

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

116th Legislative Day

April 5, 2000

Speaker Madigan: "The House shall come to order. The Members shall be in their chairs. We shall be led in prayer today by Paster Cynthia McBride of the First Christian Church in Bloomington. Paster McBride is a guest of Representative Brady. The guests in the gallery may wish to rise and join us for the invocation."

Paster McBride: "Let us be in an attitude of prayer. Most Holy God, who breathed the world into existence, we call upon You this day for the gifts of wisdom, guidance, and compassion. At the beginning of Creation, You moved upon the waters. In ancient lands You spoke through prophets. For people of faith, able to glimpse Your hand at work it is clear that You still breathe and stir and move among and within our lives today. In this place, on this day, make Your presence known. Bless the work that is to be done. Bless these leaders who represent the people of Illinois. With wisdom, guide both their process of discerning and the final fruits of their labor. In times of stress, still their minds to hear Your voice. And always, stir their hearts with deep passion to listen to the needs of our people, most especially, for those who have no voice, the poor, the marginalized, the forgotten elder, the neglected child. Oh Sovereign Lord, keep us far from the temptation to take the easy path, to care more for money or comforts or prestige than for Your people. In our daily life, help us to find that place where our talents are fulfilled as our deepest joy meets the world's greatest need. For at such a point, where we can both smile and wipe away a tear, we shall see Your face. In the name of the one who is called our Rock and our Redeemer, may it be so. Amen."

Speaker Madigan: "Everyone shall remain standing. In recognition of the Illinois National Guards' many contributions to the

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state and the nation, Governor Ryan has proclaimed April 5, 2000, as Illinois National Guard Day throughout the state. To highlight this occasion, the Illinois National Guard will present a Flag Ceremony for House Members in conjunction with the Pledge of Allegiance. With us today we have Brigadier General Dave Harris, a former Member of the House, and the Adjutant General for the Illinois National Guard and Technical Sergeant Les Morgan from the 83rd Fighter Wing, who will narrate today's Flag Ceremony."

Sergeant Morgan: "On behalf of the Illinois National Guard, we proudly present the pageantry of the Stars and Stripes, a brief history of the American Flag. Please remain standing for the Colors being presented by the Illinois Army and Air National Guard Joint Honor Guard. You may be seated. This flag, known as the King's Colors, presented by Technical Sergeant, Marianne Chapman from the Air National Guard wearing the battle dress uniform. This is the old British Union Flag, more commonly known as a Union Jack, which differs slightly from the Union Flag of today. It is perhaps the most famous flag in all history. It flew over the British Colonies in North America from the landing of the first colonists at Jamestown and at Plymouth until the Revolution. It flew over what was to become the United States territory longer than any other flag. Although flown as a Jack by ships, the Union Flag was and is today used chiefly on land. When used as a military flag it frequently bears regimental badges and is referred to as a King's or Queen's Colors. The Union Flag was designed in 1603 at the time of the union of the Crowns of England and Scotland. Here we have the cross of St. George and the cross of St. Andrew's in one flag. The next flag, known as a Grand Union Flag, presented by Sergeant Nick Mollack,

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from the Army National Guard wearing a battle dress uniform. The need for one flag to be used by the American Forces and by the Navy in particular, became more and more apparent. To serve this need the Grand Union Flag was adopted. The Grand Union Flag, a combination of British and Revolutionary elements, is remarkable for a strange and thus far unexplained fact. It appears to be the same design used for many years by the East India Company, whose policies contributed to the outbreak of the Revolution. This flag served the United Colonies from January, 1776, until the adoption of the first Stars and Stripes. The Grand Union Flag was raised first over General George Washington's encampments at Cambridge and Sommersville, outside Boston. It is believed that John Paul Jones personally raised this flag above his battleship when he sailed out of the harbor. And the next flag, known as a 13 Star Flag, is presented by First Lieutenant Sheila Perry, from the Air National Guard, wearing the service dress uniform. The first Stars and Stripes were adopted on June 14, 1777, by a resolution of the Continental Congress. This resolution stated that the flag of the 13 United States be 13 stars, white in a blue field, representing a new constellation. This is a version of the United States Flag as we know it today. And its birthday, June 14th, is commemorated each year as Flag Day. The early history of the Stars and Stripes is obscure. Its first use on land was probably in 1777, nevertheless, as was the case with the Grand Union Flag, land forces did not usually carry the Stars and Stripes, but used their own local or regimental flags. The next flag, known as the 15 Star Flag, presented by Specialist Keith Hildebrandt from the Army National Guard, wearing a Class A uniform. With the passage of

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time, new states were admitted to the Union. This disturbed the plan employed in designing the Stars and Stripes whereby each state of the Union was represented by one stripe. Congress passed a Act providing that after 1 May, 1795, the national flag will have 15 stars and 15 stripes with the additional Stars and Stripes representing the recently admitted States of Vermont and Kentucky. This flag was used for the next 23 years and was sometimes referred to as a flag of 15 stripes. It was used during the Tripoli Expedition of 1805 and the War of 1812. Under this flag, our National Anthem was written. The next flag, known as the Civil War Flag, presented by Senior Airman Joe Hicks, from the Air National Guard, wearing the Desert Dress uniform. At the beginning of the Civil War, it was suggested to President Lincoln that the existing national flag be divided diagonally in half. The North would use the upper portion and make the lower portion white, while the Confederacy would use the opposite arrangement. However, neither side thought very much of this idea. The Union retained the full number of stars contrary to another suggestion that the stars representing the seceded states should be removed. In fact, two stars were added to the 34 Star Flag in 1861. The flag shown here is a 36 star version and was used during the last years of the Civil War. And the next flag, known as the 48 Star Flag, is presented by Sergeant Mary Stanbaugh, from the Army National Guard, wearing the Army Dress Blue uniform. The 48 star version of the Stars and Stripes is rather remarkable for its long career. Beginning in 1912, was the admission of New Mexico and Arizona to the Union and continuing until 1959 with the admission of Alaska. It is this flag, referred to by President Wilson in his Flag Day

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message when he said, 'This flag, which we honor and under which we serve, is the emblem of our unity, our power and our thought and purpose as a nation. It has no other charter than that which we give to from generation to generation. The choices are ours. It floats in majestic silence above the men and the women that execute those choices, whether in peace or in war and yet, though silent, it speaks to us. It speaks to us of the past, of the men and women who went before us and the records they wrote upon it. And the final flag, known as the 50 Star Flag, presented by First Lieutenant, Raol Rezeriel, from the Air National Guard, wearing the Pilot Flight suit. In 1960, the present 50 Star Flag came into use with the admission of Hawaii as the 50th state of the Union. The practice, which originated in 1818, of adding a star to the flag for every newly created state has continued to the present day and resulted in the flag in use at the present time. The admission of Hawaii to the Union produced the flag shown here which came into use officially on July 4, 1960. Thus, in a little less than 200 years the Stars and Stripes has increased its constellation from 13 to 50 bright and shining stars. In doing so, it has reflected the story of the American Union, which has prospered and grown from a small beginning of 13 colonies along the Atlantic Seacoast to its present wealth and power, comprising 50 states which extend from ocean to ocean and beyond. Since the adoption of the Stars and Stripes, there have been 27 flags. Francis Bellamy wrote the pledge for the observance of the 400th anniversary of the discovery of America by Columbus. His job was to promote patriotism and the flying of the flag. Bellamy visited President Harrison in Washington and asked him to endorse the idea of a flag over every

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schoolhouse, and the teaching of patriotism in all schools. President Harrison signed the proclamation that said, 'Let the National Flag float over every schoolhouse in the country, and the exercise be such that shall impress upon our youth the patriotic duties of American citizenship. Francis Bellamy wrote these famous words first printed in Youth's Companion, 8 September, 1892, 'I pledge allegiance to the flag of the United States and to the Republic for which it stands, one nation, indivisible, with liberty and justice for all.' Two changes were made to the pledge. In 1924 the words 'of America' were added. A further change to the pledge was made by the House Joint Resolution approved by President Eisenhower. This amended the language by adding the words 'under God', so that the pledge now reads, 'One nation, under God, indivisible, with liberty and justice for all. Will you please stand and join me for the Pledge of Allegiance to the Flag?'"

Sergeant Morgan - 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. Please remain standing for the retiring of the colors. On behalf of the Illinois Army and Air National Guard, thank you for your attention. We would like to cordially invite you to visit our displays and soldiers and airmen in the rotunda and outside along Monroe Street. This concludes our program."

Speaker Madigan: "If everyone would remain standing, Mr. Clerk, read House Resolution 661."

Clerk Rossi: "House Resolution 661, offered by Speaker Madigan and Leader Daniels."

HOUSE RESOLUTION

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WHEREAS, Illinois Patriots, such as Colonel George Rogers Clark, have always quickly answered the call to arms with pride and professionalism; and

WHEREAS, Five brigades of Illinois volunteers, including Abraham Lincoln, were mustered in April 1832 to defend settlers and end hostilities during the Black Hawk War; and

WHEREAS, Six Illinois militia regiments and five independent companies volunteered for the Mexican American War; and

WHEREAS, Illinois provided the Union with leaders such as President Lincoln and Generals Grant, Logan, and McClernand, as well as more than 250,000 men during the Civil War, the largest contingent of any state; and

WHEREAS, Units in the Chicago area kept order in the aftermath of the Great Chicago Fire; and

WHEREAS, Illinois was the first state to respond to the Federal call for troops and mustered ten regiments, including Poet Carl Sandburg, and the Naval Militia for service in the Spanish American War; and

WHEREAS, The Illinois National Guard was called for service to pursue Pancho Villa and restore peace on the Mexican Border in 1916; and

WHEREAS, 25,000 Illinois National Guard troops were mobilized during WWI and nine Illinois soldiers of the 33rd Infantry Division received Medals of Honor for their heroic conduct; and

WHEREAS, The 33rd Infantry Division helped recapture the Philippines and Illinois National Guard units served in all theatres of WWII; and

WHEREAS, Illinois National Guard units served in both the

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Korean Conflict and the Vietnam War; and

WHEREAS, The 170th Fighter Squadron, Illinois Air National Guard, and several Army National Guard units were called to active duty during the Berlin Crisis; and

WHEREAS, In 1993, when the Mississippi and Illinois Rivers flooded their banks, 7,000 members of the Illinois National Guard provided assistance to their fellow Illinoisans who were displaced; and

WHEREAS, 1,200 Illinois Army and Air National Guard members have been recently deployed to support operations in Macedonia, Kosovo, and Iraq; and

WHEREAS, The Illinois National Guard Drug Reduction Program assists local law enforcement in removing illegal drugs from Illinois communities; and

WHEREAS, The Illinois National Guard sponsors Lincoln's Challenge and Operation First Choice which provide training, mentorship, and other services designed to meet the needs of the youth of Illinois; and

WHEREAS, Illinois National Guard members daily serve their Nation, State, and local communities; and

WHEREAS, George H. Ryan, Governor of the State of Illinois, has proclaimed April 5, 2000 as ILLINOIS NATIONAL GUARD DAY in Illinois; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIRST GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we commend the men and women of the Illinois National Guard for their long and outstanding service to the State of Illinois; and be it further

RESOLVED, That a suitable copy of this resolution be presented

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to the Adjutant General for the State of Illinois in conjunction with Illinois National Guard Day on April 5, 2000."

Speaker Madigan: "Ladies and Gentlemen, we will adopt that Resolution just as soon as we do our quorum call, which we can do right now. So Roll Call for Attendance. Representative Currie."

Currie: "Thank you, Speaker. Please let the record reflect that there are no excused absences on this side of the aisle."

Speaker Madigan: "Mr. Poe."

Poe: "Mr. Speaker, let the record also show that all Republicans are present today."

Speaker Madigan: "Mr. Clerk, take the record. There being 118 Members responding to the Attendance Roll Call, there is a quorum present. There is a Motion by Representative Currie to adopt House Resolution 661. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Resolution is adopted. Mr. Clerk."

Clerk Bolin: "Committee Reports. Representative Calvin Giles, Chairperson from the Committee on Local Government, to which the following measure/s was/were referred, action taken on April 5, 2000, reported the same back with the following recommendation/s: 'do pass as amended Short Debate' Senate Bill 1577, Representative Dart, Chairperson from the Committee on Judiciary I-Civil Law, to which the following measure/s was/were referred, action taken on April 5, 2000, reported the same back with the following recommendation/s: 'do pass Standard Debate' Senate Bill 1393. Introduction of Resolutions. House Resolution 718, offered by Representative Black; House Joint Resolution 58, offered by Representative Julie Curry, and Senate Joint Resolution #25, offered by Representative Reitz. These Resolutions are referred to the House Rules Committee."

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Speaker Madigan: "Mr. McGuire. Mr. McGuire."

McGuire: "Thank you, Mr. Speaker. I'd like a point of personal privilege here, but before I do, I'd like to identify that the St. Joseph Grade School from Joliet is here, but before I introduce them, they got lost from their principal. Your principal is outside the door and I believe you are in the gallery. Where are you? They left. They were here. I'm trying to get you together with your principal, thank you."

Speaker Madigan: "Representative Klingler."

Klingler: "Point of personal privilege. I'd like to acknowledge in the balcony the eighth grade class from Trinity Lutheran School in Springfield and their teacher, Russ Benning. Would you stand? Thank you."

Speaker Madigan: "Shirley Jones."

Jones, S.: "Mr. Speaker, for a personal privilege, I have Kimberly Johnson here that represented the State of Illinois for the All Illinois Economic Team for the Phi Beta Kappa. Thank you."

Speaker Madigan: "Representative Wirsing. Wirsing."

Wirsing: "Yes. Point of personal privilege, Mr. Speaker. Actually, I have two groups here today from the district. The one is what we call my Youth Advisory Committee of the 70th District is here for a 2-day visit to Springfield. I want to recognize them and also, there is a group here of eighth graders from DeKalb County, which is in my district as well, so I would appreciate a nice warm Springfield welcome."

Speaker Madigan: "Mr. Brunsvold."

Brunsvold: "Thank you, Mr. Speaker. Ladies and Gentlemen, the 2000 Illinois House/Senate Softball game is tonight. Hey, lots of food and fun, Lincoln Park at 5 p.m. this afternoon. Come and see who takes the trophy home this

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year. Shirley Jones, Representative Shirley Jones is leading the cheerleading staff out there tonight. Give us a little cheer, Shirley. There she goes, she's ready. So, let's see everybody there tonight, the House/Senate Softball game and root the House on."

Speaker Madigan: "Representative Zickus."

Zickus: "Thank you, Mr. Speaker. I rise on a point of personal privilege and would like to recognize the students and president of Moraine Valley Community College from Palos Hills, who are here with us today."

Speaker Madigan: "Mr. Hartke in the Chair."

Speaker Hartke: "On page 3 on the Calendar, on Third Reading, appears Senate Bill 1273. Representative Scully. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1273, a Bill for an Act to amend the Harassing and Obscene Communications Act. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Scully."

Scully: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Ladies and Gentlemen, I present to you Senate Bill 1273 to expand the scope of the Harassing and Obscene Communications Act to cover harassing or inducing a third party to harass, anyone under the age of 13-years-old. Penalty would be a Class IV felony. This Bill is offered to address a situation that occurred in Will County where an adult male posted false messages in an Internet chat room identifying his personal neighbor, a minor female, as a person interested in obscene sexual acts, thereby inducing third parties on the internet to harass this young lady with illicit E-mail messages. The poor family had to change their telephone number, their E-mail address and eventually, they had to move out of their home in order to

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avoid this harassment. The worst part of it is that the penalty was merely a Class A misdemeanor. I'd ask for your support in this legislation and I'd welcome your questions."

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

Skinner: "Mr. Speaker, could we pretend this is an important Bill? Could you make it a little less noisy, so we could hear what the Gentleman's talking about?"

Speaker Hartke: "Ladies and Gentlemen, let's tone it down in here just a little bit. Please. This is a Third Reading. Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 1273?' 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 Senate Bill 1273, there are 118 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And on this Bill, having received a Constitutional Majority, is hereby declared passed. On page 3 of the Calendar, on Third Reading, appears Senate Bill 1248. Representative Bost. Representative Bost. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1248, a Bill for an Act creating the Fire Equipment Distributor and Employee Regulation Act of 2000. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Bost."

Bost: "Thank you, Mr. Speaker, Members of the House. Senate Bill 1248 reenacts the Fire Equipment Distribution and Employee Regulation Act and grandfathers in those persons that held valid license in the past. What this does is, is just reenact the regulations that were set forth. The Bill

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sunset at the end of last year and this simply reenacts the existing legislation. I'd be glad to answer an questions on it."

Speaker Hartke: "Is there any discussion? The Chair recognizes the Gentleman from Vermilion, Representative Black."

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

Speaker Hartke: "The Sponsor indicates he'll yield."

Black: "Representative, I have some problems with this Bill. I certainly don't have any problems with the Sponsor and there are portions of the Bill, I think, obviously need to be renewed. But the fire... the basic licensure of fire extinguisher people, I had a problem with that when we did it in the early 90's. Wouldn't it be possible to do the engineered systems, keep them in the Bill and take out the fire extinguisher people?"

