

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

7th Legislative Day

February 7, 2001

Speaker Madigan: "The House shall come to order. The Members shall be in their chairs. We shall be led in prayer today by the Reverend James Harper Jr. of the Park Road Bible Church in Mokena. Reverend Harper is the guest of Representative Kosel. The guests in the gallery may wish to rise and join us for the invocation and the Pledge of Allegiance."

Reverend Harper: "It's quite an honor to be here with you today. In 1962, I was a Senior Page in the Kennedy Administration, in Washington. So, I went from a Page to a pastor and it's exciting to be here and to pray for you as you make your decisions. My two oldest grandchildren are with me today, as well as my wife. The prayer I have for you today is the Prayer of the Psalmist, in Psalms 5. Let us pray. Give ear to my words, Oh Lord, and consider my meditations. Give heed to the voice of my cry, my King, and my God, for to You I will pray. My voice You shall hear in the morning, Oh Lord, in the morning I will direct it to You. I will look up. For You are not a God who takes pleasure in wickedness, nor shall evil dwell with You. The boastful shall not stand in Your sight. You hate all workers of iniquity. You shall destroy those who speak falsehood, the Lord abhors the bloodthirsty, and the deceitful man. But as for me, I will come into Your house in the multitude of Your mercy, in the fear of You I will worship toward Your holy temple. Lead me, Oh Lord, in Your righteousness because of my enemies. Make Your way straight before my face, let Your will come forth today, in Jesus name. Amen. Thank you."

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

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

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

Speaker Madigan: "Roll Call for Attendance. Representative Currie."

Currie: "Thank you, Speaker. Please let the record show that we have no excused absences to report today."

Speaker Madigan: "Mr. Poe."

Poe: "Mr. Speaker, let the record show that Representative Ron Stephens is excused today."

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

Clerk Bolin: "Committee Reports. Representative Reitz, Chairperson from the Committee on Cities and Villages, to which the following measures were referred, action taken on Wednesday, February 7, 2001, reported the same back with the following recommendations: 'do pass Short Debate' House Bill 28 and House Bill 60. Representative Burke, Chairperson from the Committee on Executive, to which the following measures were referred, action taken on Wednesday, February 7, 2001, reported the same back with the following recommendations: 'do pass Short Debate' House Bill 232."

Speaker Madigan: "First Reading."

Clerk Bolin: "First Reading of House Bills. House Bill 717, offered by Representative O'Brien, a Bill for an Act in relation to agriculture. House Bill 718, offered by Representative O'Brien, a Bill for an Act in relation to conservation. House Bill 719, offered by Representative Feigenholtz, a Bill for an Act in relation to children."

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House Bill 720, offered by Representative Soto, a Bill for an Act creating the Short-term Loan Act. House Bill 721, offered by Representative Schoenberg, a Bill for an Act concerning State funds. House Bill 722, offered by Representative Schoenberg, a Bill for an Act to create the Freedom of Choice Act. House Bill 723, offered by Representative Schoenberg, a Bill for an Act concerning transportation. House Bill 724, offered by Representative Schoenberg, a Bill for an Act in relation to public employee benefits. House Bill 725, offered by Representative Schoenberg, a Bill for an Act concerning schools. House Bill 726, offered by Representative Schoenberg, a Bill for an Act concerning the use of State funds. House Bill 727, offered by Representative Schoenberg, a Bill for an Act concerning criminal law. House Bill 728, offered by Representative Schoenberg, a Bill for an Act concerning criminal law. House Bill 729, offered by Representative Schoenberg, a Bill for an Act in relation to governmental ethics. House Bill 730, offered by Representative Schoenberg, a Bill for an Act in relation to children. House Bill 731, offered by Representative Schoenberg, a Bill for an Act concerning property taxes. House Bill 732, offered by Representative Schoenberg, a Bill for an Act in relation to recycling. House Bill 733, offered by Representative Schoenberg, a Bill for an Act concerning displaced homemakers. House Bill 734, offered by Representative Schoenberg, a Bill for an Act concerning State finance. House Bill 735, offered by Representative Schoenberg, a Bill for an Act with regard to schools. House Bill 736, offered by Representative Schoenberg, a Bill for an Act concerning economic opportunities. House Bill 737, offered by Representative Schoenberg, a Bill for an Act in

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relation to public aid. House Bill 738, offered by Representative Schoenberg, a Bill for an Act in relation to insurance. House Bill 739, offered by Representative Mautino, a Bill for an Act concerning insurance. House Bill 740, offered by Representative Mautino, a Bill for an Act in relation to insurance. House Bill 741, offered by Representative Mautino, a Bill for an Act concerning audits. House Bill 742, offered by Representative Mautino, a Bill for an Act concerning taxes. House Bill 743, offered by Representative Mautino, a Bill for an Act making appropriations. House Bill 744, offered by Representative Mautino, a Bill for an Act regarding vehicles. House Bill 745, offered by Representative Mautino, a Bill for an Act concerning the comprehensive health insurance plan. House Bill 746, offered by Representative Fowler, a Bill for an Act making appropriations. House Bill 747, offered by Representative Fowler, a Bill for an Act making appropriations. House Bill 748, offered by Representative Fowler, a Bill for an Act making appropriations. House Bill 749, offered by Representative Fowler, a Bill for an Act making appropriations. House Bill 750, offered by Representative Fowler, a Bill for an Act making appropriations. House Bill 751, offered by Representative Scully, a Bill for an Act concerning environmental protection. House Bill 752, offered by Representative Saviano, a Bill for an Act concerning dental hygiene. House Bill 753, offered by Representative Hartke, a Bill for an Act concerning the regulation of professions. House Bill 754, offered by Representative May, a Bill for an Act concerning education. House Bill 755, offered by Representative Holbrook, a Bill for an Act with respect to taxation. First Reading of these House Bills."

