

**STATE OF ILLINOIS**



# **HOUSE JOURNAL**

**HOUSE OF REPRESENTATIVES**

**NINETY-THIRD GENERAL ASSEMBLY**

**159TH LEGISLATIVE DAY**

**TUESDAY, JULY 13, 2004**

**12:30 O'CLOCK P.M.**

**HOUSE OF REPRESENTATIVES  
Daily Journal Index  
159th Legislative Day**

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The House met pursuant to adjournment.

Representative Granberg in the chair.

Prayer by Lee A. Crawford, Assistant Pastor with the Victory Temple Church in Springfield, IL.

Representative Watson 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:

101 present. (ROLL CALL 1)

By unanimous consent, Representatives Beaubien, Biggins, Black, Collins, Currie, Dunkin, Feigenholtz, Graham, Howard, Kelly, Lindner, Mathias, Jerry Mitchell, Myers, Osmond, Osterman, Slone and Sommer were excused from attendance.

#### **REQUEST TO BE SHOWN ON QUORUM**

Having been absent when the Quorum Roll Call for Attendance was taken, this is to advise you that I, Representative Myers, should be recorded as present at the hour of 1:50 p.m.

Having been absent when the Quorum Roll Call for Attendance was taken, this is to advise you that I, Representative Morrow, should be recorded as present at the hour of 12:43 p.m.

#### **TEMPORARY COMMITTEE ASSIGNMENT**

Representative Lang replaced Representative Currie in the Committee on Rules for today only.

#### **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 bill be reported "approved for consideration" and be placed on the order of Concurrence: HOUSE BILL 623.

That the bill be reported "approved for consideration" and be placed on the order of Second Reading: SENATE BILL 2263.

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 (Lang)

A Black, William(R)

Y Hannig, Gary(D)

Y Hassert, Brent(R), Republican Spokesperson

Y Turner, Arthur(D)

#### **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:

Commerce & Business Development: Motion to Concur with HOUSE AMENDMENT No. 1 to HOUSE BILL 623.

State Government Administration: HOUSE AMENDMENT No. 1 to SENATE BILL 2263.

#### **MOTIONS SUBMITTED**

Representative Younge submitted the following written motion, which was referred to the Committee on Rules:

**MOTION**

I move to concur with Senate Amendment No. 1 to HOUSE BILL 623.

**REPORT FROM STANDING COMMITTEES**

Representative Giles, Chairperson, from the Committee on Elementary & Secondary Education to which the following were referred, action taken earlier today, and reported the same back with the following recommendations:

That the Floor Amendment be reported "recommends be adopted":

Amendment No. 2 to SENATE BILL 1955.

The committee roll call vote on Amendment No. 2 to Senate Bill 1955 is as follows:

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

- |   |                                      |
|---|--------------------------------------|
| Y Giles,Calvin(D), Chairperson            | Y Bassi,Suzanne(R)                   |
| A Collins,Annazette(D)                    | Y Colvin,Marlow(D)                   |
| A Currie,Barbara(D)                       | Y Davis,Monique(D), Vice-Chairperson |
| Y Eddy,Roger(R)                           | Y Joyce,Kevin(D)                     |
| Y Kosel,Renee(R), Republican Spokesperson | Y Krause,Carolyn(R)                  |
| Y Miller,David(D)                         | A Mitchell,Jerry(R)                  |
| Y Moffitt,Donald(R)                       | A Mulligan,Rosemary(R)               |
| A Osterman,Harry(D)                       | A Smith,Michael(D)                   |
| Y Watson,Jim(R)                           | Y Yarbrough,Karen(D)                 |

**DISTRIBUTION OF SUPPLEMENTAL CALENDAR**

Supplemental Calendar No. 1 was distributed to the Members at 12:31 o'clock p.m.

**SENATE BILLS ON SECOND READING**

SENATE BILL 1955. Having been read by title a second time on May 29, 2003, and held on the order of Second Reading, the same was again taken up.

Representative Madigan offered the following amendment and moved its adoption.

AMENDMENT NO. 2. Amend Senate Bill 1955, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Section 10-20.12b as follows:  
(105 ILCS 5/10-20.12b)

Sec. 10-20.12b. Residency; payment of tuition; hearing; criminal penalty.

(a) For purposes of this Section:

(1) The residence of a person who has legal custody of a pupil is deemed to be the residence of the pupil.

(2) "Legal custody" means one of the following:

(i) Custody exercised by a natural or adoptive parent with whom the pupil resides.

(ii) Custody granted by order of a court of competent jurisdiction to a person with whom the pupil resides for reasons other than to have access to the educational programs of the district.