Bost: "Representative, I, you know, when we did discuss in committee many of the problems that I know your concerns are. It would be possible through that legislation, however, the fire extinguishers, from my standpoint, I can see many reasons why it is necessary to hold on to the, even the basic fire extinguishers. When filling a fire extinguisher, first off to make sure that those are properly filled, though we can't... if somebody is fraudulently... only filling a fire extinguisher halfway up, we can't stop that in the respect that, you know, it may still happen. However, if they do do it and they are caught then they can have their license removed this way. Another problem that exists with fire extinguishers, is they need to be hydro-tested and basically, what that is it tests the strength of the metal and the structure or it might be a composite structure of the fire extinguisher to

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make sure that when put under pressure, they won't explode and endanger someone and they need to be able to have these hydro-tests."

Black: "Okay, Representative, I appreciate the work you've done on this. Mr. Speaker, if I could, to the Bill."

Speaker Hartke: "To the Bill."

Black: "Ladies and Gentlemen of the House, and I realize I'm swimming upstream on this Bill, but I wish you'd take a look at this. I'm one of the biggest believers in sunset clause in this chamber. And I think the reason that we put a sunset clause on many Bills is we want to see whether or not what we pass is vital and necessary and if isn't, the sunset clause then kicks in and the Bill goes away and that is how it should be. Now what we have here is a Bill that I opposed in the early '90's. When this Bill passed I had five business men and women in my hometown who would inspect and fill fire extinguishers. I now have one. And we said in the early '90's that that's what this Bill would do. It would restrict competition and it has done that. I would submit to you, it's done that very well and when you restrict competition, I don't need to tell you what happens, you all know what happens. Now this Bill had a sunset clause and we tried to repeal it in 1994 and almost got it done then. This Bill was to go away the last day of December of '99 and it did, because the Fire Marshall's Office did not move in a timely fashion to reinstate the Bill. Now why did they do that? If this Bill is a vital component of public safety, then why didn't they make certain that the sunset date would not have kicked in? I submit to you that they didn't do so because this Bill really is not a vital component of public safety. So, now we come in after the fact. The Bill before you is gone,

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it's history, it went away in the last day of December, it disappeared and that's the way the law was written. Now, have any of you heard from anybody since that day in December? Have any of you received calls or letters saying, 'Oh, my God, the state is at risk. You've got to reinstate the Fire Equipment Distributor Act.' I'll bet none of you have had one call. I know I haven't. All I'm going to do is to vote 'no' for the simple reason that the Bill went away and that's what the sunset clause is all about. If this Bill was of vital importance, the Fire Marshall's Office in my opinion, would not have let it sunset. When they found out that it did sunset, they immediately want to come back six months later and say, 'Oh my heavens, we must reinstate the Bill.' Now I don't have any problem if they want to come back and reinstate the engineered systems, those systems in restaurants that put out fires in grease hoods or what have you, that's a whole other ball game. But I never could see a reason why we had to restrict competition and license people to fill fire extinguishers. And I won't even bother you with the history of this Bill, all of the subsequent clean-up we had to do because when the Bill was first written, it eliminated anybody from even selling a fire extinguisher, unless you were a licensed fire equipment distributor. Obviously, they knew that wouldn't work, so we changed that after we passed the Bill. I have no doubt that this Bill will pass, I simply rise on a matter of principle. A sunset clause is designed to do exactly what it did in this case. The Bill had years of enforcement. Somebody in the Fire Marshall's Office evidently didn't pay any attention or they thought it wasn't very important and they let this Bill sunset. This Bill went away because somebody in that

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office didn't think it was that important to worry about. Now when they discover the error, because of the licensing fees, uh oh, we'd better reinstate the Bill. Well I don't intend to do that. I like the sunset clause. If it's so important, rewrite it, bring it back cleaned up and I'm ready to support that, but I'm not going to support this last-minute attempt to bring back a Bill that went away as it was required to do so under the sunset clause. I intend to vote 'no'."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Kane, Representative Schmitz."

Schmitz: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I, too, agree with the previous speaker that sunsets do have their course in our Legislature. This is one Bill that did sunset that needs to come back. As a fire-fighter in this state, it's nice when we go in and inspect a building and we know that the extinguishers and the sprinkler system and the hood duct system have been installed by a professional, licensed installer. That's what this Bill is going to do. I, too, hope that it passes. I did receive numerous phone calls from my fire inspectors in my district and from my chiefs in this district that this Bill did sunset, they want it back. I'm a cosponsor on this Bill, I urge your 'aye' vote."

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

Bost: "Thank you, Mr. Speaker. I think some things need to be brought out and I respect the earlier speaker and, you know, for many years I've been very lucky, he's never opposed me on a Bill, but today is that day. As a fire fighter, I do think this is very important that we reenact this. Understand the history, and I did check the history,

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the Fire Marshall's Office let the date lapse for entry of new Bills, at which time, then they tried to find a Bill that they could amend it on. They could not find that during last year's Session, so therefore we're in this situation right now. Now, understand with the makeup of this Bill before you vote on it, 'cause I want everybody to be able to defend their vote. There are three classes of these fire extinguishers, the filling that Representative Black talked about, the simple fire extinguishers. There's also the hoods that exist, like in restaurants, they are preexisting systems that are then installed by local contractors. Then the third is the actual design for specialty fire extinguishers, where they actually engineer the whole thing. Each one of those are in here, governed under this Bill. Controls are put in place so it is a safety factor from that respect. There is a board, a nine member board totaling two people from each of the three classifications of licenses, two people from the Fire Service and one public member. Another note is that, you know, several people, there's been... said that they rake in a tremendous amount of money because of the fees. The reality is it's about \$76 thousand a year. This Bill is a safety factor. It is something that your local fire-fighters, I believe, believe in or a majority of them, there may be a few that don't. But the two fire fighters on this floor definitely believe in them and that's why we're sponsoring the Bill. I'd appreciate your 'aye' vote."

Speaker Hartke: "The question is, 'Shall the House pass Senate Bill 1248?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all

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voted who wish? Mr. Clerk, take the record. On Senate Bill 1248, there are 110 Members voting 'yes', 6 people voting 'no', and 1 person voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. The Chair recognizes the Gentleman from Randolph, Representative Reitz."

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

Speaker Hartke: "State your point."

Reitz: "I have with me today, up in the gallery, right above me, if the ladies from Okawville would stand up. There they are. We have Okawville High School Lady Rockets, who won the Class A, First Place Championship, with a 73-49 win over Lewistown finished the season with a record of 30 and 1, and their head coach is Kathy Lanter, assistant coaches are Carrie Stallings and Vicki Loquasto and I would just like the House here to recognize them and give them a round of applause, they did a great job."

Speaker Hartke: "Congratulations, girls. The Chair recognizes the Gentleman from Winnebago, Representative Winters. For what purpose do you rise?"

Winters: "For purpose of a personal announcement. As a Member of the Unbirthday Caucus there will be birthday cake down in front in honor of Representatives Jerry Mitchell and Bob Biggins who are officially Members in the Unbirthday Caucus."

Speaker Hartke: "Happy birthday, guys. The Chair recognizes the Gentleman from Coles, Representative Righter."

Righter: "Thank you, Mr. Speaker. I rise on a point of personal privilege."

Speaker Hartke: "State your point."

Righter: "Thank you, Mr. Speaker. Want to join Representative Black and myself in recognizing in the balcony, right above

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my head, the President of Danville Area Community College, Dr. Mary Alice Jacobs, administrators and students, thank you very much for coming and ask they be given a warm welcome."

Speaker Hartke: "Welcome to Springfield. On page 3 on the Calendar, on Third Reading, appears Senate Bill 1319. Representative Monique Davis. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1319, a Bill for an Act amending the Criminal Code of 1961. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Davis."

Davis, M.: "Thank you very much, Mr. Speaker. Senate Bill 1319 is a piece of legislation that prohibits a party from paying a juror for giving any award or fee to a juror who rendered a verdict in their case and it also prohibits jurors from accepting such payments. This legislation offers a penalty. It makes it a Class A misdemeanor and if anyone accepts payments that are unrelated to the jury's verdict or the outcome of the case, they can be fined."

Speaker Hartke: "Is there any discussion? The Chair recognizes the Gentleman from Logan, Representative Turner."

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

Speaker Hartke: "The Lady says she will yield."

Turner, J.: "Representative, is it the person who offers the juror money who is charged or is it the juror?"

Davis, M.: "Well, I think it's both."

Turner, J.: "I'm sorry, I couldn't hear you."

Davis, M.: "It prohibits a party to litigation, from offering or paying an award or fee to a juror. I think it's for both because the party to the litigation would be the one offering the award."

Turner, J.: "So, it includes both the juror and the party who offers to pay a juror, then. Is that right?"

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Davis, M.: "Yes."

Turner, J.: "Is there not already an existing statute? I seem to recall that there is, although, I don't have a citation, that already covers the offense of trying to bribe a juror?"

Davis, M.: "Well, this legislation is for payments after a verdict has been rendered. The current legislation that is..."

Turner, J.: "Mr. Speaker, I can't hear the Representative at all."

Speaker Hartke: "Please, Ladies and Gentlemen we're on Third Reading, let's tone it down."

Davis, M.: "The legislation that is currently in effect, well it already exists a Class IV felony, if someone attempts to influence a juror in reference to a verdict. And this Bill does not negate that."

Turner, J.: "Well, bribing a juror or a witness is currently a Class III felony and if we pass this it will be a Class A misdemeanor, I mean, is that right? I'm trying to figure out if we're weakening the law here."

Davis, M.: "Okay. Currently, Representative, a person who communicates directly or indirectly with a juror with the intent to influence that verdict, it's a Class IV felony. And this Bill in no way attempts to get rid of that Section of the Code. What the new Section adds is, if a person involved in a case offers money or payment to a juror after the verdict has been rendered."

Turner, J.: "Okay, so you're Bill then affects conduct after a jury has returned a verdict."

Davis, M.: "Yes."

Turner, J.: "Would it cover, for example, if a plaintiff was successful in an injury case and a jury gave them a

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substantial award, if that plaintiff for example, bought a couple of the jurors a cup of coffee, would that be conduct punishable under your Bill?"

Davis, M.: "Well, under this Bill, absolutely no payment should be made in any form to, you know, there should be no award provided. Now, I'm sure that if someone charged that a cup of coffee was purchased for a litigant, perhaps the judge would not see that as payment. Now if he bought him a new car, that may be a different story."

Turner, J.: "Okay. Maybe a better example would be, well if you bought someone a clock to put on their desk or something like that, would that be considered an award under your Bill?"

Davis, M.: "I think it might."

Turner, J.: "Okay. Thank you."

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

Davis, M.: "I would just urge an 'aye' vote in order for us to close this small loophole in reference to awarding jurors after a verdict has been rendered."

Speaker Hartke: "The question is, 'Shall the House pass Senate Bill 1319?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting in open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On Senate Bill 1319, there are 118 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. On page 3 of the Calendar, on Third Reading, appears Senate Bill 1277. Representative Bellock. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1277, a Bill for an Act concerning

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military memorials. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Bellock."

Bellock: "Thank you, Mr. Speaker. This Bill 1277 is the Bill that creates the World War II check off. We've discussed this Bill before and I ask for your support."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass... I'm sorry, Representative Black."

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

Speaker Hartke: "Sponsor will yield."

Bellock: "Yes."

Black: "Representative, let me make sure that I understand this, because we've had a Resolution or we had a Bill on an income tax check off, is that right?"

Bellock: "Yes."

Black: "This is a different Bill?"

Bellock: "No, this Bill is the same Bill. This Bill originated in the Senate. So there are two Bills for the World War II check off, only one will be signed by the Governor. The other Bill will be coming up within this week that will be the direct appropriation."

Black: "Okay, so there is an appropriation Bill, a trailer Bill somewhere?"

Bellock: "Yes."

Black: "Fine. Thank you very much."

Bellock: "Thank you very much."

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

Bellock: "Thank you very much. We're looking forward to the passage of this since it didn't get through last year and there were 987 thousand veterans from Illinois who served

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in World War II and I would appreciate your support."

Speaker Hartke: "The question is, 'Shall the House pass Senate Bill 1277?' 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. Clerk, take the record. On Senate Bill 1277, there are 118 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. On page 3, on Third Reading, appears Senate Bill 1329, Representative Silva. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1329, a Bill for an Act concerning higher education. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Silva."

Silva: "Thank you. The intent of Senate Bill 1329 is to address the human health services violations at University of Illinois regarding the use of non-English speaking subjects in human subject research. Federal regulations require that medical researchers obtain legal consent of subjects prior to their involvement in any medical research. The regulation also stipulates that for the inclusion of non-English speaking subjects medical researchers must offer potential subjects consent documents written in the language understandable to the subject. Senate Bill 1329 codifies in state statute federal regulations. And by codifying the federal regulations, those who are subjects of human medical research will understand that they have certain rights under Illinois Law. Senate Bill 1329 is a Health Consumer Protection Bill and the proponents are University of Illinois at Chicago and I would urge an 'aye' vote."

Speaker Hartke: "Is there any discussion? Seeing that no one is

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seeking recognition, the question is, 'Shall the House pass Senate Bill 1329?' 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 Senate Bill 1329, there are 118 Members voting 'yes', 0 voting 'no' and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. On page 3 of the Calendar, on Third Reading, appears Senate Bill 1304. Representative Bost. Out of the record. On page 4 of the Calendar, on Third Reading, appears Senate Bill 1387. Representative Moffitt. Representative Moffitt. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1387, a Bill for an Act in relation to public and community service. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Moffitt."

Moffitt: "Thank you, Mr. Speaker. 1387 would provide civil immunity for community organizations and volunteers that participate in certain juvenile court programs. It's passed the Senate 59-0 and it was suggested by the Cook County State's Attorneys Office. The reason for the legislation is to encourage community programs to participate in community service programs under the Juvenile Court Act and thus protect them from lawsuits. If service is ordered by the courts, they are protected. It's unclear whether they would be protected if it was an alternative service. This would give them protection they need, help reduce the load on our courts. There was an Amendment put on, I just make sure everybody understands. There is an Amendment proposed in committee which Representative Julie Hamos had put on. I think, if she's

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here, she would concur that her language was taken care of on another Bill and we did not need that Amendment. Be happy to answer any questions that you might have."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question, 'Shall the House pass Senate Bill 1387?' 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. Clerk, take the record. On Senate Bill 1387, there are 118 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, for an announcement."

Clerk Rossi: "Attention Members, the Rules Committee will meet immediately in the Speaker's Conference Room. The Rules Committee will meet immediately in the Speaker's Conference Room."

Speaker Hartke: "On page 4 of the Calendar, on Third Reading, appears Senate Bill 1555. Representative Lopez. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1555, a Bill for an Act amending the Civil Administrative Code. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Lopez."

Lopez: "Thank you, Mr. Speaker and Members of the General Assembly. Senate Bill 1555 requires that the Department of Public Health to prepare and publish a summary of advance directives law in Illinois that's required for the Federal Patient Self-Determination Act. It requires the Department to adopt and publish in Spanish the summary of various statutory advance directive forms permits publication to be limited to the World Wide Web and permits

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the Department to contract for the preparation and publication of the materials. This is supported by the Department of Public Health and the Illinois State Medical Society. I know of no opposition and I ask for an 'aye' vote."

Speaker Hartke: "Is there any discussion? Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 1555?' 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 Senate Bill 1555, there are 118 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. On page 3 of the Calendar, on Third Reading, appears Senate Bill 1304, Representative Bost. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1304, a Bill for an Act amending the Property Tax Code. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Bost."

Bost: "Thank you, Mr. Speaker, Members of the House. Senate Bill 1304 provides that if a member of a reserve component of the armed forces of the United States is called into active duty for deployment outside of the U.S. and is on active duty on the due date of any installation of property taxes, they shall not be deemed delinquent in the payment of their property taxes and no interest shall occur until 30 days after they return. Be glad to answer any questions."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 1304?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have

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all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On Senate Bill 1304, were are 118 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. On page 5 of the Calendar, on Third Reading, appears Senate Bill 1674. Representative Mautino. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1674, a Bill for an Act concerning prepaid telephone calling arrangements. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Mautino."

Mautino: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 1674 relates to how we tax prepaid calling cards in the State of Illinois. This Bill has been under construction for about three years and with the Amendments and the changes to the Bill we now have agreement on it. It moves the status of taxation from usage to point of sale for the phone cards and this is how it's done in 44 other states. It doesn't have any impact on the local funds or schools. There was some objections that were raised, those were taken care of in the Bill placing in a hold harmless. There's also a potential in here, where we're going to be, actually, increasing the amount of state revenue generated because of the breakage that's on the cards. Senate has passed this legislation 56 to 0 and appreciate your consideration for an 'aye' vote."

Speaker Hartke: "Is there any discussion? The Chair recognizes the Gentleman from Vermilion, Representative Black."

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

Speaker Hartke: "He indicates he will."

Black: "Representative, I think your portrayal of this Bill as

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having been under construction for several years is very accurate. For the record, and I obviously, I intend to support the Bill. I'm a proud cosponsor, but let's make sure that we answer any fears that have been around for about three years."

Mautino: "Absolutely."

Black: "The Department of Revenue and the Sponsors have worked this out. There will be no loss of revenue to a local community, correct?"

Mautino: "That is correct. As a matter of fact, in the original draft of the Bill that language was not workable for the Department, so we asked that they write it in a way to make it easier for them to do the collection, in structure."