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Speaker Hartke: "Representative Hartke in the Chair. The Chair recognizes Representative Fritchey. For what reason do you seek recognition?"

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

Speaker Hartke: "State your point."

Fritchey: "All of us can use, from time to time, a little added good fortune down here. And to celebrate the birthday of one of our colleagues, Representative Susan Garrett, we have a large number of fortune cookies down front. Please join me in wishing Susan a happy birthday and feel free to help yourselves to the fortune cookies. Thank you."

Speaker Hartke: "Thank you, Mr. Fritchey. Page 2 of the Calendar, on Third Reading, appears House Bill 250. Mr. Madigan, Mr. Speaker, read the Bill. Mr. Clerk."

Clerk Bolin: "House Bill 250, a Bill for an Act in relation to public employee benefits. Third Reading of this House Bill."

Speaker Hartke: "Mr. Speaker."

Madigan: "Mr. Speaker and Ladies and Gentlemen, House Bill 250 embodies the agreement between the Ryan Administration and AFSCME concerning pension law changes that would benefit several state employees. First, there would be an increase in the alternative formula for both the coordinated employees and the noncoordinated employees. The maximum alternative retirement annuity would rise from 75% to 80% of final salary. In addition, there would be increased contribution rates for the alternative formula employees so that the increase contribution rates would generate approximately 200 million in additional revenues for the State Employees Retirement System. Also, certain employees of the Department of Mental Health would be placed under

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the alternative formula. These are people who work in the security units, but only those employees who spend at least 50% of their working time in a security unit would qualify for the alternative formula. Employees of the Jacksonville School for the Deaf and the Jacksonville School for the Blind would also be placed under the alternative formula. Mr. Speaker, those are the highlights of the Bill, I recommend an 'aye' vote."

Speaker Hartke: "Ladies and Gentlemen, this is the Third Reading Bill. Let's please give our attention to the Speaker. The Chair recognizes the Gentleman from Cook, Representative Parke."

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

Speaker Hartke: "The Sponsor indicates he will yield."

Parke: "Representative Madigan, have you received a fiscal note on this from the pensions?"

Madigan: "Mr. Parke, I think the answer to your question would be as follows; there'll be a \$300 million dollar increase in accrued liability to the State Employees Retirement System, 290 million resulting from the increase of the alternative formula, and 10 million resulting in the addition of the mental health workers in the secured facilities. There will be no increase in annual cost to the state until Fiscal Year 2010, at which time the annual cost will be approximately .7% of the payroll or \$28 million per year."

Parke: "My question is, why does ther... why is there only a liability to the system until 2010? What does... what is unique to this Bill that I'm failing to understand? Why wouldn't it be effective next year?"

Madigan: "Mr. Parke, that happens because of what are called the Fund Building Rates which are mandated by an enactment of the General Assembly of about ten years ago, which are

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mandating increase in fundings through these funds."

Parke: "So, you're talking that, on that mandated benefit, that comes off the top on our appropriations system in this state that has to go to pensions which we all agreed. That liability won't be incurred by that immediate payment until 2010, is that what you're saying?"

Madigan: "I think the answer would be that because of the previous enactments, there's a steady flow of money into the pensions systems which will now permit them to defer the immediate hit that might be anticipated from this Bill, absent that flow of money."

Parke: "Is there any way that we'll... it's just gonna be another hit on our General Revenue funds in 2010? I mean, there's nothing... nothing we can do about it, just it's an incurred liability that the state will have to pay out of the General Revenue fund?"

Madigan: "That'd be my understanding that once we get to 2010, at least in that fiscal year, there'll be a \$28 million per year cost. And my expectation is, that would continue into later years."

Parke: "What is the cost to the next fiscal year budget for this Bill?"

Madigan: "Zero."

Parke: "Any... Any... Zero."

Madigan: "Zero."

Parke: "Okay. Now, if you're talking about the alternative formula, who is gonna to be in the alternative formula under this legislation? What... who will you add to the alternative formula?"

Madigan: "Number one, there's an improvement in the alternative formula. So you may recall, in 1997, the General Assembly enacted significant increases in the retirement benefits of

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state employees covered under the regular formula. At the same time, the General Assembly did nothing to increase the retirement annuities under the alternative formula. The result has been that the regular and alternative formulas became much closer than was previously the case, being essentially the same for the first ten years of state service. So, what we've done in this Bill is to improve the benefit level under the alternative formula and also add the workers at the mental health facilities, that I referenced in my earlier remarks, and the academic employees at the Jacksonville School for the Deaf and the Jacksonville School for the Blind."

Parke: "Well, I... I appreciate..."

Madigan: "I might add... let me add, Mr. Parke, for the edification of the Members, there are approximately 81,500 active members in the State Employees Retirement System. Of the 81,000, 19,200 are under the alternative formula. Nineteen thousand out of 81,000."

Parke: "I appreciate that you're putting the employees from the Jacksonville Institution for the Blind, but normally when we put people into the alternative fund, it's because they're working in a hazardous arena. How does that employment qualify them to be in that system?"

Madigan: "Mr. Parke, that was in error. The statement about the academic employees was in error, they're not being put into the alternative formula. I misread this document. What there's... what's happening for the academic employees is that the academic year will be counted as a full year of service. So, the academic year is usually less than 12 months. This would provide that, in terms of their pension credit, they'd get a full 12 months."

