

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

111th Legislative Day

April 1, 2002

Speaker Madigan: "The House shall come to order. The Members shall be in their chairs. We shall be led in prayer today by Imam Muhajid Alfayadh of the Central Illinois Mosque and Islamic Center in Urbana. Alfayadh is the guest of Representative Tom Berns. The guests in the gallery may wish to rise and join us for the invocation and the Pledge of Allegiance."

Alfayadh: "In the name of God, the most gracious, the most merciful. Peace be upon all the prophets of God. We usually start this, the first chapter of our book, as a supplication, an invocation for events like this. We start this with the name of God, saying in the name of God, the most gracious, the most merciful, all prayers on all prophets of God. Oh people, we have created you from male and female. And we have made you people and tribes to know each other. The best among you are those who are most pious and fearful to God. All the praises and thanks be to God, the Lord of the mankind, the most gracious, the most merciful, the only owner and the only ruling judge of the day of judgment. You alone we worship. And You alone we ask for help for each and everyone. Guide us to the straight path, the way of those who we, whom You have bestowed your ways, not the way of those who earn Your anger, nor those who went astray. Dear God, Allah, protect us from the evil and those who choose to do harm in Your great name. Give us the strength to work together as a community regardless of our religious faith. Guide us to the right path and path of loving each other and serving ourselves, our neighbors, our community, our country, and the world we live in. And thank you very much."

Speaker Madigan: "We shall be led in the Pledge of Allegiance by Representative Eileen Lyons."

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Lyons, E. - et al: "I pledge allegiance to the flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all."

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

Currie: "Thank you, Speaker. Please let the record show that both Representatives Kenner and Morrow are excused today."

Speaker Madigan: "Mr. Bost."

Bost: "Thank you, Mr. Speaker. Let the record reflect that Representative Mathias, Representative Wojcik, Representative O'Connor and Representative Zickus are all excused today."

Speaker Madigan: "The Clerk shall take the record. There being 110 people responding to the Attendance Roll Call, there is a quorum present. Mr. Clerk. Mr. Clerk."

Clerk Rossi: "Committee Reports. Representative Hoffman, Chairperson from the Committee on Transportation & Motor Vehicles, to which the following measure/s was/were referred, action taken on Monday, April 1, 2002, reported the same back with the following recommendation/s: 'be adopted' Floor Amendment #1 to House Bill 5858. Representative Novak, Chairperson from the Committee on Environment & Energy, to which the following measure/s was/were referred, action taken on April 1, 2002, reported the same back with the following recommendation/s: 'be adopted' Floor Amendment #3 to House Bill 3637. Representative Saviano, Chairperson from the Committee on Registration & Regulation, to which the following measure/s was/were referred, action taken on Monday, April 1, 2002, reported the same back with the following recommendation/s: 'be adopted' Floor Amendment #1 to House Bill 4873."

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Speaker Madigan: "Mr. Black."

Black: "Yes, Mr. Speaker. Inquiry of the Chair."

Speaker Madigan: "State your inquiry."

Black: "Yes, I congratulate you on an outstanding April Fool's Joke. Can we go home, now?"

Speaker Madigan: "You're referring to the numerous items on the Calendar?"

Black: "Well, it's there... there are certain events going on back in the various districts tonight that some of us need to attend. So, I thought we just came over for kind of an April Fool's Joke. And then we could all go back home and go to the county convention, where I intend to cast a vote for you, Mr. Speaker."

Speaker Madigan: "Mr. Black, are the members of your county convention as attentive to you as we are?"

Black: "More so. That's why I'm able to cast a vote for you."

Speaker Madigan: "Mr. Bugielski. House Bill 5860, matter is on the Order of Third Reading. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 5860, a Bill for an Act relating to corporate fiduciaries. Third Reading of this House Bill."

Speaker Madigan: "Mr. Bugielski. Mr. Bugielski."

Bugielski: "Thank you, Mr. Speaker. House Bill 5860 is agreed to language from the Office of Banks and Real Estate and the Illinois Bankers Association which addresses the methods of delivery and the scope of all the requirements on trust companies of banks and bank holding companies. I add there's no opposition to this. This is something that came up last year. And there was just some clarification that had to be made, that the banks, Office of Banks and Real Estate had and now, everyone is in agreement to this. And I ask for a 'yes' vote."

Speaker Madigan: "The Gentleman has moved for the passage of the

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Bill. There being no discussion, the question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Has Representative Wyvetter Younge voted? The Clerk shall take the record. On this question, there are 103 people voting 'yes', 5 people voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Representative Cowlshaw. Cowlshaw. House Bill 5700. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 5700, a Bill for an Act with regard to education. Third Reading of this House Bill."

Cowlshaw: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. This is a purely technical Bill which I submitted as requested by the Community and Residential Services Authority, which was created before we had a Department of Human Services. Consequently, in that portion of the statute that creates the Authority, there are designations for people to be appointed to its board from departments that are no longer departments, they're only divisions of Human Services. But simply, to be sure that our statutes are as accurate as possible, the Residential and Services, Community and Residential Services Authority asked me to sponsor this Bill in its behalf. It's totally uncontroversial and nonpartisan. I would ask for your support. And I would be glad to answer any questions. Thank you."

Speaker Madigan: "The Lady moves for the passage of the Bill. There being no discussion, the question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this

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question, there are 110 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Burke. Mr. Dan Burke. House Bill 5810. Mr. Clerk, make that 5610. 5610. Read the Bill."

Clerk Rossi: "House Bill 5610, a Bill for an Act in relation to vehicles. Third Reading of this House Bill."

Speaker Madigan: "Mr. Clerk, have we read the Bill? The Bill has been read a third time. Mr. Burke."

Burke: "Thank you, Mr. Speaker. House Bill 5610 is a Bill that deals with a rather revolutionary new invention called the Segway, the human transportation device. This is a device that operates by gyroscopic control. It's a single passenger device and current state statute would preclude the use of this device on sidewalks in the State of Illinois. This legislation would simply ask that the state permit individual municipalities to regulate, control, or in fact, ban the use of the device. So, it's simply permissive, offering municipalities throughout the state the opportunity to review the benefits of this device in their individual communities and either withhold the use of the device or permit it. And for those... some of you, I believe, observed the device down in the rotunda. The device will be available for inspection through the course of the day. And I'd be happy to answer any questions, Mr. Speaker."

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

Johnson, Tom: "Will the Sponsor yield?"

Speaker Madigan: "Sponsor yields."

Johnson, Tom: "Does this device go up hills and down hills and use handicap ramps or what?"

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Burke: "It certainly has the potential for going on handicap ramps. And I'm glad you asked about that because I believe in view of the number of opportunities for this device to be used, the handicapped community, I think, could gain great benefits from this device. And yes, indeed, it could transgress handicap ramps. And it does go up inclines."

Johnson, Tom: "Did I understand or did I hear you correctly that Speaker Madigan was going to buy all of the precinct workers these bikes? Is this one of those sorts of Bills?"

Burke: "Only in the 13th Ward."

Johnson, Tom: "Okay. Now, Dan, I... a question I have. But this Bill, seriously, would just make these things legal, right?"

Burke: "Legal only after action would occur in individual municipalities. So, in the City of Chicago, for instance, just last week there was an article in our Sun Times with respect to one of our alderman insisting that this device would further tie up the lake front and there's enough traffic as it is with scooters and roller blades and any number of different individuals on the lake front using the bike paths. But this legislation would simply say that every municipality in the state would have the opportunity to consider its practical use in their individual community."

Johnson, Tom: "Is there any limitations on this that would prohibit these devices from being used on a public street or would they have to be on sidewalks or what?"

Burke: "This Bill does not change those restrictions that currently exist in State Law and you cannot operate these devices on city streets or highways."

Johnson, Tom: "Okay. Would each municipality then be able to set forth in its own ordinance safety requirements, et cetera,

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in these..."

Burke: "Exactly. Every municipality, every local government would be able to control the use of this device. And in some cases they probably may not even allow it. But it's up to each local government to interact with this device as they see fit."

Johnson, Tom: "Is there anything in this Bill that would permit municipalities to charge a permit fee? Is this a new fee?"

Burke: "No, there's nothing that would inhibit local government from taxing or requiring separate licensure for the device. So, it's up to every Home Rule government to make that determination."

Johnson, Tom: "Okay. To the Bill. I give a lot of credit to the Sponsor of this for bringing it forth to the chamber because I see behind this device the potential for probably eight or ten more laws over the next eight or ten years being made in here. And I would suggest that Representative Lyons could introduce a helmet Bill. There are those who could introduce safety strap Bills. And there are just a number of Bills that this device, if it were ever accepted in any of the municipalities, that this chamber could play parent or the owners of these for years to come. So, I think this is a very, very good Democrat Bill. And I support you fully on this, Dan."

Speaker Madigan: "Mr. Black."

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

Speaker Madigan: "Sponsor yields."

Black: "Representative, the Segway... I like that, we'll segue into a different line of questioning here. The Segway, under this Bill, will it have the same rights as a pedestrian currently has?"

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Burke: "The potential for that privilege remains to be seen. Again, deferring to the wisdom of Home Rule governmental units they could, in fact, allow the use of the device on pedestrian sidewalks."

Black: "Under the Bill before us, a non-Home Rule city, should this Bill become law, do they still have the means and wherewithal to by ordinance say you can use them or you cannot use them?"

Burke: "Yes, they do."

Black: "Okay."

Burke: "It's not our intention in this legislation to force the device on any municipality, on any community. It's just the offer and overwhelmingly insisting that the state will permit each municipal government to make a determination."

Black: "I noticed that the Bill is silent on potential liability. Is it the intent of the Sponsor to give immunity, a tort immunity if you will, if the Segway happens to run over someone? Will you be denied recourse in civil law?"

Burke: "No, it is not the intent of the Sponsor to eliminate any..."

Black: "Well, that's too bad, because you just ran over my foot downstairs about 30 minutes ago and it hurts."

Burke: "And I was driving it."

Black: "Yes. I look forward to a rather large judgement. We'll talk about that at a later time. Thank you very much."

Speaker Madigan: "Representative Slone."

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

Speaker Madigan: "Sponsor yields."

Slone: "Mr. Burke, our analysis says that these can go up to 20 miles an hour?"

Burke: "No, Representative. That is incorrect. The device can travel up to 12 miles per hour, and I hope sometime during

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the day everyone will have the opportunity to observe this unit. There are computer chips that are used as a key device. And those three separate controls would tell the device how fast it could go at maximum speed. So, in this case, we have a 4 mile per hour speed, a 7 mile per hour speed, and a 12 mile per hour speed. And the maximum speed, again, is 12 miles per hour."

Slone: "Good. It would be a little bit of a concern if they could go 20 miles an hour on the sidewalk. Thank you."

Burke: "Thank you."

Speaker Madigan: "Representative Parke."

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

Speaker Madigan: "Sponsor yields."

Parke: "Representative, I believe my local community of Hoffman Estates addressed an issue of motorized bicycles. And they passed an ordinance on some restriction within the village. I'm not sure which restriction it was. If we pass this, will this preempt that ordinance that they passed, or other communities may have passed, already?"

Burke: "No, Representative. I'm glad to reiterate the fact that this would not preclude or preempt any Home Rule powers. It simply would say to municipalities and local government across our state that they can, indeed, permit it or they can restrict it, or regulate it in some fashion. So, it puts no onus on local government. It simply says that the state now will consider another type of device, another means of transportation. It is novel. It's brand new. I don't think that a hundred years ago when the state was creating law to control the use of motorized devices that they would have even conceived of this particular Segway device. So, it does... It says that in modern age the state will now allow and permit each local government to

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make a determination."

Parke: "If a village is silent on this issue then your law applies?"

Burke: "Again, I'm sorry."

Parke: "In other words if they have no ordinance affecting motorized bicycles or these types of vehicles in its general term, then this law will apply to all municipal governments in all... throughout the State of Illinois?"

Burke: "Well, the application, indeed, but again, only where there were not restrictions or governing ordinances over the use of the device."

Parke: "So, if there is none, then this law applies to them unless they wish by ordinance to change it?"

Burke: "If there are none, then there are no restrictions. And yet, indeed, they could operate the device. But again, not on public roads. This is not designed for operation on public streets. This is simply a device that's designed and intended to be used on walkways."

Parke: "And walkways. Walkway, is that a sidewalk?"

Burke: "Sidewalks, or bicycle paths, or some area that would be removed from public traffic... from vehicular traffic."

Parke: "Well, what happens when they have to cross a street?"

Burke: "Well, just as one not a bike, or one is in a wheelchair, if you abide by the existing traffic laws and you follow the lights and you cross at appropriate places, then I can't see that there would be any difficulty."

Parke: "We had a number of Bills in the past affecting golf carts. Would this affect somebody using this on a golf course?"

Burke: "Actually, from the manufacturer, the inventor, they have made a determination that this device does less damage to the fairways and the greenery than a traditional, what do

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you call it, golf cart. So, in fact, I think the golf course owners and the operators of golf courses might encourage the use of this device."

Parke: "Is it... I'm not familiar with other than I've seen it on late night TV. Is it easy to tip these things over or turn them over or is it a dangerous toy?"

Burke: "Well, a few moments ago you saw me riding around the rotunda."

Parke: "Well, I'm making a presumption that you're well coordinated. But, I'm talking about other people."

Burke: "That's quite a presumption. They are gyroscopically controlled and to my understanding, I believe, there are five gyroscopes in each wheel. And when the device is powered up it cannot tip over. But when not powered, there is a device being developed that would be like a kickstand on a bicycle to keep it in an erect position."

Parke: "Thank you for the information."

Speaker Madigan: "Mr. Burke to close. Mr. Burke to close."

Burke: "Thank you, Mr. Speaker. And I appreciate the number of questions that were raised about this device. Again, it is a revolutionary means of transportation. I think it's something that we're going to see in our society as common as we would find bicycles or other motorized devices. It's a remarkable machine and again this Bill simply says to your local governments across the state that they can either permit it or they can restrict it. We are not forcing this thing down any government's throat. It is permissive across the board. There are no issues with respect to liability here. It simply says that we, as the State of Illinois, are acknowledging a new day. We are acknowledging a rather remarkable invention. And again, I think we should give this device the proper consideration."

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And as the State of Illinois, allow each local government to again, control it, or restrict it, or ban it altogether. It's not our interest to force it down anyone's throat. And I would ask the Members for their consideration. And please vote 'aye'."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 104 people voting 'yes', 6 people voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 6040. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 6040, a Bill for an Act concerning senior health assistance. Third Reading of this House Bill."

Speaker Madigan: "Representative Coulson."

Coulson: "Thank you Mr. Speaker, Ladies and Gentlemen. House Bill 6040 provides the Department on Aging will establish a statewide senior health assistance outreach program that will include a one-stop clearinghouse for all information regarding prescription drug coverage and other health assistance benefits."

Speaker Madigan: "The Lady moves for the passage of the Bill. There being no discussion, the question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Has Representative Monique Davis voted? The Clerk shall take the record. On this question, there are 110 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. House

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Bill 3695. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 3695, a Bill for an Act in relation to public safety. Third Reading of this House Bill."

Speaker Madigan: "Representative Crotty."

Crotty: "Thank you Mr. Speaker and Ladies and Gentlemen of the House. This Amendment #2 would make this Bill, House Bill 3695, identical to Senate Bill 1537. The Bill would require that every owner of a high-rise building in Illinois establish and maintain an emergency evacuation plan for people who would notify the owner of the need of assistance. The Bill also defines a high-rise as a building over 80 feet tall. And the owner would have the responsibility of updating such a plan. Now, the Bill exempts all high-rise buildings located in municipalities over 1 million people that have enacted an ordinance regarding a high-rise evacuation. Now, the plan also must have the following characteristics. Each plan must establish procedures for evacuating persons with disabilities, when those people have notified the owner that they would need assistance. The plan must include maintenance of the list of those people who have notified the owner including the usual location, if possible. Each plan must provide a means to notify building occupants that that list actually exists. For hotels and motels they must provide an opportunity for each guest to identify himself or herself as a person needing assistance. The plan also must identify evacuation assistance devices located in the building if there are any and also, areas of rescue assistance must be clearly identified. Each plan must also include procedures for building employees, tenants, and guests to assist persons in need of emergency evacuation assistance. And those plans must be maintained in a place

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easily accessible to fire and law enforcement personnel. The owners of these buildings must also again, not to be redundant, but they have to make sure that those plans are available to safety personnel upon their request. The plan must provide contact names for emergency personnel to contact in the event of an emergency. The plan must also provide for dissemination of information about appropriate evacuation procedures. They must also identify the roles and the responsibilities of those personnel that to assure that they receive the proper training and they must also have drills at least once a year with those personnel. There also is for noncompliance of this Act there could be fines up to \$500. At this time, I have no opposition to the Bill. The one person, the one organization that did at onetime oppose is neutral and that would be the Illinois Municipal League. If there's any questions, I'd be more than happy to answer those at this time."

Speaker Madigan: "Mr. Parke."

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

Speaker Madigan: "Sponsor yields."

Parke: "Representative, why did you exclude Chicago in essence by your legislation?"

Crotty: "Well, Chicago has an ordinance that many of the organizations that worked on this Bill, they have already worked with Chicago. And Chicago's plan actually has more stringent requirements that are... that are in this plan."

Parke: "Well, that's great. But why would you exclude them? If they're more stringent, then why not just apply it statewide?"

Crotty: "Well, any municipality that is of that magnitude that have already worked out a plan it was felt that as long as that plan is being enacted and worked out that they could

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be excluded from this plan."

Parke: "So..."

Crotty: "This, this is to give..."

Parke: "...all of Chicago is smart enough to do this. So, therefore we'll exclude them, I guess that's what we're saying."

Crotty: "Well, if municipalities have already worked on a plan and has that intact, the idea of this Bill is to make more municipalities aware of persons with disabilities in high-rises that would need help in evacuating in a time of emergency."

Parke: "When you presented the Bill in committee, was the Illinois Municipal League still in opposition or did your Amendment remove their opposition?"