Black: "And I think you mentioned in your opening statement, but let's make sure that no one is confused about the issue because, the last Telco Tax was dedicated to education fund, and that has been a matter of contention over the years. This is now... there's no impact on any educational fund dollars because there's a hold harmless clause, correct?"

Mautino: "Yes, that is correct."

Black: "And even if there was, we were talking a very small amount of money, correct?"

Mautino: "Yes. I appreciate you bringing that out."

Black: "Okay. In fact, what did the Department... a few thousand? I can't remember, quite frankly."

Mautino: "Yes, it was in that levels."

Black: "The potential loss to education was very small, but rather than have to answer that question on the campaign trail, you know, if you divert even a thousand dollars from the ED fund you could be called to answer for that. This doesn't divert any money. There is a hold harmless

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provision."

Mautino: "That is correct."

Black: "Fine, thank you. I really commend you and the Senate Sponsors for working out many legitimate concerns that this Bill has had for the last two or three years and I'm very proud to be a cosponsor. Thank you."

Mautino: "Thank you for joining me, Sir."

Speaker Hartke: "Further discussion? The Chair recognizes a Gentleman from Livingston, Representative Rutherford."

Rutherford: "Thank you, Mr. Speaker. I also stand in support of this legislation. The note that, you know, that we will be seeing the tax on the sales side of it is something that is now, I think, going to clear something up. Because, unfortunately, albeit when it was taxed in the underlying part prior to there were a number of outlets that were also adding on the additional sales tax to it. So what I think this does is actually a benefit for the consumer, will clarify in the long term. So I stand in support of the legislation as well."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Logan, Representative Turner."

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

Speaker Hartke: "Sponsor will yield."

Turner, J.: "Representative, this appears just from a quick perusal of the analysis to be a tax increase. Is it?"

Mautino: "Actually it is a tax decrease on there. The current rates on the Telco Tax is it would lower it from 7% to 5%. And that, if you take a look at the Department of Revenue's numbers on that, while we are lowering that tax since it's going to be at the point of sale, we will actually, probably receive additional income to the State of Illinois at the lower rate. If you use that card under the current

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telecommunications tax structure outside of the State of Illinois then there is no tax paid on those minutes. But the effective rate of the tax goes from 7% to 5%."

Turner, J.: "Well, is it going to generate more revenue or less revenue by changing the percentage?"

Mautino: "In the question they did not have a hard number for me, but they're saying that there will be some additional revenue generated just because there's a point in these cards which are called breakage and that's the amount that is never collected in tax. So it would be... "

Turner, J.: "If there is more revenue generated is that not then an increase in taxes collected?"

Mautino: "If the cards are purchased and those numbers come true, then you'll have a lower taxation rate but more usage throughout the State of Illinois. They were paying those taxes in other states where they would use the... there's really no change in that. And I believe Representative Black is affirming that with you now."

Speaker Hartke: "Mr. Turner, are you done?"

Turner, J.: "Excuse me?"

Speaker Hartke: "Are you finished?"

Turner, J.: "No. Representative, I had not seen this before and perhaps it seems rather simple to some of the Members but I find it a bit complex. Is there... and I've talked to Representative Black, as well. Is there a provision or mechanism within the Bill so that the state will capture monies that otherwise would have gone to another state? Does your legislation address that question to some extent?"

Mautino: "This idea is with this is for the cards which are sold in Illinois instead of the very cumbersome process of doing a usage tax structure for it and then determining where the

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card was not purchased but where it was used at and then dividing up those dollars, sending them back to the local communities and also into the state. We're trying to make it centralized by moving it to the sales tax portion. So there would be no other change, as a matter of fact, to the municipalities who sell these, there actually would be an additional benefit where they would be receiving part of the sales tax back towards their communities that they don't get now."

Turner, J.: "I'm wondering if my analysis based upon that response might be incorrect. My analysis says that the Illinois Municipal League is opposed to the Bill. Is that wrong?"

Mautino: "That is not correct."

Turner, J.: "Okay, so the Municipal League is a proponent not an opponent?"

Mautino: "No, they did not speak in committee they did not file a witness slip. They haven't called me or your staff, to the best of my knowledge, no."

Turner, J.: "I just been handed, by staff, a record of committee witnesses where there was a witness who appeared on behalf of the Illinois Municipal League as an opponent, record of appearance only. So, do you believe that to be incorrect, then?"

Mautino: "I was just talking with staff on here and he was not aware of that."

Turner, J.: "I would think your file would have the same thing as our staff has that exists in our particular file. But in any event, clearly the analysis also shows that AFSME is an opponent. Is that correct?"

Mautino: "Yes, AFSME and they've explained... they've taken their position, an opposition position to anything which may

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potentially reduce state revenues this year, any type of a tax cut, any type of a break, which has been filed. So until they get their issues resolved, which are not directly related to this Bill, but they're in the process of negotiating a contract."

Turner, J.: "So, it's your understanding that AFSME is opposed to the Bill because they believe that the state will not take in as much revenue if the Bill passes and that is the nature, sole nature of their opposition, then?"

Mautino: "Yes, that's correct. There's a potential that the state may not... since you're going from a 7% tax rate to a 5% tax rate, the assumption would be there may be some loss of revenue to the state, realistically. So, it gets made up on the GRF side, if necessary. But they have gone ahead and filed this and I spoke with them about it. They have taken this blanket approach to any of the tax relief or tax cut proposals, based on a pending contract."

Turner, J.: "Thank you."

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

Mautino: "Thank you very much. And I appreciate the comments from my cosponsors which brought about some of the changes that were necessary in this Bill over time. We now have an Agreed Bill which came from the Senate, 56 to 0. We have the agreement of the Department of Revenue. It makes the collection and disbursement of the tax funds much simpler and this is the way 44 other states are currently doing it now. I would ask for an 'aye' vote."

Speaker Hartke: "The question is, 'Shall the House pass Senate Bill 1674?' 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

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who wish? Mr. Clerk, take the record. On Senate Bill 1674, there are 91 Members voting 'yes', 27 Members voting 'no', and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Rules Committee Report."

Clerk Bolin: "Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following measure/s was/were referred, action taken on April 5, 2000, reported the same back with the following recommendation/s: 'direct floor consideration' for House Amendment #1 to Senate Bill 1249, Amendment #1 to Senate Bill 1404, Amendment #2 to Senate Bill 1541, Amendment #2 to Senate Bill 1660, Amendment #2 to Senate Bill 1871. Motion to Concur on Senate Amendment #1 for House Bill 3260. Motion to Concur on Senate Amendment #1 for House Bill 3478. And Motion to Concur on Senate Amendment #1 for House Bill 3936."

Speaker Hartke: "On Third Reading, appears Senate Bill 1508, Representative Linder. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1508, a Bill for an Act to amend the Mental Health and the Developmental Disabilities Code. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Lindner."

Lindner: "Thank you, Mr. Speaker. This Bill contains the same provisions, some of the same provisions that we passed in House Bill 3548 and comes from Senator Parker's Task Force on Mental Health. I would ask for a favorable vote."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, except Mr... seeing that no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 1508? All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have

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all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On Senate Bill 1508, there are 117 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. The Chair recognizes the Lady from Cook, Representative Crotty. For what reason do you seek recognition?"

Crotty: "Thank you, Mr. Speaker. I seek recognition on a point of personal privilege."

Speaker Hartke: "State your point."

Crotty: "At this time up in the gallery, we have students from Moraine Valley Community College. Some have achieved awards and were awarded those last night. So if you would join Representatives McCarthy, Brosnahan, and I in welcoming them to Springfield, we'd appreciate it. Thanks."

Speaker Hartke: "Welcome to Springfield. On Third Reading appears Senate Bill 1599, Representative Lyons. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1599, a Bill for an Act to amend the Mental Health and Developmental Disabilities Code. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Lyons."

Lyons, E.: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 1599 was initially drafted in response to the many concerns people expressed after the 39 day standoff in Roby, Illinois when the woman refused to accompany sheriff's deputies were attempting to enforce an order for emergency mental health examination. Senate Bill 1599 adds due process protections to the procedure under the Mental Health Code for ordering emergency mental health

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examinations and more importantly, it develops a model protocol for law enforcement to work with mental health professionals in enforcing orders for such examinations. I know of no known opposition to the Bill and I would ask for your favorable support."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 1599?' 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 Senate Bill 1599, there are 118 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Third Reading appears Senate Bill 1376, Representative Meyers. Representative Jim Meyer. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1376, a Bill for an Act to amend the Illinois Municipal Code. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Meyer."

Meyer: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 1376 changed the amount of a municipal collector in counties less than 1 million population, shall add to an unpaid special assessment to cover the cost of advertising. An application for judgement and sale from \$.10 to the actual cost not to exceed 0.2% of the property's assessed value. I might add that that is a flat amount. It's not based on the percentage, but the actual cost is capped at that percentage. I'd appreciate a favorable vote and be happy to answer any questions."

Speaker Hartke: "Is there any discussion? Seeing that no one is

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seeking recognition... except Representative Black."

Black: "Thank you, Mr. Speaker. Better late than never."

Speaker Hartke: "Yes."

Black: "Will the Sponsor yield?"

Speaker Hartke: "Sponsor will yield."

Black: "Representative, is there a definition in the Bill of the assessor collecting actual costs?"

Meyer: "Let me... I have the Bill here, I'm referring to it. It actually says, 'An amount equal to the actual costs not to exceed 0.2%.' I don't see an actual definition for that as a defined term."

Black: "Well, the reason I raise the question, staff at one time had indicated that there was a sanitary district that wanted to be able to recover their actual costs of advertising, mailing notices of the application for judgement, for the delinquent bills, any special fees that they have incurred. And I just, you know, I didn't know whether that was open-ended or whether they were capped, 'cause when you say they can recover actual costs, I'm not sure I know what it's based on. Legal notices in newspapers can be relatively expensive. I would assume that legal notice would be spread over how many delinquencies they had listed or I really don't know what that actual cost figure relates to. That's the only concern I have with the Bill."

Meyer: "Well, I understand your point. It is per lot and it is capped per lot at 0.2 of a percent of the value of the track or partial land."

Black: "Okay, would it be 0.2 of a percent of the bill, or 0.2 of a percent of the cost incurred or what is the two tenths of a percent relate to?"

Meyer: "That's the assessed value of the property is the 0.2 of a

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percent. That's the cap again."

Black: "Okay, they could levy two tenths of a percentage point of the EAV or 0.2 of a percentage point of the delinquency?"

Meyer: "No, of the assessed value."

Black: "Representative, that's a real sticky point. Would you be willing to take this Bill out of the record for just a second so we could clarify that?"

Meyer: "I will."

Black: "All right."

Speaker Hartke: "Take this Bill out of the record. The Chair recognizes the Gentleman from Macon, Representative Mitchell. For what reason do you seek recognition?"

Mitchell: "Thank you, Mr. Speaker. I rise on a point of personal privilege."

Speaker Hartke: "State your point."

Mitchell: "I wanted to introduce to the Members of the House of Representatives, if you'll stand, Verney. Verney Wall, who's from my district in South Wheatland Township. Verney celebrates his 93rd birthday this week and Verney still farms. So, let's give a big Illinois House welcome to Verney."

Speaker Hartke: "Happy birthday, Sir. On page 4 of the Calendar, on Third Reading, appears Senate Bill 1504. Representative Poe. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1504, a Bill for an Act to amend the Illinois Municipal Code. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Poe."

Poe: "Mr. Speaker, Ladies and Gentlemen of the House. This is a Bill that we've run two or three times and what it does it extends the time period for the City of Springfield to acquire railroad property needed for the Stanford Avenue

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Overpass Project. So we renewed this a year ago and we ran out of time getting that property bought and we'd like to extend that. Thank you. I 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 Senate Bill 1504?' 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 Senate Bill 1504, there are 118 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. For what reason does the Gentleman from Logan, Mr. Turner, seek recognition?"

Turner, J.: "Inquiry of the Chair."

Speaker Hartke: "State your inquiry."

Turner, J.: "Mr. Speaker, I have had a Bill on the Calendar for several days now that has remained on Second Reading and I'd kind of like to get it moved to Third Reading 'cause as I understand the rules I can't really call it for a vote until it gets to Third Reading. As you know, we were limited to two Senate Bills. Now, I had another Senate Bill but I lost my first Senate Bill when Representative Gash put a hostile Amendment on it and thereby took the Bill over and placed me in a position where I could not even call it, so that Bill was simply taken away from me. So my other Bill, the last one I have remaining, Senate Bill 1363, remains on Second Reading and I would ask you, Mr. Speaker, if you would call that so I could move that to Third Reading?"

Speaker Hartke: "We'll take that under advisement."

Turner, J.: "Thank you."

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Speaker Hartke: "On page 5 of the Calendar appears Senate Bill 1874. Representative Acevedo. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1874, a Bill for an Act concerning the exercise of police powers by state employees. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Acevedo."

Acevedo: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 1874 provides that each Constitutional Officer, state agency, and state university that authorizes a badge for each employee that exercises the powers of police arrest, that on its face, one, clearly states the authorizing agency, and two, contains a unique identification number. There are currently 23 departments with employees with police powers. I ask for a 'yes' vote."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 1874?' 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 Senate Bill 1874, there are 117 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. The Chair recognizes the Gentleman from Kendall, Mr. Cross. For what reason do you seek recognition?"

Cross: "Thank you, Mr. Speaker. Mainly in support of Representative Turner's earlier inquiry. Obviously, it's a concern of his and he'd like to know when he could expect an answer. I know you're taking it under advisement. When can we expect an answer, Mr. Speaker?"

Speaker Hartke: "Soon."

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Cross: "Well, can you define soon? He's obviously broken up about this, Mr. Speaker. He's concerned and in all honesty it is a legitimate Bill for him. Do you expect that we'll be able to move it today?"

Speaker Hartke: "We'll send a medic if he needs it."

Cross: "Pardon me?"

Speaker Hartke: "We'll send a medic if he needs it."

Cross: "Well, he's going to need more than a medic if that Bill doesn't get called."

Speaker Hartke: "Nurse, a psychiatrist?"

Cross: "Well come on, Mr. Speaker. He already has one. Are you going to give him an answer relatively soon?"

Speaker Hartke: "Soon."

Cross: "I appreciate the promptness in that response."

Speaker Hartke: "On page 4 on the Calendar, on Third Reading, appears Senate Bill 1540, Representative Biggins. Representative Biggins. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1540, a Bill for an Act to amend the Solicitation for Charity Act. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Biggins."

Biggins: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Senate Bill 1540 contains an Amendment that was adopted in committee unanimously, which becomes the Bill. And it amends the Solicitation for Charity Act in Illinois and provides for a continuation of the Charitable Advisory Task Force to study issues related to charitable fund raising such as telephone solicitations, written material and notice statements. I would request and 'aye' vote but would be happy to answer any questions that anyone may have on the Bill."

Speaker Hartke: "Is there any discussion? Seeing that no one is

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seeking recognition, the question is, 'Shall the House pass Senate Bill 1540?' 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 Senate Bill 1540, there are 118 Members voting 'yes', 0 voting 'no' and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. For what reason does the Gentleman from Cook, Representative Durkin, seek recognition?"

Durkin: "It's inquiry of the Chair."

Speaker Hartke: "State your inquiry."

Durkin: "I also would like to speak on behalf and highly recommend that the Senate Bill 1363, which is Representative Turner's Bill, be moved from Second to Third Reading. I think we all have a very profound interest in the psychological welfare of Representative Turner, it's breaking him up. He's at a very impressionable age and I think for the betterment of this Body and for the State of Illinois that we move the Bill from Second to Third."

Speaker Hartke: "Thank you for your comments. Representative Cross, for what reason do you seek recognition?"

Cross: "Well, Mr. Speaker, it's just the way things work on this side. We were in there protecting Representative Turner and holy cow I recognized I had some Bills that we hadn't moved from Second to Third. So, if you could take those under advisement, they're obviously, very important to me and I'm hopeful Representative Turner will respect my request, but I've got two or three different Bills, on Second Reading Senate Bills that I'd like to have moved to Third, if you don't mind."

Speaker Hartke: "Could you give us those numbers?"

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Cross: "Yes. Senate Bill 1360, Senate Bill 1330, Senate Bill 1365."

Speaker Hartke: "Thank you."

Cross: "Please, please, please let them move."

Speaker Hartke: "The Chair recognizes the Gentleman from Cook, Representative Turner. For what reason do you seek recognition?"

Turner, A.: "Thank you Mr. Speaker. I'm one of those like the two previous speakers that have a Bill on Second Reading and I'd like to move it to Third. But I also noticed that I thought I heard Representative Cross announce some six Bills, I thought that we were only carrying... "

Speaker Hartke: "It was four."

Turner, A.: "He had four. Well, I thought that there was a two-Bill limit. I don't understand. So, maybe that explains why some of his Bills aren't moving because I thought there was a two-Bill limit. But I just want to make you aware that I do have one on Second that I'd like to move to Third at the proper time, Mr. Speaker."

Speaker Hartke: "Representative Turner, for what reason do you seek recognition?"