Parke: "Okay. I've been contacted by the Teamster's Union about



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being added into the alternative formula. Is there any stipulation in here to add them in?"

Madigan: "No."

Parke: "Thank you, Representative."

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

Hoeft: "Thank you, Mr. Speaker. For those... I am the Republican Chairman of the Pension Committee, spokesperson of the Committee, and this has been well negotiated out. This is the administration's Bill for the AFCSME workers, the state workers. Unless we want to get into the actual process of negotiating for the administration, it is obvious that this is... should be a bipartisan vote. This is something we all can support. The Ryan Administration's effort to come up with a contract is personified in this Bill. I would strongly endorse the Speaker's support for this and I'd say that this ought to be unanimous vote. It's the final bit in the package for the AFCSME workers. And, lets all get together and vote 'yes' on this."

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

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. To the Bill, if I might."

Speaker Hartke: "To the Bill."

Black: "I commend the Sponsor of this legislation, Speaker Madigan. In fact, I've been asked to be a cosponsor. I think Representative Parke, Representative Hoeft have clearly stated some of the reasons why many of us will be voting for the Bill. I would simply like to make the point that was made earlier by Representative Parke and reinforce that. The... our side of the aisle, Representative Poe, had filed Committee Amendment #1 to this Bill which was

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rejected and that's the process. I don't have any qualms with that. The process exists to hear your Amendments and sometimes they pass, sometimes they do not. But, I would remind the Members of the Body that many of you have already voted for the enhanced pension emolument for those teamsters who are members of the Illinois Department of Transportation. And in their case, the alternative pension formula was designed for those in hazardous occupations. And the record, which most of you who were here last spring know, more IDOT workers are killed in the line of duty than those currently covered under the formula, i.e., of the State Police. So, at some point in the process, Mr. Speaker, we would hope that our efforts to include the IDOT teamster workers in the alternative pension would find a Bill. We understand why the Sponsor did not want it on this Bill, and I would tend to agree with the Sponsor. This Bill should be kept clean, as it is, and go to the other chamber. But at some point, the House Republicans, and I'm sure joined by those of you on the other side of the aisle, think it just as important that we address the long-standing issue of the fairness for those IDOT workers who we think, and I know many of you do as well, should be included under the alternative pension formula. We will continue, Mr. Speaker, with your good, gracious support to try and find a home for that Amendment so we can address the issue of our Department of Transportation workers. And I thank you for your indulgence, Mr. Speaker, and I certainly intend to vote 'aye' for this piece of legislation crafted by an outstanding Sponsor, one of the very few Bills that he's carried in the last few years. And I think he's done an excellent job of presenting the Bill, quite frankly, for a young fellow. He's done a very

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good job."

Speaker Hartke: "Thank you, Mr. Black. The Chair recognizes the Gentleman from Whiteside, Representative Mitchell."

Mitchell: "Thank you, Mr. Speaker. I rise in strong support of Speaker Madigan's Bill. This is long overdue, it's one that all state workers need, and I agree also with my colleague from Danville that we need to come back and work on the part of the Bill that would support IDOT's changes, as well. The teamsters do have a very difficult job. But, this is an important piece of legislation, it's gone through the process and it's one that we can all support. I stand in strong support of Speaker Madigan's Bill. Thank you."

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

Madigan: "Mr. Speaker and Ladies and Gentlemen, in closing, and simply asking for a 'yes' vote on this Bill, let me point out to the Members one important consideration, relative to the remarks of certain Members in support of, including highway maintainers under the alternative formula. I commented in my earlier remarks, that the Bill under consideration right now was negotiated between the Ryan Administration and the AFCSME Union. Just last summer, the Teamsters Union concluded very lengthy, complex, difficult negotiations with the Ryan Administration. Those negotiations were deemed by the teamsters to be very successful, but they did not include the provision for the highway maintainers going under the alternative formula. My point is, the teamsters had their opportunity to negotiate, just as AFCSME negotiated, and apparently they didn't take advantage of that opportunity. That's not to say that we won't consider the Bill which would provide for

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the highway maintainers coming under the alternative formula, it's simply something that everybody should understand. This Bill is the product of negotiation. The question of the highway maintainers, apparently, was never subject to negotiation between the Ryan Administration and the Teamster's Union. Mr. Speaker, I would request a 'yes' vote."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 250?' 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? Representative Younge, Wyvetter. Mr. Clerk, take the record. On this question, there were 250 Members voting 'yes'. No, excuse me, 117 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. On page 2, on the Calendar, appears House 254. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 254, a Bill for an Act in relation to public employee benefits. Third Reading of this House Bill. Mr. Madigan."

Madigan: "Mr. Speaker and Ladies and Gentlemen of the House, this Bill is concerned with 50 widows of Chicago firefighters who were killed in the line of duty. All 50 of these widows have been receiving pensions calculated at 75% of the salary of the deceased firefighter at the time of the death of the firefighter. Because of the adoption of a local ordinance by the City of Chicago, which mandated a retirement age for firefighters, the benefit level for these 50 widows has been reduced down to 50%... 40% of the salary level of the firefighter at the time of death. This Bill would rescind that action by the local city council

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and also by the local pension system and restore these widows to the 75% level of pension benefit. Mr. Speaker, I recommend 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: "The Sponsor indicates he will yield."