(iii) Custody exercised under a statutory short-term guardianship, provided that within 60 days of the pupil's enrollment a court order is entered that establishes a permanent guardianship and grants custody to a person with whom the pupil resides for reasons other than to have access to the educational programs of the district.

(iv) Custody exercised by an adult caretaker relative who is receiving aid under the Illinois Public Aid Code for the pupil who resides with that adult caretaker relative for purposes

other than to have access to the educational programs of the district.

(v) Custody exercised by an adult who demonstrates that, in fact, he or she has assumed and exercises legal responsibility for the pupil and provides the pupil with a regular fixed night-time abode for purposes other than to have access to the educational programs of the district.

(a-5) If a pupil's change of residence is due to a military service obligation of a person who has legal custody of the pupil, upon the written request of the person having legal custody of the pupil, the residence of the pupil shall be deemed for all purposes relating to enrollment (including tuition, fees, and costs), for the duration of the custodian's military service obligation, to be the same as the residence of the pupil immediately before the change of residence caused by the military service obligation. A school district shall not be responsible to provide transportation to or from school for a pupil whose residence is determined under this subsection (a-5). School districts shall facilitate re-enrollment when necessary to comply with this subsection (a-5).

(b) Except as otherwise provided under Section 10-22.5a, only resident pupils of a school district may attend the schools of the district without payment of the tuition required to be charged under Section 10-20.12a. However, children for whom the Guardianship Administrator of the Department of Children and Family Services has been appointed temporary custodian or guardian of the person of a child shall not be charged tuition as a nonresident pupil if the child was placed by the Department of Children and Family Services with a foster parent or placed in another type of child care facility and the foster parent or child care facility is located in a school district other than the child's former school district and it is determined by the Department of Children and Family Services to be in the child's best interest to maintain attendance at his or her former school district.

(c) The provisions of this subsection do not apply in school districts having a population of 500,000 or more. If a school board in a school district with a population of less than 500,000 determines that a pupil who is attending school in the district on a tuition free basis is a nonresident of the district for whom tuition is required to be charged under Section 10-20.12a, the board shall notify the person who enrolled the pupil of the amount of the tuition charged under Section 10-20.12a that is due to the district for the nonresident pupil's attendance in the district's schools. The notice shall be given by certified mail, return receipt requested. Within 10 days after receipt of the notice, the person who enrolled the pupil may request a hearing to review the determination of the school board. The request shall be sent by certified mail, return receipt requested, to the district superintendent. Within 10 days after receipt of the request, the board shall notify, by certified mail, return receipt requested, the person requesting the hearing of the time and place of the hearing, which shall be held not less than 10 nor more than 20 days after the notice of hearing is given. The board or a hearing officer designated by the board shall conduct the hearing. The board and the person who enrolled the pupil may be represented at the hearing by representatives of their choice. At the hearing, the person who enrolled the pupil shall have the burden of going forward with the evidence concerning the pupil's residency. If the hearing is conducted by a hearing officer, the hearing officer, within 5 days after the conclusion of the hearing, shall send a written report of his or her findings by certified mail, return receipt requested, to the school board and to the person who enrolled the pupil. The person who enrolled the pupil may, within 5 days after receiving the findings, file written objections to the findings with the school board by sending the objections by certified mail, return receipt requested, addressed to the district superintendent. Whether the hearing is conducted by the school board or a hearing officer, the school board shall, within 15 days after the conclusion of the hearing, decide whether or not the pupil is a resident of the district and the amount of any tuition required to be charged under Section 10-20.12a as a result of the pupil's attendance in the schools of the district. The school board shall send a copy of its decision to the person who enrolled the pupil, and the decision of the school board shall be final.

(c-5) The provisions of this subsection apply only in school districts having a population of 500,000 or more. If the board of education of a school district with a population of 500,000 or more determines that a pupil who is attending school in the district on a tuition free basis is a nonresident of the district for whom tuition is required to be charged under Section 10-20.12a, the board shall notify the person who enrolled the pupil of the amount of the tuition charged under Section 10-20.12a that is due to the district for the nonresident pupil's attendance in the district's schools. The notice shall be given by certified mail, return receipt requested. Within 10 days after receipt of the notice, the person who enrolled the pupil may request a hearing to review the determination of the school board. The request shall be sent by certified mail, return receipt requested, to the district superintendent. Within 30 days after receipt of the request, the board shall notify, by certified mail, return receipt requested, the person requesting the hearing of the time and place of the hearing, which shall be held not less than 10 nor more than 30 days after the notice of hearing is given. The board or a hearing officer designated by the board shall conduct the hearing. The board and the person