Turner, J.: "Well, Mr. Speaker my name's been used by several of my colleagues. Anyway, I'd like to say that Representative Turner, Representative Art Turner has a right to have his Bills called and I don't know if Representative Art Turner knows this or not, maybe he wasn't listening before but the two Bill rule was applied to me. I had two Bills and two Bills only and one of those Bills was seized by a Member of your side of the aisle, was taken over with a hostile Amendment, was completely changed, completely gutted and leaving me with no alternative except to pull it out of the record. Thereby it took away 50% of my entire legislative

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agenda since I was only given two Bills to start with. Now, the other 50% remains on Second Reading. Now, Representative Cross has eloquently stood and asked that you take my Bill off of Second Reading and move it to Third Reading. Representative Durkin has spoken on my behalf, Representative Art Turner has spoken. We have a right to have something done this particular Session. It's the only Bill I have left because your party took away the other Bill that I had. Now, could you just move it to Third Reading? Let me call it for a vote and see if I can muster enough votes in the General Assembly on the House side at least to pass it? Mr. Speaker?"

Speaker Hartke: "Was that a question?"

Turner, J.: "Well, it was a question. I can tell you were cogitating on it. And I know you took it under advisement. You've had a chance now to review it with staff, I don't know if Speaker Madigan called you on it yet to give you his opinion, but maybe he's listening and maybe the phone's going to be ringing any second and 1363 hit the board and we can move it off of Second, get it on Third and call it for a vote tomorrow."

Speaker Hartke: "Well, right now we're on Third Readings. On Third Reading appears Senate Bill 1376, Representative Myer. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1376, a Bill for an Act to amend the Illinois Municipal Code. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Meyer."

Meyer: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This is the Bill that I took out of the record just moments before. I had a meeting with the people that are proposing the Bill, along with Representative Black. And

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I'd just like to stress at this point that this is a flat amount, it's not based on percentage. The actual cost is capped by a percentage is all. So there are two safeguards on this in terms of expense to the property owner and I believe that we were able to answer Representative Black's concerns on it with no questions."

Speaker Hartke: "The Chair recognizes Representative Black."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. I just wish to... I want to rise to thank Representative Meyer for doing that. That used to be standard practice here. Courtesy to a Member because of an incident that's ongoing in my district on a delinquency from a plant. And it used to be common courtesy that either party would take a Bill out of the record so that we could make certain that we had not only understood the Bill, but what the impact might be on a particular plant, business, or residential property in our district. Now lately, some people have chosen not to do that. But in this case I want to publicly thank Representative Meyer for the opportunity to speak with him and those people proposing and supporting the Bill so that I could get questions answered that were legitimate to some issues in my district. It took less than 5 minutes. The Bill is now on Third Reading and I can vote with a much clearer conscience and certainly a clearer understanding of what Representative Meyer and others are doing. And I just want to let you know, publicly, that that kind of civility used to be the rule here. And I think it's too bad that now it's the exception."

Speaker Hartke: "Further discussion? Seeing that no one seeking recognition, Representative Meyer to close."

Meyer: "Thank you, Mr. Speaker. I'd just ask for a favorable

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vote."

Speaker Hartke: "The question is, 'Shall the House pass Senate Bill 1376?' All those in favor will 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 Senate Bill 1376, there were 74 Members voting 'yes', 41 Members voting 'no', and 3 Members voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. On page 5 of the Calendar, on Third Reading, appears Senate Bill 1883, Representative Smith. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1883, a Bill for an Act amending the Property Tax Code. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Smith."

Smith: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. This is a technical cleanup to legislation that we passed last year which provided uniform and equitable evaluation of low-income rural rental housing projects for property tax purposes. There are three changes, basically, that this Bill does. They're technical in nature, suggested by the Department of Revenue when they were drafting the rules for the legislation we passed last year. I'd be happy to answer any questions on the legislation."

Speaker Hartke: "Is there any discussion? The Chair recognizes the Gentleman from Vermilion, Representative Black."

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

Speaker Hartke: "Sponsor will yield."

Black: "Representative, does this Bill apply statewide or is it located just... let me just leave it at that. Does this Bill apply statewide?"

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Smith: "Representative Black, I recall having this conversation with you last year when we passed House Bill 1261."

Black: "You've got a better memory than I do."

Smith: "This is a federal program that only covers rural areas and the Bill we passed last year even went so far as to exempt Cook County. So I guess the answer to your question is, it would be every place outside of Cook County where there's a Section 515 housing project."

Black: "Is there no low income housing in Cook County?"

Smith: "Yes, I think there is, Representative Black, but it's under a different Section of the Federal HUD Codes. This is section 515 Housing which is just for rural areas."

Black: "Yes, why am I not surprised it would be under a separate code?"

Smith: "That happens, doesn't it."

Black: "More than I'd like. Excuse me, just a second. Representative, a staff brought up an interesting point and since I obviously don't know the answer, let me ask you. Any time we pass legislation that may affect the valuation of property, particularly by keeping it low, let's say, that means that other property may have their assessments increased. Would there be that danger in this Bill?"

Smith: "I really don't think so, Representative Black. This just makes the law consistent. Actually, that's what we did last year with 1261, because some counties were assessing these properties differently than other counties. So we had some consistency in drafting the rules for that legislation, the Department saw these few technical changes that needed to be made."

Black: "If the vacancy rate is more than 5%, then it would seem like we're using artificial means to regulate the assessed value and in my days in county government, when you do that

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then the township multiplier comes into effect. And that's my only fear is that if you use an artificial vacancy rate of 5% to hold those assessments down, then when you do the coefficient of sales and the analysis, sometimes then the township multiplier raises the assessed valuation of everybody else's property. Because they'll come in and do a study, the Department of Revenue, through their rules and regulations, require the assessors to do that, and they say the property in this township is only being assessed at about 31% of value so we're going to apply a multiplier to bring everyone up to the close to 33 1/3. And when that happens, I might add, your district I'm sure is like mine, when that happens in a county, two or three townships get hit with a multiplier, you know who they call, you and me. And I just want to make sure that we're not putting ourselves at some risk by doing this.

Smith: "Representative Black, the 5% vacancy rate figure was arrived at, it's my understanding that is accepted, I guess, as an industry standard, a 5% vacancy rate and if you have a vacancy rate greater than that then that indicates evidently, there's some problem with the property and I think.... "

Black: "Right."

Smith: "We're simply guaranteeing that there will be taxes paid on that property even if there's 100% vacancy."

Black: "I'm sorry, you said if there's 100% vacancy?"

Smith: "Yes, let's assume the property or the housing unit is completely vacant."

Black: "Okay."

Smith: "We're still going to require that they pay property taxes. If we didn't have this provision in there, essentially, if they were on an income basis, they wouldn't

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have any income if it was vacant and they wouldn't have to pay property taxes, that's not what we want."

Black: "Okay. So, these units, if I understand the underlying Bill, these units are not part of a housing authority, they may, in fact, be owned by private individuals who have developed them under the Federal Code, correct?"

Smith: "Yes, they are owned by private individuals."

Black: "All right, I think I was going down the housing authority route which obviously was confusing me, which isn't hard to do." So, then it would... it seems to me then another side of this issue, may be of a positive note, it would be beneficial to the owner/developer of the property to maintain it and try and keep occupancy rates relatively high, whereas in the past, there has been no incentive to do so because he could escape a great deal of the property taxation by saying, none of my units are occupied."

Smith: "That's true, I think you could look at it that way."

Black: "Okay. I appreciate the answers to the questions, thank you."

Smith: "Thank you."

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

Smith: "Thank you, Mr. Speaker. Again, this is just a number a technical changes to legislation that we passed last year. I know of no opposition and I would ask for an 'aye' vote."

Speaker Hartke: "The question is, 'Shall the House pass Senate Bill 1883?' 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 Senate Bill 1883, there are 117 Members voting 'yes', 0 voting 'no' and 1 person voting 'present'. And this Bill, having received

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a Constitutional Majority, is hereby declared passed. On page 4, on Third Reading, on the Calendar appears Senate Bill 1550, Representative Saviano. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1550, a Bill for an Act amending the Liquor Control Act of 1934. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Saviano."

Saviano: "Thank you, Mr. Speaker, Members of the House. Senate Bill 1550 has three components to it. I'm going to explain two components which we put on with House Amendment #1 and #2. House Amendment #1 was an initiative of the Illinois Liquor Control Commission to put them in compliance with the Department of Human Services transferring over the responsibility for training education to the Liquor Control Commission. Amendment #2 is an Amendment which would increase the per diem from \$100 to \$200 for members of the commission for the work on the License Appeal Commission. I'm going to yield to Representative Bellock to explain the third component of this Bill which concerns her county."

Speaker Hartke: "Representative Bellock."

Bellock: "Thank you very much, Mr. Speaker. The one portion of this Bill that I'm speaking to regards serving liquor within 500 feet of a building located on a forest preserve grounds. What this is regarding is specifically, when they are using the sale of liquor just within 500 feet of a building for an outside event that would be served only with food. Specifically, it's used for, in our county, for a fund-raiser to open a historical building, Mayslake. Right now, liquor is sold in forest preserve buildings in recreational areas and on golf courses. So this would be limited to only 500 feet from a building, only to be served

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with food on specific occasions."

Speaker Hartke: "Further discussion? Representative Saviano."

Saviano: "Thank you, Mr. Speaker. We know of no opposition to this Bill. This Bill's been worked through the process quite vigorously and I would ask for your approval. Thank you."

Speaker Hartke: "The question is, 'Shall the House pass Senate Bill 1550?' 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 Senate Bill 1550, there were 79 Members voting 'yes', 38 Members voting 'no', and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. On page 4 of the Calendar appears Senate Bill 1642. Representative Flowers. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1642, a Bill for an Act in relation to arthritis. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Flowers."

Flowers: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Senate Bill 1642 requires that the Department of Public Health to develop an arthritis quality of life initiative. And the intent of Senate Bill 1642 is to publicly educate Illinois healthcare consumers concerning the diagnosis and the prevention of arthritis. And I'll be more than happy to answer any Bills (sic questions) you have with Senate Bill 1642."

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

McKeon: "Thank you, Mr. Speaker. May I be recognized for a point of personal privilege?"

Speaker Hartke: "We'll do that after the Bill. We'll come back

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to you."

McKeon: "Thank you."

Speaker Hartke: "The Chair recognizes the Gentleman from Vermilion, Representative Black."

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

Speaker Hartke: "The Sponsor will yield."

Black: "Representative the Act is subject to appropriation, correct?"

Flowers: "Yes it is, Representative."

Black: "I certainly have no problem with this. My father has had serious problems with arthritis in the later years of his life. But I guess, some of us need to dialogue on this issue. Yesterday, I think we did a spinal cord injury Bill, subject to appropriation. This one is the arthritis initiative, subject to appropriation. I think there are two or three more of those on the Calendar and I begin to wonder at what point we really need as a group to come together and say, which one of these are we going to fund, or which two or three? And which ones are we never going to fund, and go from there because it's very easy to pass this. You've been around here long enough to know that it isn't so easy to appropriate the funds to really address the issue. And, I guess, my only concern is if we continue to do this and have 40 or 50 of these initiatives in statute, at some point, to appropriate, the bulk of them are going to be left out."

Flowers: "You know, Representative, I agree with you 100%. But what I was thinking about while you were speaking, as far as funding of all these different specialties, in regards to illnesses, but we're going to pay for it one way or the other."

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Black: "No, I don't disagree with that."

Flowers: "You know. So either we can pay for the preventive side of it so people... because we are living longer and healthier lives and it's through education that we are we are living the way that we're living today. So now why should we stop? Because we're going to save the tax payers of the State of Illinois lots of monies because that'll be the less monies going into the nursing homes, less monies that Medicaid and medicare would have to pay out because we have educated the people on something that could be and can be prevented if they were educated and if they knew how to prevent these disease from occurring."

Black: "Can we really prevent arthritis by education? I thought it was just kind of a degenerative, not always associated with aging, but if it can be prevented, if you've got a pamphlet, bring it over. I've got a hip and a knee I'd like to worry about."

Flowers: "Well, let me say it like this, Representative, there's an old saying that, 'if you don't use it you could lose it.'"

Black: "I understand that."

Flowers: "So, by exercising. You know, there's a lot of people out there if they know now to exercise and continue to stay active and to stretch, pull up, pull down, you know, all that other stuff. You stretch your body and you... yeah your body. You stretch your body and you kind of stretch your limbs and so therefore those muscles don't have the opportunity to kind of bulk up on you. And then as a result of it bulking, you know, sometimes it'll hurt. But you have to, as Representative Giles just said to me, you have to get that blood circulating in those muscles and so all of... and then... "

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Black: "That's right, that's right. I think, maybe we should open every Session by having Richards Simmons lead us in some exercise."

Flowers: "You know what? Can we talk? You know, we need that. And by dancing and by moving, you know, you can lose a few pounds and Representative... And this is merely adult physical ed and we're just trying to have our seniors or those of us soon to be seniors to live longer and healthier lives. And through this legislation, I think we could do that."

Black: "Okay. And I appreciate your response. It's just a question that I wanted to raise because at some point, it's not enough to pass the initiative. At some point, we really need to address the funding and which of these initiatives we should be funding and I appreciate your answers. Thank you."

Flowers: "Thank you."

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

Flowers: "I would appreciate an 'aye' vote on Senate Bill 1642."

Speaker Hartke: "The question is, 'Shall the House pass Senate Bill 1642?' 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 Senate Bill 1642, there are 118 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. On page 4 of the Calendar, on Third Reading, appears Senate Bill 1582. Representative Moffitt. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1582, a Bill for an Act to amend the

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Counties Code. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Moffitt."

Moffitt: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 1582 is the result of a request of a number of counties around the state. It is permissive in nature. It provides that the county board of a county... that they maintain a Geographical Information System. They may provide for an additional fee of \$3 for filing every instrument, in other words, to pay for this system. It also provides that of the \$3, \$2 must be deposited in a special fund set up by the treasurer of the county and that the monies collected under this Act must be used solely for the equipment, materials and necessary expenses incurred in implementing the GIS system. It also provides that the remaining \$1 would be deposited into the recorder's special fund for this equipment. This legislation is supported by economic development groups around the state and by governmental officials and Illinois Sheriffs' Association has signed on as a proponent as it would help them implement E-911. Be happy to entertain any questions. Would also point out that Representative Brunsvold passed similar legislation a year or two ago."

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

Skinner: "Well, Mr. Speaker, this is a fee increase. Right now when you record a document with the recorder of deeds, it costs you 12 bucks. This is going to add 3 bucks. So it's a, well, let's see, no it's more than 25%, 25%? A 25% increase, my astute seatmate tells me. Now, Recorders of Deeds offices are traditionally cash cows for county government. They provide lots of money to the general fund. If the county decides it wants to use this lots of

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money for a GIS system, God bless them. But, counties of course, being extremely greedy creatures, want as much money as they can get. This will be an extra \$180 thousand gouged out of the taxpayers of McHenry County and if you have a larger county, obviously, it will be higher. If you have a smaller county, it will be lower. The money's there folks. The county government can decide just to spend it on project 'X' or project 'Y' or they can come to us and say, 'We want X and Y, give us X and Y.' I have no doubt that we'll vote for this because we basically, represent taxeaters, not taxpayers."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Rock Island, Representative Brunsvold."

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

Speaker Hartke: "The Gentleman will yield."

Brunsvold: "Representative Moffitt. For the purposes of legislative intent, this GIS system may be established by the county in this legislation. Does this include the property of public utilities?"

Moffitt: "No, it does not."

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

Speaker Hartke: "To the Bill."

Brunsvold: "Ladies and Gentlemen, this Bill passed this house before. It is an option for the county to use to do an information system on its land and it is the coming issue in the counties as far as designating lands to... and their uses of those lands. The high tech way of doing this is this method and we passed this to the Senate last year and it failed over there because someone did want to put a fee increase on it. And we objected to that. So I would stand in support of the Gentleman. My county is wholeheartedly behind this issue. It is not a mandate by us. It allows

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the counties to do as it wishes. I stand in support."

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

Moffitt: "Thank you. Just it is permissive. It gives our counties one more option. It's one of these rare pieces of legislation that is being supported by economic development, by the government officials, and by law enforcement so they can better establish the E-911 system. I'd appreciate your vote, thank you."

Speaker Hartke: "The question is, 'Shall the House pass Senate Bill 1582?' All those in favor will vote '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 Senate Bill 1582, there were 79 Members voting 'yes', 38 Members voting 'no', and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. The Chair recognizes the Gentleman from Cook, Representative McKeon."

McKeon: "Thank you, Mr. Speaker. May I be recognized for a point of personal privilege?"

Speaker Hartke: "Yes, you may and I apologize for skipping over you, before."

McKeon: "That's all right. I'm going to be here all afternoon, Sir. At the rear of the chamber are some very special guests from my district, from Harry S. Truman College. The President of Truman College, Pheobe Helm and several of her honor students. And it's a particular honor to have standing with me here at my chair, is the grandson of Harry S. Truman, Clifton Truman Daniel, who is currently a staff member at Truman College in my district. Please welcome the students and Clifton Truman Daniel to the House of

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Representatives."

Speaker Hartke: "Welcome to the Illinois Chamber. On page 4 of the Calendar, on Third Reading, appears Senate Bill 1626. Representative Winters. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1626, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Winters."