Black: "Speaker Madigan, I remember reading a great deal about this in the Chicago media. What I'm having a difficult time understanding; is there only 25 widows involved? And why... what I don't understand is what happened that would reduce the benefit for those seeking this change? Was it a drafting error, or something we failed to correct in years past? I don't understand why, if it's a 75% survivor's annuity, suddenly 25 widows would only receive a 40% annuity."

Madigan: "Mr. Black, my memo indicates that it's 50 widows, not 25."

Black: "All right."

Madigan: "And let me simply read this paragraph which will explain what happened. Current law generally provides that the pensions of all widows of Chicago firefighters killed in the line of duty shall be set at 75% of the current salary attached to the rank of the fallen firefighter. The current provision also states, however, that the widow's pension shall be reduced from 75% to 40% of salary at such time as the fallen firefighter would have reached mandatory retirement age. The provision never presented a problem in the past because there was no mandatory retirement age for Chicago firefighters. All widows subject to this provision continued to receive a pension equal to 75% of salary

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throughout their lifetimes, but last year the Chicago City Council enacted an ordinance establishing a mandatory retirement age of 63 for firefighters effective December 31, 2000. One effect of this ordinance is that the pensions of many firefighter widows pensions will be reduced from 75 to 40% of salary. This Bill would rectify that situation."

Speaker Hartke: "Representative Black."

Black: "Yeah, thank you very much. I appreciate that... you certainly illuminated that issue. Let me make it very clear, this has no impact on any state pension plan, this is the Chicago firefighters pension plan. I was under the impression that the city could enact this. Why does it take an action of the General Assembly to do this, if in fact, the City of Chicago controls this pension fund? Is it an underlined substantive Bill that we have to be in agreement with them or...?"

Madigan: "Mr. Black, I think there's a divergence of opinion among the lawyers in Chicago. I think some lawyers would argue that you don't need this Bill, but there are others who are telling us that you need a change in the state law to..."

Black: "Okay."

Madigan: "...rectify the situation."

Black: "Well, may I say I'm shocked that I would... there's a divergence of opinion of Chicago lawyers. My goodness, I had no idea that took place."

Madigan: "That's how they earn their fees."

Black: "So, to be on the safe side, then, it is thought that we need to codify this. And again, I... for the benefit of those who are paying attention, and that's five or six people in the chamber anyway, this has no impact on any

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state pension fund. This is, in fact, an obligation of the City of Chicago. So, we are not to be concerned about a fiscal impact on any state pension. That's correct, is it not?"

Madigan: "The answer is yes."

Black: "Okay. And I don't know of anyone who would stand in opposition to the Bill. I would simply say to my good friends in Chicago, all three or four of them, that the city should have taken steps, probably before it came to this, to rectify this situation. But, better late than never, it needs to be rectified and I certainly stand in support of your legislation."

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

Madigan: "Simply to request a 'yes' vote."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 254?' 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 House Bill 254, there were 117 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. On page 2 of the Calendar, appears House Bill 25... 266. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 266, a Bill for an Act in relation to public employee benefits. Third Reading of this House Bill."

Speaker Hartke: "Speaker Madigan."

Madigan: "Mr. Speaker and Ladies and Gentlemen of the House, this Bill represents an agreement between the City of Chicago and the Federation of Police in Chicago. It represents

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benefit increases through several categories of police officers. As an example, there would be automatic annual increases for officers born before January 1, 1950, and pursuant to a Committee Amendment, that would be retroactive to January 1, 2000. But there would be the removal of an earnings limitation upon duty-disabled police officers. There would be an increase in the minimum duty disability benefit, there would be the creation of a new permanent and total duty disability benefit, and there would be an increase in the child's benefits, also. As I said earlier, this represents an agreement between the City of Chicago and the Federation of Police, which is the labor organization that represents the police in Chicago. The key element in this Bill is the one that relates to the duty-disabled police officers in terms of increasing the benefit level for a police officer who has been disabled in the performance of his duty. I recommend an 'aye' vote."

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

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

Speaker Hartke: "The Sponsor indicates he will yield."

Parke: "Representative Madigan, it has always been your policy on Pension Bills that do not, well all Pension Bills for that matter; when I worked with you many years ago when we... I was the spokesman on the Republican side, you said at that time that you would only put forth Pension Bills that were agreed to by both parties. Has the Chicago pension... the Chicago Police Pension Board approved this increase?"

Madigan: "Mr. Parke."

Speaker Hartke: "Excuse me, Mr. Speaker. Ladies and Gentlemen, could we give some attention to the Speaker, please? Thank you. Speaker Madigan."



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Madigan: "The answer is yes, this is an agreement between the City of Chicago and the Police Pension Board and the Federation of Police."

Parke: "Now, do I remember correctly that the police... the Chicago Police Pension Board is overfunded, I mean they have plenty of money, I mean they have more than they need, or about what percentage of funding is in that system now?"

Madigan: "Mr. Parke, in my opinion, that system is adequately funded along with the fire system. There are two other systems in the city which are overly funded. They're referred to as the laborers and the municipal system."

Parke: "But this one is not but it's... you think that from your evaluation that they have enough money to take care of this obligation if they..."

Madigan: "Yes."

Parke: "...we incur it."

Madigan: "Yes."

Parke: "And what is the overall impact on the Chicago Police Pension System if we pass this legislation?"

Madigan: "There would be increase in accrued liability of \$141 million with an estimated first-year cost of \$10 million."

Parke: "Is there anyone in opposition to this legislation, as far as you know, anybody spoke against it?"

Madigan: "Not to my knowledge, there was no opposition in the committee."

Parke: "Thank you, Representative."