Crotty: "No, with the Amendment, they came into committee and stated for the record that they're neutral on the Bill."

Parke: "I'm sorry."

Crotty: "They're neutral on the Bill."

Parke: "They're neutral. Is that because we now have taken it off the responsibility of a of a municipal government but placed it in the hands of the building owners?"

Crotty: "They didn't state their reasons but that could possibly be it."

Parke: "Well, does the Bill put the responsibility for an evacuation plan to the municipal governments or is it the responsibility of the building owners of what is it, a hundred feet or what is your criteria? A hundred feet or more?"

Crotty: "Eight... over eighty feet."

Parke: "What?"

Crotty: "It's up to the owners and it's over eighty feet."

Parke: "So, it's up to the owner to comply with this law."

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Crotty: "Right. Right."

Parke: "So, the municipal governments are no longer directly involved."

Crotty: "That is correct, Representative."

Parke: "Have you heard of from CASA (sic-Condo Association), I think it's got the... well, no, the Building Owners Association or anything? Have they testified that they're okay with it, now?"

Crotty: "No, we, I... remember when the first Bill, the first Bill had come out. I had 17 organizations and myself sitting down with the Multiple Sclerosis Society and we have worked out this Bill up to right, right now with Amendment #2 and everybody is very, very happy with with this Amendment. In matter a fact, at the time that we all worked together, everybody was in agreement that this type of a Bill is needed."

Parke: "Okay, so as far as you know, there's no opposition to this."

Crotty: "No, absolutely none."

Parke: "And again this is a... to try to protect people that live in high-rises from any future catastrophes that may ever, will hopefully, never happen, but in case they have to."

Crotty: "Yes, Representative. We heard from a lady, Lee Gilmore, who was, in fact, trapped in the Marriott, which is located between the two trade centers in New York. And it was really brought to light by September 11th. And Lee knew how disastrous it is for for any of these type of buildings not to have something in place. She was, thank God, brought to safety only, though, 90 seconds before the first tower had collapsed and demolished the Marriott. So, this is a Bill that was brought to light by Lee and the Multiple Sclerosis Society for doing just that."

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Parke: "My last question, do... is part of the legislation requiring some kind of a practice eva... evacuation?"

Crotty: "Yes, the Bill addresses that there be a drill at least once a year."

Parke: "Once a year."

Crotty: "And that is not to evacuate, say for instance, a large hotel. It's much like the drills we have at hospitals. So that personnel that that would be... that are employees or be assisting persons would go through the drill to make sure that, in fact, all the kinks are worked out and everybody knows what the plan is and how it's to be carried out."

Parke: "Thank you, Representative."

Crotty: "Thank you, Representative."

Speaker Madigan: "Mr. Black."

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

Speaker Madigan: "Sponsor yields."

Black: "Representative, what is the definition of a high-rise building in the actual language of the Bill?"

Crotty: "It would be a building 80 feet or taller at..."

Black: "That's going to be a problem in my district because that's going to include almost every grain elevator in my district. It's more than 80 feet high. But nobody lives there. Now, there may be workers at the top of the grain elevator from time to time. Are you trying to tell me in a town of 750 people, we're going to have to mandate that they have an evacuation procedure at the local grain elevator?"

Crotty: "No, this would... this would, I don't know if a hi... a grain elevator or a storage compartment is defined as being a building."

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Black: "I asked you for a definition of high-rise building and you said and you're the Sponsor, I assume you know what the Bill says. You said any building higher than 80 feet."

Crotty: "And a grain elevator is not defined as a building."

Black: "Where is the language in the Bill that exempts grain elevators? Where is the language in the Bill that exempts my uncle's barn which is 82 feet? Representative, I really think... To the Bill, Mr. Speaker."

Crotty: "I'm looking, I'm looking up exactly what the Bill defines as... I'm sorry."

Black: "Well, I... In all due respect, Representative..."

Crotty: "Sure."

Black: "I appreciate what you're trying to do. And of course, once again we exempt the city that has more high-rise buildings, however it's defined, than any city in the state would total the rest of the buildings, but we exempt Chicago for reasons that I don't understand even in your answer to Representative Parke. If the definition, as I read it in the Bill, is any building over 80 feet tall, that would include not only grain elevators but sometimes even a silo on my uncle's farm or a peak-roofed barn. But nobody lives there, as far as I know, I haven't been there lately. And it's... I think this is why the Municipal League expressed some concern about this Bill, initially. The definitions are vague. It imposes certain requirements, unfunded mandates if you will, on local units of government. And I can just see the reaction in my district, in a town of 750 people that have to come together and figure out how an ordinance will be drafted to a emergency evacuation plan of the grain elevator or the corn silo. The Bill is not specific as to what is a high-rise building. I know what your intent is, but I've

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been around this chamber long enough to know that when the rules are written, what the intent of the Bill is and how the rules are drafted to enforce the Bill are often entirely different colors of the spectrum. I cannot in good conscience vote for this with the definition as wide open as it is now. You'll create a tremendous hardship in small communities throughout downstate Illinois. And I intend to vote 'no'."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Has Jerry Mitchell voted? The Clerk shall take the record. On this question, there are 90 'ayes', 20 'noes'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Durkin. Senator Durkin. House Bill 5961. Bill (sic-Jim) Meyer. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 5961 has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Mr. Meyer. Mr. Meyer, we've read the Bill. I'm sorry. Mr. Clerk, the Bill is on Second Reading. Any Committee Amendments? Any Floor Amendments?"

Clerk Rossi: "No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Mr. Fowler. House Bill 4037. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 4037, a Bill for Act concerning higher education student assistance. Third Reading of this House Bill."

Speaker Madigan: "Mr. Fowler."

Fowler: "Thank you Mr. Speaker and Ladies and Gentlemen of the

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House. House Bill 4037 is very similar to a Bill passed by this Body last year, passed through the Senate, and signed into law by the Governor dealing with nursing scholarships. The Bill I bring to you today deals with scholarships for optometric students. This Bill provides that ten scholarships each year will be awarded to students who apply and qualify for this. Scholarships will be in the amount of \$5,000 each. And this program will be administered by ISAC, very similar to other scholarships programs that we have in the State of Illinois. I know of no opposition to this Bill. And I would ask it be an 'aye' vote. And I'll be happy to answer any questions that the Body might have."

Speaker Madigan: "Representative Erwin."

Erwin: "Thank you, Speaker. I rise in support of House Bill 4037. And I think it's important for the Members to know that the Sponsor did work with the Illinois Student Assistance Commission, where all of the other state grants and scholarships go through. So, I think it's a very good idea. And the priority is for students in need. So, there's a financial need component of this for the neediest of students. So, I urge your support."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Has Representative Harold Murphy voted? Has Representative Schoenberg voted? Has Representative Schoenberg voted? The Clerk shall take the record. On this question, there are 110 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Bill Mitchell. Mr. Black, where is he? Mr. O'Connor. Mr. O'Connor. Mr. Mitchell. Do you

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wish to call House Bill 3713? 3713. You do not wish to call the Bill. Mr. Hoffman. House Bill 3657. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 3657, a Bill for an Act in relation to vehicular offenses. Third Reading of this House Bill."

Speaker Madigan: "Mr. Hoffman."

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 3657 deals with the issue of accidents that happen in work zones. Last year alone, there were 33 deaths attributed to accidents that occurred in the work zones. What this would do, is it would, it would address that issue by #1, enhancing penalties if death occurs, making it a Class II felony, raising it from a Class III felony. And if great bodily harm occurs, raising from a Class IV felony to a Class III felony. It also would indicate that if an individual is speeding in the work zone, it would be presumptive evidence that some type of reckless conduct occurred. I would ask for a favorable Roll Call."

Speaker Madigan: "Mr. Parke."

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

Speaker Madigan: "Sponsor yields."

Parke: "Now, in essence, this Bill is going to increase the penalties if you're caught speeding in a construction zone?"

Hoffman: "It will increase penalties if you are involved in an accident that causes great bodily harm or permanent disability or disfigurement or if you cause death as a result of some type of reckless action in the work zone. And it indicates that speeding is presumptive proof of a reckless act."

Parke: "When you presented the Bill, was there any opposition on

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this?"

Hoffman: "No."

Parke: "Well, it seems like it's something that... well, let me ask you, what is the catalyst for this Bill? Did somebody come and ask you to sponsor it?"

Hoffman: "Well, let me just tell you. So, there were over 30 deaths that occurred in work zones in Illinois, because of reckle... some because of reckless actions, some because of negligence. However, if you look at ways that we need to address the situation, I think that the easiest way to do that is to inform the general public that they're going to be held accountable if they commit... reckless acts in work zones. We need to make the public aware of it. The Illinois AFL-CIO, AFSCME, Illinois Federation of Teachers, the laborers, international... the Laborers' International Union, the Road Builders Association, Brotherhood of Locomotive Engineers, as well as Troopers Lodge 41 all are in favor of this legislation because they want to make our work zones safer for the traveling public and the people who work in those work zones."

Parke: "You said downstate. This'll apply to every place in the state, right?"

Hoffman: "This applies everywhere."

Parke: "Yeah. And how are you going to let people know that we've increased the penalties? Are there going to be a flashing sign like sometimes when we enter into construction area we see, does it say, ya know, be careful, we've increased the penalties, or is there going to be article, ads in the newspaper? How do we let the general public know this? I mean, it doesn't... it doesn't do us any good if the general public isn't aware that there are severe penalties if you injure somebody in a construction

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zone."

Hoffman: "Well, I think there are two ways to address this. The first way is what IDOT is doing currently. They're putting up more signage. They're putting up flashing lights saying that, you know, 700 tickets have been given in this work zone alone where people speed through this work zone. You've seen the signs that say, my daddy works here, please give him a break. They're doing all kinds of public outreach. But it's just not enough. What this would be, is it would be a proactive way to say, if you are caught and you cause death or great bodily harm in a work zone you're going to be punished. The reason we need this is there have been cases throughout Illinois where there have been acts by individuals who have caused terrible deaths and tragedy to families. And they've gone only by... receiving a speeding or reckless driving ticket. That's unacceptable. We need to make sure that those people who cause these types of tragedies are held accountable and this would do it."

Parke: "Okay. Well, hopefully, when this passes the Senate and the Governor signs it that the press will put articles in the paper explaining that this has been passed and that citizens should be aware. I think it's a good Bill."

Hoffman: "Thank you, Representative."

Speaker Madigan: "Mr. Johnson."

Johnson: "Will the Sponsor yield?"

Speaker Madigan: "Sponsor yields."

Johnson: "Representative, I have a couple of questions here that I probably should have asked in committee that I've thought of since. And one is, of course, speeding alone under this will make it a prima facie case rebuttable, of course, by evidence put in by defense. Is that correct?"

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Hoffman: "The intent is if, two things have to happen, first there has to be great bodily harm or death."

Johnson: "Yes, right."

Hoffman: "And then, if you could prove speeding, it'll be presumptive proof of a reckless act. And that would simply shift the burden to the other side in order to prove that it was not some type of reckless act."

Johnson: "Okay. The question, I guess, that I have is the... I want to fully understand this. There would have to be proof put on by the prosecution of speeding, which would be probably created by accident reconstruction. Correct?"

Hoffman: "It could be that. It could be a case where there is a police officer at the scene, as you know."

Johnson: "Which should be."

Hoffman: "We've talked about this."

Johnson: "Yeah."

Hoffman: "We've talked about this and we believe that that is a way to go and I agree with you, Representative, that eventually we need to talk to IDOT to build that into our bid so that we have police officers at every work zone, especially on interstates. So, that... they could be caught through radar."

Johnson: "Okay the... there's one little problem that I have with that, Jay, is you know when we talk about recklessness, as we're going through, whether it's school speed zones or out on I55. You know, typically, people are probably going 5 miles over, 10 miles over. This would make it prima facie of recklessness if somebody were going 2 miles and could be proved, 2 miles over the speed limit in the construction zone. Now, is that an intended result here? That's a problem that I see."

Hoffman: "The intended result is to make it a permissive

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presumption. So, I don't know, we almost have to go back to law school to figure out whether that means the same thing; prima facie evidence or permissive presumption. It's my intent to make it a permissive presumption, indicating then that it would be presumed that it's a reckless act. If it is then presumed a reckless act, then the defense would have to put on some type of evidence saying we... I did not act recklessly and going 5 miles over the speed limit was not a reckless act."

Johnson: "Okay, but the concern I have and I think you see that, is that if it's prima facie and I'm trying to remember my law school days here, too. If it's prima facie, you know, once it's 2 miles over, you know, it's been proven. And I guess it's something that... I'm going to support it and it needs to go to the Senate. But I hope that when it goes over there, maybe you can take a look at that and make sure that we're not in a position here, where because somebody is... maybe there is a radar thing that says you're 2 miles over and I haven't even been able to slow down or something. I don't think it's our intent to make those people guilty of reckless homicide. Our intent here is to get people to pay attention in these construction zones."

Hoffman: "Well, the language in the Bill talks about presumption, not prima facie evidence. And it's my intent to make it a permissive presumption, which legally as you know, simply shifts the burden to the defendant then to show that I was only going 2 miles over the speed limit. My act was not reckless."

Johnson: "Okay. That's good. And again, maybe they can just take a look to make sure that that's accomplished and your intent is accomplished in the language, once it hits the Senate. The other thing, Jay, that I would like to

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reiterate and I don't know if there's any possibility of doing Amendments to this in the Senate, but I wish they would look at that possibility of being able to put out in bid specs so the contractor has to provide the cost of a police officer or squad car at these construction zones. Because I happen to believe that that's the only way we're ever really going to get to the bottom of most of these."

Hoffman: "I agree."

Johnson: "Thank you."

Hoffman: "Thank you."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 110 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. For what purpose does Representative Shirley Jones seek recognition?"

Jones, S.: "Mr. Speaker, I would like to everyone to join into me to wish Representative Harold Murphy, happy birthday. He's 39 years old."

Speaker Madigan: "Is Mr. O'Connor in the chamber? Bill O'Connor. Representative Wojcik. Representative Wojcik. Representative Wright. Wright. House Bill 4117. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 4117, a Bill for an Act concerning schools. Third Reading of this House Bill."

Speaker Madigan: "Mr. Wright."

Wright: "Thank you, Mr. Speaker. House Bill 4117 is a very straightforward Bill with very straightforward language that would allow a student in a public school voluntarily to engage in student initiated prayer. And I brought this

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before the committee and it passed out of the committee and I'm seeking your favorable recognition today. And I'll entertain any questions."

Speaker Madigan: "Gentleman moves for the passage of the Bill. There being no discussion, the question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Has Representative Lou Jones voted? Has Representative Klingler voted? Klingler, you haven't voted. Okay. The Clerk shall take the record. On this question, there are 95 'ayes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, House Bill. Mr. Clerk, do you have a Rules Committee Report? Please read the report."

Clerk Rossi: "Committee Reports. Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following measure/s was/were referred, action taken on April 1, 2002, reported the same back with the following recommendation/s: 'to the floor for consideration' Floor Amendment #2 to House Bill 3708, Floor Amendment #2 to House Bill 4023, Floor Amendment #5 to House Bill 4103, Floor Amendment #1 to House Bill 4187, Floor Amendment #1 to House Bill 4287, Floor Amendments 3 and 4 to House Bill 4344, Floor Amendment #1 to House Bill 5578, Floor Amendment #1 to House Bill 5632, Floor Amendment #2 to House Bill 5807, and Floor Amendment #1 to House Bill 5829."

Speaker Madigan: "Mr. Clerk, what is the status of House Bill 4103?"

Clerk Rossi: "House Bill 4103 has been read a second time, previously. Amendment #1 was adopted in committee. No

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Motions have been filed. Floor Amendment #2, offered by Representative Connie Howard, has been approved for consideration."

Speaker Madigan: "The Lady withdraws Amendment #2. Are there any further Amendments?"

Clerk Rossi: "Floor Amendment #4, offered by Representative Howard, has been approved for consideration."

Speaker Madigan: "The Lady withdraws Amendment #4."

Clerk Rossi: "Floor Amendment #5, offered by Representative Connie Howard, has been approved for consideration."

Speaker Madigan: "Representative Howard on Amendment #5."

Howard: "Thank you, Mr. Speaker. House Bill 4103 creates the Illinois Ex-Offenders Employment Stabilization Act. And the purpose of this Act is to improve employment rates for ex-offenders and thereby reducing recidivism rates. House Amendment #5 would become the Bill. It... it's identical to House Amendment #3 except that it corrects an inaccurate page and line reference contained in the earlier Amendment. The members of the Advisory Committee have been amended to 12 members, including the Director of the Criminal Justice Information Authority, 2 members appointed by the Governor who represents Illinois business, the Commissioner of the City of Chicago's Office of Workforce Development, 4 members nominated by the Mayor of the City of Chicago and 4 members nominated by the President of the Cook County Board."

Speaker Madigan: "The Lady moves for the adoption of the Amendment. Those in favor signify... Mr. Parke. Mr. Parke."

Parke: "Thank you, Mr. Speaker. Representative, is this the only Amendment that you're gonna... is the end of the Amendments or are you looking to put additional Amendments on?"

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Howard: "I'm sorry, Mr. Parke. I was not able to hear your question."

Parke: "I'm sorry. Representative, will there be additional Amendments or is this the final? Amendment 5 becomes the Bill."

Howard: "This will be... this will be the final Amendment."

Parke: "So, the idea of sunseting the Bill or to have a report given to the General Assembly over a period of time on this Bill is not going to be proposed?"

Howard: "We are not going to do that at this time, Representative Parke."

Parke: "Well, then what is different from this on Amendment 5 and the Bill as presented in Amendment 4?"

Howard: "There was a change relative to... a technical change that was made by Amendment #5. Representative Parke, I'm told that I have the wrong copy of an Amendment and someone is getting that for me now. Mr. Speaker, would you please take this out of the record. Yes, Representative Parke, the Amendment, the correct Amendment does, in fact, establish the sunset that you asked for. It would be... this Section would be repealed on December 31st, 2007. So, that should be ample time to be able to determine that the Authority and the Commission are, in fact, working."