Winters: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 1626 deals with a pilot State Police project that will allow, on a limited basis, the State Police to put on the road new technology called pupillometers. The technology is designed to replace the field sobriety test which the State Police currently conduct on motorists who are suspected of inebriation. It can also distinguish the use of other illegal drugs along with alcohol, can distinguish the use of legal drugs where they would then tell the motorist they should be not on the road and they can tell fatigue in the case of long-distance drivers who may be exceeding their federally-mandated hours of current driving. The Bill is supported by the Midwest Truckers, by the State Police, obviously, the Teamsters Union. I believe, I was told at least, that the American Transportation Association has gone neutral. So with that, I'd be happy to answer any questions."

Speaker Hartke: "Is there any discussion? The Chair recognizes the Gentleman from Vermilion, Representative Black."

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

Speaker Hartke: "He indicates he will."

Black: "Representative, this pilot program, have you identified an area of the state or counties that will run this pilot program or will it be hit or miss, it may show up anywhere in the state?"

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Winters: "It is designed to allow up to 15 of these units to be used in State Police cars. I would assume that they would be assigned throughout the state. The project will be run by the Illinois State Police, however, so the final determination of where those units would be placed would be done by the State Police. It is, I think, of interest to understand that people who do not wish to be tested by this device, as it will not be used in a court of law, they can refuse to take the test. If it's unfamiliar technology to them, they feel that they don't want to be part of the pilot project, they simply can refuse. Their refusal can also not be used in a court of law."

Black: "Has any state used this new technology in a road test?"

Winters: "The way... I don't know that I can answer that specific question. I know that Michigan is ordering, under their new fiscal year budget, I believe that they are ordering units for all of their state police cars. Their legislation is set up slightly differently, so they did not need to receive permission. So, the Michigan State Police have decided to use it statewide. I do know it is being used by at least two state departments of correction for testing in their prisons. And there's also been interest internationally, at least five different countries, including Australia, Brazil, England, the Netherlands and I believe, Finland have also, if not, put it into place, have been talking to the developers and would like to use it."

Black: "So, as far as you know, no state has actually taken this device and established a baseline by using it on highways. It's being used in controlled... I understand that some departments of corrections are using it and that's a very controlled environment, but I couldn't find any reference and you indicated, evidently, you couldn't find any

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reference that any state has actually tested this device out on the highways and byways of their state."

Winters: "Well, we would all like to think that the department of corrections are a controlled atmosphere, I think in the prisons themselves that might be a little different atmosphere than controlled. But the State Police Academy in Illinois has already been testing this with several of the State Police Cadet Classes. That again is in controlled situations. The technology itself has been developed by hospitals over the last 7 or 8 decades. We certainly have the background data to use the pupillometry machines. What this does is simply miniaturize the technology, allows it to be used on the state highways. The purpose of the pilot project is, again, to gather the data under real-life conditions."

Black: "Now, as I understand this from committee, this is a device that goes up to your eyes and somehow it looks into your eyes and can tell, by this device looking into your eyeballs, can tell whether you are under the influence of an illegal drug, alcohol, or even measure your level of fatigue, is that correct?"

Winters: "Yes, it is actually trying to put it in an objective sense the same test that a state patrolman, a State Police Officer will use. If he suspects the use, that the driver that he's observing is not in proper control of his vehicle, he's weaving, he's going from lane to lane, he's speeding up, slowing down, the police officer can pull him to the side of the road and using a ball point pen seems to be the object of current widespread use, will track the... tell the driver to watch his pen as they move it in front of his eyes. The policeman is trained through the State Police Academy to observe the eyeball, not to look at the

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pen, but to look at the eyeball and see how it tracks. And then with an objective measurement, I think that his eyeball is wavering too much, he's not able to track, he's not focusing, that's something that in the opinion of the patrol officer, he is observing eye activity that is correlated with being inebriated or under the influence of illegal substances. What the binoculars do is to block off all light from the eyes, one red light then flashes into one eyeball and there are sensors built into the binoculars then that watch what happens to the pupil. As it restricts itself to counteract that light and then slowly expands again in the absence of light and also the fluctuation is the eyeball will wobble, if you will, or move randomly, the sensors can read that, compare it to past experiments that have been done over the last 80 years, that say in fact, that correlates perfectly with marijuana, with alcohol at a certain blood alcohol level."

Black: "If this device is going to be placed in such a position, and you mentioned the word 'binocular', this device is going to be placed on my eyes by a state trooper, who certifies the device that it would not... if it's emitting some kind of an infrared light or whatever it does, who is certifying that this device will not harm, well just leave it at that, will do me no harm? Who certifies that?"

Winters: "Okay, the certification, to my knowledge, was done by the U.S. Department of Transportation, the Coast Guard as the lead agency on that documentation. As far as damage to the eye, it is... I am going to estimate at this point that the closest that the surface would get to the surface of the eye is about two inches. When I inserted my finger in there, it's actually much further away than a normal binoculars would be. There are light shields on the

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outside of the binocular that hold the binocular a certain distance away from the eye and it's quite a large area inside of that. Besides that, the eye shield is disposable, it's a one-time use only and then the entire binocular, as I understand, is also sanitized in some manner between uses so that there should be no contact between one suspect, one person pulled over and the next. Besides which the person themselves holds it up to the eye. It's not placed there by the State Policeman where overuse of force could be used. It is held there by the driver himself and again, is sanitized, and it's a one time use only, the parts that would actually be on the person's face."

Black: "Well, my concern is, and I really don't think that it's misplaced, if something is going to peer into my eyes, whether it's two inches away from my eye or one inch away from my eye or whatever, I would prefer that someone other than the U.S. Department of Transportation certify the device as medically tested and safe. I mean, when I go to get new glasses I don't go to the United States Department of Transportation for my eye exam, I go to a medical doctor or an optometrist. And I raised this point in committee. Have there been any medical tests on this device that indicate whatever technology they're using to get into the inner workings of my eye, is in fact, medically safe?"

Winters: "These have been developed by professionals in the medical field. They've worked in conjunction with the University of Illinois School of Medicine and they have also been verified or vetted, if you will, by the Federal Drug Administration, the FDA, Food and Drug Administration."

Black: "Well, I like the idea about the University of Illinois

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Department of Medicine. Now, I don't have any confidence at all in the Federal Drug Administration and USDOT to protect my eyesight. I could care less about their designation, but if you tell me this has been tested and looked at by ophthalmologists and they are willing to certify that there will be no initial or residual damage to my eyesight, that's a whole another issue. And you say that has been done?"

Winters: "I've gone through the experiments, myself."

Black: "Okay."

Winters: "And had it... it's not a beam of intense light. It actually, I was quite surprised at, in fact, how little of a light spot it was. It's a red light, for some reason it's red. And it really is not... it's much less than when your child..."

Black: "Okay."

Winters: "... flashed a flashlight at you when you're sitting around the campfire and they take the flashlight out and start swinging it around. It is less intense than the light beam that you would get from a flashlight."

Black: "Well, now I notice you were wearing glasses a while ago. Before you took this pupillometer test did you wear glasses or was that after the fact?"

Winters: "Unfortunately, Representative Black, I started wearing these about four years ago, long before this technology was invented."

Black: "All right, Okay. And I don't mean to make light of it, but as we discussed this in committee, and I understand I'm not of the generation that understands all of the latest technology, but when somebody asks me to do a test, particularly a roadside test, by looking into something that's going to read something from my eyeball, I have some

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initial concerns with that. But if , in fact, it has been tested and certified by ophthalmologists, that's something else. If you said that in committee, I must have not heard you. And I do appreciate your illuminating that at this time. Thank you."

Speaker Hartke: "Further discussion? The Chair recognizes the Lady from Cook, Representative Davis."

Davis, M.: "Thank you, Representative. Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Hartke: "Sponsor will yield."

Davis, M.: "Representative, would you happen to have a sample of this object that'll be placed on our eyes? Do you have a sample?"

Winters: "I did not carry one to the floor today, we did have it at the Transportation Committee."

Davis, M.: "Does it go over the head, I mean, is there an ... "

Winters: "Absolute... no, no. It really does look like a set of binoculars and the eye shields around the outside are a little bit larger than a normal binocular. But other than that they are the same weight, the same depth. They have one little cable that would plug into the computer in the squad car."

Davis, M.: "So what would make the officer use this particular method rather than any other method to determine your sobriety?"

Winters: "Well, the problem with the field sobriety test, as you're aware, is it is a subjective test. A patrolman, under night conditions often where he's... there will be headlights flashing by the highway, he is asking a person who may be inebriated or may be under the influence of illegal drugs to do various physical tests and the officer watches those tests, watches how the driver performs on

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them and then he makes an educated guess as to whether that person is drunk, under the influence of drugs, too tired to drive. What this does, is it gives a very precise graph, a readout, that runs through the computer and the answer comes back, this person is on X-drug. It may be a legal drug in which case he simply warns the driver, 'You've been on Sudafed.' "

Davis, M.: "Whoa, whoa, whoa, whoa... "

Winters: "... and you should consider, now just a ... "

Davis, M.: "Whoa, whoa, whoa... "

Winters: "Let me complete it."

Davis, M.: "Whoa, whoa, Representative."

Winters: "All it says is... "

Davis, M.: "Representative, you're telling me that we have a machine that is so technologically sophisticated, that it can tell you what medications I've taken?"

Winters: "Absolutely. Yes."

Davis, M.: "From a binocular?"

Winters: "It is reading. The binocular is simply a device that holds the testing device. This has been used in hospital settings for 80 years, to test the pupil to understand what medical patients are undergoing and what kind of condition they're in. It can determine many different diseases. In the medical setting, it can be used for disease research. In the use under a patrol car, we're simply looking at, 'Is this driver capable of reacting quickly enough to changing traffic conditions to be safe to be on the road?'"

Davis, M.: "You know, Representative, I think if I saw this device and if I had an opportunity to view this device and for example, we had some people in this room that we knew were on high blood pressure medication or perhaps were on depression medicine and that this device accurately

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measured or told us that truth. But you're asking me to go on faith to do what Mayo Clinic, to my knowledge, has not been advanced enough to do. And you're telling me that you want this Body to trust a device that we have not seen. I don't... no, no... "

Winters: "Anybody in the Transportation Committee or one of the Appropriations Committee has seen the device. A number of us have already undergone it just to test what the light is like. We also are not just trusting, we are saying that the Department of Transportation, the Food and Drug Administration and many, many hospitals and medical universities throughout the country have been involved in the development of this product. The other point is, that this is a pilot project. The State Police will gather data that will not be used in any prosecutions for the 18-month period in which it's a pilot. They will come back and report to the General Assembly with, 'How does this integrate into the State Police operations? Is it usable by a small town police department?'"

Davis, M.: "Is it... "

Winters: "Is it really only under State Police control that it should be?"

Davis, M.: "Is this radiation? No?"

Winters: "No, no. Well, I think light in itself is radiation. So it's similar to showing a red flashlight in your eye at a low intensity."

Davis, M.: "Well, you know, like we have studies and they indicate that too frequent use of cell telephones may cause some brain tumors and so forth."

Winters: "Right."

Davis, M.: "So do we know what use of this device may cause in a person? Do you know what harmful effects it may have?"

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Winters: "Well, there has been nothing that has been shown over the last 80 years under hospital situations where any damage has been caused to patients by pupillometry. The whole point of this is we've been able to miniaturize within the very last couple of years, been able to miniaturize what may take half of a room in a hospital, down to the size that it is now portable. So we're moving it from the hospital and the laboratory into a squad car. The idea that it might cause some health problems to an individual, after having gone through the test myself, I cannot conceive that it would cause any problems in a health sense. It may cause a problem if you're inebriated or on illegal drugs, because it will have objective proof as to what you have in your blood system and what is affecting your central nervous system."

Davis, M.: "I think, well, this is my... let me just state this. This is my point. To the Bill."

Speaker Hartke: "To the Bill."

Davis, M.: "Now you're saying, Representative, that this device will determine if a person is inebriated, if they're incapable of driving, and whether they've had an illegal drug or, I don't know, does it tell if they're too tired or not? How does it react if the people are tired?"

Winters: "Yes, it can also test and we have tested the State Police Academy Classes under controlled situations. After eight hours of classroom instruction, how tired are they? After ten hours, after twelve hours after fourteen? There seems to be a very remarkable drop off between twelve and fourteen hours of attention, of paying attention during the day, similar to a driving situation. Between twelve and fourteen hours is a remarked drop off in a persons ability to respond to traffic situations and that's what we're

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trying to do is get those long-distance drivers. In the case of a commercial driver who holds a CDL from any state, they have to keep log books, those can be falsified. But when they are driving too long, they are the dangers. One of the dangers on the road is the long-distance drivers who are too fatigued to react quickly. This device will show they are lying in their log book and they are not capable of controlling the vehicle that they're charged with."

Davis, M.: "Well, you know, I just feel that for us to vote to accept such an intrusive, and this is absolutely intrusive, intrusive police powers and used on a device that has not been proven. You're asking the Illinois motorist to let you experiment on them. And I'm not going to stand here and vote for you to experiment on Illinois drivers without us even knowing what hazards you're going to leave them with healthwise. Now, if we were having an awful rash of irresponsible or drunk drivers, we might have to take such drastic measures. I don't know what company is going to manufacture these things. I don't know what standards they will have to adhere to in order to make sure the public is safe. And because I don't know those things, I will not subject Illinois drivers to this kind of intrusive behavior by the police. I believe the methods we already have in place are working and working successfully. Now, let me just say, I don't condone drug use, I don't condone alcohol use, but if a person has taken medication and it shows up on that machine who we have not tested, who we have not certified, who my people have not said is safe and this person is accused of using an illegal drug, you can ruin a person's reputation forever, based upon something that is not tried and proven. Ladies and Gentlemen of the Illinois General Assembly, we owe voters a much greater deal of

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responsibility. Let them experiment on this product on the police who want to use it. If the State Police want to use it, let them experiment with each other, but let's not put the Illinois motorists under such constraint before the safety of the product is proven, or before the accuracy of the product is proven. There's no proven accuracy. They're asking us to subject the Illinois driver to some kind of a test, to see if it works, to see if it's safe. I urge a 'no' vote, and a very careful 'no' vote. We have a responsibility to the people who send us here not to put them under some means or guise of arrest, ruined reputation, using some device we have not seen. My doctor has not approved of it and said it's safe. I would say vote 'no'."

Speaker Hartke: "Further discussion? The Chair recognizes the Lady from Grundy, Representative O'Brien."

O'Brien: "Will the Sponsor yield?"

Speaker Hartke: "Sponsor will yield."

O'Brien: "Representative Winters, who manufactures this device and how many manufacturers are there?"

Winters: "At this point it is being manufactured by subcontractors in several other states. The developers of the technology work in a sleep clinic in Rockford."

O'Brien: "And... "

Winters: "I'm not aware if there are other manufacturers. I believe they have patents on the device, so other manufacturers would have to pay royalties if they chose to manufacture it themselves."

O'Brien: "And that developer or manufacturer have any plans to build a facility in your area?"

Winters: "They have told me that if the contracts that they have with other states come through with West Virginia

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Department of Corrections, the State Police in Michigan and in several foreign countries, that they believe that within the next couple of years they will be able to open a plant in Illinois employing up to 70 people and instead of subcontracting out, that they would be able to manufacture the devices within Illinois."

O'Brien: "Thank you. Another question that I have regards the test and the measurement of this test, it's dependant on the person not only submitting to the pupillometer test, is that correct? In order to get an accurate result from this pilot program?"

Winters: "I don't understand the question. What you're asking..."

O'Brien: "In order for you to get the test results, for the State Police to get the test results they're seeking, the individual has to submit not only to the pupillometer but to some form of chemical testing, whether it's urine, breath or blood, is that correct?"

Winters: "No, not... no. The whole point of this is that it is not an invasive procedure. And... "

O'Brien: "But you testified in committee that in order to compare the accuracy of the pupillometer device with the standardized test and procedures that we have, that you'd have to have an individual that would have to submit to the pupillometer, and then that would have to be compared to a standardized test already in place, is that correct?"

Winters: "I believe your understanding of that was incorrect. What I think what I said in Committee was that they have already been doing this through the State Police Academy and other controlled situations where they're testing the device. That would have been done by the Department of Transportation by the Coast Guard. Under the pilot project, and I'm not sure on this point, but in the... if,

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for instance, the test is adhered to, the person says, 'yes, you may use this device on me', it shows that he is drunk, the police would probably also, since this is a pilot project, run the field sobriety test. If that also shows that say the person is inebriated then they would do the normal test for inebriation which is a standard, you arrest the driver, you take him down to the station, you do the blood alcohol test. I don't remember the term for it right now, that would be used in court, because this cannot be used in court under the pilot project."

O'Brien: "But that's not what I'm asking you. I'm asking you the intent of this pilot program, are you saying that these devices have been certified as to accuracy, that if they measure a blood alcohol content of .10 that we know for certain that that's .10?"

Winters: "Yes, that testing has been done."

O'Brien: "Who has certified the accuracy of that testing?"

Winters: "The Department of Transportation is the certifying agency for using it as a device for roadside use."