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

Madigan: "Mr. Speaker, simply to ask for a 'yes' vote."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 266?' All those in favor will 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 House Bill 266, there were 117 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received a Constitution Majority, is hereby declared passed. The Chair recognizes the Gentleman from Vermilion, Representative Black. For what reason do you seek recognition?"

Black: "Yes, thank you very much, Mr. Speaker. While there's a brief lull, an inquiry of the Chair."

Speaker Hartke: "State your inquiry."

Black: "I don't have a written copy of the new House Rules, but I assume that electioneering on the House floor is... would be a violation of the rules, would it not be? If you would ask Mr. Uhe, who is an expert on the saf..."

Speaker Hartke: "I'll ask Mr. Uhe."

Black: "Well, the reason I raise the question, Mr. Speaker, and in all due respect to you, Sir, you know I hold you in high esteem and in fact when I growup I want to be just like you."

Speaker Hartke: "Thank you. Thank you very much."

Black: "But, I don't know whose birthday it is, but in this fortune cookie that I was just, and it's very good by the way, and thank you to whoever made those possible. I opened my cookie, Mr. Speaker, and the fortune is Chuck Hartke for Speaker. Now, isn't that electioneering, and did you clear it with your side of the aisle?"

Speaker Hartke: "It sounds like a great idea to me, but you know I... I'll have to check through that basket and see if I can find one for myself."

Black: "I think you'd better check with some people on your side of the aisle, and take that under advisement. But I intend

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to keep this as a momento, Sir, and I certainly thank you,  
and I... sounds good to me."

Speaker Hartke: "Hey, I'm for it."

Black: "The Gentleman..."

Speaker Hartke: "I'm for it."

Black: "The Gentleman from Effingham, my heavens. Well, I don't  
know how you did this, but my hat's off to you, Sir."

Speaker Hartke: "Well, I do have some individuals in China that I  
know, maybe we had..."

Black: "Yes, I know I got one of those fortune cookies, too."

Speaker Hartke: "Okay, thank you. The Chair recognizes the  
Gentleman from... or the Lady from Grundy, Representative  
O'Brien. For what reason do you seek recognition?"

O'Brien: "Yes, Mr. Speaker, thank you. I rise for the purpose of  
an announcement."

Speaker Hartke: "State your announcement."

O'Brien: "That the House Judiciary II Committee which was  
scheduled to meet at 9:00 a.m. on Thursday in D-1 will meet  
at 10:00 a.m."

Speaker Hartke: "The Chair recognizes the Gentleman from Cook,  
Mr. Kenner."

Kenner: "Thank you, Mr. Speaker. I'd just like to announce that  
the Committee on State Government Administration will not  
be meeting at 1:00. Thank you."

Speaker Hartke: "Your meeting is cancelled today? The meeting is  
cancelled?"

Kenner: "Yes, it is."

Speaker Hartke: "The Chair recognizes the Gentleman from Cook,  
Representative McCarthy."

McCarthy: "Thank you, Mr. Speaker. I rise to... for the purpose  
of an announcement."

Speaker Hartke: "State your announcement."

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McCarthy: "The Child Support Enforcement Committee that is scheduled for 3:00 in Room 122-B, will meet at 3:15; 3:15 instead of 3:00. Thank you."

Speaker Hartke: "The Chair would like to make an announcement, as well. Treasurer Topinka invites all of us to the African-American Heritage celebration going on in the rotunda as we speak. So, as we leave here today, you may want to stop by. The Chair recognizes Representative Black again."

Black: "Thank you very much, Mr. Speaker. An inquiry of the Chair."

Speaker Hartke: "State your inquiry."

Black: "Yes, is the Chief Clerk in the well, Mr. Rossi... Rossi? Yes, there he is. It's been three weeks since we have organized the House, more than ample time to have... with all of these Motions and Committee Chairs making these statements, I need a copy of the new House Rules. Could you advise when Chief Clerk, Mr. Rossi, would have those available?"

Speaker Hartke: "Mr. Black."

Black: "Yes."

Speaker Hartke: "We feel that, if we did give you those, we would confuse you."

Black: "Well, that's never stopped me before. Well, I mean it's all of these changes. I don't know what committees are meeting where, I'm already confused. And it is the Chief Clerk's job, and in the job description, I think in a timely fashion, we're supposed to have a copy of the House Rules. And I... perhaps the Chief Clerk could advise us as to when he would expect to have those rules available, because I... we're at a disadvantage. I think Mr. Uhe probably has a copy of the rules and we don't."

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Speaker Hartke: "Mr. Black."

Black: "Yes."

Speaker Hartke: "I've been advised, if you read House Resolution 22, you will have a copy of the new House Rules."

Black: "Oh, Mr. Speaker, I disposed of that some time ago..."

Speaker Hartke: "We'll get you..."

Black: "...it was very bulky."

Speaker Hartke: "We'll get you another copy."

Black: "Thank you. Preferably one that has some gliding characteristics, that... if... if you catch my drift."

Speaker Hartke: "I remember, yes."

Black: "Well, I... I will... I will intend to keep on the House Clerk on this matter until we have these rules. I... I'm a stickler for the rules, Mr. Speaker, and I just feel... I just feel partially dressed when I don't have the rules out here on the floor, because I'm not sure some of these committee changes of time and location are in accordance with the House Rules. In fact, Mr. McCarthy..."

Speaker Hartke: "We will get you a copy of..."

Black: "...has me so confused. Did he say, did Mr. McCarthy say we were meeting in Room 315? There is no Room 315, Mr. Speaker."

Speaker Hartke: "Representative McCarthy."

