Regulation, if their duties include the carrying of a weapon under the provisions of the Private Detective, Private Alarm, and Private Security Act of 1983, while actually engaged in the performance of the duties of their employment or commuting between their homes and places of employment, provided that such commuting is accomplished within one hour from departure from home or place of employment, as the case may be. Persons exempted under this subdivision (a)(5) shall be required to have completed a course of study in firearms handling and training approved and supervised by the Department of Professional Regulation as prescribed by Section 28 of the Private Detective, Private Alarm, and Private Security Act of 1983, prior to becoming eligible for this exemption. The Department of Professional Regulation shall provide suitable documentation demonstrating the successful completion of the prescribed firearms training. Such documentation shall be carried at all times when such persons are in possession of a concealable weapon.
 - (6) Any person regularly employed in a commercial or industrial operation as a security guard for the protection of persons employed and private property related to such commercial or industrial operation, while actually engaged in the performance of his or her duty or traveling between sites or properties belonging to the employer, and who, as a security guard, is a member of a security force of at least 5 persons registered with the Department of Professional Regulation; provided that such security guard has successfully completed a course of study, approved by and supervised by the Department of

Professional Regulation, consisting of not less than 40 hours of training that includes the theory of law enforcement, liability for acts, and the handling of weapons. A person shall be considered eligible for this exemption if he or she has completed the required 20 hours of training for a security officer and 20 hours of required firearm training, and has been issued a firearm authorization card by the Department of Professional Regulation. Conditions for the renewal of firearm authorization cards issued under the provisions of this Section shall be the same as for those cards issued under the provisions of the Private Detective, Private Alarm and Private Security Act of 1983. Such firearm authorization card shall be carried by the security guard at all times when he or she is in possession of a concealable weapon.

- (7) Agents and investigators of the Illinois Legislative Investigating Commission authorized by the Commission to carry the weapons specified in subsections 24-1(a)(3) and 24-1(a)(4), while on duty in the course of any investigation for the Commission.
- (8) Persons employed by a financial institution for the protection of other employees and property related to such financial institution, while actually engaged in the performance of their duties, commuting between their homes and places of employment, or traveling between sites or properties owned or operated by such financial institution, provided that any person so employed has successfully completed a course of study, approved by and supervised by the Department of Professional Regulation, consisting of not less than 40 hours of training which includes theory of law enforcement, liability for acts, and the handling of weapons. A person shall be considered to be eligible for this exemption if he or she has completed the required 20 hours of training for a security officer and 20 hours of required firearm training, and has been issued a firearm authorization card by the Department of Professional Regulation. Conditions for renewal of firearm authorization cards issued under the provisions of this Section shall be the same as for those issued under the provisions of the Private Detective, Private Alarm and Private Security Act of 1983. Such firearm authorization card shall be carried by the person so trained at all times when such person is in possession of a concealable weapon. For purposes of this subsection, "financial institution" means a bank, savings and loan association, credit union or company providing armored car services.
- (9) Any person employed by an armored car company to drive an armored car, while actually engaged in the performance of his duties.
- (10) Persons who have been classified as peace officers pursuant to the Peace Officer Fire Investigation Act.
- (11) Investigators of the Office of the State's Attorneys Appellate Prosecutor authorized by the board of governors of the Office of the State's Attorneys Appellate Prosecutor to carry weapons pursuant to Section 7.06 of the State's Attorneys Appellate Prosecutor's Act.
- (12) Special investigators appointed by a State's Attorney under Section 3-9005 of the Counties Code.
- (12.5) Probation officers while in the performance of their duties, or while commuting between their homes, places of employment or specific locations that are part of their assigned duties, with the consent of the chief judge of the circuit for which they are employed.
- (13) Court Security Officers while in the performance of their official duties, or while commuting between their homes and places of employment, with the consent of the Sheriff.
- (13.5) A person employed as an armed security guard at a nuclear energy, storage, weapons or development site or facility regulated by the Nuclear Regulatory Commission who has completed the background screening and training mandated by the rules and regulations of the Nuclear Regulatory Commission.
- (14) Manufacture, transportation, or sale of weapons to persons authorized under subdivisions (1) through (13.5) of this subsection to possess those weapons.
- (b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section 24-1.6 do not apply to or affect any of the following:
 - (1) Members of any club or organization organized for the purpose of practicing shooting at targets upon established target ranges, whether public or private, and patrons of such ranges, while such members or patrons are using their firearms on those target ranges.
 - (2) Duly authorized military or civil organizations while parading, with the special permission of the Governor.
 - (3) Hunters, trappers or fishermen with a license or permit while engaged in hunting, trapping or fishing.
 - (4) Transportation of weapons that are broken down in a non-functioning state or are not immediately accessible.