Parke: "I appreciate that allowing that suggestion to be placed on there to make sure, in fact, that this legislation achieves what, what it is then intended to do. Is there a report to be given to the General Assembly or to the Governor each year on its viability and how well it's done?"

Howard: "Yes. Yes, there will be an annual report to the General Assembly regarding the effectiveness of the the Authority."

Parke: "So, I believe it's going to be given to the Governor."

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Howard: "Well, to the General Assembly, anyway. But you would like it to be given to the Governor as well."

Parke: "As usual you have a very thoughtful piece of legislation. The only thing that bothers me about this Bill, is one, there is no appropriation for it; two, that this is supposed to be affecting Cook County for the most part and... the appointments, there's no General Assembly appointments to it. And it is controlled by the city, because in fact, the four appointments by the Governor, four by the Cook County Board means that this legislation has very little from the suburban Cook County voice on it. And I would hope that the Cook County Board president would assign a number of suburban Republican County Board members or members that would be on there to make sure that it's not looked upon strictly as a Chicago bill paid for by Illinois taxpayers to achieve something that the City of Chicago ought to be doing for their citizens anyway. But, because you've been gracious enough to include some ideas that I'd like to think will make your Bill better, I'm going to vote for your Bill. But I'm concerned about, as I am in all Bills that have appropriation with them, that we have no way of paying for these. And I don't see anything on the horizon for the next fiscal year to help pay for it. But the idea certainly has merit. Thank you, Representative."

Howard: "Despite your concerns, I appreciate your interest in moving this ahead. Thank you."

Speaker Madigan: "Representative Hamos."

Hamos: "A point of personal privilege, Mr. Speaker. I think we want to wish today, we would like to wish Representative Harold Murphy happy birthday. And there is cake in front that is so beautiful that we want people to see it before

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it's actually cut. So, happy birthday, Representative Murphy."

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

Clerk Rossi: "No further Amendments."

Speaker Madigan: "Third Reading. Mr. McKeon. Mr. McKeon, do you wish to call House Bill 4129? The Gentleman indicates he does not wish to call the Bill. Representative Mendoza. Do you wish to call House Bill 6001? Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 6001, a Bill for an Act in relation to public aid. Third Reading of this House Bill."

Speaker Madigan: "Representative Mendoza."

Mendoza: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 6001 basically, we're asking the Department of Public Aid to provide us with some information regarding children 19 years of age and under, who because of their immigration status received medical coverage from the Department of Public Aid only for emergency services during the fiscal years of 1999, 2000, and 2001. We're also asking the Department of Public Aid to provide us with information on the total payment, charges, categories of service, and diagnoses of the children under 19 years of age, who because of their immigration status received medical coverage from the Department of Public Aid for emergency services only during the same years, 1999, 2000, and 2001. It's a pretty simple Bill, straightforward. All we're doing here is asking for some information regarding these children and will hopefully give us a better understanding of what diseases

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are being... are taking over their bodies. And also, what kind of monetary situation we're looking forward to in the future and what kind of help we may or may not be able to provide them down the road. I would ask for your support. Thank you."

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

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

Speaker Madigan: "Sponsor yields."

Black: "Representative, if you could, has Amendment #1 been tabled?"

Mendoza: "Yes, it has, Representative. I withdrew it."

Black: "Okay. And Amendment #2 then becomes the Bill or adds to the Bill?"

Mendoza: "Amendment #2 adds to the Bill. But... and it just changes it in terms of a little bit more specificity on the information that we're actually asking from..."

Black: "All right."

Mendoza: "...the department."

Black: "I see. And the Amendment does have a repealer?"

Mendoza: "It does, yes it does."

Black: "July 1. So basically, it's a one year study."

Mendoza: "Yes, we're asking for three years of information, but it will be repealed after 2000... I believe it's 2003. July 1st."

Black: "Representative, forgive me. I'm having trouble following this Bill and it's my, my fault, not yours. Does the Bill specify who gathers the information?"

Mendoza: "Excuse me?"

Black: "Does the Bill clearly set out, you know... does the Bill state who shall... Yes, it does. Okay."

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Mendoza: "Yes, the Department of Public Aid, Sir."

Black: "The Department of Public Aid shall gather and report the following data, correct?"

Mendoza: "Yes, that's correct, Representative."

Black: "All right. But it's a study only."

Mendoza: "We're just requesting data, yes. And for those specific years, it's 1999, 2000 and 2001. And there will be a repeal at July 1st of 2003."

Black: "All right. Work with me just a second here..."

Mendoza: "Sure."

Black: "...if you would. I love the description on the board, transplant alien kids. Somehow that doesn't quite say it. I'm not sure who puts that up there, I think it's the Chief Clerk. I was here when we had another Chief Clerk and confusing language never went on the board. But that's another story. I guess, let me ask you a question."

Mendoza: "Sure."

Black: "Can... if a child is in this country illegally, his parents, his or her parents are in this country illegally, can that child get Medicaid coverage for a transplant?"

Mendoza: "No, Sir. If a..., Representative, if a child is currently here illegally or if the child is a legal citizen, so let's say the parents are here undocumented, but the child was born here, then that child would be eligible for benefits. But if the child was not born here and is undocumented, as such, then that child would not be eligible for Medicaid."

Black: "Okay. So..."

Mendoza: "And would... would therefore be treated in the emergency category only, which is the information that we're trying to secure."

Black: "So, it would be aimed at resident aliens, correct?"

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That's the data you're trying to gather?"

Mendoza: "It's a data that's all put into one specific category. It's jumbled in there. That's the information that we're trying to access right now."

Black: "All right. So, there's nothing... it's not your intent that this Bill... well, since there's a sunset clause, that's obvious, you can't do anything until you get the data and then you'd have to come back. So, it's your intent with this Bill simply to gather the information, the data if you will, on what procedures have been given. I assume there will be a cost, you want the cost data, as well."

Mendoza: "Yeah. We're looking for how much has been spent. It's very specific here as to really the total payment, charges, categories of service, and the diagnoses of the children 19 and under who have been serviced under this emergency care, only."

Black: "Okay. All right, fine. Thank you very much."

Mendoza: "Thank you, Representative."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 109 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 4961. Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "House Bill 4961 is on the Order of House Bills-Third Reading."

Speaker Madigan: "Read the Bill."

Clerk Rossi: "House Bill 4961, a Bill for an Act concerning personal care attendants. Third Reading of this House

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Bill."

Speaker Madigan: "Mr. McGuire."

McGuire: "Thank you, Mr. Speaker. Today, I have House Bill 4961 that I'd like to present and ask for your favorable vote. What this Bill does, is what we've done several times in the past few years that would raise the wages of the disabled care workers effective July the 1st, 2002. As you know, personal care attendants provide in-home care to prevent the institutionalization of people with the need of long-term care who are blind or disabled. These personal care attendants presently make about \$7 an hour. I think we owe it to those folks to appropriate more money. I think it's a good idea to put this in the budget. I realize we have a bad budget year. But let me remind you, if we don't keep trying we're never going to get anywhere on this particular matter. And I would appreciate your favorable vote and send this over to the Senate, hope that it gets put into the budget and go from there. And I'd appreciate your consideration. Thank you."

Speaker Madigan: "Mr. Black."

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

Speaker Madigan: "Sponsor yields."

Black: "Thank you. Representative... I don't think anyone on the floor is going to quarrel with the intent of the Bill and what you're attempting to do. But there is a fiscal reality, unfortunately, that we have to face, no matter how difficult it is. The money for this pay raise, no matter how deserved it might be, is it included in the fiscal 2003 budget?"

McGuire: "Mr. Black, I'm not sure that it is. I know there was a Bill to appropriate the money for this particular pay

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raise. And I'm not sure where that Bill is. But as I've said, I realize this is the budget year of great difficulty and you've seen those before and I have, too."

Black: "Representative, it's my understanding from the staff that the Bill you reference is an appropriations Bill. It's still in the Rules Committee. Now, that certainly doesn't mean that it's dead but it might be on life support. And without the necessary appropriation, then I think we're engaged in an exercise here. And I'm really torn. I'd like to vote for the Bill. I have a mother-in-law, who's 89, who quite frankly, is at a point in her life now where she needs a home care worker, if it would be possible to get one for her. I guess my reluctance on the Bill is knowing that if we pass this and the subsequent appropriation Bill, we're hundreds of millions of dollars out of balance. So, if we add this to the budget then something else has to come out. It's early, I don't know what the something else will be until we move later into April and into May. Again, it's a difficult Bill to vote against and perhaps others, more eloquent than I, can add to the discussion on the fact or I should say to the Bill, as to whether or not we can actually do this or whether we simply send another message of false hope to people who perform a very vital, and needed and necessary service. But I think if we look to the state budget this year for additional services, no matter how vital they may be, some other service is going to have to be cut. We are in a budget crisis. Jack, I think you were here ten years ago, weren't you, when we went through this once before. It's a very difficult time, very difficult procedure to put a... to put a budget together. And my personal feeling is that I want to vote for this Bill. But something nags at the

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back of my mind that this Bill will never come to fruition because of an actual, not perceived, but an actual lack of resources to make it possible. And I think we've given some of these home health care workers false hope now for about two years. I would certainly join with you in your appropriations Bill knowing as we go in that other cuts will have to be made to afford this. But perhaps there will be other debate. And I certainly look forward to your close as to whether or not we're doing this because we really think we can make it happen or because we want a perception out there that we'd like to make it happen but the budget realities may force us to do otherwise. So, I'm hoping that they'll be other questions on the Bill. Because this is one of those that we're going to get into now in the next few weeks that'll be more and more difficult. And that is to try and establish priorities on what we must do, what we can do, what the budget will allow us to do. Not to mention what we often think we should do. So it's a difficult process. I certainly don't quarrel with the intent of your Bill. I just have some serious reservations as to whether or not we can actually accomplish the intent of this Bill in fiscal 2003, given the state of our fiscal disarray. I look forward to any other debate and certainly look forward to your closing."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? The Clerk shall take the record. On this question, there are 109 people voting 'yes', 1 person voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, what is the status of House Bill 4540?"

Clerk Rossi: "House Bill 4540 has been read a second time,

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previously. No Committee Amendments. Floor Amendment #1, offered by Representative Murphy, has been approved for consideration."

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

Murphy: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. The Amendment would simply do one thing and become the Bill. And it would increase the minimum wages by a dollar and fifty cent an hour."

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

Clerk Rossi: "No further Amendments."

Speaker Madigan: "Third Reading. House Bill 4976. Mr. Smith. You don't want to call the Bill. House Bill 4172. Mr. Arthur Turner. 4172. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 4172, a Bill for an Act in relation to taxes. Third Reading of this House Bill."

Turner, A.: "Thank you, Mr. Speaker and Ladies and Gentlemen of the Assembly. House Bill 4172 is known as the Earned Income Tax Credit Bill. And what it does is it extends the date that that legislation was to be repealed to... It was to be repealed on June 1, 2003 and we wanted to extend the period of time beyond that. There is no immediate fiscal impact on this Bill. And it simply extends the date of repealing for the legislation."

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

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

Turner, A.: "Yes, I will."

Black: "Representative on the 22nd of March you and I had this

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discussion and you were kind enough to take this Bill out of the record to have your staff look at a..."

Turner, A.: "An Amendment."

Black: "A note that our staff had on the Bill that Ec & Fisc said the Bill was technically flawed. Was your staff able to work something out?"

Turner, A.: "They were, Representative. And I this... let me ask the Clerk. Has this Bill been amended? There was an Amendment drafted..."

Black: "Okay."

Turner, A.: "...for this legislation. Mr. Clerk, could you tell me if there are any Amendments on this Bill?"

Speaker Madigan: "Mr. Black."

Turner, A.: "Mr. Speaker."

Black: "I think the Bill Sponsor made an inquiry of the Clerk's position."

Turner, A.: "We're checking to see if an Amendment was on this legislation, Mr. Speaker. I was asking the Clerk."

Speaker Madigan: "Mr. Clerk."

Clerk Bolin: "No Amendments have been adopted to the Bill."

Turner, A.: "Take the Bill out of the record."

Speaker Madigan: "Gentleman takes the Bill out of the record."

Black: "Mr. Speaker."

Speaker Madigan: "Mr. Black."

Black: "Yes. Mr. Speaker, let the record reflect, I am not and my side of the aisle is not opposed to the Gentleman's Bill. We would hope that his Amendment would be adopted, the Rules Committee would send it to the floor. I think he has an excellent Bill. I'd like to cosponsor the Bill, in fact. But if in fact, Ec & Fisc sees a problem with the Bill, then that may prohibit the Bill from taking effect. So, let me make it very clear for the record. We're not

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opposed to the Bill, we'd just like to see it in the final form and will certainly then stand ready to assist the Sponsor in the passage of the Bill."

Speaker Madigan: "Is Mr. Acevedo in the chamber? Mr. Acevedo. Do you wish to move House Bill 4074? Mr. Clerk, what is the status of House Bill 4074?"

Clerk Bolin: "House Bill 4074, the Bill's been read a second time, previously. Amendment #1 was adopted in committee. No Floor Amendments have been approved for consideration. No Motions filed."

Speaker Madigan: "Third Reading. Mr. Boland, do you wish to call House Bill 5601? Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "House Bill 5601, the Bill's been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Okay. Third Reading. Mr. Brosnahan. House Bill 5578. Do you wish to move the Bill? Mr. Brosnahan."

Brosnahan: "Mr. Speak..."

Clerk Bolin: "House Bill 5578, the Bill's been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Brosnahan, has been approved for consideration."

Speaker Madigan: "Mr. Brosnahan."

Brosnahan: "Mr. Speaker, I'd like to withdraw Floor Amendment #1. There is a Floor Amendment #2 that is still in Rules that I am waiting for."

Speaker Madigan: "Withdraw Amendment #1. Mr. Clerk, what is the status of Amendment #2?"

Clerk Bolin: "No further Amendments have been approved for consideration."

Speaker Madigan: "Okay. The Bill shall remain on the Order of

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Second Reading. Mr. Brunsvold. Did you wish to move House Bill 5607? Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "House Bill 5607, the Bill's been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Mr. Burke. Is Mr. Burke in the chamber? Mr. Burke. Mr. Capparelli. Do you wish to move House Bill 4179? Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "House Bill 4179, the Bill's been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Mr. Colvin. Mr. Colvin. Did you wish to call House Bill 5909? Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 5909, a Bill for an Act in relation to criminal law. Third Reading of this House Bill."

Speaker Madigan: "Mr. Colvin."

Colvin: "House Bill 5909, in effect would ban the sale of alcohol-flavored and chocolate, and candy-flavored wrapping papers for cigarettes. It would effectively ban the sale of those items. I'd be happy to answer any questions."

Speaker Madigan: "Mr. Black."

Black: "Thank you very much, Mr. Speaker. Is the Bill before us, 5909?"

Speaker Madigan: "The Bill is asking for you to speak to the Bill, Mr. Black."

Black: "And I look forward to it. Will the Sponsor yield?"

Speaker Madigan: "We sure... we know you will, yes."

Black: "Thank you very much. Representative, I can't tell you how happy I am that you're sponsoring this Bill. Cigarettes dipped in alcohol have been the scourge of my

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district for many years. I... two or three of my high school classmates went the wrong way all because they dipped their cigarettes in alcohol. One classmate dipped it in gasoline, but that's a whole other story. He didn't survive that. Representative, where did the idea of this Bill come from? Now, you're from the... you're from the Chicago metro area, are you not?"

Colvin: "Yes, I am."

Black: "Is this... is this a real problem in Chicago? I don't get up there as often as I used to. The Speaker revoked my visa sometime ago. But I try to sneak up every once in awhile. But is this problem, I mean is it just devastating the quality of life in the City of Chicago?"

Colvin: "I wouldn't necessarily define this as a problem exclusive to Chicago. I think the idea behind some of these types of these products... keep in mind, I didn't even know they existed until I started doing a little research about the problem."

Black: "Ahh... ahh."

Colvin: "When it came to light, at that point that that these cigarette papers that are flavored with candy, chocolate, vanilla and different alcohols are to a large degree targeted to introduce young people to making smoking a little more palatable."

Black: "I'm trying to visualize this. I mean, if you've seen the light late, I mean what do we have here, three or four people sitting on the curb, passing a cigarette back and forth, dipping it in a big ol' bottle of Miller Genuine Draft? Wouldn't that make it a little hard to smoke?"

Colvin: "No, it's not. I don't think the consumer... the consumer doesn't dip the cigarette. They're sold in cigarette wrapping paper, under the names of Top's and

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different companies that sell cigarette wrapping papers, where you buy your own tobacco and wrap it in the paper. Those papers are now sold in flavors, different assorted flavors."

Black: "You mean you've got people in Chicago rolling their own with cigarette papers?"

Colvin: "They probably have 'em in the city where you live, too."

Black: "I haven't seen... I haven't seen that since my uncle sold the cows and the Marlboro Man went to Los Angeles. And you're telling me that they're rolling their own in Chicago?"

Colvin: "Sad, but true."

Black: "Now..."

Colvin: "I suggest that they might be rolling 'em in the city where you live, too. Probably more so."

Black: "We're so poor we have to wrap 'em in newspaper. And that's only if they fall off the train going to the landfill south of Cook County 'cause we can't afford any newspapers, either. But anyway, now, I'm really interested in this, in this cigarette. You can't sell, barter, or exchange, deliver, or give away or cause to sell, barter, exchange, deliver, or give away any cigarette paper or wrapping leaf that's been dipped in honey. Now, I'm trying to visualize. I can see my son several years ago, he's a grown lad now. But I could see him sneaking out in the kitchen at night when his mom and dad were asleep, going out and dipping that Marlboro in honey and then trying to light it. I mean, with his Winnie the Pooh jammies on. Holy mackerel. How in the world could you smoke a cigarette been dipped in honey?"