McCarthy: "That was Room 122-B; B as in boy, 122. We're meeting at 3:15 instead of 3:00, I didn't want to waste the Members time by having them sit around for 15 minutes."

Black: "Was that Motion, your Motion to change the time, was it in writing and filed with the Clerk?"

McCarthy: "No, Sir."

Black: "I think... does that require unanimous consent?"

McCarthy: "I didn't hear the question, but I probably wouldn't know the answer anyway."

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Black: "Representative Ryder, Representative Tom Ryder objects to the change of time. What do we do now?"

McCarthy: "We'll move it back to 3:00, then..."

Black: "Thank you."

McCarthy: "...if that's true."

Speaker Hartke: "The Chair recognizes the Gentleman from Bureau, Representative Mautino."

Mautino: "Thank you. Mr. Speaker, would it be a violation of the rules if I were to ask the House to welcome the newly appointed Mayor of the Village of Dalzell..."

Speaker Hartke: "Yes, it probably..."

Mautino: "...Gloria Orlandi."

Speaker Hartke: "...would be, but welcome to the Mayor..."

Mautino: "Far be it for me to break the rules by introducing the newly elected, appointed Mayor of the Village of Dalzell, Gloria Orlandi. Welcome."

Speaker Hartke: "Welcome to the chamber, Mayor. The Chair recognizes the Gentleman from Cook, Representative Lang. For what reason do you seek recognition?"

Lang: "Thank you, Mr. Speaker. Just speaking for this side of the aisle, when you do supply Mr. Black his copy of the rules, please make it a soft cover with no hard edges. Thank you."

Speaker Hartke: "Thank you for those words of advice. The House is prepared to adjourn. Representative Lang now moves that the House stand adjourned until the hour of 12:00 noon tomorrow, allowing perfunctory time for the Clerk. All in favor signify by saying 'aye'; opposed 'no'. In opinion of the Chair, the 'ayes' have it, and the House does stand adjourned."

Clerk Bolin: "Perfunctory Session will come to order. First Reading and introduction of House Bills. House Bill 756,

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offered by Representative Fritchey, a Bill for an Act in relation to egg-laying hens. House Bill 757, offered by Representative Krause, a Bill for an Act in relation to aging. House Bill 758, offered by Representative Krause, a Bill for an Act in relation to revenue. House Bill 759, offered by Representative Persico, a Bill for an Act in relation to environmental matters. House Bill 760, offered by Representative Leitch, a Bill for an Act concerning taxation. House Bill 761, offered by Representative Howard, a Bill for an Act in relation to the expungement and sealing of arrest and court records. House Bill 762, offered by Representative Howard, a Bill for an Act in relation to the expungement and sealing of arrest and court records. House Bill 763, offered by Representative Capparelli, a Bill for an Act concerning taxes. House Bill 764, offered by Representative Hannig, a Bill for an Act making appropriations. House Bill 765, offered by Representative Hoeft, a Bill for an Act in relation to public employee benefits. House Bill 766, offered by Representative Hoeft, a Bill for an Act in relation to public employee benefits. House Bill 767, offered by Representative Hoeft, a Bill for an Act in relation to public employee benefits. House Bill 768, offered by Representative Hoeft, a Bill for an Act in relation to pensions. House Bill 769, offered by Representative Hoeft, a Bill for an Act in relation to pensions. House Bill 770, offered by Representative Black, a Bill for an Act concerning associate judges. House Bill 771, offered by Representative Delgado, a Bill for an Act in relation to public employee benefits. House Bill 772, offered by Representative Delgado, a Bill for an Act concerning appropriations for teacher pensions. House Bill 773,

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offered by Representative Delgado, a Bill for an Act regarding the State Police. House Bill 774, offered by Representative Persico, a Bill for an Act in relation to trusts. House Bill 775, offered by Representative Dart, a Bill for an Act making appropriations. House Bill 776, offered by Representative Cross, a Bill for an Act in relation to gambling. House Bill 777, offered by Representative Osterman, a Bill for an Act concerning higher education student assistance. House Bill 778, offered by Representative Joseph Lyons, a Bill for an Act relating to procurement. House Bill 779, offered by Representative Garrett, a Bill for an Act relating to telecommunications. House Bill 780, offered by Representative Fritchey, a Bill for an Act in relation to business transactions. House Bill 781, offered by Representative Fritchey, a Bill for an Act in relation to business transactions. House Bill 782, offered by Representative Fritchey, a Bill for an Act in relation to business transactions. House Bill 783, offered by Representative Fritchey, a Bill for an Act in relation to business transactions. House Bill 784, offered by Representative Scott, a Bill for an Act in relation to tobacco. House Bill 785, offered by Representative O'Brien, A Bill for an Act relating to schools. House Bill 786, offered by Representative O'Brien, a Bill for an Act in relation to child custody. House Bill 787, offered by Representative Scott, a Bill for an Act concerning education. House Bill 788, offered by Representative Ryan, a Bill for an Act in relation to public employee benefits. House Bill 789, offered by Representative McCarthy, a Bill for an Act concerning civil procedure. House Bill 790, offered by Representative Slone, a Bill for an Act