who enrolled the pupil may each be represented at the hearing by a representative of their choice. At the hearing, the person who enrolled the pupil shall have the burden of going forward with the evidence concerning the pupil's residency. If the hearing is conducted by a hearing officer, the hearing officer, within 20 days after the conclusion of the hearing, shall serve a written report of his or her findings by personal service or by certified mail, return receipt requested, to the school board and to the person who enrolled the pupil. The person who enrolled the pupil may, within 10 days after receiving the findings, file written objections to the findings with the board of education by sending the objections by certified mail, return receipt requested, addressed to the general superintendent of schools. If the hearing is conducted by the board of education, the board shall, within 45 days after the conclusion of the hearing, decide whether or not the pupil is a resident of the district and the amount of any tuition required to be charged under Section 10-20.12a as a result of the pupil's attendance in the schools of the district. If the hearing is conducted by a hearing officer, the board of education shall, within 45 days after the receipt of the hearing officer's findings, decide whether or not the pupil is a resident of the district and the amount of any tuition required to be charged under Section 10-20.12a as a result of the pupil's attendance in the schools of the district. The board of education shall send, by certified mail, return receipt requested, a copy of its decision to the person who enrolled the pupil, and the decision of the board shall be final.

(d) If a hearing is requested under subsection (c) or (c-5) to review the determination of the school board or board of education that a nonresident pupil is attending the schools of the district without payment of the tuition required to be charged under Section 10-20.12a, the pupil may, at the request of a person who enrolled the pupil, continue attendance at the schools of the district pending a final decision of the board following the hearing. However, attendance of that pupil in the schools of the district as authorized by this subsection (d) shall not relieve any person who enrolled the pupil of the obligation to pay the tuition charged for that attendance under Section 10-20.12a if the final decision of the board is that the pupil is a nonresident of the district. If a pupil is determined to be a nonresident of the district for whom tuition is required to be charged pursuant to this Section, the board shall refuse to permit the pupil to continue attending the schools of the district unless the required tuition is paid for the pupil.

(e) Except for a pupil referred to in subsection (b) of Section 10-22.5a, a pupil referred to in Section 10-20.12a, or a pupil referred to in subsection (b) of this Section, a person who knowingly enrolls or attempts to enroll in the schools of a school district on a tuition free basis a pupil known by that person to be a nonresident of the district shall be guilty of a Class C misdemeanor.

(f) A person who knowingly or wilfully presents to any school district any false information regarding the residency of a pupil for the purpose of enabling that pupil to attend any school in that district without the payment of a nonresident tuition charge shall be guilty of a Class C misdemeanor.

(g) The provisions of this Section are subject to the provisions of the Education for Homeless Children Act. Nothing in this Section shall be construed to apply to or require the payment of tuition by a parent or guardian of a "homeless child" (as that term is defined in Section 1-5 of the Education for Homeless Children Act) in connection with or as a result of the homeless child's continued education or enrollment in a school that is chosen in accordance with any of the options provided in Section 1-10 of that Act.

(Source: P.A. 89-480, eff. 1-1-97; 90-566, eff. 1-2-98.)

Section 99. Effective date. This Act takes effect upon becoming law."

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

There being no further amendments, the foregoing Amendment No. 2 was adopted and the bill, as amended, was advanced to the order of Third Reading.

### SENATE BILL ON THIRD READING

The following bill and any amendments adopted thereto was printed and laid upon the Members' desks. Any amendments pending were tabled pursuant to Rule 40(a).

On motion of Representative Madigan, SENATE BILL 1955 was taken up and read by title a third time. A three-fifths vote is required.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 99, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 2)

This bill, as amended, having received the votes of three-fifths of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate thereof and ask their concurrence in the House amendment/s adopted thereto.

#### **SENATE BILL ON SECOND READING**

Having been printed, the following bill was taken up, read by title a second time and held on the order of Second Reading: SENATE BILL 2263.

At the hour of 12:46 o'clock p.m., Representative Hannig moved that the House do now adjourn until Wednesday, July 14, 2004, 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 FOR ATTENDANCE

July 13, 2004

0 YEAS

0 NAYS

101 PRESENT

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

E - Denotes Excused Absence



STATE OF ILLINOIS  
 NINETY-THIRD  
 GENERAL ASSEMBLY  
 HOUSE ROLL CALL  
 SENATE BILL 1955  
 SCHOOL FUNDING-TECH  
 THIRD READING  
 PASSED  
 3/5 VOTE REQUIRED

July 13, 2004

99 YEAS

0 NAYS

0 PRESENT

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

E - Denotes Excused Absence