O'Brien: "So they certify, they have the medical expertise of the U.S. Department of Transportation to certify that? Because Ladies and Gentlemen, the intoxilizer, all of those other devices that are used in this state, the certification has always been by the Department of Public Health. Now, we have transferred some of that or we are seeking to transfer some of that. But currently, it's the Illinois Department of Public Health and health professionals that do the certification. And so this... you're saying that they have a certification as to their accuracy."

Winters: "I cannot, I know that the Department of Transportation has done certification, whether Public Health has also done it, I can't testify that, yes they have. I would assume

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that they also have."

O'Brien: "So, you're saying that your pilot program has nothing to do with whether or not they're accurate, but the pilot program is only whether or not to see if the police know how to use them and they can use them out in the field."

Winters: "It is an accurate test. We already know that. What we're trying to do... "

O'Brien: "Well, who says it and what measurement is used and what scientific data do you have, because you testified in committee that it would have to be..."

Winters: "We have reams, we have study after study after study that have been scientifically reviewed in journals of medicine dealing with the pupillometry technology. The pupillometry technology is not being changed, all that's being done is miniaturized. That's all we're doing is moving it from a hospital where for 80 years we have used this. We're moving it from the hospital to the squad car, that's all we're doing. Excuse me, I've got a dry throat. And we're putting it out under actual conditions, that's all we're doing."

O'Brien: "And I guess I want to know, and this wasn't testified to in committee because that was not your testimony in committee that... because you testified that it would have to be... and I asked specifically, what happens if the individual submits to pupillometer and does not submit to some form of chemical testing and you told me then they wouldn't have test data. They wouldn't be able to compare it in that instance. Because then I asked you, 'Well, wouldn't it be a waste if you didn't have enough group, enough people in the 18 months that had submitted, not only to the pupillometer, but to the BAC?', and you said that you didn't think that was going to be a problem that you'd

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get enough people that would voluntarily submit to both of them. But now you're saying, that's not... that you're not testing for accuracy that somewhere this has been certified by something, then what do we need a pilot program for? If it works then they should be seeking to replace that with other field sobriety."

Winters: "My understanding is the State Police asked for the pilot project because they don't know how well it will integrate into their field patrol officers. Other states do not need any legislation to do it and their State Police have said, we think this is such a great idea that we're going to go full force with it. Our State Police has been more conservative. They say we may have operational conditions that we're not comfortable with doing it statewide yet, so let's try a pilot project. It's a step by step, incremental basis. If we do, in fact, run into problems there will be no legal consequences because anybody in this pilot period can refuse the test. They say, 'I don't want to take it, I don't like binoculars.' So we're simply trying to integrate it slowly, get the public used to the device, aware that it is out there, that it is an objective test rather than subjective, 'Well, the patrolman didn't like me very well with my first answer therefore, I have to go down and submit to a blood alcohol test under controlled situations.' That is the subjective test we have today. This is an objective test. There's no way the patrolman can confuse the results or vary the results. He can't alter them at all in the field. The point is that we put something out into the field that will tell us 'yes or no' of whether or not this driver should be behind the wheel or behind bars. That's what we're trying to do."

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O'Brien: "To the Bill."

Speaker Hartke: "To the Bill."

O'Brien: "I appreciate trying to move from subjective testing to objective testing in terms of stopping an individual who may be impaired on the highway. This Bill doesn't come close to doing that. This Bill is taking an unknown quantity and testing it throughout the state and we don't even know what kind of results we're looking for. In committee we were told we were looking for one kind of results and now on the floor we're being told we're looking for something else. I don't think it's the best use of taxpayers' money to be doing some private company's research on a product they have. I think that what we should be doing is looking for the most objective method that has been tested and has been proven and is safe and can be used across the board in this state. And while I understand your concern, Representative Winters, and why you would bring this legislation, especially considering that you do have the manufacturer in your area, I would respectfully urge my colleagues to vote 'no'."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Cook, Mr. Fritchey."

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

Speaker Hartke: "Sponsor will yield."

Fritchey: "Representative, I'm curious as to what your understanding is between the difference between reasonable suspicion and probable cause?"

Winters: "I am not a patrolman, you know, and as a nonlawyer I cannot tell you the difference between those two. All I understand is the patrol officer, my layman's knowledge, is a patrol officer has to observe some activity of a driver to lead him to think that this driver is either inebriated

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or under the influence of a drug."

Fritchey: "But up until now, we've always required there to be probable cause."

Winters: "This does not change the standards under which a patrolman can pull someone to the side of the road. It is the same standards that we've always had."

Fritchey: "It does change it to subject an individual to testing and that being you're dropping the standards significantly from probable cause to reasonable suspicion. And given what is going on locally and nationally with issues such as racial profiling, the idea that we are going to give that much more discretion by which to subject drivers to testing and intimidation by police is kind of troubling, wouldn't you agree?"

Winters: "Well, Representative, let me answer what you brought up about racial profiling. First, this does not change anything in the operation of a patrol officer or his right to pull someone over or not pull someone over. But this device itself has been endorsed by the Association of Black Law Enforcement Officials. They feel because it is an objective test that it will stop racial profiling. If you as a patrolman choose to pull over a particular minority time after time after time and are not able to show that they, in fact, are under the influence, this is a device that will actually prove to your superiors that you are biased in how you deal with the motoring public."

Fritchey: "Let me ask you a question. Nowhere in this legislation does it provide that an officer is required to... Mr. Speaker, Mr. Speaker, a little bit of quiet."

Speaker Hartke: "Please, this is a very important piece of legislation. Mr. Fritchey."

Fritchey: "Nowhere in this legislation does it provide that an

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officer is required to inform the driver that they have the ability to refuse the test. The legislation says that they can refuse it, but the officer is not required to tell a driver that they have the ability to refuse it, are they?"

Winters: "No."

Fritchey: "So they can say, 'I want you to take this test.'"

Winters: "Would you take this test?"

Fritchey: "And do you think it's realistic that most people are going to believe that they have the ability to deny that request from the police officer?"

Winters: "I'm sure that many of them already deny the use of the portable Breathalyzer."

Fritchey: "This is something... First of all, the Breathalyzer test and issue has been around for quite sometime and there have been groups going around telling people that they can refuse to take that test. This is something that is a pilot program, that is a new procedure and a police officer's going to ask somebody that has been pulled over to subject themselves to a test. They are not going to tell that person that they have the ability to refuse that test. So the fact that it is supposedly voluntary really kind of gets lost in the details here, doesn't it?"

Winters: "Well, whether or not the person takes a test it has no bearing on their law enforcement record. In other words, if they take this test and it shows that they're so drunk they can't stand up, it still is not going to be allowed to be entered into the record. Their refusal to take it or that the fact that they took it and were completely incapable of driving a motor vehicle, neither of those can be used in a court of law against them."

Fritchey: "But let's take, if you look at the pupillometer as step one, it becomes a way for the officer to get to step

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two. The officer requests that the driver take the pupillometer test. The driver agrees and based upon that test the officer may now have grounds to subject that driver to a chemical test that the officer would not have been able to ask the driver to take to start with."

Winters: "He would have already had those grounds as he pulls the driver over and does the field sobriety test."

Fritchey: "He would have needed probable cause to take the chemical test."

Winters: "And that's where the field sobriety test is used in conjunction with the pupillometer."

Fritchey: "Now, he needs reasonable suspicion only, so you've lowered the standard."

Winters: "My understanding is that he would be doing the field sobriety test in conjunction with this."

Fritchey: "I, and I mean this sincerely..."

Winters: "Therefore, if it shows up on the pupillometer, he's not going to pass the field sobriety test, either. The patrol officer will have the grounds that he needs to proceed further."

Fritchey: "If the pupillometer is a fraction as accurate as you say it is, the pupillometer is going to show chemical traces and impairment that a field sobriety test may well not show. So the pupillometer has a much, much lower threshold by which an individual would then be subjected to a chemical test. And the concept here as you understand, with all due respect, is not your understanding but I'm looking at the language of this Bill and listening to the testimony as far as the accuracy. You're saying that, you know the test is so accurate that it may show that a driver had taken Sudafed at some point in time. If the test shows that the driver had some trace of some narcotic, maybe it

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was cold medicine from two days before. That's not going to impact..."

Winters: "This can distinguish between illegal and legal subjects. It can tell if there's a narcotic that is under a prescription and that it is not illegal to drive but it is probably inappropriate. And the patrolman, under the training that the State Police already do, are instructed the way to deal with this with a legal substance is to advise the driver, 'You know your reaction time is slower than it really should be. We advise you that you ought to get off the road or find someone else to drive.' I think it's a perfectly reasonable answer to legal drugs that are used... there is warning on these legal drugs you should not be operating machinery. It's not illegal to be on the highways, though."

Fritchey: "To the Bill, Speaker. While I fully support all efforts to assist law enforcement in doing their job in keeping our roads safe, this is a piece of legislation that at a troubling time in crossroads for our law enforcement officers, gives them further unfettered discretion and it does so through the means of using a machine that has been untested and unproven and I think has very significant ramifications down the road. It does smack of a 'big brotherish' type of feel to it. It's an interesting mix of Sponsors on here. Again, I applaud the concept behind it, but I will be voting against this Bill and request that my colleagues join me in doing the same."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Winnebago, Representative Scott."

Scott: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I want to try to demystify this a little bit 'cause I've heard some arguments that are actually pretty strange,

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given what we're actually trying to accomplish with this Bill. Right now if you get pulled over and an officer thinks that you're under the influence of some kind of illegal drug or of alcohol, he has the ability to ask you to do some field sobriety tests and he has to meet a certain burden to get to that point. None of that changes with this Bill. But here's what the difference is, right now they give you the one leg stand test, the walk and turn test, and if you've prosecuted or defended, you understand what these are. Then they also have a test which is the horizontal gaze nystagmus test, which is an officer standing in front of you with a pen and asking you to follow the flight of the pen with your eyes. The officer then looks at your pupils and watches for the flight of them to see how they jerk or how smoothly they move and follow the pen. And based on that, based on the officer's training, based on the other field sobriety test, whatever your driving was, you determine whether or not there's probable cause for him to ask you to take one of the chemical tests, to place you under arrest and make one of the chemical tests. All this is doing is a pilot project to use a device, that in my mind, is far better than subjecting someone to a horizontal gaze nystagmus test. And we have that debate about whether we should make field sobriety tests mandatory. Field sobriety tests are very subjective and that creates a lot of problems for a lot of people. This is an effort to make objective something that right now is very subjective. For the people that were worried about certain populations being pulled over, I share that view. But I don't think this hurts that, I think this helps that, because now somebody getting pulled down to the station and using this as probable cause

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instead of having the very subjective test of the gaze nystagmus test, has something with a read out on it, that's far more objective than that particular test is. You're not changing anything else in the law with that and the person still has the ability to refuse this test or any other field sobriety test that's out there. This is a much, much better way to do that. The pilot program gives us the opportunity to test this particular machine to see if it does the things that we think it's going to do, that Representative Winters has talked about. And if it doesn't do it, you bag it. But if it does do it, we've got a much more effective tool in recognizing people who are driving under the influence of alcohol, who are driving under the influence of illegal substances, and who are driving when they're tired which is just as big, in many cases, just as big of a highway impediment as the other two. This is something, that hopefully, will be the first step toward finding a new device that makes all of our roads a lot safer and it doesn't do anything to upset the balance that we have right now in terms of the law. It doesn't do anything to give the police officers more discretion, it gives them less. Because now instead of having this very subjective test, you've got a much more objective test that's out there. The courts will ultimately determine, as they do in every other piece of technology, whether this is something that passes muster so that eventually it can be entered into court. But for right now it can't be, because the law says it can't be entered into the court process right now. It's just what the officer on the street can use, objectively, instead of the much worse subjective test, that believe me, is difficult to prosecute when you're trying to establish the validity of this particular

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horizontal gaze nystagmus test. For those of you who prosecuted, you know it's a very difficult thing to do to walk the officer through that. This would be a much better, better tool for that. For those of you who are interested in trying to provide better safety and better law enforcement techniques out there and eliminate some of the subjective things that we argue against all the time and that we voted against last month when we passed the Bill over to the Senate, this is a much better Bill. I ask for an 'aye' vote."

Speaker Hartke: "Further discussion? The Chair recognizes the Lady from Lake, Representative Garrett."

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

Speaker Hartke: "He indicates he will."

Garrett: "Representative Winters, as you know we heard this Bill twice in Transportation. I have some different questions and that is in regard to how these pupillometers, whatever they're called, are going to be produced and manufactured. Is there going to be one company in Rockford that is going to be manufacturing these?"

Winters: "As far as I know, the technology has been developed at this point by one company. There may be other companies that will be able to develop a parallel technology that would get around the patents. But at this point, it's like any new technology, one company holds the patent rights. They may choose to have it manufactured by other companies, but it's one company that owns the patent."

Garrett: "Okay, so is there a company now with a sign out front that says they are going to manufacture these devices? Is there a legitimate business not just a technology... "

Winters: "Yes, yes."

Garrett: "...Where they actually have a plant that

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manufacture..."

Winters: "They are subcontracting because of the low volume of units that they've been able to sell at this point, they cannot afford to have one plant that could do the molding of the different parts that go into it. They are buying off-the-shelf components from other scientific companies and then simply putting the device together."

Garrett: "Okay, so they're fitting the devices together. Where are they fitting the devices together?"

Winters: "I can't answer that. It's being done by subcontractors, I don't know. I don't believe it's in Illinois at this point."

Garrett: "Okay, it goes to the heart of my question and that is the quality control. As all of us in this General Assembly want to make sure that people are driving safely on the roads, I am concerned that what we are looking at is a device that we have no control over, that we don't know what kind of quality control measures are currently... "

Winters: "The control is by the Food and Drug Administration, by the Department of Transportation. They verify and certify that the instruments, in fact, before they're placed in service, have meet every test to make them safe and accurate."

Garrett: "Okay, so just... "

Winters: "So whether or not they're manufactured in Illinois, there are thousands upon thousands of products that we use in our State Police and our Department of Corrections that are not manufactured in Illinois and we don't control the quality control of those, it's done by Federal Law."

Garrett: "Okay, except these devices are being manufactured it seems outside the country. You're not sure exactly where?"

Winters: "I believe they are in the United States, not outside

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the country."

Garrett: "Well, wherever it is in the United States... "

Winters: "It doesn't matter. If they were imported they still have to meet the federal guidelines of these two agencies."

Garrett: "Okay, so they're brought into the State of Illinois for our State Police to use and there is some sort of quality control measure that's in place that assures all of us, the citizens, that if these pupillometers are used that, in fact, they are guaranteed to provide the kind of results that we expect that they will deliver."

Winters: "Absolutely, they would have to go under periodic testing to make sure that they don't vary out of compliance. The State Police would be required to run them through their lab to make sure that they are giving accurate results. Absolutely, I don't have any fear whatsoever, that these devices would not give accurate readings and they would be monitored by the State Police to make sure that they stay in compliance."

Garrett: "And that this, the other question I have, this technology is owned by one particular group of people right now, as far as you know?"

Winters: "Just like any new device. Like any other new device. Someone developed it, came up with a wonderful idea and is starting to market it. What's different from any other product in the country?"

Garrett: "Well, I guess my, you know, we talk about 'no bid contracts' and we worry about things like that. I guess I would want to be assured that if there is another company out there that, in fact, we would be looking at making sure that since we are paying about \$115 thousand for this as a pilot program that that is a competitive price and that we are doing the best we can for the taxpayers of this state."

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Winters: "I feel very comfortable that the State Police would not be pursuing this project if they didn't feel it was cost effective and safe for the motoring public and a lot safer than keeping these people on the road who are drunk, too tired, or too drugged to be operating their motor vehicles."

Garrett: "And then finally, is there some sort of document that you have that actually talks about these quality control assurances and some sort of documentation that we understand how the process works for these devices to come into the State Police?"

Winters: "I'm not the testing agency. The Department of Transportation, the Food and Drug Administration are responsible for certifying these machines. So there is documentation, I don't have it. I cannot tell you that I have it in my possession, 'cause that's not my role. But it is certified and proven to be a safe, effective, accurate instrument."

Garrett: "Thank you, Representative."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Cook, Representative Delgado."

Delgado: "Thank you, Mr. Speaker and Members of the House. Will the Sponsor yield?"

Speaker Hartke: "The Sponsor will yield."

Delgado: "Representative Winters, once again on the probable cause, can you help me understand how they determine probable cause on a stop?"

Winters: "My understanding is that the same requirements for probable cause would be used as any other traffic stop, where a suspected, a driver suspected of not being in proper control of his vehicle. It doesn't change that whatsoever. It simply, during the questioning of the

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suspect asks, 'Will you take this test? We're trying to gather data to see whether or not we can integrate this in the future.' But it doesn't change probable cause in any manner, whatsoever."

Delgado: "Okay. To the Bill, Mr. Speaker."

Speaker Hartke: "To the Bill."