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concerning open space lands. House Bill 791, offered by Representative Slone, a Bill for an Act in relation to wildlife. House Bill 792, offered by Representative Slone, a Bill for an Act in relation to wildlife. House Bill 793, offered by Representative Slone, a Bill for an Act concerning growth. House Bill 794, offered by Representative Monique Davis, a Bill for an Act concerning transportation. House Bill 795, offered by Representative Scott, a Bill for an Act concerning education. House Bill 796, offered by Representative Ryan, a Bill for an Act in relation to gambling. House Bill 797, offered by Representative Joseph Lyons, a Bill for an Act in relation to assisted living and shared housing. House Bill 798, offered by Representative Meyer, a Bill for an Act in relation to forest preserve districts. House Bill 799, offered by Representative Eileen Lyons, a Bill for an Act in relation to family law. House Bill 800, offered by Representative Mautino, a Bill for an Act concerning insurance. House Bill 801, offered by Representative Eileen Lyons, a Bill for an Act concerning family law. House Bill 802, offered by Representative Eileen Lyons, a Bill for an Act in relation to child support. House Bill 803, offered by Representative Miller, a Bill for an Act concerning certain lending practices. House Bill 804, offered by Representative Garrett, a Bill for an Act making appropriations. House Bill 805, offered by Representative Davis, a Bill for an Act concerning racial profiling. House Bill 806, offered by Representative Zickus, a Bill for an Act relating to schools. House Bill 807, offered by Representative McGuire, a Bill for an Act concerning mass transit. House Bill 808, offered by Representative Fritchey, a Bill for an Act in relation to business

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transactions. House Bill 809, offered by Representative Osterman, a Bill for an Act in relation to children. House Bill 810, offered by Representative Stephens, a Bill for an Act in relation to vehicles. House Bill 811, offered by Representative Hoffman, a Bill for an Act in relation to contracts. House Bill 812, offered by Representative Hoffman, a Bill for an Act concerning unemployment insurance. House Bill 813, offered by Representative Osterman, a Bill for an Act in relation to homeless persons. House Bill 814, offered by Representative Hoffman, a Bill for an Act in relation to units of local government. House Bill 815, offered by Representative Hoffman, a Bill for an Act in relation to civil immunities. House Bill 816, offered by Representative Scott, a Bill for an Act to create the Contractor Reporting Act. House Bill 817, offered by Representative Scott, a Bill for an Act concerning child labor. House Bill 818, offered by Representative Scully, a Bill for an Act concerning Comptroller debt collection. House Bill 819, offered by Representative Reitz, a Bill for an Act concerning pharmaceutical assistance. House Bill 820, offered by Representative Reitz, a Bill for an Act in regard to vehicles. House Bill 821, offered by Representative Bugielski, a Bill for an Act concerning mass transit. House Bill 822, offered by Representative Brunsvold, a Bill for an Act in relation to gaming. House Bill 823, offered by Representative Black, a Bill for an Act concerning municipal utility taxes. House Bill 824, offered by Representative Ryan, a Bill for an Act making appropriations. House Bill 825, offered by Representative Ryan, a Bill for an Act concerning fire safety. House Bill 826, offered by Representative Boland, a Bill for an Act in

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relation to elections. House Bill 827, offered by Representative McGuire, a Bill for an Act concerning empowerment zones. House Bill 828, offered by Representative Holbrook, a Bill for an Act concerning the Department of Commerce and Community Affairs. House Bill 829, offered by Representative Morrow, a Bill for an Act concerning courts. House Bill 830, offered by Representative Morrow, a Bill for an Act concerning courts. House Bill 831, offered by Representative O'Connor, a Bill for an Act concerning criminal law. House Bill 832, offered by Representative Murphy, a Bill for an Act in relation to public employee benefits. House Bill 833, offered by Representative Murphy, a Bill for an Act in relation to public employee benefits. House Bill 834, offered by Representative Murphy, a Bill for an Act in relation to public employee benefits. House Bill 835, offered by Representative Murphy, a Bill for an Act in relation to public employee benefits. House Bill 836, offered by Representative Murphy, a Bill for an Act in relation to public employee benefits. House Bill 837, offered by Representative Monique Davis, a Bill for an Act making appropriations. House Bill 838, offered by Representative Biggins, a Bill for an Act concerning taxation. House Bill 839, offered by Representative Monique Davis, a Bill for an Act making appropriations. House Bill 840, offered by Representative Wirsing, a Bill for an Act concerning higher education student assistance. House Bill 841, offered by Representative Cowlshaw, a Bill for an Act in relation to higher education. House Bill 842, offered by Representative Winters, a Bill for an Act to create the Carbon Sequestration Study Act. House Bill 843, offered by Representative Granberg, a Bill for an Act concerning

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telecommunications. House Bill 844, offered by Representative Brosnahan, a Bill for an Act concerning prompt payment. House Bill 845, offered by Representative Brosnahan, a Bill for an Act concerning mental health and developmental disabilities. House Bill 846, offered by Representative Brosnahan, a Bill for an Act in relation to vehicles. House Bill 847, offered by Representative Barbara Flynn Currie, a Bill for an Act concerning labor. House Bill 848, offered by Representative Barbara Flynn Currie, a Bill for an Act concerning employment. House Bill 849, offered by Representative Steve Davis, a Bill for an Act relating to public labor relations. House Bill 850, offered by Representative Stroger, a Bill for an Act concerning public labor relations. House Bill 851, offered by Representative Murphy, a Bill for an Act concerning the minimum wage. House Bill 852, offered by Representative Scully, a Bill for an Act in relation to public works projects. House Bill 853, offered by Representative Parke, a Bill for an Act in relation to public employee benefits. House Bill 854, offered by Representative Beaubien, a Bill for an Act concerning veterans homes. House Bill 855, offered by Representative Tenhouse, a Bill for an Act in relation to State procurement. House Bill 856, offered by Representative Black, a Bill for an Act concerning business transactions. House Bill 857, offered by Representative Acevedo, a Bill for an Act in relation to nuisances. House Bill 858, offered by Representative Saviano, a Bill for an Act in relation to counseling. House Bill 859, offered by Representative Saviano, a Bill for an Act in relation to health. House Bill 860, offered by Representative Saviano, a Bill for an Act in relation to the regulation of professions. First Reading of these House Bills.