Colvin: "Well, I would suggest that once again, that what we're trying to ban here is the commercial sale of these products

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that are flavored with these assorted items. Now, I can't speak to, you know, your parenting skills or anything like that, but I will suggest that by passing this Bill, by passing this Bill, he won't be able to go into a store and purchase it."

Black: "Well, Representative, what would you call somebody that would dip cigarette paper in honey? Would you call them a honey dipper?"

Colvin: "I guess that would be a downstate problem then."

Black: "I think you've been downstate more often than you've let on."

Colvin: "Well, at least since October."

Black: "Well, would you be willing to retitile this Bill, the Honey Dipper and Alcoholics Anonymous Bill?"

Colvin: "No, I don't think that would be advisable."

Black: "All right. All right. Well, I'm going to tell you, Representative, I... you're new here, aren't you?"

Colvin: "Relatively."

Black: "Relatively new. I always... I'm always awestruck by the seriousness and the timeliness of the Bills that staff give our freshman Members, because I... I look at this... it now dawns on me that I, I have often been approached on the streets in the State of Illinois by people wanting to sell, barter, exchange, deliver, or give to me some cigarette paper or wrapping leaf that's been dipped in an alcoholic liquor or honey. That's how they get their... that's how they get their claws into us. That's how that evil weed gets a hold of us. First it's alcohol, then it's honey, and the next thing you know it's nicotine and the tobacco bug has gotcha. Right? I'll tell you what we're gonna do, is you amend this Bill on its face, let's tax the living dickens out of these papers dipped in alcohol and honey and

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give it to schools, so we can educate the children. Let's smoke one for the kids. Can we do that?"

Colvin: "I didn't hear the last part."

Black: "Let's just tax the devil out this stuff. I'd say about \$2.00 a wrapper, then we'll send it all to the schools. And that way if you gamble and play the lottery and smoke that alcohol and honey tobacky cigarettes, the kids'll get a better education. That's what we do around here, right? That's why I'm with you. I see great things coming from this, Representative. I stand in very lukewarm support of this Bill. And I wish you the very best."

Colvin: "Thank you, Representative."

Speaker Madigan: "Mr. Giles."

Giles: "Thank you, Mr. Speaker. Will the Gentleman yield for a question?"

Speaker Madigan: "Sponsor yields."

Giles: "Representative Colvin, on a serious note, and I truly believe I understand what you're trying to do here. Could you once again explain the genesis of this piece of legislation?"

Colvin: "It has come to my attention, when this Bill was first brought to me, that cigarette wrapping papers flavored with candies, chocolate, vanilla, honey, and certain alcohols were being used as a conduit for introducing the joys of smoking to a younger crowd. And it's a way of so doing an end around (sic-end run) by banning the sale of cigarettes to minors is sort of an end around (sic-end run) by making cigarette smoking more palatable to younger people."

Giles: "Representative Colvin, the reason I asked that question because I that some of the Members of this Body need to know. For instance, I would... last Friday when I got home I went into one of the local stores that's in my district

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and I was trying to purchase a newspaper. And in the line with me were about three other gentlemen and these could be considered gentlemen from the ages of 16 through 18, if you will. And the gentlemen began to ask for something. And they have their own jargon, which I did not understand. And it looked like something that was wrapped and it had something, some strawberry on that wrapping. And I couldn't understand what it was. So, when I got to the actual merchant and I asked him exactly what was that that this young man was purchasing, this individual was purchasing something that mirrored what this legislation was talking about. Some cigarette paper that had a strawberry name to it, but a very attractive package. And then what was surprising to me, there were two other gentlemen right behind me purchasing the same item. And these were very young individuals from the ages of, I would say once again, from the ages of 16 to 18. So, what I am saying is that this could create a serious problem in the sense that we are promoting something that what we are all here legislating against and that is trying to entice minors to a controlled substance to cannabis that's illegal. And we're using the under the auspices of advertisement, a very attractive advertisement, such as candies, other type of products that entice young people. And I think it is a targeting market, too, that is being used. And what it does is suck in more individuals, young individuals, to use a controlled substance. And of course, on the backside of that we have more arrest records go up, 'cause these individuals are going to use these items. We have more individuals in the penal system. We're spending more on the Department of Corrections. Representative, I believe that this is a new wave type of product and

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especially us older Members of this Assembly, we need to take heed to special type of legislation such as this, because this is very important. If it is not in your district or in the neck of your woods at this time, it will be very soon. Thank you very much. And I urge everyone to make a 'yes' vote on this legislation."

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

Lang: "Thank you, Mr. Speaker. Oh, there's a new Speaker, hello, Speaker. Will the Sponsor yield?"

Speaker Hartke: "Sponsor will yield."

Lang: "Thank you. Representative, first, do I understand this is your very first Bill?"

Colvin: "Yes it is."

Lang: "And do you think every Member on the floor is aware of that? There's a lot people eating and talking."

Colvin: "They are now."

Lang: "They are now. All right. How are you enjoying yourself, pretty well?"

Colvin: "So far, so good."

Lang: "All right. Representative, I noticed on my analysis, you can tell me if I'm wrong, that the association of candy distributors are opposed to your Bill. Why would they be opposed to your Bill?"

Colvin: "I saw that, too. I have no reason to understand why they would be, you know, opposed to this Bill."

Lang: "So, you just..."

Colvin: "By and large anti-smoking effort. Yes, some of the cigarette wrapping papers that they're selling are flavored with certain candy flavors, but I don't think anybody's buying this to enjoy, you know, strawberry candy anymore."

Lang: "Well, so you really don't know why they're opposed. You haven't really talked to them."

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Colvin: "No, they have not contacted me."

Lang: "But have you contacted them?"

Colvin: "No, I haven't."

Lang: "You could've gotten some good free samples from those candy distributors, you could've spread around the floor. We would've appreciated that. Representative, I notice that there was an Amendment added to your Bill by Representative Mendoza, which added fruit-flavored or scented or vanilla or chocolate-flavored, honey, fruit, et cetera, et cetera. Is that correct?"

Colvin: "That's correct. In the original language of the Bill all we... the only flavors that were covered were chocolate, vanilla, honey, and alcohol. And to expand it to cover those other flavors after hearing from the Chicago Lung Association, was to add, yeah, candy flavored cigarette papers, as well."

Lang: "Well, you have a lot of flavors here. In fact, I think I counted 31. Have you talked to Baskin and Robbins to find out their view on your Bill?"

Colvin: "Well, we didn't know that tutti fruttii flavor was one of their cigarette wrapping papers. So, it was left out."

Lang: "Now, Representative Mendoza, who's standing next to me, would like to be staff person, would like to know if this Bill includes sprinkles or just the flavors themselves?"

Colvin: "No, it does not include sprinkles. You can still get them in flavors."

Lang: "Is there anyone that actually smokes these things that has come to talk to you about their particular favorite flavor and want to make sure that you aren't forbidding them from their flavor?"

Colvin: "No, but to that point, we did, in just the flavors that I've mentioned here as you would notice that cigarette

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flavored papers that are flavored with menthol are still available for those who enjoy menthol with their cigarettes."

Lang: "So, you're not... this is not a Bill where you're prejudiced against vanilla or chocolate or honey or those things. This is to really encompass as much as you can, right?"

Colvin: "Yeah, that's correct."

Lang: "What if there was some flavor out there that was not mentioned in the Bill, how would we keep people from smoking those?"

Colvin: "Perhaps we would have to address it in the next Session."

Lang: "Well, will you be following this all summer and fall, in fact throughout your career to determine if anyone has some other flavors you hadn't thought of?"

Colvin: "Quite truthfully, probably not. But I'm sure someone will..."

Lang: "Well, I don't know, ya know... That's the problem when freshman gets a new Bill. You don't know what we're supposed to do. Once you pass this, Representative, if you do, you really need to follow this for ten or twenty years and make sure that you're having the desired effect. Wouldn't you think that's appropriate?"

Colvin: "I'll take that under consideration."

Lang: "All right. Very good, thank you, Sir."

Colvin: "Thank you."

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

McCarthy: "Thank you, Mr. Speaker. I move the previous question."

Speaker Hartke: "Representative Colvin to close."

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Colvin: "In closing, I would just like to say that this Bill does speak to the issue of teens and preteens smoking. And in that respect I think it's a good issue and I urge you all to vote 'yes' on the matter. Thank you."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 5909?' 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 this question, there are 110 Members voting 'yes', 0 voting 'no', 0 voting 'present'. And the House does pass House Bill 5908, this Bill having received... 5909 and this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 5829, Representative Coulson. Representative Beth Coulson. Temporarily out of the record. House Bill 5807. Representative Crotty. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 5807, the Bill's been read a second time, previously. Amendment #1 was adopted in committee. Floor Amendment #2, offered by Representative Crotty, has been approved for consideration."

Speaker Hartke: "Representative Crotty."

Crotty: "Yes. The Amendment #2 is just restricting the time given to an employee to have... to give blood or blood platelets in accordance to the appropriate medical standards."

Speaker Hartke: "Is there any discussion on the Amendment? Seeing no one is seeking recognition, the question is, 'Shall the House adopt Amendment #2 to House Bill 5807?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment is adopted. Further Amendments?"

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

Speaker Hartke: "Third Reading. House Bill 5997, Representative Currie. Barb Currie. Julie Curry. Excuse me. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 5997, the Bill's been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. House Bill 5829. Representative Coulson. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 5829, the Bill's been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Coulson, has been approved for consideration."

Speaker Hartke: "Representative Coulson on Amendment #1."

Coulson: "Thank you. Floor Amendment #1 is an Agreed Amendment. We've discussed this in committee earlier that we would try to make the Amendment reflect a way to keep security on Social Security numbers. And I can answer any questions. Basically, what it does is include only the last four digits instead of the nine digits."

Speaker Hartke: "Is there any discussion on the Amendment? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #1 to House Bill 5829?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it and the Amendment is adopted. Further Amendments?"

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

Speaker Hartke: "Third Reading. House Bill 4531. Representative Beaubien. Representative Beaubien. On 4531, would you like to move it to Third Reading? You got an Amendment in Rules? Out of the record. House Bill 5663. Representative Cowlshaw. 5663. Representative Cowlshaw."

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Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 5663, the Bill's been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. Is Monique Davis in the chamber? Representative Cowlshaw, for what reason do you seek recognition?"

Cowlshaw: "Did you move that Bill to Third Reading, Sir?"

Speaker Hartke: "Third Reading. Yes."

Cowlshaw: "Thank you very much."

Speaker Hartke: "Representative Cross on House Bill 5681. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 5681, the Bill's been read a second time, previously. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. House Bill 4322, Representative Davis, Steve Davis. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 4322, the Bill's been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. House Bill 4257. Representative Erwin. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 4257, the Bill's been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. House Bill 5656. Representative Flowers. Out of the record. House Bill 4429. Representative Forby. Gary Forby. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 4429, the Bill's been read a second time, previously. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

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Speaker Hartke: "Third Reading. House Bill 5779. Representative Fowler. Mr. Clerk... No, out of the record. House Bill 4001. Representative Franks. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 4001, the Bill's been read a second time, previously. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. House Bill 4218. Representative Garrett. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 4218, a Bill for an Act in relation to highways. Third Reading of this House Bill."

Speaker Hartke: "Representative Garrett."

Garrett: "Thank you, Mr. Speaker, Ladies and Gentlemen. House Bill 4218 is really a technical Bill that does three things. It first provides that the highway commissioner of a road district has authority to build alleys, and bike paths in unincorporated communities using any funds belonging to the road district in which that community is located. And two, provides that Motor Fuel Tax Funds allocated for use in road districts may be used for the construction, maintenance of alleys and bike paths. And third, provides that highway authority may convey a vacated highway or portion of a highway under its jurisdiction to a township road district, which has petitioned for vacation of the highway and intends to use it as an alley or a designated bike path. This is a Bill coming from the County of Lake and I ask for your support."

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

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

Speaker Hartke: "Sponsor will yield."

Parke: "Representative, does this only affect Lake County?"

Garrett: "I don't think so. No, I think it applies to any

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township that is interested in doing this."

Parke: "Is this... when you presented it in committee, did anybody oppose it?"

Garrett: "No, there was no opposition. There's no fiscal impact. And there are actually no problems with it whatsoever, it's really a technicality."

Parke: "...Is this a TOI piece of legislation?"

Garrett: "It isn't... It has come from Lake County, but it has gone through all the different channels and the township officials are very aware of it and are not opposed to it. I think they're supporting it."

Parke: "Thank you."

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

Black: "Thank you very much, Mr. Speaker, the Gentleman from Effingham."

Speaker Hartke: "Thank you."

Black: "Will the Sponsor yield?"

Speaker Hartke: "Sponsor will yield."

Black: "Representative, we've had several of these Bills in the last year or two. I need to refresh my memory. This Bill, there's nothing in this Bill that grants a bicyclist the full rights of a motor vehicle on a roadway."

Garrett: "No."

Black: "That's not what you're doing here. Okay. I remember this discussion in committee. If you had a parcel... if the entity was trying to build a bicycle path on an abandoned right-of-way or whatever, and there was a parcel that prevents it. The question came up as I recall in committee, about the use of eminent domain, so that you could connect part 'A' with part 'B' and the property owner in the middle may not want to sell or give an easement."

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So, does this give that highway authority the power of eminent domain just to come in and say we're going to take your property? We'll give you fair market value, but we're going to take it so that we can connect the bikeway. And that property owner's argument in my area has always been, I don't want it. I don't want it on my property. They'll stop and eat lunch, they'll litter, they'll wander around my property. I just don't want them anywhere near my property. Does this give any highway authority those kinds of extraordinary rights?"

Garrett: "No. As far as I know, in the way I've understood the Bill, it does not. And I think you did ask that question..."

Black: "Yeah."

Garrett: "...or somebody did in committee."

Black: "I would suggest that... and I'm sure that this Bill will pass. The Senate may... your Senate Sponsor may want to make that crystal clear..."

Garrett: "Okay."

Black: "That they will not be given the right of eminent domain to connect various segments. Because I think, then that defeats, I would hope, what you're trying to do and that is through a voluntary method, create something that all people will have an interest in, rather than a lifelong opposition to. And this... And you've already said for the record, this in no way entitles a bicycle operator, as you would interpret the law, to be a motor vehicle, in other words..."

Garrett: "Right."

Black: "...with full rights, et cetera."

Garrett: "You're absolutely correct on that."

Black: "All right. Fine. Thank you."

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Garrett: "Thank you."

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

Garrett: "I again... this is a Bill that would affect in a positive way townships and unincorporated areas. And I ask for an 'aye' vote."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 4218?' 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? Mr. Clerk, take the record. On this question, there were 93 Members voting 'yes', 17 Members voting 'no', and 0 voting 'present'. And the House does pass House Bill 4218. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Resolution 750. Representative Jones. Mr. Clerk. Ladies and Gentlemen, this is a Death Resolution for a former Member. We are not adjourning. Mr. Clerk."

Clerk Bolin: "House Resolution 750, offered by Representative John Jones."

HOUSE RESOLUTION 750

WHEREAS, The members of the Illinois House of Representatives wish to express their sincere condolences to the family and friends of former State Representative Clyde W. Robbins of rural Fairfield, who passed away on July 20, 2001; and

WHEREAS, Clyde W. Robbins was born in Akron, Ohio on June 7, 1926 to Clancy and Iris Hilliard Robbins; he married Grace Heller on January 1, 1948; and

WHEREAS, Clyde W. Robbins served as a member of the Illinois House of Representatives from 1979 through 1982; he diligently

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worked for the farmers and farm communities; he sponsored legislation such as the Grain Elevator Bill and the Soil Erosion Funding Bill and worked to repeal the sales tax on farm machinery and the inheritance tax; and

WHEREAS, Mr. Robbins was also known for his concern for others; he began providing both healthy and sweet snacks after a particularly long night of session when one of his diabetic colleagues became ill from not having ample food necessary for his diet; from that time on, he stocked a mini-buffet in the area around his desk that became known as "Clyde's Deli"; and

WHEREAS, He farmed extensively for many years, and after serving in the House of Representatives he served as administrative assistant for the Southern Illinois Region for the Illinois Secretary of State, retiring in 1995; and

WHEREAS, He was the county chairman of the Wayne County Republican Party for several years and he also served as precinct committeeman for Jasper Township; and

WHEREAS, Mr. Robbins was also very active in many civic organizations in his community; he was a school board member, taught Sunday school at North Side Baptist Church, and began the church's youth basketball program; and

WHEREAS, Clyde W. Robbins leaves to cherish his memory his wife, Grace; his children, Mrs. Karen (Melvin) Lane, Mrs. Barbara (Andrew) Fuchs, Mrs. Nancy (Mike) Rister, Bill (Pam) Robbins, Mrs. Linda (Rick) States, Mrs. Lisa (Paul) Fearn, and Mrs. Stacy (Larry) Smith; 16 grandchildren; 9 great-grandchildren; his sister, Janice Elliott; his sister-in-law, Marjorie Robbins; and a number of nieces and nephews; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SECOND

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GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we mourn, along with all who knew him, the death of our former colleague Clyde W. Robbins; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the family of Clyde W. Robbins with our sincere condolences."

Speaker Hartke: "The Chair recognizes Representative Jones."

Jones, J.: "Thank you, Mr. Speaker and Members of the General Assembly. I would like for the Members of the General Assembly to look up above me in the gallery. We have Mrs. Clyde Robbins, three of his daughters and three of his grandchildren present with us today. It is truly an honor for me to have them here today for this Resolution. You know, Clyde was my State Representative for four years. And I've tried to look upon him over the years and model myself after him because Clyde respected everyone, regardless of what your politics was, your religion, your race, your creed. It made no difference to Clyde. He was here from Wayne County to serve the people of southeastern Illinois and did a remarkable job of doing it. Every constituent that called his office or came into his office was shown the same respect. Clyde worked for many years, after being in the General Assembly, for the Secretary of State's Office. Clyde was a farmer in Wayne County and a highly respected farmer at that. His son has taken over the farming operation. You know, he was probably best known here in the General Assembly for his 'Clyde's Deli'. Because under his desk he had about any kind of food that you could imagine. And if you came over and asked for a sandwich, whether it be a ham sandwich or whatever, Clyde would remark, 'Do you want lettuce, and tomato, mayonnaise, mustard, ketchup, whatever on it?' Clyde had it. You know, we have really lost a true friend in Clyde Robbins in

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southeastern Illinois. But his past will live on forever. And I'm truly honored to serve the same district that Clyde Robbins served from 1979 through 1982. And with that, Clyde, I know you're looking down upon us today, just keep looking down on us from here on out. Thank you."