Delgado: "I'm very concerned with this Bill, Representative, as I too am working with the Illinois State Police from the Public Safety Committee side and I have people in my communities, be it any Latino community, that are getting stopped just for wearing cowboy hats, for heaven sakes. So, I have to be very reluctant to want to push a Bill that, until I can see and members of our communities can see, and people of color can see, a comprehensive plan for racial profiling in this state that is visionary, that will address through their hiring and training procedures to give us something tangible that will help us understand how we're going to deal with that. Because other than that, Sir, coming from the criminal justice field myself, I have a real problem with giving them another tool that will continue to infuriate our citizens out there by having, determining the State Police, with all due respect to all my white colleagues, there's 71.5% white and male and we know what is going on in this nation. So, I am reluctant to vote on this Bill and I'm gonna vote 'no' because I want to see a comprehensive plan on how we're going to address this in this state through policy and hiring and that way we can try to bring our communities together. Until then, Sir, we become the victims of this because on the same token, we just had an opportunity to pass some video taping which is very, very important and your side of the aisle kept talking about cost. In this case, this one unit costs

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\$75 hundred and now it's a great idea. So, with all due respect, I would urge a strong 'no' vote. We need to have it from the top, Representative Winters, from the Illinois State Police, because they have a burden that they must be accountable for, because it is our constituents who are the ones being stopped on those highways. Thank you, Mr. Speaker."

Speaker Hartke: "Further discussion? The Chair recognizes the Lady from Cook, Representative Hamos."

Hamos: "I'd like to start by addressing the last speaker's concerns, because I realize that the reason that I am supporting this legislation is for the exact same reason that he's opposing it. I, too, am concerned about people in my district with cowboy hats who are being stopped for no other reason. I, too, am concerned that people, because of the color of their skin, are being treated differently by some police than other people by other police. The whole question of uneven enforcement of our laws is very much before us. Just in the last two years since I have been here, two committees on which I serve have suggested that we should impose field sobriety tests by police and then if people refuse, to actually take their drivers licenses away for a period of six months or something like that. That concerned me, even though the Mothers Against Drunk Driving group was sitting in front of us. I voted 'no' because I was concerned that, in fact, we were placing in the hands of every single police officer, no matter how well trained, no matter what biases, no matter what issues they had, we were placing in their hands a really powerful, in fact, tool that could not be verified, that, in fact, was subjective completely and that was going to impose a great hardship on many of the drivers in Illinois. What

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people object to is that we have uneven enforcement, not that we are trying to take people who are under the influence of alcohol or drugs off the streets. This particular technology that's before us, if tested, and if it turns out to be valid and accurate will, in fact, provide exactly the kind of test we need to make sure that there isn't uneven enforcement, but that we are accomplishing the main goal, which is to remove from the streets people who are inebriated. I think it's been said several times that unlike the mischaracterization that's already gone on, this will not change any of the rules for being able to stop. This will not deal with the probable cause issue, whatsoever. It amends the section of the law that, in fact, only requires reasonable suspicion for the Breathalyzer and for field sobriety tests and now for this instrument. It doesn't change in any of that. It is voluntary by the driver and drivers will be able to feel assured that, in fact, there will be some accurate test that will be able to gauge how other drivers around them are doing when they are on the same roads. So I do urge that we support, that you will vote 'aye' as I plan to, so that we can engage in what is really just an 18-month test to come up with these really important decisions. Thank you."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Cook, Representative McKeon. Larry McKeon."

McKeon: "Mr. Speaker, if this Bill receives the requisite votes, I'd respectfully request a verification of the 'ayes'."

Speaker Hartke: "Your request will be honored. The Chair recognizes the Gentleman from Cook, Representative Dart."

Dart: "Thank you, Mr. Speaker. To the Bill and then I have a quick question. One of the major problems, stumbling

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blocks we've had in a Bill that I've had for three or four years down here dealing with field sobriety tests, which has not been favorably received, has been the fact that people thought too often that the police officers are too subjective in their field tests in what they do. This does seem to address a lot of that concern, because as Representative Scott mentioned earlier, the gaze nystagmus test is used anyway, it will continue to be used regardless of what happens to this Bill. This device though, would add that level of objectivity that a lot of people have voiced concerns about in the past. And that's the reason I'm supportive of the Bill. The question I have for the Sponsor though is, the change that you put in the Bill dealing with the preliminary breath screening test, why is that provision added? The Bill deals mostly with something completely different, why are we changing that area?"

Winters: "Could you repeat the question, Tom? I'm sorry."

Dart: "Sure, David. There's some changes in the preliminary breath screening test. There's a change in there you added the word the person may refuse the test. That's already my understanding what is the law now anyway. Why is it that we're having to put this in statute, though?"

Winters: "Even though it's already standard procedure and known, the Senate when they were dealing in the Transportation Committee in the Senate, they felt that that provision was one that they wanted to see in statute rather than just standard operating. The legal ramifications of that, I understand the State Police were neutral on it, they felt it wouldn't really have any affect on their prosecution. It would not help them or hurt them."

Dart: "That was, my guess, that was my question. And that law enforcement that you're aware of does not find any problems

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with that section at all?"

Winters: "Right. They are neutral on that language."

Dart: "Okay, thank you."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Logan, Representative Turner."

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

Speaker Hartke: "The Sponsor will yield."

Turner, J.: "Representative, I just have one or two questions. Several of my colleagues on that side of the aisle have stood up and said that if this Bill passes there will be no more subjective tests administered by police officers. I've tried to read through the Bill and I don't see where there's anything in this particular Bill that if it becomes law, states that police officers will no longer be able to use subjective tests, for example: finger to nose, nystagmus horizontal gaze test, walk a straight line, stand on one leg, say your abc's, say your abc's backwards and all those kinds of things."

Winters: "I couldn't do some of those today, if you asked me. And you're correct in your analysis. It does not remove the field sobriety test, but it does move us one step closer to having an objective test. Some point in the future, if in fact, these work out as we think they will and that they are put into each patrol car, then at that point it is possible that the subjective field sobriety test would no longer be needed."

Turner, J.: "Okay, but as to the argument that has been advanced by many on this floor that passage of this will eliminate field sobriety tests, that simply is factually incorrect."

Winters: "That is incorrect. It does not eliminate the field sobriety test at this point."

Turner, J.: "My only other question is in reading the analysis it

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says that 'the test detects the presence of drugs and/or fatigue.' Does it discern between fatigue and whether or not a person is under the influence of alcohol or some other drug?"

Winters: "Yes, I have a series of graphs that were provided by the manufacturer that show... they're very distinct graphs based on the different drugs and that's why you can tell whether you're on Sudafed or whether you're on marijuana or cocaine. They're very different graphs and the computer that would be in the squad car simply compares the readout from the person, and there are three different tests that are done, you know, in sequence the same test done three times. Compares the graph that is generated against the database that the computer has and said, 'we have here a perfect match with cocaine at a certain blood concentration or we have a perfect match with a driver who has been alert and active for 12 hours or 16 hours'. They simply match the graphs up and that correlation is virtually 100%. Now it can't be faked, it cannot be adjusted by a patrol officer because he doesn't happen to like the attitude of the driver or the neighborhood that the driver came from. He can't affect the test. That's the beautiful thing of this. It's an absolutely objective test that cannot be faked, fudged, there is no way around it. Either you're proven innocent or you're proven guilty. I guess you cannot prove innocence, but in this case it would go a long ways towards that."

Turner, J.: "If you would allow just a follow-up to that. If the device detects fatigue, but not the presence of drugs... "

Winters: "Right."

Turner, J.: "But fatigue or excessive fatigue, what then happens what's... does the police officer take that person off the

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road? Do they take him to jail? What do they do with their vehicle?"

Winters: "If it's a typical Legislator on his way home, late on Friday night after many hours of debate on the House Floor, he's weaving all over the road, a patrol officer can pull him over and say, 'You know, you really ought to stop at the next rest area and get some sleep, pull off and find a motel or you can continue on at your own risk, but you are a danger.' The private driver would have no impact other than a warning that, 'You know, you're really tired and this thing shows it'. If it's a commercial truck driver, however, under the federal standards for transportation that all states operate under, if you exceed a certain number of hours in the day of driving, you are not allowed to continue driving and the officer then would have the right to arrest that driver and get him off the road. Under the pilot project, I don't believe that's the case, but he would say, 'You know this log, I'm going to look at this log a lot more carefully, and make sure that the mileage that you show is actually accurate. Because you cannot have only been driving for four hours given the fact that your eye measurements that this pupillometer's picking up. It shows that you've been active for a certain number of hours, your log is incorrect.' Today, the law can be fudged as we all know and that's why the trucking industry has gone neutral on this. They said, 'yeah, we're going to get rid of the rotten eggs on the road, the ones that really are exceeding the limits of their body and creating a danger to the motoring public.'"

Turner, J.: "Back to the question on fatigue, if for example, what if a state trooper stops someone, gave them the test it detects fatigue but not the use of any drug, I'm just

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curious a state trooper then if he or she allowed that individual to continue driving, that person became involved in an accident, is the State of Illinois going to be liable? What I'm getting at is does it not mandate that a state trooper or a local law enforcement officer take someone off of the road if fatigue is detected?"

Winters: "My answer to that would be, he will have enough other grounds if, in fact, the driver is that tired, he will have enough other grounds. Either the person's reaction to the pen test, that also shows fatigue. He will use that in correlation with this, he's not going to be able to use the pupillometer to go to a court of law and give this guy a ticket and uphold it in a court of law because this is a pilot project for data gathering only. He will, however, have back-up himself to say, 'You know, this pen, I'm seeing that the pupil is not tracking very well', and that is enough, in conjunction with the logs that the trucker has, to ticket the guy and get him off the road. But as far as the liability of the state, I don't think that this would change the liability of the state in any way."

Turner, J.: "The pilot program is 18 months and as I understand it the test would be administered only to truck drivers. If a truck driver... "

Winters: "Could you repeat that? I didn't catch that, John."

Turner, J.: "It's an 18-month pilot program."

Winters: "Yes."

Turner, J.: "And it's administered only to those who drive trucks, correct?"

Winters: "No, no, no."

Turner, J.: "No, no?"

Winters: "It's available, the patrol officer would use it for any driver that they pull over."

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Turner, J.: "Okay, I didn't understand that, thank you. And if it is used in a stop during this 18 months, it's a pilot program I understand, but would that evidence be admissible if there's a subsequent arrest?"

Winters: "No."

Turner, J.: "And does the Bill say that?"

Winters: "Yes."

Turner, J.: "Okay, I did not see that in there but just so for legislative intent then it is... "

Winters: "Yes."

Turner, J.: "... your intention that even though the test may be administered during the 18 months, it... the results thereof will not be used in a court of law either for or against the individual."

Winters: "It is not... correct and that was the testimony given by the State Police in the Transportation Committee, also. That their understanding also, is that it is to be used to test the implementation of it statewide, to gather additional data under field conditions which you cannot do under our current statutes, but the results are not to be used in prosecution."

Turner, J.: "And finally, Representative, if this passes and if the mechanism is found to work after the 18-month period and indeed, becomes an instrument of common usage in the State of Illinois, would it be your intention to work then to remove the use or utilization of all field sobriety tests and use only this one, which would be objective versus subjective?"

Winters: "I think if we find, in fact, in this pilot project that, in fact, it is a very reliable test and that's my belief or I wouldn't be supporting it. I think that may be the next logical step, to implement it statewide and use it

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statewide then for another period under actual conditions in prosecutions. Find out if there are any weaknesses that the field sobriety test might cover. If, in fact, we find that this perfectly matches and does everything that the field sobriety test has allowed us to do before, then the question of removing field sobriety from procedures and use by the State Police may very well be the direction that we take. John, let me get back to one other thing. You were mentioning the fact that this cannot be used in a court of law. It actually can, I was mistaken. It can be used in a court of law by the defendant, by the motorist, if this proves, in fact, that he is not too tired, that he is not on drugs, then this is admissible to defend that motorist. The State Police cannot use it, the prosecution cannot use it, but the defendant can as evidence that he is not, in fact, under illegal drugs or under alcohol."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Cook, Representative Acevedo."

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

Speaker Hartke: "To the Bill."

Acevedo: "Ladies and Gentlemen, we can stand here all day and give reasons why not to vote for this Bill. All this is is another tool to help policemen take drunk drivers off the road. What reason can we give a mother who has lost a son or daughter that's involved in a car accident with a drunk driver? I myself experienced this past summer an accident with a drunk driver. This past summer my wife and myself and my five boys were on a family vacation, a head-on collision caused by a drunk driver. All four of the other people in the other vehicle were killed. Ladies and Gentlemen, what reason can you give me when a fireman came and peeled me off that windshield? All this is is a pilot

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program that helps policemen curb the tragedies that happen day in and day out on the highways. Believe me, I know how it feels. And this is just a program and a tool that's going to help policemen to help prevent these tragedies. We can come up with all sorts of reasons, but all we're asking is a fair chance. So, I can stand here today and know how it feels to be in an accident caused by a drunk driver, as a Chicago policeman knowing how hard it is to take these criminals off the road. Granted, let's give everybody a fair chance out there, everybody who is a safe driver. Give them a chance and let's please vote 'yes' for this Bill for just a pilot program. Thank you."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Kendall, Representative Cross."

Cross: "Thank you, Mr. Speaker. I understand there's a verification on the 'yes' votes."

Speaker Hartke: "Yes, there is."

Cross: "I'd request a verification on the 'no' votes in the alternative, thank you."

Speaker Hartke: "Representative Winters to close."

Winters: "Ladies and Gentlemen of the House, this is a very simple Bill. It allows an objective test that can be used by the defendant, if in fact, they are not using drugs and alcohol. It is a test to see if we can get more people off the road who are drunk, who are under the influence of alcohol, who are too tired to drive. It will save lives, it will save lives in this state. Please vote 'aye'."

Speaker Hartke: "The question is, 'Shall the House pass Senate Bill 1626?' All those in favor will vote 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? A request for verification has been made. Have all voted who wish? Mr. Clerk, take the record. On Senate

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Bill 1626, there are 74 Members voting 'yes', 42 Members voting 'no', and 2 Members voting 'present'. Mr. Cross? Mr. McKeon? And this Bill, having received a Constitutional Majority, is hereby declared passed. On page 5 of the Calendar, on Third Reading, appears Senate Bill 1734. Representative Schmitz. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1734, a Bill for an Act amending the Military Code of Illinois. Third Reading of this House Bill."

Speaker Hartke: "Representative Schmitz."

Schmitz: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This Bill is very appropriate for what we saw today with the honor of all the flags that came in earlier. 1734 will amend the Military Code and removes the requirement that each loan by the Adjutant General of military flags or otherwise, must be approved by the Governor. This Bill requires that the Adjutant General report annually to the Governor, all items loaned, to what entity, and the terms of the loan. Be happy to answer any questions."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 1734?' 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 Senate Bill 1734, there are 118 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, for an announcement."

Clerk Rossi: "Supplemental Calendar #1 is being distributed."

Speaker Hartke: "On Third Reading, on page 4 of the the Calendar,

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appears Senate Bill 1391. Representative Lyons. Mr. Clerk, take that Bill out of the record. On page 4 of the Calendar appears Senate Bill 1658. Representative Osmond. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1658, a Bill for an Act concerning workers' compensation self-insurance pools. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Osmond."

Osmond: "Thank you, Mr. Chairman, Ladies and Gentlemen of the chamber. This is an initiative from the Department of Insurance, which basically asked that the insurance department be given more authority in the regulation of self-insured work comp pools. Within the last several years, many of these employer-sponsored pools have failed, leaving financial distress for their members and the Department is asking for the authority to have more regulation which would increase the financial report and create annual statements to include admitted assets, include stronger obligations, duties, management standards of these pools, including bonding of management. I'd be happy to answer any questions that any Members might have."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 1658?' 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 Senate Bill 1658, there are 118 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. On page 5 of the Calendar, on Third Reading, appears Senate Bill 1780. Representative Bellock. Out of

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the record. Third Reading, appears Senate Bill 1317.
Representative Rutherford. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1317, a Bill for an Act amending the
Property Tax Code. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Rutherford."

Rutherford: "Thank you, Mr. Speaker, Ladies and Gentlemen of the
House. This piece of legislation would really expand
something that we did a couple of years ago for the
entities that levy for mental health property tax levies,
in which we state that it would specifically allow the
taxing body to utilize those funds only for that specific
purpose. And what we're doing now is to add in the section
for the developmentally disabled, that if funds are levied
for that, it would only be able to be utilized for that
purpose."

Speaker Hartke: "Is there any discussion? Seeing that no one is
seeking recognition, the question is, 'Shall the House pass
Senate Bill 1317?' 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 Senate
Bill 1317, there are 118 Members voting 'yes', 0 voting
'no', and 0 voting 'present'. And this Bill, having
received a Constitutional Majority, is hereby declared
passed. On Senate Bill 1397, Representative Lawfer. Mr.
Clerk, read the Bill. Out of the record. On page 8 of the
Calendar appears Senate Bill 1447. Mr. Clerk, what is the
status of that Bill?"

Clerk Rossi: "Senate Bill 1447, a Bill for an Act amending the
School Code. Second Reading of this Senate Bill.
Amendments 1 and 2 were adopted in Committee. No Motions
have been filed. No Floor Amendments approved for

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consideration."

Speaker Hartke: "Representative Crotty."

Crotty: "Thank you, Mr. Speaker. I ask that we table Amendment #2 and then move the Bill to Third."

Speaker Hartke: "The Motion is to table Amendment #2. All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair is the 'ayes' have it and the Amendment is tabled. Any further Amendments?"

Clerk Rossi: "No further Amendments. No further Motions filed."