- (c) Subsection 24-1(a)(7) does not apply to or affect any of the following:
 - (1) Peace officers while in performance of their official duties.
- (2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of an offense.
- (3) Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard, while in the performance of their official duty.
- (4) Manufacture, transportation, or sale of machine guns to persons authorized under subdivisions (1) through (3) of this subsection to possess machine guns, if the machine guns are broken down in a non-functioning state or are not immediately accessible.
- (5) Persons licensed under federal law to manufacture any weapon from which 8 or more shots or bullets can be discharged by a single function of the firing device, or ammunition for such weapons, and actually engaged in the business of manufacturing such weapons or ammunition, but only with respect to activities which are within the lawful scope of such business, such as the manufacture, transportation, or testing of such weapons or ammunition. This exemption does not authorize the general private possession of any weapon from which 8 or more shots or bullets can be discharged by a single function of the firing device, but only such possession and activities as are within the lawful scope of a licensed manufacturing business described in this paragraph.

During transportation, such weapons shall be broken down in a non-functioning state or not immediately accessible.

(6) The manufacture, transport, testing, delivery, transfer or sale, and all lawful commercial or experimental activities necessary thereto, of rifles, shotguns, and weapons made from rifles or shotguns, or ammunition for such rifles, shotguns or weapons, where engaged in by a person operating as a contractor or subcontractor pursuant to a contract or subcontract for the development and supply of such rifles, shotguns, weapons or ammunition to the United States government or any branch of the Armed Forces of the United States, when such activities are necessary and incident to fulfilling the terms of such contract.

The exemption granted under this subdivision (c)(6) shall also apply to any authorized agent of any such contractor or subcontractor who is operating within the scope of his employment, where such activities involving such weapon, weapons or ammunition are necessary and incident to fulfilling the terms of such contract.

During transportation, any such weapon shall be broken down in a non-functioning state, or not immediately accessible.

- (d) Subsection 24-1(a)(1) does not apply to the purchase, possession or carrying of a black-jack or slung-shot by a peace officer.
- (e) Subsection 24-1(a)(8) does not apply to any owner, manager or authorized employee of any place specified in that subsection nor to any law enforcement officer.
- (f) Subsection 24-1(a)(4) and subsection 24-1(a)(10) and Section 24-1.6 do not apply to members of any club or organization organized for the purpose of practicing shooting at targets upon established target ranges, whether public or private, while using their firearms on those target ranges.
 - (g) Subsections 24-1(a)(11) and 24-3.1(a)(6) do not apply to:
 - (1) Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard, while in the performance of their official duty.
 - (2) Bonafide collectors of antique or surplus military ordinance.
 - (3) Laboratories having a department of forensic ballistics, or specializing in the development of ammunition or explosive ordinance.
 - (4) Commerce, preparation, assembly or possession of explosive bullets by manufacturers of ammunition licensed by the federal government, in connection with the supply of those organizations and persons exempted by subdivision (g)(1) of this Section, or like organizations and persons outside this State, or the transportation of explosive bullets to any organization or person exempted in this Section by a common carrier or by a vehicle owned or leased by an exempted manufacturer.
- (h) An information or indictment based upon a violation of any subsection of this Article need not negative any exemptions contained in this Article. The defendant shall have the burden of proving such an exemption
- (i) Nothing in this Article shall prohibit, apply to, or affect the transportation, carrying, or possession, of any pistol or revolver, stun gun, taser, or other firearm consigned to a common carrier operating under license of the State of Illinois or the federal government, where such transportation, carrying, or possession is incident to the lawful transportation in which such common carrier is engaged; and nothing in this Article