Speaker Hartke: "The Chair recognizes Representative Daniels."

Daniels: "Mr. Speaker, Ladies and Gentlemen of the House. I'm one of the individuals here who had the pleasure of serving with Clyde. And I knew him to be a man of strong convictions and an individual that had a very broad heart. He was a guy that when you walked up to and talked to you just brought a smile to your face and you knew that you were dealing with a genuine person that cared not only a great deal for his family, 'cause he spoke of them frequently, but also for his convictions and his belief. A farmer and an individual that brought an awful lot of advice to us in agricultural matters. And as Representative Jones stated so well, what greater testimony can you have than a former constituent who talks about him in such glowing fashion. I would say a great many good things about Clyde Robbins but he truly was an individual we were blessed to have as Member of this Body. Yes, he did have 'Clyde's Deli'. And yes, I did imbibe in 'Clyde's Deli' on many occasion and there was a straight route to that, the ham and cheese sandwich that we often got. It seemed like he always had something there for us to nibble on when the hours went late. Because in those days, we would work many, many times 'til three, four, five in the morning. And then start up again at eight. But 'Clyde's Deli' was always open. It was a 24-hour process. He brought a smile to our face and he brought friendship to us. And he brought the best in representative government.

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So, I was pleased and proud to be able to say that Clyde Robbins was a colleague of mine. And I'm pleased and proud today to recognize his memory and to let his family know how much we appreciate them sharing him with us and the people of his district sending him to us. We will miss him but we will remember all these great memories about the many fine things he has done for the State of Illinois. Clyde Robbins, you are an example we should all strive to set. We'll miss you."

Speaker Hartke: "You've heard the Gentleman's Motion. All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of Chair, the 'ayes' have it. And House Resolution 750 is hereby adopted. House Bill 4104. Representative Giles. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 4104, a Bill for an Act in relation to criminal law. Third Reading of this House Bill."

Speaker Hartke: "Representative Giles."

Giles: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 4104, what this Bill does it amends the Unified Code of Corrections. And what it does is provide that a prisoner serving a sentence in the Department of Corrections for a crime committed of substance abuse or alcohol abuse that this individual after receiving... being placed into a treatment program shall then at that time receive good time... I mean good conduct credit. If this individual does not complete this program, this individual will be on a waiting list and provided that if treatment is not available the individual will be placed on a waiting list and may be required by the department to attend a substance abuse education class or attend a substance abuse health... self-help meeting. This individual will not lose his or her good time, good conduct credit as a result of

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being placed on a waiting list. This piece of legislation passed out of committee with no 'no' votes, unanimously. And at this time the Department of Corrections, I believe, is neutral or either in favor of this piece of legislation."

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

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

Speaker Hartke: "Sponsor will yield."

Black: "Representative, just one quick question. I certainly stand in support of your Bill. However, given the current state of staffing and some of the difficulties we're having with the Department of Corrections, will we in fact be able to offer sufficient substance abuse programs that inmates will have a reasonable opportunity to be enrolled? I mean, I'd hate to think that somebody was really trying to turn their life around would not receive good time credit for three or more years because they simply... we don't have currently enough programs for them to be enrolled in. And I know that's not your intent."

Giles: "That is correct, Representative. And what this legislation at this time, what this legislation does, if an individual... if there's no room in the program for an individual that's waiting on that waiting list that individual will not lose his or her good time..."

Black: "Okay. Okay."

Giles: "...credit. But also that that individual will be placed into an educational class at that particular time or will attend some type of self-help program to make sure that they meet the qualifications."

Black: "Have you talked to the department? Do they have any concerns about the program? Because I know they generally

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have a waiting list for these substance abuse programs. Have they given you any indication that they can handle what I would assume would be an increased demand for such classes?"

Giles: "Well, at this time they have not given me a indication..."

Black: "Okay."

Giles: "...either yes or no. But last year, this is the second time I've presented..."

Black: "Right."

Giles: "...this legislation in committee. They had some concerns last time. We went back to 'em this time and they cleared up some of the language and they seem to be amenable to this language."

Black: "Well, I think it would be, no pun intended, it would be time well-spent for someone with a substance abuse program who is an inmate to avail him or herself of these kinds of programs, so that when they get out, hopefully, can find another path to take. Our recidivism rate is, as you know, rather high. And I stand in support of your Bill and I just hope that our current budget crisis will not preclude the department from expanding the substance abuse treatment programs. Because the need is there, there's no question about that. But it's an issue that you and I may have to work on as far as appropriations in fiscal '04 and fiscal '05, so that the department can meet the intent of your legislation, which I certainly stand in support of."

Giles: "Thank you."

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

Giles: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Let me just say for the record that this is an

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excellent piece of legislation. As I've stated in committee on this piece of legislation, the individuals are not coming back. The individuals that are going into these programs are going to come back to a community. And they're not going to Mars. They're not going to a community that is not inhabited by people, relatives, friends. They're coming back to our communities. And we want these individuals to address their problem. I believe if they are required to go into some type of substance abuse program they can begin to realize that they do have a problem. Many of these individuals in denial are the ones who simply go through... are incarcerated and come right back out. Then of course, the recidivism rate goes up. They're right back in because they have not... their problem has not been addressed and that is alcohol or substance abuse. And so, what this piece of legislation does is begin to at least for some individuals, begin to realize that they do have a problem. We know this piece of legislation will not solve all the problems. But I truly believe it will address the problem. And Representative Black is correct. After, after these individuals get out of the system then there must be some type of support or help outside of the system. And I hope that we can continue to address this issue in this Body. Thank you. And I ask for a 'aye' vote."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 4104?' 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? Mr. Clerk, take the record. On this question, there are 111 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And the House does pass House Bill 4104. And this Bill, having

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received a Constitutional Majority, is hereby declared passed. House Bill 4337. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 4337, has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. House Bill 4098. Representative Howard. Connie Howard. Out of the record. House Bill 4053. Representative Leitch. Out of the record. House Bill 4409. Eileen Lyons. Out of the record. House Bill 4194. Representative Johnson. Tom Johnson. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 4194, has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. House Bill 5941. Representative McAuliffe. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 5941, has been read a second time, previously. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments approved for consideration."

Speaker Hartke: "Third Reading. House Bill 4451. Representative Moffitt. Representative Moffitt. Out of the record. House Bill 4098. Representative Howard. Out of the record. Mr. Moffitt in the chamber? House Bill 5840. Representative Jones. Lou Jones. Out of the record. House Bill 4506. Shirley Jones. Out of the record. Representative Jones, you have an Amendment in Rules yet? Okay. Representative Lang on 582. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 582, a Bill for an Act amending the Higher Education Student Assistance Act. Third Reading of this House Bill."

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Speaker Hartke: "Representative Lang."

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I think we're all aware of the acute teacher shortage we have in the State of Illinois today. I think we're also all aware that there's been a lot of talk about what to do about it. For well over a year, we've been waiting for some response from the State Board as to some specifics as to what they plan to do. We've certainly seen nothing on this House Floor. This is a Bill that will deal with some of the problems we have regarding our teacher shortage. It says that the State Board would certify what areas and what school districts have a shortage and simply say that those who would promise to teach for five years minimum in one of those designated shortage areas would have their tuition paid. There is some cost, obviously, involved but we could find 15 or 20 or 25 thousand new teachers over a period of time by doing this and dramatically deal with our teacher shortage in the State of Illinois. Even though we're in a fiscal crunch as we sit here today, the truth of the matter is that our schools are suffering, particularly in some of the rural areas of Illinois, as many of you know from lack of teachers. We need to cut into that and this Bill will help. I would ask your support."

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 will yield."

Parke: "Representative Lang, I understand last year that this Bill when presented in committee had some problems with it. It says that you agreed to hold it on Second to allow for further debate. And does that mean that you plan on putting some Amendments on in the Senate to clarify it, or

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how were you going to address the concern that we have in our notes?"

Lang: "Representative, there were no problems with the Bill. I agreed to hold the Bill at that time because I was told that a resolution to the teacher shortage problem was imminent from the State Board of Education. It's well over a year since that time, no resolution has been forthcoming. And I think it's appropriate for the Members of this General Assembly to deal with the real problem that we have in our school districts."

Parke: "All right, then if you're going to be passing it, I fail to see what the solution is. What does your Bill do to help solve the teacher shortage? And also, is the teacher shortage in... throughout the state or is it downstate, rural, and the City of Chicago or the major metropolitan areas where the shortage is? And if so, how are you addressing the overall issue?"

Lang: "Well, let me answer the second part first. We have teacher shortage problems all over the state. Some are just... some of those shortages deal with lack of just not enough teachers. Others deal with your shortage in given specified subject areas. And this runs the gamut across the State of Illinois. The Bill leaves it up to the State Board to certify where those areas might be. And how the Bill helps, Representative, is it encourages people to go into teaching. As you well know, where you live and where I live a lot of kids don't want to go into teaching anymore. They find other areas more lucrative. They find other areas more interesting, and we're having trouble finding kids that want to go to college to become elementary school and high school teachers. This Bill will encourage them to become teachers by paying their tuition."

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Parke: "All right. What's the economic impact on the state budget if this passes?"

Lang: "I think we don't know that exact number. We do know... There was an estimate that if... Well, we don't know. We don't know how many people will avail themselves of this. We do know, though, there are thousands of openings for teachers that we can't fill. I don't presume that all at once we're going to have thousands of people who want this scholarship or will apply for it. But even if we did, Representative, even with the fiscal problems we have today, we cannot just bury our head in the sand and say we don't have a teacher shortage. We do and it's up to this General Assembly to act to deal with this problem."

Parke: "Well, then let me ask you this question. If you don't know how much it's gonna cost, when does this apply? When does your Bill... Is it effective for fiscal year 2002? Is it effective fiscal year 2003, or is it beyond that? What's your effective date and when does it apply? Because we have an estimate that it might cost us upwards of \$30 million and that's a huge hit on the state budget and especially, in this fiscal year. So when do you estimate your effective date and when will it actually be applied?"

Lang: "Representative, the Bill does not have an immediate effective date. So, I guess that would be next July, if or... if I remember my Bill construction rules properly. It could be as much as 30 million, I suppose, but I think it... that can only be determined after we know how many people would apply for this scholarship. We don't know if it's going to be one or if it's going to be thousands. But I would submit to you, that given the hundreds of millions of dollars we provide the public school education to make sure that every child in Illinois has a quality teacher, to

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make sure that every child in Illinois is not in an overcrowded classroom, I would submit to you that while \$30 million is a lot of money, I would comment that given what we already spend for education, this is not too high a price to pay."

Parke: "Now, is it that every scholarship is up to \$5 thousand per year?"

Lang: "I don't think there's a dollar amount in the Bill, Representative. It just simply says we'll pay the tuition at a state university. So, currently, currently, the average tuition at state universities is \$44 hundred."

Parke: "So, they could teach anything they want to teach or we can hire a bunch of people that may look at American history, or European history as their major or are you looking for specific areas in which these teachers are to get their scholarships in?"

Lang: "The Bill refers to someone teaching in an area of designated shortage. That could be a subject matter that's been predesignated or it could be a school district that has been predesignated."

Parke: "Well, we know that bilingual education, we also know that sciences and maths are truly universally short teachers. Are we looking to narrow this and say that those are the disciplines that we're interested in having these teachers teach in those underserved areas of our state? And if not, why not?"

Lang: "I don't understand your question."

Parke: "Well, in my... in the suburban areas, because of the salaries that our schools pay the teachers, we don't have the shortages that we find in other areas of the state. But we do have shortages in special education, bilingual education, the sciences and the maths. We do have

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shortages because those teachers normally, when those people who graduate go into the business community. So, we need those teachers in those disciplines. Ought this be a little bit more narrow and say that those are the areas that their degrees ought to be in and those are the areas that they ought to be teaching in?"

Lang: "Well, I wouldn't narrow the Bill that way. I tried to give broad discretion to the State Board to specify how those parameters will be put together. In my view, there are, clearly, schools in the State of Illinois that simply don't have enough teachers, generally. Then there are other school districts that have designated shortages in given subject matter. I would leave that to the State Board to determine how that priority system should work and who should get what. But it's clear, from the intent of the Bill, that if someone wanted to avail themselves of this scholarship they would need to go to the State Board, look at the list, and say, okay I'm going to teach there. And then they would be pegged in at that school district or within that subject matter at that time."

Parke: "Well, nobody, I think, would argue with the underlying purpose of your legislation to provide additional teachers where we're short. How long after they've graduated do they have to teach in an underserved area? How long is their responsibility to have it... their responsibility fulfilled once they've gotten the scholarship and they now are going to go into... into an underserved area? How long must they serve in that underserved area?"

Lang: "Five years, Representative."

Parke: "Well, the part that bothers me is the \$30 million that could be a hit. Certainly, we want to leave no child behind in this state or in this nation. And we're very

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pleased that President Bush has been making this his main theme for his administration. But I'm very pleased that this Bill is being presented to the Body. I think this discussion is needed. I wish it well in the Senate. We'll wait and see, but I'm glad that it's not in this fiscal year because I would probably have a problem with it. But if it's fiscal year '03 we can just hope that the economy grows enough that we will have some funding to provide for this. But I appreciate you offering the Bill, Representative."

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

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

Speaker Hartke: "Sponsor will yield."

Mitchell, J.: "Representative, this summer the Governor initiated a blue ribbon task force to study the issue of teacher shortage in the State of Illinois. It certainly is a pressing and real problem. There's no fiction about it. I'm curious a little bit about how your Bill will work in areas that have a need for a particular teacher but that particular teaching area is not deemed one of scarcity, yet a district maybe for financial reasons, maybe because it's rural and remote cannot attract the teachers in that area. Can they then petition the State Board of Education and declare themselves an underserved area or an area of teacher shortage, not necessarily in those areas of calculus, math, sciences, early childhood, where we know there's definitely going to be teacher shortages?"

Lang: "That's exactly the point of the Bill, Representative. It contemplates that school districts would go to the State Board and say either: (a) we're short teachers in a given area, or (b) we don't have enough teachers at all. So, if

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it's a... If it's a perhaps a school district in your area would go to the State Board and say we don't have any elementary school teachers, we're short ten elementary school teachers. And then the State Board would put your school district on a list and if someone anywhere in the state wanted to go to one of our fine state universities and become a teacher and agree to teach in that school district, then we would pay their tuition if they would promise us to teach there for five years."

Mitchell, J.: "So, if we had a rural district such as let's say Vermont, Ipava, Table Grove, which is called VIT. It's a very rural, very small district. If they in fact needed teachers and they had youngsters coming out of high school that would like to dedicate five years of their professional life to their own community, could they then request with the State Board of Education a scholarship and then commit themselves to return to their home district to serve out that five years of teaching or more?"

Lang: "Well, they wouldn't necessarily have to go to their home district, but they certainly could choose to do that. So, there would be a list of eligible school districts that the State Board would maintain and then when someone applied for this scholarship they would commit to teach in one of those. I think it would be great if someone would go back to their home area. I think that would be giving back to their community, which would be an appropriate thing to do."

Mitchell, J.: "Well, Representative, I think you definitely have a vehicle that would allow that. But, you and I have both been around here long enough to know that when the rules are written by the State Board and run through JCAR it may not look anything like what you had hoped for but certainly

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your legislative intent gives rise to a very valuable piece of legislation and one that may help out in the long run, with the problem that's here now and is only going to get worse. I stand in strong support of your Bill. I, like the previous Representative, just hope the economy turns around, we can find the money to fund this particular piece of legislation, 'cause I think the intent is very laudable. Thank you, Sir."

Lang: "Thank you."

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

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

Speaker Hartke: "The Sponsor will yield."

Wirsing: "Representative, I know that... and the former Representative had made comments that the Governor's been holding... actually had two summits and a series of meetings to deal with this whole issue of teacher shortage. And I guess I'm standing here and looking at you and talking to you because there's some good things that have been discussed and already are starting to come out of those two summits, some ideas, some approaches. One of those is, you know, relative to what you're offering here, but giving a little more detail or trying to come up with some detail as a legitimate way to offer financial support to those individuals who have chosen to go into the teaching field. And I guess I have a legitimate concern on my part that if that's a package or if there's pieces that come out of that that evolve into a package during this Session and on into the Fall Session and beyond, it's going to take more than one shot. I'm raising the question and my concern where your legislation may or may not fit into this realm and would offer that there may be some parts of

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your... this legislation that ultimately fits into the whole picture, because there's more than just what you're offering here as has come out in this summit relative to the teacher shortage plus and/or the qualities of improving the quality of teachers, as well. And I'm kind of giving an oratory here. I didn't plan to do that but... My concern is to make sure that we do something meaningful here for a potential in the next three to five years of serious, serious shortage of teachers which also equates into the quality issue. If I made any sense in raising my concern over how this all fits into play."

Lang: "You have, Representative. You're concerned about a Bill which might work at cross purposes with a task force that's moving forward. My only response is that we're in a constant state in this building, not just this Body, but in this building, of meetings and task forces and committee hearings and regulation and JCAR. And there's always things moving back and forth here. As you well know, the State Board has been talking about what to do about a teacher shortage for probably two or three years, nothing's been forthcoming. And we know that in all sorts of areas dealing with education, particularly whether it be education funding or property taxes or any other notion of teacher shortages, et cetera. We know this Governor and Governors before him have shelves and shelves and shelves filled with blue ribbon reports from task forces that never get implemented. And I'm saying that, I, as one Legislator and I think many of my colleagues here and perhaps you as well, are a little tired of the inaction, tired of meetings and meetings and meetings and no accomplishment. This is a Bill before us today, a Bill where we can accomplish some very interesting things and let each individual school

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district help us in conjunction with the State Board put together a plan of attack so that four or five years from now we'll have teachers in place in some of these underserved districts and we'll be doing a great service to the families of the State of Illinois."