Speaker Hartke: "Third Reading. Is Representative McCarthy in the chamber? Is Representative Shirley Jones in the chamber? Representative Art Turner. On page 7 of the Calendar appears Senate Bill 1425. Representative Turner. Out of the record. Mr. Clerk, what is the status of Senate Bill 1363?"

Clerk Bolin: "Senate Bill 1363 is on the Order of Senate Bill's-Second Reading."

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

Clerk Bolin: "Senate Bill 1363, a Bill for an Act to reenact provisions of the Firearm Owners Identification Card Act. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. Senate Bill 1362. Representative Dart. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1362, a Bill for an Act to reenact provisions of the Rights of Crime Victims and Witnesses Act. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. Senate Bill 1361. Representative Beaubien. Out of the record. Senate Bill 1364. Representative Righter. Representative Righter. Representative Righter. Mr. Clerk, read the Bill."

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Clerk Bolin: "Senate Bill 1364, a Bill for an Act to reenact provisions of the Unified Code of Corrections. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed.

Speaker Hartke: "Third Reading. Mr. Clerk, Senate Bill 1361, Representative Brosnahan. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1361, a Bill for an act to reenact various provisions of Public Act 88-680 amending the Illinois Vehicle Code. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. What reason does the Gentleman from Vermilion, Representative Black, seek recognition?"

Black: "Yes, just an inquiry of the Chair, Mr. Speaker. Could I ask you a question, Mr. Speaker?"

Speaker Hartke: "You could."

Black: "Yes, well, since my two Senate Bills didn't get out of Rules, can I pick up two other Senate Bills or trade them for two House Bills? How does that work?"

Speaker Hartke: "If you'd approach the podium, we will inform you of your options."

Black: "I'll bet you will, thank you."

Speaker Hartke: "Okay. On page 4 of the Calendar, on Third Reading, appears Senate Bill 1382. Representative Schoenberg. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1382, a Bill for an Act to amend the Criminal Code of 1961. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Schoenberg."

Schoenberg: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Senate Bill 1382 enhances the penalties for criminal defacement of property. Right now, under current law, there's no minimum fine for the criminal defacement of

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property. And this Bill is virtually identical to House Bill 3221 which Representative Osterman sponsored and was passed out of the House early this Session. Essentially, it says that people convicted of a Class III or Class IV felony, criminal defacement of property, should be fined \$500 plus the actual cost of restoring the defaced property. This is supported by the City of Chicago, the Jewish Community Relations Council of Metropolitan Chicago, the Cook County Judicial Advisory Council and the Chicago Housing Authority. I know of no opposition. I'd be happy to answer your questions. I encourage your support."

Speaker Hartke: "Is there any discussion. The Chair recognizes the Gentleman from Vermilion, Representative Black."

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

Speaker Hartke: "He indicates he will."

Black: "Representative, does this apply to the City of Chicago or County of Cook or is it statewide?"

Schoenberg: "This is statewide. There is no geographical limit on this."

Black: "Okay. Let me ask you a question. In addition to any other sentence that may be imposed the judge is now mandated to fine this person \$500, plus the actual cost of cleanup, repair, et cetera. Now, I'm going to assume that someone who does this kind of foolish behavior is generally not a person of great wealth. So the fine is going to be paid before anything else happens because that carries a penalty of incarceration. Instead of fining the person \$500, which may be the extent of that person's resources, why don't we put the \$500 towards restitution or cleanup? It doesn't make any sense to me to take money up front that perhaps would be better spend going to the property owner who's property the defendant defaced."

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Schoenberg: "Mr. Black, your point is well taken, but I have to say that I don't think it's accurate to assume that somebody who would be guilty of criminal defacement of property is likely not to be able to afford the restitution. I represent the most affluent area of the state in per capita, per household income and I would venture to say that most people in the communities I represent, they do have the means to do this. And this is indeed a problem. I don't think that you can safely say that... you make your premise on the point that most people would be likely not to afford to pay it. I think that if you have a \$500 fine, plus making people reimburse and provide restitution for the damages incurred, I think that sets a strong deterrent."

Black: "Well, and I realize my statement was a generalization. But I know where I live, some of the upstanding citizens who do this on a whim, on a lark, sometimes worse than that, often barely have the cost of the can of spray paint. And I just think that you're putting the fine certainly in a superior position to the recovery of what I would consider to be more important. You know the judge, I mean, the judge can fine this individual. What's the range now? I thought judges had rather substantial leeway. If he wanted to fine this person a thousand dollars, he could do so, or she could do so. But we're saying, in addition to, any fine imposed, we're going to add a \$500 surcharge and it just seems to me that the \$500 might very well be used in my district anyway, to the advantage of the property owner who may have to repaint their garage door. Or may have to have someone clean off the paint on the side of the building. That \$500 could go a long way towards restoring their property to the level that they would want

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restoration. And I realize it's a generalization, but I know I've seen cases in my area where \$500 may be the extent of the perpetrator's resources. And it just seems that rather than go into the court fee or the court fund, it might be better off going to the victim."

Schoenberg: "Mr. Black, in response I just wanted to add that Representative Osterman has accurately pointed out to me that a number of municipalities actually go out and eliminate the defacement or the graffiti. So this money isn't necessarily going exclusively into the court system, but rather it's going in part to the municipalities which are out cleaning up the graffiti on the property. Whether it's a park building, whether it's a school building, whether it's a religious institution, it's already existing practice that municipalities are incurring some of the cost to remove the graffiti, so with this money going towards those municipalities through the fines, they would in turn have some of those costs for the removal being covered. And I neglected to point that out earlier and I apologize."

Black: "Okay, well, I guess another question, having been here for awhile that I have. Representative Osterman is new, is he not?"

Schoenberg: "That he is, but he's wise beyond his years."

Black: "What I'm trying to get at is why then is his Bill, which is almost identical, why is his Bill languishing in Senate Rules and then we fall all over ourselves to vote on the Senate Bill? Isn't there any measure of equity in the place anymore?"

Schoenberg: "Mr. Black, I don't know if I want to wade too deeply into that existentialist question."

Black: "I understand. Yeah. Well... "

Schoenberg: "And I don't know why that Bill is languishing in

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Rules. Maybe it's because Mr. Osterman's relative youth and inexperience, but whatever the reason, as Robert DeNiro said in that classic movie the Deerhunter, 'This is this, and it's not anything else.'

Black: "I think that sums up the entire day and I thank you for that answer."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from DuPage, Representative Johnson."

Johnson, Tom: "Will the Sponsor yield?"

Speaker Hartke: "He indicates he will."

Johnson, Tom: "Representative, I just need to clarify. You indicated that in your area you felt that people had plenty of resources to be able to take care of both the fine and make restitution."

Schoenberg: "Mr. Johnson, what I was saying in response to Mr. Black is, Mr. Black based his initial question on the premise that he just assumed that this happened... was more likely to happen in places where people didn't have the means and I wanted to point out to him that this happens in communities throughout the state, regardless of people's means and I certainly see it in my suburban communities, where... that it's not limited to any corner of the state or to any municipality."

Johnson, Tom: "Okay, Jeff, you know, I think I expressed this reservation before and I don't want to repeat all of Representative Black's arguments, but Representative Black, in my opinion makes the cogent point. That I don't have any problems in terms of increasing the maximum amount of fine, or mandatory fine, provided that fine follows restitution. To the Bill. In my area, which is West Chicago, I have to tell you that most of my citizens, especially the ones who are out painting the graffiti,

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really don't have much in the way of resources. And the argument can be made, well, the community can reimburse the property owner for cleaning the graffiti off his garage or his fence or whatever. But basically, what we're doing there, I believe, is taking away from the actual responsibility of the offender to first make restoration to the person they have offended and secondly, let's worry about the fine otherwise. This Bill will pass and it will pass by a wide margin but I do think that it is important that we emphasize that when we do this, oftentimes what were doing is increasing fines which are payable to the clerks of the courts and to the court system that the deterrent of making the poor victim whole. And it's for that reason, I'm going to vote 'no' on this Bill because I believe that the flexibility ought to be there in the courts, first of all, to make sure that the amounts of money necessary or to the extent that the defendant has any resources first be applied to take care of that restitution and secondly to pay an actual fine to the court. And I think that there is more deterrent when that defendant has to go back to that victim and make restitution than there is to, 'Hey, I'm gonna just pay my lawyer and I'm gonna pay the court.' So as a precedent I think that this is not a good precedent and for that reason I'm going to be voting 'no'."

Speaker Madigan: "Mr. Schoenberg to close."

Schoenberg: "I ask for your support of Senate Bill 1382."

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? The Clerk shall take the record. On this question, there are 105 voting 'yes', 13 voting 'no'. This

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Bill, having received a Constitutional Majority, is hereby declared passed. The Chair is prepared to adjourn. Are there any announcements? Are there any announcements? Speaker Madigan in the Chair. The Clerk will announce the Committee Schedule."

Clerk Bolin: "A Committee Schedule has been distributed. The following Committees will meet immediately after session. The Constitutional Officers Committee will meet in Room C-1. The Elementary and Secondary Education Committee will meet in Room 114. The Executive Committee will meet in Room 118. The Human Services Committee will meet in D-1. And the Insurance Committee will meet in Room 122B. The following Committees will meet 30 minutes after session. Judiciary II-Criminal Law will meet in D-1. Local Government will meet in C-1. Registration and Regulation will meet in Room 114. Revenue will meet in Room 118 and Veteran's Affairs will meet in Room 122B."

Speaker Madigan: "Mr. Skinner."

Skinner: "Yes, Mr. Speaker, I've been waiting for over a week now for you to call the billion dollar tax cut Bills, the ones that you proposed. Are we ever going to have a roll call on those?"

Speaker Madigan: "The Bill's Sponsors have not indicated that they want to call the Bills."

Skinner: "Who are the Bill's Sponsors?"

Speaker Madigan: "Representative Moore and Representative Holbrook."

Skinner: "Representative Holbrook and the first one was?"

Speaker Madigan: "Moore."

Skinner: "Andrea doesn't want to call it? Well, I'll have to ask her. Representative Moore, do you want to call your tax cut Bill? He says you don't want to call your tax cut

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Bill, is that true? He seems to be willing to give you a vote right now. Well, Mr. Speaker, you're the one that was bold enough to suggest we should have a billion dollars worth of tax cuts, perhaps you could convince these Sponsors to call their Bills."

Speaker Madigan: "Mr. Skinner, it's always a pleasure to hear from you. If there's nothing further, Representative Currie moves that the House does stand adjourned until 12 noon tomorrow, providing perfunctory time for the Clerk. Those in favor say 'yes'; those opposed say 'no'. The House does stand adjourned until 12 noon tomorrow, providing perfunctory time for the Clerk."

Clerk Rossi: "This Perfunctory Session will come to order. Second Reading of House Bills to be held on the Order of House Bills-Second Reading, or Senate Bills-Second Reading. Senate Bill 1393, a Bill for an Act to amend the Illinois Vehicle Code. Second Reading of this Senate Bill. Senate Bill 1577, a Bill for an Act creating the Southwest Suburban Railroad Redevelopment Authority. Second Reading of this Senate Bill. Senate Bill 121, a Bill for an Act amending the Code of Criminal Procedure of 1963. Second Reading of this Senate Bill. Senate Bill 747, a Bill for an Act amending the Property Tax Code. Senate Bill 807, a Bill for an Act concerning health facility planning. Senate Bill 1231, a Bill for an Act in relation to secured transactions. Senate Bill 1249, a Bill for an Act amending the Long Time Owner Occupant Property Tax Relief Act. Senate Bill 1295, a Bill for an Act concerning public universities. Senate Bill 1296, a Bill for an Act concerning taxation. Senate Bill 1298, a Bill for an Act amending the Illinois Vehicle Code. Senate Bill 1303, a Bill for an Act amending the Property Tax Code. Senate

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Bill 1307, a Bill for an Act amending the Property Tax Code. Senate Bill 1321, a Bill for an Act amending the Compensation Review Act. Senate Bill 1330, a Bill for an Act amending the Franchise Disclosure Act of 1987. Senate Bill 1360, a Bill for an Act to reenact Article V of the Juvenile Court Act of 1987. Senate Bill 1365, a Bill for an Act to reenact certain criminal provisions of the Public Act 88-680. Senate Bill 1377, a Bill for an Act to amend the Fire Protection District Act. Senate Bill 1425, a Bill for an Act concerning park districts. Senate Bill 1426, a Bill for an Act in relation to probation and supervision. Senate Bill 1444, a Bill for an Act to amend the Higher Education Student Assistance Act. Senate Bill 1451, a Bill for an Act to amend the Illinois Municipal Code. Senate Bill 1453, a Bill for an Act concerning taxation. Senate Bill 1477, a Bill for an Act amending the Shawnee Town Regional Port District Act. Senate Bill 1503, a Bill for an Act amending the Illinois Vehicle Code. Senate Bill 1507, a Bill for an Act amending the Illinois Commission on Community Service Act. Senate Bill 1514, a Bill for an Act to amend the Election Code. Senate Bill 1541, a Bill for an Act amending the Public Utilities Act. Senate Bill 1559, a Bill for an Act amending the School Code. Senate Bill 1620, a Bill for an Act amending the Sex Offender Management Board Act. Senate Bill 1636, a Bill for an Act to amend the Illinois Percentage Act of 1984. Senate Bill 1645, a Bill for an Act amending the Property Tax Code. Senate Bill 1647, a Bill for an Act in relation to certain land. Senate Bill 1659, a Bill for an Act amending the Personnel Code. Senate Bill 1660, a Bill for an Act amending the Illinois Public Aid Code. Senate Bill 1680, a Bill for an Act in relation to real property. Senate Bill

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1693, a Bill for an Act amending the Property Tax Code. Senate Bill 1707, a Bill for an Act amending the Retailers Occupation Tax Act. Senate Bill 1828, a Bill for an Act in relation to state government. Senate Bill 1829, a Bill for an Act in relation to state government. Senate Bill 1851, a Bill for an Act amending the State Finance Act. Senate Bill 1853, a Bill for an Act in relation to tobacco settlement proceeds. Senate Bill 1855, a Bill for an Act in relation to the General Assembly. Senate Bill 1860, a Bill for an Act concerning membership duties, rights, and obligations of authorities, boards, commissions and committees. Senate Bill 1871, a Bill for an Act concerning state contracts. Senate Bill 1881, a Bill for an Act amending the Sanitary District Act. Senate Bill 1929, a Bill for an Act in relation to taxes. Second Reading of these Senate Bills to be held on the Order of Senate Bills-Second Reading. Senate Bill 1389, a Bill for an Act concerning higher education. Senate Bill 1400, a Bill for an Act amending the Emergency Telephone System Act. Second Reading of these Senate Bills to be held on the Order of Senate Bills-Second Reading. House Perfunctory Session will come to order. Committee reports. Representative Giles, Chairperson from the Committee on Local Government, to which the following measure/s was/were referred, action taken on April 5, 2000, reported the same back with the following recommendation/s: 'be adopted' Floor Amendment #1 to Senate Bill 1377, be approved for consideration. Motion to concur with Senate Amendment #1 to House Bill 3132. Representative Saviano, Chairperson from the Committee on Registration and Regulation, to which the following measure/s was/were referred, action taken on April 5, 2000, reported the same back with the following recommendation/s:

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'be approved for consideration'. Motion to concur with Senate Amendment #1 to House Bill 4043. Representative Coy Pugh, Chairperson from the Committee on Revenue, to which the following measure/s was/were referred, action taken on April 5, 2000, reported the same back with the following recommendation/s: 'be adopted' Floor Amendment #1 to Senate Bill 1453 and Floor Amendments 2 and 4 to Senate Bill 1693. Representative McAuliffe, Chairperson from the Committee on Veterans' Affairs, to which the following measure/s was/were referred, action taken on April 5, 2000, reported the same back with the following recommendation/s: 'be approved for consideration'. Motion to concur with Senate Amendments 1 and 2 to House Bill 3312. Representative Steve Davis, Chairperson from the Committee on Constitutional Officers, to which the following measure/s was/were referred, action taken on April 5, 2000, reported the same back with the following recommendation/s: 'be approved for consideration'. Motion to concur with Senate Amendment #1 to House Joint Resolution 40. Representative Woolard, Chairperson from the Committee on Elementary and Secondary Education, to which the following measure/s was/were referred, action taken on April 5, 2000, reported the same back with the following recommendation/s: 'be approved for consideration'. Motion to concur with Senate Amendment #1 to House Bill 3435. Recommends be adopted House Amendment #1 to Senate Bill 1426. Representative Feigenholtz, Chairperson from the Committee on Human Services, to which the following measure/s was/were referred, action taken on April 5, 2000, reported the same back with the following recommendation/s: 'be approved for consideration'. Motion to concur with Senate Amendments 1, #3 and 4 to House Bill 2574. Representative Mautino, Chairperson from the

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Committee on Insurance, to which the following measure/s was/were referred, action taken on April 5, 2000, reported the same back with the following recommendation/s: 'be approved for consideration'. Motion to concur with Senate Amendment #1 to House Bill 4433. Representative Gash, Chairperson from the Committee on Judiciary II-Criminal Law, to which the following measure/s was/were referred, action taken on April 5, 2000, reported the same back with the following recommendation/s: 'be adopted' Floor Amendment #2 to Senate Bill 730. There being no further business, the House Perfunctory Session stands adjourned."