shall prohibit, apply to, or affect the transportation, carrying, or possession of any pistol, revolver, stun gun, taser, or other firearm, not the subject of and regulated by subsection 24-1(a)(7) or subsection 24-2(c) of this Article, which is unloaded and enclosed in a case, firearm carrying box, shipping box, or other container, by the possessor of a valid Firearm Owners Identification Card. (Source: P.A. 91-287, eff. 1-1-00; 91-690, eff. 4-13-00; 92-325, eff. 8-9-01.)".

The motion prevailed and the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 1 was adopted and the bill, as amended, was advanced to the order of Third Reading.

Having been printed, the following bills were taken up, read by title a second time and advanced to the order of Third Reading: SENATE BILLS 41, 43, 64, 66, 90, 108, 171, 195, 211, 230 and 1498.

SUSPEND POSTING REQUIREMENTS

Pursuant to the motion submitted previously, Representative Hoffman moved to suspend the posting requirements in Rule 25 in relation to House Resolution 192 and House Joint Resolution 30 and to be heard in the Transportation Committee.

The motion was adopted.

At the hour of 2:35 o'clock p.m., Representative Currie moved that the House do now adjourn until Tuesday, April 15, 2003, at 12:00 o'clock noon.

The motion prevailed.

And the House stood adjourned.

STATE OF ILLINOIS NINETY-THIRD GENERAL ASSEMBLY HOUSE ROLL CALL QUORUM ROLL CALL FOR ATTENDANCE

April 14, 2003

0 YEAS	0 NAYS	115 PRESENT	
P Acevedo P Aguilar P Bailey	P Dunkin P Dunn P Eddy	P Leitch P Lindner P Lyons, Eileen	P Phelps P Pihos P Poe
P Bassi	P Feigenholtz	P Lyons, Joseph	P Reitz
P Beaubien	P Flider	P Mathias	P Rita
P Bellock	P Flowers	P Mautino	P Rose
P Berrios	A Forby	P May	P Ryg
P Biggins	P Franks	P McAuliffe	P Sacia
P Black	P Fritchey	P McCarthy	P Saviano
P Boland	P Froehlich	P McGuire	P Schmitz
P Bost	P Giles	P McKeon	P Scully
P Bradley	P Graham	P Mendoza	E Slone
P Brady	P Granberg	P Meyer	P Smith
P Brauer	P Hamos	P Miller	P Sommer
P Brosnahan	P Hannig	P Millner	P Soto
E Burke	P Hartke	P Mitchell, Bill	P Stephens
P Capparelli	P Hassert	P Mitchell, Jerry	P Sullivan
P Chapa LaVia	P Hoffman	P Moffitt	P Tenhouse
P Churchill	P Holbrook	P Molaro	P Turner
P Collins	P Howard	P Morrow	P Verschoore
P Colvin	P Hultgren	P Mulligan	P Wait
P Coulson	P Jakobsson	P Munson	P Washington
P Cross	P Jefferson	P Myers	P Watson
P Cultra	P Jones	P Nekritz	P Winters
P Currie	P Joyce	P Novak	P Wirsing
P Daniels	P Kelly	P O'Brien	P Yarbrough
P Davis, Monique	P Kosel	P Osmond	P Younge
P Davis, Steve	P Krause	P Osterman	P Mr. Speaker
P Davis, Will	P Kurtz	P Pankau	
P Delgado	P Lang	P Parke	

E - Denotes Excused Absence