Wirsing: "Well, I think... and I understand that having meetings and task force and all that. I definitely understand that. One of the things that I'm excited about as to where we are and I'm not necessarily speaking against your Bill, I'm just trying to lay out some things that have occurred in the past... well since last Spring Session. The assessment of the need for teachers across the state, the assessment of what the need is going to be, how that's going to increase and how we're going to deal with that. I think one of the things that's different this time around is that the Governor's summits and the meetings prior to that evolved out of the House Higher Education Committee. That's where it started. One of the Members had the idea that maybe because teachers, individuals who become teachers, learn that in higher education realm that maybe that would be the place to start... to raise that issue. So, that's something that's significant different. And as these summits have gone on, it's covering the whole aspect of who are involved from kindergarten, all the way to, you know, to the graduate level. And higher education is involved, not just the entities within the realm, but the Legislators who are extremely interested in that. So, there is something different here then what we've seen in the past years, certainly for me in the last ten years and I know prior to that. And that's what's exciting to me. And I'm raising that issue that... so that we understand there may be a more significant... not significant but more

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a broad based plan to deal with all the aspects of the teacher shortage and the teacher quality issue."

Lang: "Well, Representative, as you know, I have great respect for the work of the Higher Education Committee. I've appeared before it many times. But I think you also know that this issue was promised over a year ago. I think you also know that the reason I held the Bill over a year ago was that I was promised, hold the Bill there's a resolution that's imminent here, it's going to get resolved. It hasn't gotten resolved and I think if no other reason, this Bill ought to move out of here today to help jump start in a new way these negotiations, so that when the Bill's in the Senate we will finally get some complete resolution to some of these issues. There's no reason it has to wait 'til fall, or Veto Session, or next January. We've already waited two or three years and we have dozens and dozens of school districts that are underserved by teachers in the State of Illinois. So, I would ask your help in moving this Bill out of here today. And if there's further discussions that need to take place in the Senate, I'm happy to do that."

Wirsing: "Well, thank you. I just... To the Members. I want to make sure everybody's clear that that there is a total look at the aspect of adding more teachers, getting more individuals to get excited about getting into the teaching profession. And it's got to be more than just purely monetary and that's one of the things that we have come to the conclusion that that's... there's a lot of things that've changed as to why people don't decide to go into teaching today. And that needs to be addressed as a part of it. So, throwing money at this area is simply not just the one singular answer to the question. And that's what

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I'm trying to raise. And thank you, Representative, for the conversation."

Speaker Hartke: "Further discussion? Representative Osmond, the Gentleman from Lake, for a brief comment."

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

Speaker Hartke: "The Sponsor will yield."

Osmond: "Representative Lang, when you use the word 'commission' in the Bill, what does that mean?"

Lang: "Can you tell me where I used the word?"

Osmond: "The 'commission', a 'commission' will be formed. What is the 'commission' that you're referring to, to work with the Board of Ed?"

Lang: "ISAC."

Osmond: "I'm sorry, did you..."

Lang: "ISAC."

Osmond: "ISAC, okay. And, Lou, in your Bill I noticed that that if a person changes his mind and does not fulfill their obligation there's a requirement that they pay back the tuition. Was there any thought given to you about any kind of interest associated with that, so that we're not just inadvertently giving out interest-free loans? It would seem to me it's certainly reasonable that if they don't fulfill their obligation that they pay their tuitions back, but I would think that perhaps somebody and maybe more than one would look at that and say, hey, wait a minute why don't I just apply, I'll get my tuition and then and there's really not any penalty in there if I change my mind?"

Lang: "I think that's an interesting notion and we don't want this to work as a revolving loan fund. So, either we can add that in the Senate or we can rely on ISAC to do this because the Bill requires them to create and administer the

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details of the program. But I can certainly ask the Senate Sponsor to add that. I think it's an interesting issue."

Osmond: "And the other thing, too, Lou, that I have is that, how do you envision this if a... how do you envision marrying a student with a school district? I graduate from Western Illinois and I'm in this program. Do I get a list of schools that are needing my services and I pick that? Or do you see them saying, you know, nobody's going to a certain area, we need to start directing these students in? How is that going to work, do you think, in fulfilling the obligations?"

Lang: "Well, Representative, I'm satisfied to let ISAC work those details out, but I... my vision of this is that a student would go to them, look at the list and say, okay here's a place I'm interested in and then they wed them together. And then that school district would know if they like that person that they would have that person four years from now when they graduate."

Osmond: "Do you think that there would be a case where the ISAC says that Tim Osmond we want you to go teach in Antioch and the student says, wait a minute, now, I'm not going up there that's too far north and it's too cold? What happens then?"

Lang: "I did not wanna... It's an interesting issue, but I didn't want to put so many restrictions in this that it made it difficult. I'm satisfied to let the commission that administers our other state scholarships administer this one, as well. If this is an issue you want to discuss further, Representative, and propose some Amendment that we think you should... that you think we should put on in the Senate, I'm happy to talk to you about it."

Osmond: "Really, Lou, I'm just trying to look at it and try to

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find perhaps some problems in the implementation. There's another provision in the legislation that says that a tuition doesn't have to be refunded, something to the effect if the finances of the school district, I would assume don't allow them to keep paying. And that I also wonder then, would there be an obligation for that person to go to another school district then to again fulfill that obligation? And it was in the legislation, so I'm just curious as to what perhaps triggered that to be put in there from..."

Lang: "Well, it is clearly my vision that these young folks would have to teach five full years in a designated area. Because to do it shorter, is an invitation to just take our money. It wouldn't fill those shortage areas."

Osmond: "But there's a provision in there that says that a tuition does not have to be paid back if the... Let's see. Something to do with the... if the finances of the school district change. Okay, I just had it here, Lou... is the result of financial conditions within a school district. Would that be something like, I'm already teaching at a school and let's take Zion Elementary School where they lost all the money from a plant closing and now their revenue is going to drop and they have to RIF teachers. Would that be then... Would you envision that they would have to go some other place to fill that obligation? If not, I would think we would want to do that."

Lang: "Yeah. My vision of the program is that the answer to that question would be, yes, but there may be conditions under which ISAC would say, well, we're not going to bother, maybe they've already taught four years or maybe the only school available to them is in Carbondale and they now live in Zion. So, I'm willing to allow ISAC to work on that."

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But my vision of this is that these folks are suppose to be teaching five years to avail themselves of our help."

Osmond: "And last comment just to the Bill that, you know, I think the concepts are good. I think though, Representative Lang, you have a lot more faith in the same people promulgating rules that we haven't seen anything in the last couple of years. So, you know, maybe with your help and guidance they'll come up with some better ideas and a little quicker response then."

Lang: "Thank you, Representative."

Osmond: "Thank you."

Speaker Hartke: "Representative Lang to close."

Lang: "Thank you, Mr. Speaker. This is an important piece of legislation. Many of your school districts have been complaining to you that they don't have enough teachers. If we want to improve education in Illinois we've got to provide teachers to every school district in our state. This is a way to do it. I would ask for your help. Vote 'aye'."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 582?' 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. Fowler, Turner, and Cross. Have all voted who wish? Mr. Clerk. Mr. Clerk, take the record. On this question, there were 108 Members voting 'yes', 2 Members voting 'no', and 0 voting 'present'. And the House does pass House Bill 582. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 4451, Representative Moffitt. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 4451. The Bill's been read a second

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time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. House Bill 4188, Mr. Mitchell. Bill Mitchell. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 4188. The Bill's been read a second time, previously. Amendments 1, 2, and 3 were adopted in committee. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. House Bill 5608, Representative Mautino. Mr. Clerk, read the Bill. Out of the record. House Bill 4965, Representative McGuire. Jack McGuire. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 4965, a Bill for an Act concerning preventive services. Third Reading of this House Bill."

Speaker Hartke: "Representative McGuire."

McGuire: "Thank you, Mr. Speaker. This is similar to the Bill we had earlier today. It's a wage increase for the homemaker, chore, and housekeeping services people. And it would have a rate increase of \$1.37 per hour and the Bill would be effective July the 1st, 2002. And as you know, many of these employees are homemakers with the Service Employees International Union Local 800. And the people do a job that you and I would not want to do for ten times that money. I would appreciate your consideration and your 'aye' vote. Thank you."

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

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

Speaker Hartke: "Sponsor will yield."

Black: "Representative, is this your first priority Bill or your second priority Bill?"

McGuire: "Just my second."

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Black: "You've already passed your first a little while ago?"

McGuire: "Yes. Yes. Yes."

Black: "Thank you. I have an inquiry of the Chair?"

Speaker Hartke: "State your inquiry."

Black: "What is this rule about priority Bills first and second and third and fourth and fifth and sixth? This Gentleman's had one first priority Bill, one second priority Bill. There's nothing in the Rules that indicate there are any priorities whatsoever, but I notice that some people get to call Bills and some people don't. I mean, if you just tell us what the Rules are, we'd all like to play."

Speaker Hartke: "Mr. Black,..."

Black: "Yes."

Speaker Hartke: "...I'm trying to be fair and I'm moving down the Calendar and his name was next on the list."

Black: "That'll be a first. That'll be a first, when you just move down the Calendar."

Speaker Hartke: "Well, this list."

Black: "Yeah, your Calendar. In other words, not the one that's over... that we have, one that you have. Mr. Speaker, I've sat here all day long on April 1st opening day of baseball, I don't know why we're even in this chamber. The Cubs open today. I would think in deference to the Tribune we would have been out... We wouldn't have been in Session. Here they are wrapped up in a tight game in Cincinnati, as Mr. O'Brien said probably losing, but you know, there's always next year and there's always tomorrow. So, you know, I've got a Motion on the Calendar in writing to try and get a Constitutional Amendment out of Rules which is just, you know, going to be there until the day I die and this Gentleman, no disrespect to him, gets to call two Bills in a 45-minute period and some of us will be here all day and

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won't call one. I mean, I don't understand these Rules, Mr. Speaker, and I'm a little tired of it. I make a Motion to Adjourn. That's a nondebatable Motion. I request a record Roll Call vote on the Motion to Adjourn. That's not debatable, give me the vote. April fool, Mr. Speaker."

Speaker Hartke: "You withdraw your request?"

Black: "Well, I'll withdraw my request. I made my point. You were very kind to let me."

Speaker Hartke: "Do you have a second priority?"

Black: "Mr. Speaker, all of my Bills are the first priority and I haven't seen one up there yet. But I'm willing to negotiate."

Speaker Hartke: "I do believe you passed House Bill 5602, that was your first priority."

Black: "Well, I think that was two years ago, but whatever."

Speaker Hartke: "Okay."

Black: "Maybe I'll come up and talk to you about your Calendar."

Speaker Hartke: "Would you, please?"

Black: "Thank you."

Speaker Hartke: "McGuire. Representative McGuire."

McGuire: "Yes. Yes."

Speaker Hartke: "Is there any discussion on House Bill 4965? Representative Stephens."

Stephens: "I didn't catch all of the previous argument but is it major league baseball or is it the Cubs playing today?"

Speaker Hartke: "Are we talking about Representative McGuire's Bill? He cares not to discuss the issue. Is there any discussion on House Bill 4965? Seeing that no one is seeking recognition, the question is, 'Shall the House pass House Bill 4965?' 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

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all voted who wish? Mr. Fritchey, would you care to vote on this issue? Mr. Clerk, take the record. On this question, there are 103 Members voting 'yes', 6 Members voting 'no', and 0 voting 'present'. And the House does pass House Bill 4965. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 4211, Representative McGuire. Jack... or McCarthy. Excuse me. Kevin McCarthy."

Clerk Bolin: "House Bill 4211, a Bill for an Act concerning disclosure of information. Third Reading of this House Bill."

Speaker Hartke: "Representative McCarthy."

McCarthy: "Thank you, Mr. Speaker. I thought my friend from Danville had talked you into letting Representative McGuire handle my Bill there for a second. But, House Bill 4211 is a initiative of the State's Attorneys of Cook County and is joined in other state's attorneys allowing information disclosure to be given to the state's attorneys and state's attorney investigators so that they will be able to find witnesses or victims of crimes. There was a little bit of a discussion in committee. The Coalition Against Domestic Violence had some concerns. They have since assured me that they feel that the state's attorneys' representatives are dealing with them in good faith and that they will continue to negotiate. They will probably add an Amendment in the Senate, so that this will only apply to felonies and will only apply to state's attorneys or the state's attorney investigators. I feel confident moving it over there that this'll be a very wise addition to public policy. We have Bills that we have passed that call for the notification of victims of crime, but many times these victims can't even be notified because we can't find them.

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So, if we can use the Public Aid records and the records from the Department of Employment Security in order to find both witnesses and victims of crime, I think in the long run it'll improve the society and also law enforcement. So, I would ask for a favorable vote."

Speaker Hartke: "The Chair recognizes Representative Black for discussion."

Black: "Yes, I have an inquiry of the Chair, Mr. Speaker. Did Representative McGuire give this Bill to Representative McCarthy?"

Speaker Hartke: "No, this is Mr. McCarthy's Bill. I misspoke."

Black: "Mr. McCarthy's Bill. Is this a high priority Bill? Mr. McCarthy, is it a high priority Bill?"

Speaker Hartke: "Representative McCarthy."

McCarthy: "As my leader from the great County of Vermilion, this is... all my Bills are top priority. But this is my second Bill."

Black: "Outstanding. Would the Sponsor yield?"

Speaker Hartke: "Sponsor will yield."

Black: "I have to get cheap thrills where I can. And since I can't present a Bill, I can ask questions of those who are lucky enough to call one. So..."

Speaker Hartke: "Would you let the Chair know what your second priority is?"

Black: "I'll talk to you about that."

Speaker Hartke: "Okay."

Black: "I'm getting hungry. I know what my first priority's going to be shortly. Representative, the only thing, seriously, that I don't understand about the Bill is the effort behind the Bill to find a witness to a crime. I mean, I... that, I truly don't understand. If a witness has said he or she does not want to testify, does not want

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to be involved, I thought that was an inherent right is a word we often misuse here. But I thought if somebody said, look, I don't want to be involved in this, leave me out of it. And then if this can be used by a state's attorney investigator to track somebody down who said 14 months ago, look, leave me out of this, I don't want anything to do with it, I'm not going to tell you anything, then they use these records to track me down. I mean, why are we giving them that kind of authority when they may have already said, leave me out of it?"

McCarthy: "Well, the... I think the answer to your question... and state's attorneys I asked them the same type question, said that in no way would this be used to coerce someone to be a witness, but to locate them and then if they say... this can't force them into testifying or being a witness. But at least gives them an opportunity to locate the person and see if they're willing to take part in the prosecution. If they had said before..."

Black: "Okay. And I understand that, but seriously, Representative. And I know you have read the same stories I have, where they do find someone, the address is either published or somehow it becomes in the public realm, the media, and then the perpetrators of the crime find out where they're hiding or where they live and they often turn up seriously injured or dead. I mean, I just... I don't understand. I guess my fear is that an overzealous investigator is going to find a witness to a crime who is hiding, literally in fear of their life, hold a press conference and say, oh, by the way, we found John Doe who saw this driveby shooting who currently lives in Effigy, Illinois, and he's indicated that he might be willing to testify. And then all of a sudden the individual turns up

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missing or worse yet, dead. I don't understand. What have they accomplished?"

McCarthy: "Well, if that happened, they would accomplish nothing."

Black: "Absolutely."

McCarthy: "But I think we have to rely on these law enforcement personnel that they wouldn't abuse this in any way and I don't think they would abuse the witnesses or the victims of crime when they're able to locate them. I guess all of their investigative powers that they have today, if we look at it, you know, and take the devil's advocate view that they could abuse them, I think we could say that just about all of the powers we grant our police."

Black: "Well, I can understand everything in this Bill except the witness. And I agree. I mean, I'm willing to give a great deal of latitude, but mistakes have been made and I just wonder if it wouldn't be possible for a state attorney general to literally get into somebody in witness protection and say, oh, I know where they are. I just found out they're living in Cleveland, Ohio. I don't know that that would happen, but if somebody gets careless, it certainly could. And again, I'll defer to the expertise of the state's attorney because he or she will answer to any errors in judgement that are made. But that's the one part of this Bill I just was having a difficult time understanding. But I'll defer to your judgement, Representative."

McCarthy: "Well, I think if your concerns and I think that the people that are listening who do have some concerns that they've agreed to work on through Amendments in the Senate, may add something that can clarify those concerns, as well."

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

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

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

Speaker Hartke: "Sponsor will yield."

Mulligan: "Representative McCarthy, I notice in our analysis that the Illinois Coalition Against Domestic Violence is an opponent of your Bill and I can see why they might be. Have you done anything to answer the concerns that they have about this Bill?"

McCarthy: "They just had general concerns about opening up information. They had some concerns about law enforcement people who were abusers. They are the main group that is working with the state's attorneys. And I just talked to their representative out in front within the hour, who has assured me that they have every confidence by moving this Bill over to the Senate, they can still amend it there to justify their concerns. One of the things that we've agreed to is that this would only apply to felonies. So, they were happy with that agreement. They were also insistent on that it would also only apply to state's attorneys and state's attorney investigators. So, they are working with them and they had told me just earlier today that they felt confident in moving the Bill."

Mulligan: "What committee did this come through, Human Services?"

McCarthy: "Judiciary II-Criminal Law."

Mulligan: "Don't you think that families of someone that may have committed a crime that aren't out there will be then... and who may need public aid would be afraid then to apply because of the fact that they might have their home, or their phone, or..."

McCarthy: "Could you start from the begin... I've lost you about

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halfway through."

Mulligan: "I would think that if someone had a relative, a husband, that was trying to evade the law yet was not there and these people really needed public aid, mom needs public aid for the kids and dad who is the perpetrator is gone, would then be afraid to apply for public aid. Did this not come up in the discussions about this Bill?"