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FIRST READING OF HOUSE JOINT RESOLUTION

CONSTITUTIONAL AMENDMENT #4,

offered by Representative Feigenholtz

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that there shall be submitted to the electors of the State for adoption or rejection at the general election next occurring at least 6 months after the adoption of this resolution a proposition to amend Sections 1, 2, and 3 of Article IV of the Illinois Constitution as follows:

ARTICLE IV

THE LEGISLATURE

(ILCON Art. IV, Sec. 1)

SECTION 1. LEGISLATURE - POWER AND STRUCTURE

The legislative power is vested in a General Assembly consisting of a Senate and a House of Representatives, elected by the electors from 59 Legislative Districts and 39 Representative Districts.

(Source: Amendment adopted at general election November 4, 1980.)

(ILCON Art. IV, Sec. 2)

SECTION 2. LEGISLATIVE COMPOSITION

(a) One Senator shall be elected from each Legislative District. Immediately following each decennial redistricting, the General Assembly by law shall divide the Legislative Districts as equally as possible into three groups. Senators from one group shall be elected for terms of four years, four years and two years; Senators from the second group, for terms of four years,

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two years and four years; and Senators from the third group, for terms of two years, four years and four years. The Legislative Districts in each group shall be distributed substantially equally over the State.

(b) In 2004 and every two years thereafter, three Representatives shall be elected from each Representative District for a term of two years. No political party shall limit its nominations to less than three candidates for Representatives in any Representative District. In elections for Representatives, including those for nomination, each elector may cast three votes for one candidate or distribute them equally among no more than three candidates. The candidates highest in votes shall be declared elected.

(c) To be eligible to serve as a member of the General Assembly, a person must be a United States citizen, at least 21 years old, and for the two years preceding his election or appointment a resident of the district which he is to represent. In the general election following a redistricting, a candidate for the General Assembly may be elected from any district which contains a part of the district in which he resided at the time of the redistricting and reelected if a resident of the new district he represents for 18 months prior to reelection.

(d) Within thirty days after a vacancy occurs, it shall be filled by appointment as provided by law. If the vacancy is in a Senatorial office with more than twenty-eight months remaining in the term, the appointed Senator shall serve until the next general election, at which time a Senator shall be elected to serve for the remainder of the term. If the vacancy is in a Representative office or in any other Senatorial office, the appointment shall be for the remainder of the term. An appointee to fill a vacancy shall be a member of the same political party as the person he succeeds.

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(e) No member of the General Assembly shall receive compensation as a public officer or employee from any other governmental entity for the time which he is in attendance as a member of the General Assembly.

No member of the General Assembly during the term for which he was elected or appointed shall be appointed to a public office which shall have been created or the compensation for which shall have been increased by the General Assembly during that term.

(Source: Amendment adopted at general election November 4, 1980.)

(ILCON Art. IV, Sec. 3)

SECTION 3. LEGISLATIVE REDISTRICTING

(a) Legislative Districts shall be compact, contiguous and substantially equal in population. Representative Districts shall be compact, contiguous, and substantially equal in population.

(b) In 2003, the General Assembly by law shall redistrict the Representative Districts using the 2000 Federal decennial census. Thereafter, in the year following each Federal decennial census year, the General Assembly by law shall redistrict the Legislative Districts and the Representative Districts.

If no redistricting plan becomes effective by June 30 of that year, a Legislative Redistricting Commission shall be constituted not later than July 10. The Commission shall consist of eight members, no more than four of whom shall be members of the same political party.

The Speaker and Minority Leader of the House of Representatives shall each appoint to the Commission one Representative and one person who is not a member of the General Assembly. The President and Minority Leader of the Senate shall each appoint to the Commission one Senator and one person who is not a member of the General Assembly.

The members shall be certified to the Secretary of State by

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the appointing authorities. A vacancy on the Commission shall be filled within five days by the authority that made the original appointment. A Chairman and Vice Chairman shall be chosen by a majority of all members of the Commission.

Not later than August 10, the Commission shall file with the Secretary of State a redistricting plan approved by at least five members.

If the Commission fails to file an approved redistricting plan, the Supreme Court shall submit the names of two persons, not of the same political party, to the Secretary of State not later than September 1.

Not later than September 5, the Secretary of State publicly shall draw by random selection the name of one of the two persons to serve as the ninth member of the Commission.

Not later than October 5, the Commission shall file with the Secretary of State a redistricting plan approved by at least five members.

An approved redistricting plan filed with the Secretary of State shall be presumed valid, shall have the force and effect of law and shall be published promptly by the Secretary of State.

The Supreme Court shall have original and exclusive jurisdiction over actions concerning redistricting the House and Senate, which shall be initiated in the name of the People of the State by the Attorney General.

(Source: Amendment adopted at general election November 4, 1980.)

SCHEDULE

This Constitutional Amendment takes effect upon being declared adopted in accordance with Section 7 of the Illinois Constitutional Amendment Act and applies to the election of Representatives in 2004 and thereafter."

Clerk Bolin: "First Reading of this Constitutional Amendment.



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There being no further business, the House Perfunctory Session will stand adjourned. The House will reconvene in Regular Session on Thursday, February 8th, at 12:00 noon."