McCarthy: "I don't share that concern. I mean, I don't think that's true, but I mean, I have no way of knowing but..."

Mulligan: "Well, but you're not on public aid and you're not in that position. I think that might be a concern. Plus I think..."

McCarthy: "The people would not apply for public aid because they're afraid they'd be caught, in a criminal activity?"

Mulligan: "Right. Because that they might be hounded about where the dad is or where someone is and they really need it, because the person that's the breadwinner's not there. And I do think that domestic violence issue is a really big one. We've gone around and around about what you put on the record that is open to the record for people that are trying to hide from an abuser. It might be a felony."

McCarthy: "Their initial concern was with the fact that, you know, some abusers are law enforcement personnel, which I did not agree with. I mean, I'm sure that that happens, but as far as people that would avoid applying for harbor... you know, I don't know if you're saying they're harboring a criminal or what and so they wouldn't apply for this public aid, but I don't see what the purpose of not identifying those people would be."

Mulligan: "Well, I think the purpose is you'd be afraid. You'd be afraid that they'd hurt you or they'd be afraid that they'd come back and do something. I mean, I think that

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would be the main reason. And I think as far as domestic violence, I mean, there was a big issue when we wanted to suspend FOID cards for law enforcement people who are abusers. And I think once you put it on the record or in a record that's accessible to someone that may be in a department, you also reveal where the victim is and that victim probably needs the public aid. If they're willing to amend the Bill why didn't you amend the Bill now so that... or offer some idea of how to get around that, because I think it's a major flaw."

McCarthy: "Well, I think the significant public good that would be made by allowing witnesses to be located so that prosecutions that are not being successful today will be successful, I think, overrides... that I think that the public good is served there, so..."

Mulligan: "Well, I think a conviction record for the Cook County State's Attorney is less at the issue here than the safety of women who might have a problem and I think that the Bill could be amended. If they have such an Amendment, it should have been offered rather than to send it over there and have somebody pick it up and never have it amended correctly. And I think that would be a problem. And I think if you were really concerned about it rather than just worry about their conviction record, you'd also worry about victims. And I think that's a really important issue and I wished that you would have addressed it before you try to make it leave this Body."

McCarthy: "Thank you."

Speaker Hartke: "Further discussion? The Chair recognizes Representative Flowers. Sponsor will yield."

Flowers: "Thank you, Mr. Speaker. Representative McCarthy, can you once again explain to me the purpose of this

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legislation?"

McCarthy: "The purpose?"

Flowers: "Yes."

McCarthy: "Is to assist the state's attorneys in prosecutions of crimes by making it more information available to them when they're looking to locate a witness or locate a victim of a crime. Many times, prosecutions are not able to be successful because they can't find a witness and they think that this is a significant enough problem that they brought this legislation forward."

Flowers: "Why would we assume that the victim or why would we assume that they are on public aid or in need or have collected or collecting unemployment?"

McCarthy: "We wouldn't assume that, but if they were there it would be just one more avenue of locating them."

Flowers: "Is this..."

McCarthy: "If they... It doesn't say, I mean, that I'm sure the odds are that the majority of the victims and the majority of the perpetrators are not on public aid or are not on unemployment security. And it's no way... This legislation in no way says that, you know, the majority are any significant part of them are but if they are and they can help locate them through this legislation, I think it has a significant public benefit."

Flowers: "Current law, what does it... Could not the State's Attorneys Office get some type of search or can they not find out some other way? Because not necessarily does this information that they've given about or given to the Public Aid Office or to the unemployment office, does it have to be current or correct? So, this really won't satisfy what it is that they're trying to do."

McCarthy: "I think you're correct. If it was incorrect

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information, it wouldn't. But hopefully, the majority of that information they would be getting would be correct, but you're probably correct that some would be."

Flowers: "What if a witness choose not to want to participate? You know, and now the State's Attorneys Office is going to look through... this witness hasn't committed a crime but yet, his information for fear of his or her life, they're going to be tracked down. So, now what? What protection does this witness have?"

McCarthy: "Sorry about the delay. But the information is information that's already in the department's hands. This isn't that they're going to go out and look for new information like the Department of Public Aid or Department of Employment Security. This is information that's already in their hands and it would be made available to the state's attorneys and the state's attorney investigators."

Flowers: "I'm sorry, I didn't understand. You're answering my previous questions as far as what can the State's Attorneys Office do now in order to get this information from the Public Aid Office or from the unemployment office. What can they do now?"

McCarthy: "Okay. And then what's your current question?"

Flowers: "Well, answer that question first. Answer my previous question. Answer... What can the State's Attorneys Office do now? How can they get this information from these two offices?"

McCarthy: "They would get it from the current police file on an investigation, the state's attorneys."

Flowers: "So, according to our analysis here, it says the current law, this information is available involving outstanding arrest warrants, delinquent student loans, child abandonment, desertion, and verifying income tax status."

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McCarthy: "Okay. So, this would remove those limitations. So, it's only for those offenses that this information is available to them and it would remove that."

Flowers: "So, this would expand, because right now it's under the... this is what they can..."

McCarthy: "Correct..."

Flowers: "Okay..."

McCarthy: "You're correct."

Flowers: "So, we're expanding it and we're expanding it... Now, it's more broad. There is no boundaries here. So, any time the State's Attorneys Office wanted to they can go to the Department of Public Aid for any crime."

McCarthy: "Okay. It's according to the department... in the Department of Public Aid case where the department has to deem the information as necessary or useful."

Flowers: "I'm sorry. You said the department would have to deem..."

McCarthy: "The department... Yeah, the information from this department would only be given if when it's determined to be necessary or useful in locating a crime victim, or a witness, or a fugitive from justice."

Flowers: "So, it would be up to the department to say whether or not this information is necessary for the State's Attorneys Office to get or if it's important enough?"

McCarthy: "Well, they would have to be... They would have to agree with the state's attorney that they thought that it was necessary."

Flowers: "And if they choose not to agree, what's the consequences for their action and the State's Attorneys Office say that it is very important?"

McCarthy: "Correct."

Flowers: "Correct on what?"

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McCarthy: "You're correct."

Flowers: "Yeah. On what. Which one, though?"

McCarthy: "I think your microphone was off at the end there. I can't hear the..."

Flowers: "You said that I was correct. Correct about what?"

McCarthy: "About the fact that the department would make that determination."

Flowers: "So, what if the... What if there's a standoff? The department says it's necessary or it's not necessary, the State's Attorneys Office says it is necessary. Who have the final decision?"

McCarthy: "The legislation says the department 'shall' make it available so since it's 'shall'..."

Flowers: "So, it's not permissive, it's a mandate."

McCarthy: "What it says is the department 'shall' make it available, anything that they find useful and necessary."

Flowers: "So, who's to oversee this information as far as judicial review? Who's to make these determination? We're talking about people's lives here. Mistakes have been made, lives have been, you know, destroyed over misinformation. Someone could use the wrong address, wrong information, stolen identity happens more often today than it has ever happened. So, how is one to protect themselves?"

McCarthy: "How is one to protect themselves against incorrect information?"

Flowers: "Well, you know, the State's Attorneys Office could look up and says, oh, I see this information, come to my house and it's the wrong person, would someone else used my information? And so now, I have to work to prove that I'm not the witness or either I'm not the offender."

McCarthy: "I would... I would... What we're talking about is

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information that's already held by the department. Okay? And this legislation would allow the state's attorneys or their investigators to access that information. If that information is incorrect, I mean, I think as soon as they get the determination that it's incorrect, I don't know how much further they would go. I mean, hopefully, they could maybe, you know, relay that information back to the department that it was incorrect. But, I mean, I don't think I could stand here and say every bit of information the Department of Public Aid has is accurate, you know, completely. So, I mean, I don't know if I'm going to believe that all, you know, every single case the information'll be completely accurate."

Flowers: "Representative, thank you very much. To the Bill, Mr. Speaker and Ladies and Gentlemen of the House. I understand that the Representative may have very good intention for this legislation. I'm sure the State's Attorneys Office have very good intention for this legislation. But what I'm afraid of, Representative, is that ever since September the 11th our rights have been eroded. And this is another step. It's another way where it is that instead of innocent until proven guilty you're guilty until you have to be proven innocent. And some people don't have the wherewithal or the will to fight the State's Attorneys Office or these other law offices. And you're just, you're just, you know,... I know there's nothing private about our lives anymore because the Internet is out there. But the fact of the matter is it shouldn't be made readily available information that you thought that you could fill out in confidence, is no longer confidential information. Thank you very much."

Speaker Hartke: "Further discussion? The Chair recognizes the

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Gentleman from Kendall, Representative Cross."

Cross: "Thank you, Mr. Speaker. Just... If I could ask a few questions of the Sponsor."

Speaker Hartke: "Sponsor will yield."

Cross: "Representative, I have a couple questions and I know you're trying to answer these. And I have to tell you before I ask any of these, I generally support most all of the state's attorneys initiatives, whether they're from Cook County or downstate but I'm a little... at least in our... my reading of the analysis in the Bill it says one of the things that you're looking for under your Bill says, 'information in the possession of the department that may be necessary in locating a crime victim.' Now, I would think as a general rule, the State's Attorneys Office and offices would know the victims. I mean, without a victim they're not going to charge someone. So, why would they need to be going to the department looking for victims? Now, I know you're talking to one of your colleagues over there and I respect his opinion. I'm just... I'm trying to understand what the problem is here."

McCarthy: "My understanding as far as a crime victim part, Representative, is that this is crime victims, well after the fact. These are crime victims that... let's say the person who is serving a sentence is about to be released and they want to notify that crime victim that that person that perpetrated the crime against them is now being released. That's the way it was explained to me, that at that point they need extra avenues in order to... I mean, at the time the initial crime is I'm sure they have no problem identifying or locating the crime victim and they certainly wouldn't have a prosecution without it. The initial explanation that I was given is that this is for

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crime victims well after the perpetrator has maybe served his time."

Cross: "Well, in that context why are you then also looking for witnesses if we're talking about after the fact? And let me just... go to the bottom line question and maybe the fellow next to you can help. Why don't you just subpoena this information? Is this... Is someone suggesting to us that you can't... if this information is subpoenaed by the State's Attorneys Office that the department's not giving it to them?"

McCarthy: "Representative, my understanding is that this will allow them to access that information from those two departments and it doesn't take away from their subpoena power. After they access that information, if they determine at that point that they want to go forward, they would still have that power."

Cross: "Well, that's my point. If they have that authority now, with the subpoena, why do we need to do this?"

McCarthy: "But if they can't even... But this would help them... it is suppose to help them locate the person then they would determine later whether they wanna use that other... the subpoena power to go forward with it. It's just their access to information in those departments."

Cross: "I'm not following... I'm not following you. I apologize. So, you would agree with me that the State's Attorneys Office has the authority right now without changing the law, without your piece of legislation, to subpoena the necessary information or any information from these departments. And no one's arguing or suggesting these departments aren't complying with those subpoenas?"

McCarthy: "I believe you're correct."

Cross: "Okay. But under your Bill now, if this Bill passed and

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became law, there's going to be information perhaps in these files that goes to the State's Attorneys Office that's none of their business, that that's not related to the crime or not related to a victim that maybe will tell them how long someone's been on public aid and that's really maybe no one's business in the State's Attorneys Office."

McCarthy: "It's only if the information is useful or necessary in locating a crime victim or a witness."

Cross: "All right, who's going to make that determination? Is someone in the department going to sit down and go through each file and say all right we've got this request from the State's Attorneys Office, all right, this part of the file only applies, this part doesn't? Or in the real world now, with this Bill, are they just going to hand over the file? And then you're going to give everybody's... these people that are on public aid going to give their complete file to the State's Attorneys Office. And I'm not sure that's what you want to do."

McCarthy: "Well, I'm not as sure that they'd be giving them the complete file. They'll give them the information in that file that was useful in them locating a witness."

Cross: "Well, therein lies the problem. Who's going to determine what information is useful and what information is not useful. And I'm afraid it's broadly written, Representative, and I'm not sure I see the need for this, given the fact that the State's Attorneys Office has the ability to subpoena all of this information."

McCarthy: "One thing, Representative Cross, that may relieve some of your questions is that the Bill does say that it 'determines the current address.' That's all it's looking for is to determine the current address of a victim of a

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crime or a witness. They're not looking for the file, they're just looking for the current address so that it would help them in locating this person."

Cross: "Let me ask you this, too, Representative. Would this apply to the Attorney General's Office, as well? Would they have access to this same information under your Bill?"

McCarthy: "Yes, it will."

Cross: "And why would you give the Attorney General's Office this broad authority?"

McCarthy: "Because they are a law enforcement agency."

Cross: "Would this also apply..."

McCarthy: "And you heard me... And you did hear earlier when your colleague was speaking to you, that this only... the only information they'll get is the current address from those public aid or the Department of Employment Security things. There's no files being transferred or anything else. It's the address of this person that may be able to help them in the further prosecution. But it does limit it to the current address."

Cross: "It limits it to what?"

McCarthy: "The address of the... either the witness or a victim of a crime."

Cross: "Well, I thought it said any information that would... that... necessary in locating a crime victim. It might give someone's employment address. It might give someone's in-laws. It might give someone's parents, anything like that. It might give someone's spouse or former spouse. It doesn't say, I don't believe, that it's limited to the address. It says anything that would enable you to locate a crime victim."

McCarthy: "On page 2 of the Bill, where it talks about the contents of the files, it says, you know, distinctly there

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that it could be the purpose for determining the current address of a victim of a crime or a witness to a crime."

Cross: "Can you show me the... show me again in the Amendment where..."

McCarthy: "It's page 2 and lines 8 through 11."

Cross: "So that's..."

McCarthy: "And then in 's', the last Section of the Bill where it talks about information that's necessary or useful in locating. It's..."

Cross: "Representative, the way I read it and it says, 'the contents of those case files shall be made available for the purpose.' So, it doesn't say 'the address from the case files', it says, 'the contents of those case files which... again I don't think anyone wants to... I certainly don't want to limit the State's Attorneys Office, but I think the way it's drafted it's perhaps a little broader than you're suggesting. When you look at page... look at line 8, 'the contents of those case files'..."

McCarthy: "I believe the way it reads and it says, 'the contents of the files will be made available in order to determine the current address.'"

Cross: "But it doesn't say... It doesn't say the contents of those files shall be limited to the information that would determine the current address. It says, 'the contents of those files shall be made available.' I'm reading your language, Representative."

McCarthy: "Well, I think..."

Cross: "Would you agree that that's what it says?"

McCarthy: "I think they do lead toward that. I understand your concern and I certainly think they could address that with the Senate Amendment, as well, because I think you're concern is legitimate. But it does say here, 'for the

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purpose of determining the current address.' So, I think that's pretty clear. We certainly could maybe tighten it up. You're correct."

Cross: "Representative, I think we're in agreement that we want to help the State's Attorneys Offices. And most of us understand where they're trying to go. I think we're concerned, on both sides of the aisle, of the broadness... the broad nature of the way this Bill has been drafted. I would urge you, encourage you to take this Bill out. We change... We've got five days. You guys are in charge of the Chair. You can move things along as quickly or slowly as you want, but clean this up so we're not making what some believe are bad votes. You can have this cleaned up. We'll work with you overnight and you can try to run it again tomorrow. You can kick it out of Rules right onto the floor. You certainly have the authority to do that and you've got the numbers to do that. I just think the way it's drafted there's some problems that need to be addressed, Representative. And I'll be glad to, I'm sure there are others on our side that would be willing to work with you on this. Again, we don't want to kill the Bill, but we want to clean it and make... clean it up and make it better. We'll work with you on it. I don't th... And you won't lose your priority position. You can keep it right where it is."

McCarthy: "I thank you. I was wondering who assigned those positions, Representative. And I appreciate that."

Cross: "Can we... By the way, can we subpoena your priority list?"

McCarthy: "Ya know, I worked with the people who expressed themselves as opponents of this during the committee hearing. I have confidence that both the proponents and

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the opponents are working well together. I don't think that delaying this a day or something or a couple of hours is going to be all that helpful. I have confidence in the state's attorneys' representatives, as well as the state's attorneys that they are not trying to open up files or learning information they don't need. They made it clear to me and I think they made it clear and I certainly stand on the public record of saying that this is for disclosing information as far as addresses. And I'd like to move it forward. I think it's... the quicker we get it over to the Senate the better chance we have of these groups working together and coming up with a amended product that can go back to us and then we can pass it into law."

Cross: "Well, Representative, I have to tell you and I'm a little disappointed in the progress or the way we're going to go. Again, I work with State's Attorneys Offices and the association on a regular basis. I support 99.9% of their Bills. This is a Bill I'm not going to support today. I'm going to vote 'no' or 'present', not because of where you want to go but the fact that you're not willing to clean up a Bill. You've got five days to do it. You've got the Majority. You've got the Chair. You've got control of the Rules. It's easily something you can do. I want to make it clear, I'm not against the state's attorneys, I want to work this out. It's something I know that can be worked out over a day or two and I'm disappointed that you won't work with us on this. Obviously, from questions on your side of the aisle, there are Members that have problems and I would again ask you and certainly, it's your Bill and you can make that decision to hold this Bill until tomorrow and try to clean it up. If not, then we'll see what happens and we'll go from there. Thank you."

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

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

Speaker Hartke: "Sponsor will yield."

McKeon: "Following up on Mr. Cross's questions, what I noticed between the two Sections is that this Bill is not even internally consistent in terms of the Amendments that you're making to the Public Aid Code in the Amendment to the other Section of the Code dealing with unemployment insurance. In one case you have information which does, as the former speaker said, provide the case file and I disagree with your interpretation, but to deal with witnesses or victims in the second Section that you amend in the Unemployment Code it's victims, witness, or fugitive. I have one question... I have a couple of questions that lead to one another if the Sponsor will yield."

Speaker Hartke: "Sponsor will yield."

McKeon: "Is there any provision for administrative review of the request to insure that the request is not going to be used in an abusive manner unrelated to the law enforcement objective?"

McCarthy: "Representative, I'm truthfully having a hard time as I was having a hard time hearing the other speakers and since I know that your concerns are genuine, I know that Representative Cross's concerns were very genuine, I will ask the Speaker to pull the Bill for now. Maybe we can work these things out. People that have long records of supporting law enforcement and increasing the power of law enforcement seem to have some questions, so I'll pull it out of the record."

Speaker Hartke: "Mr. Clerk, take this Bill out of the record."

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House Bill 6002, Representative Mendoza. Out of the record. House Bill 4942, Representative Feigenholtz. Sara Feigenholtz. Out of the record. House Bill 6002, Representative Mendoza. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 6002, the Bill's been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. House Bill 4942, Representative Feigenholtz. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 4942, the Bill's been read a second time, previously. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. House Bill 4900, Representative Fritchey. Clerk, read the Bill."

Clerk Bolin: "House Bill 4900, the Bill's been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. House Bill 5611, Representative Jones. Shirley Jones. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 5611, the Bill's been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. House Bill 4344, Representative Parke. Terry Parke. Out of the record. House Bill 3797, Representative Poe. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 3797, the Bill's been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. House Bill 5839, Representative Dart. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 5839, the Bill's been read a second time, previously. No Committee Amendments. No Floor

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Speaker Hartke: "Third Reading. House Bill 4067, Representative Novak. Phil Novak. Out of the record. House Bill 4287, Representative O'Brien. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 4287, the Bill's been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative O'Brien, has been approved for consideration."

Speaker Hartke: "Representative O'Brien."

O'Brien: "Thank you, Mr. Speaker, I'd like to table Floor Amendment #1 and move the Bill to Third Reading."

Speaker Hartke: "Withdraw Amendment #1, Mr. Clerk. Further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. House Bill 4090, Representative Reitz. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 4090, the Bill's been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. House Bill 3632, Representative Scully. George Scully. Mr. Clerk, read the Bill. Mr. Scully, there's been a note request on this Bill. Ya wanna hold it on Second? Hold that Bill on Second. House Bill 4023, Representative Slone. Ricca Slone. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 4023, the Bill's been read a second time, previously. Amendment #1 was adopted in committee. Floor Amendment #2, offered by Representative Slone, has been approved for consideration."

Speaker Hartke: "Representative Slone."

Slone: "Mr. Speaker, Ladies and Gentlemen. Floor Amendment #2 simply adds to the Bill. Actually, it subtracts from the

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Bill some language to address some concerns of the Illinois Association of Homebuilders and with this Amendment the Bill will be an Agreed Bill with the support of the homebuilders. I would appreciate your favorable consideration."

Speaker Hartke: "Is there any discussion on the Amendment #2? The Chair recognizes Representative Granberg."

Granberg: "Thank you, Mr. Hartke, for purposes of an announcement. Mr. Black, so this will not be the first time or the last time you're going to hear this this spring. Cubs just lost in the bottom of the ninth. The Cardinals are winning."

Speaker Hartke: "Thank you, Mr. Granberg. Is there any discussion on Amendment #2 on House Bill 4023? All those in favor of the Amendment signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment is adopted. Further Amendments?"

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

Speaker Hartke: "Third Reading. House Bill 5626, Representative Soto. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 5626, the Bill's been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. House Bill 4003, Representative Saviano. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 4003, a Bill for an Act concerning the regulation of professions. Third Reading of this House Bill."

Speaker Hartke: "Representative Saviano."

Saviano: "Thank you, Mr. Speaker, Members of the House. House Bill 4003 is the renewal of the sunset of the Wholesale Drug Distribution Licensing Act from December 31st, 2002,

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to January 1st, 2013. This is an agency Bill. DPR was neutral with the adoption of Committee Amendment #1. I would ask for your favorable vote. Thank you."

Speaker Hartke: "Is there any discussion on House Bill 4003? Seeing that no one is seeking recognition, the question is, 'Shall the House pass House Bill 4003?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 108 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And the House does pass House Bill 4003. And this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, what is the status of House Bill 4941?"

Clerk Bolin: "House Bill 4941 is on the Order of House Bills-Third Reading."

Speaker Hartke: "Move that Bill back to the Order of Second Reading for purposes of an Amendment at the request of the Sponsor. House Bill 40 or 5961."

Clerk Bolin: "House Bill 5961 is on the Order of House Bills-Third Reading."

Speaker Hartke: "Move that Bill back to the Order of Second Reading for the purposes of an Amendment at the request of the Sponsor. House Bill 4172."

Clerk Bolin: "House Bill 4172 is on the Order of House Bills-Third Reading."

Speaker Hartke: "Move that Bill back to the Order of Second Reading for the purposes of an Amendment at the request of the Sponsor. Representative Fritchey in the chamber? House Bill 5652, Representative Durkin. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 5652, a Bill for an Act in relation to

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criminal law. Third Reading of this House Bill."

Speaker Hartke: "Representative Durkin."

Durkin: "Thank you, Mr. Speaker. House Bill 5652 eliminates the 4.5 monthly credit given to inmates who are convicted under the Controlled Substance or Trafficking Act in the Cannabis Trafficking Act."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass House Bill 5652?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there were 108 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And the House does pass House Bill 5652. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, what is the status of House Bill 4287? 4287. O'Brien?"

Clerk Bolin: "House Bill 4287 is on the Order of House Bills-Third Reading."

Speaker Hartke: "Move that Bill back to the Order of Second Reading for the purposes of an Amendment at the request of the Sponsor. Representative Burke on House Bill 4187. Mr. Clerk, read the Bill. Mr. Burke. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 4187 has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Burke, has been approved for consideration."

Speaker Hartke: "Representative Burke."

Burke: "Thank you, Speaker. Floor Amendment #1 to House Bill 4187 deals with some technical changes to portions amending

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the Illinois Income Tax and this is changes that have been made at the request of the Department of Revenue."

Speaker Hartke: "Is there any discussion on the Amendment? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Amendment #1 to House Bill 4187?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Hartke: "Third Reading. Is Representative Parke in the chamber? House Bill 5858, Representative Poe."

Clerk Rossi: "House Bill 5858 has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Poe, has been approved for consideration."

Speaker Hartke: "Representative Poe."

Poe: "Yeah, we passed an Amendment this morning in Transportation Committee."

Speaker Hartke: "And what does the Amendment do?"

Poe: "We need to adopt that Amendment. Becomes the Bill."

Speaker Hartke: "You wanna explain the Amendment?"

Poe: "Yeah. The Amendment is for abandoned vehicles. We have talked about it about the last three years. We finally have a agreement with the Secretary of State on how they'd administer the program. And it's things that downstate Illinois especially when we get abandoned vehicles along the road, there's no way for the tow truck people to collect their fees plus the storage. So, this is something that's agreed by the Secretary of State and we think it'll work very good."

Speaker Hartke: "There any discussion? Seeing no one is seeking recognition, the question is, 'Shall the House adopt Floor

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Amendment #1 to House Bill 5858?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Hartke: "Third Reading. Is Representative Bradley in the chamber? House Bill 3637, Representative Collins. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 3637 has been read a second time, previously. No Committee Amendments. Floor Amendment #3, offered by Representative Collins, has been approved for consideration."

Speaker Hartke: "Representative Collins on Amendment #3. Would you please explain the Amendment?"

Collins: "Mr. Speaker, I would like consideration for this Bill to be moved to Third or do I call it?"

Speaker Hartke: "Just to adopt the Amendment. We need the Amendment explained."

Collins: "Okay. The Amendment just... The Amendment... What the Amendment does is it take away the penalty for mothers or anyone who's going to buy the thermometer. So... And it takes away the penalty for hospitals. So we don't want to make them responsible or go to jail for things like that."

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

Black: "Thank you very much, Mr. Speaker. It's hard to hear in here. Would the Sponsor yield?"

Speaker Hartke: "Sponsor will yield. Shhhhhhh."

Black: "Representative, if I heard you correctly, you said it does away with fines? And as I read the analysis it imposes a fine."

Collins: "No. It does... The criminal penalty. What's going to

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happen is that we're not going to charge criminally parents but we want to hold the hospitals or manufacturers responsible for giving away the thermometer. So, we want to ban the sale of the mercury thermometer."

Black: "So, you've taken the criminal penalty out of the Bill by this Amendment?"

Collins: "Yes."

Black: "All right. But according to the analysis, the Amendment becomes the Bill. Correct?"

Collins: "Yes."

Black: "All right. It bans the sale, distribution, promotional gifting and manufacture of mercury fever thermometers as of July 1, 2003, and poses a fine. This Amendment would provide mercury fever thermometers could be sold to health care facilities. That's the sentence I don't understand. The previous sentence says you're banning the sale, distribution, and even the manufacture of mercury fever thermometers but then the language goes on to say you can sell mercury fever thermometers to health care facilities. There's a contradiction there that I simply don't understand. If you're saying you can't even make them, let alone sell or gift them, then how in the world can you sell them to health care facilities?"

Collins: "Well, it's not banning them across the whole United States. So, some of the hospitals already have mercury thermometers. But we want to stop them from giving them away."

Black: "All right. Representative, if you'll look at your Amendment on page 3, Section 15, Section (c) line 14. This Section does not apply to mercury fever thermometers sold or provided to be used in a health care facility. Now, I don't understand how that language can be in the Amendment

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if in Section (a) you're banning the distribution or the selling, but in Section (c) it says you can sell a mercury fever thermometer to a health care facility. There's... Something doesn't compute there. Maybe it's just me, but maybe you can explain it to me."

Collins: "Representative Black, are we on Amendment 3 or Amendment #4?..."

Black: "This is Amendment #3."

Collins: "...Because we struck Amendment #3 and we're going to withdraw Amendment #3 and add Amendment #4."

Black: "Now, wait a minute. You're going to withdraw Amendment 3? Three is on the board and that's what we've been talking about."

Collins: "You're right. I'm sorry. Number 3 is the right one. See, what happens is that we still sell thermometers, but in Illinois we want to ban this sale of the mercury thermometer. Now, the only people that are going to be in violation for giving them away, is the hospital. A hospital lot of times now still have them, but we don't want them to give them away for promotional purposes or anything like that. And then we also took the penalty away for parents, so they cannot go to the store and buy them. But the hospitals still want to be able to use mercury thermometers, health care professionals."

Black: "Well, I think I understand what you're trying to do, but the Amendment that I'm reading, Section 15 in Amendment 3, Section (c) is in abject conflict with Section (a) and then Section 20 would be in abject conflict with Section 15 (c). I mean, I... The Amendment says in one Section you can't sell or give them away for promotional purposes, sell being the action word here. But, in Section (c) says it doesn't apply if you sell them to a health care facility. Then in

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Section 20 it says you can't even make them. So, I mean, there's a... just a dichotomy in this Amendment that just does not make sense to me. If you can't sell them, you can't sell them. But Section (c) says you can sell them to a health care facility. And then Section 20 says you can't even manufacture them in the State of Illinois. And a violation would be a \$200 fine."

Collins: "Representative Black. Representative Black."

Black: "Yes, Representative. Yes."

Collins: "Let me try to explain. What happens is, is that we wanted to try to ban the sale to consumers. But, the hospitals had some concerns that they still needed the thermometers, digital thermometers that they like. So, we're going to allow them to purchase them from other states, but in Illinois they cannot. Now, also, we're saying that most of the places like Walgreens, Wal-Mart, you cannot buy the thermometers, the mercury thermometers, because you can buy the digital thermometer. So, the hospitals had a concern about being penalized for that. So, we said okay, if they get 'em from other states because they felt that they can use them better, it will be okay, but we could not sell them to consumers."

Black: "Okay. And I'll defer to you and your staff on this question. Staff has informed me that what the intent is in Section 15 as it... is that you cannot sell them at retail."

Collins: "Correct."

Black: "But, you could sell direct to a health care facility. Now, are you sure that that's clear in the language?"

Collins: "Yes."

Black: "All right. Is there... Does anyone in the country today manufacture a mercury fever thermometer?"

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Collins: "Yes."

Black: "They do? All right. So, you're convinced that the language is that you cannot sell them at retail, but a manufacturer could sell them directly to a health care facility, correct?"

Collins: "That's correct."

Black: "All right. And then the facility cannot turn around and distribute that mercury fever thermometer in a maternity or any gift pack or distribute them in any way to a patient, correct?"

Collins: "That's correct."

Black: "All right. Okay. All right. So, that clearly is your intent?"

Collins: "That's correct."

Black: "All right. Is there... A current... Is there currently a manufacturer of a mercury fever thermometer in the State of Illinois?"

Collins: "We're not aware of one."

Black: "All right. Okay. So, I mean, we're not in danger of closing a factory somewhere in the State of Illinois. Because I think these things have been on the way out for some time. Is there anything in your Bill... What about those of us who still possess a mercury fever thermometer? My children are in their 30s. When they were infants, obviously, we had a mercury fever thermometer and I think probably still do, somewhere in the house. We will not incur any penalty for the possession, will we?"

Collins: "No. No."

Black: "Can we dispose of those? And I'm asking you this because I don't know. Can we dispose of those in any way or are we supposed to dispose of those in some kind of medical waste protocol?"

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Collins: "Yes, there's a proper way to dispose of them."

Black: "All right. So, you're technically just not supposed to throw them out in the garbage?"

Collins: "That's correct."

Black: "All right. Okay. I'm clear now. I appreciate your patience. So, it's the retail sale that you're banning but not the direct sale from a manufacturer to a health care facility."

Collins: "That's correct."

Black: "All right. Fine. Thank you."

Collins: "All right."

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

Lawfer: "Thank you, Mr. Chairman. Will the Sponsor yield?"

Speaker Hartke: "Sponsor will yield."

Lawfer: "The enforcement of this legislation, how would this fall on? Would this fall on law enforcement, or EPA, or any other agency? If there was a violation, who would initiate the enforcement?"

Collins: "It will be the county attorneys, but they have not opposed it."

Lawfer: "I have information here that says that the Illinois EPA, it would be responding to the violations in a fiscal note. Is that correct?"

Collins: "The EPA has responded and they have put no specific cost on it and they're not opposed to it either."

Lawfer: "But if there was a violation, it would be reported to the Illinois EPA?"

Collins: "The EPA responds to this... because of the nature of it."

Lawfer: "The EPA, if there was a violation, it would be reported to the Illinois EPA and then they would impose the fine?"

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Is that correct?"

Collins: "Yes. And the agency supports the Bill."

Lawfer: "I guess I... Well, I'm somewhat confused because I'm not aware of the Illinois EPA fining, as an agency fining people for violations. I may be wrong on that."

Collins: "There's a penalty from fifty to a hundred, not more than \$200. Not less than 50 and not more than 200."

Lawfer: "But that would be imposed by the Illinois EPA?"

Collins: "No, the attorney, the county state's attorney will bring the charge... the county attorney will bring the charges and the EPA will be the one who goes out and does the investigation."

Lawfer: "The violations would be reported to Illinois EPA and would that turn it over to local law enforcement?"

Collins: "Yes."

Lawfer: "To the State's Attorneys Office?"

Collins: "That's correct."

Lawfer: "Thank you very much."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, Representative Collins to close. Would you like to close?"

Collins: "Oh yeah. The reason why we want this Bill to pass is because for our environment. We want to make sure that the poison is not in our community. A lot of times when they dispose of the mercury thermometer it goes directly into the environment and it affects our children."

Speaker Hartke: "The question is, 'Shall the House pass... 'Shall the House adopt Floor Amendment #3 to House Bill 3637?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

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Speaker Hartke: "Third Reading. House Bill 4873, Representative Bradley. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 4873 has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Bradley, has been approved for consideration."

Speaker Hartke: "Representative Bradley."

Bradley: "Yes. DPR is sponsoring this legislation. Number one, it extends the repeal of the Act. There is also clean-up language and standardizes examinations under the Health Practitioner Act. The extension on the sunset is to 2007. Thank you."

Speaker Hartke: "Is there any discussion on Floor Amendment #1? Seeing no one is seeking recognition, the question is, Representative Black."

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

Speaker Hartke: "He will yield."

Black: "Representative, in your opening comments you stated that Floor Amendment #1 was promulgated by the Department of Professional Regulation. I don't see any reference to that. Where did Floor Amendment #1 come from?"

Bradley: "Again, it was my understanding, I just became a Sponsor of the Bill, that DPR was in favor of the Bill... and brought..."

Black: "Well, they may be in favor, but I don't think they promulgated the Amendment. Where did the Amendment come from?"

Bradley: "Well, I think you're... You're right. I would not state that DPR promulgated the Amendment. That's correct."

Black: "Did the Amendment come from local health departments or..."

Bradley: "Again, it's the extension of the sunset. And again, it

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adds licensing requirements. Again, these measures we believe would safeguard public safety."

Black: "All right. This is an important field, particularly in smaller counties. I'm just trying to go through this and make certain. Is this an initiative of local health departments, making certain that the category of environmental health practitioner continues to be a viable title under the Department of Professional Regulation?"

Bradley: "That's correct."

Black: "And it just extends the sunset out to 2007?"

Bradley: "That's correct."

Black: "It doesn't change any of the other underlying standards to be an environmental health practitioner?"

Bradley: "No, I think under this Bill those standards will be statewide and improved."

Black: "All right. And it doesn't... forgive me for going through this. It doesn't increase their fee for license renewal?"

Bradley: "No, it does not."

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

Speaker Hartke: "Further discussion? Seeing no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #1 to House Bill 4873?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Hartke: "Third Reading. House Bill 4377, Representative Younge. Wyvetter Younge. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 4377 has been read a second time, previously. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments approved for

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consideration."

Speaker Hartke: "Third Reading. House Bill 5657, Representative Watson. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 5657 has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. House Bill 4873, Representative Bradley. Mr. Clerk, read the Bill. What is the status of that Bill?"

Clerk Rossi: "House Bill 4873 is on the Order of House Bills-Third Reading."

Speaker Hartke: "Has that Bill been read a second time?"

Clerk Rossi: "The Bill has been read a second time."

Speaker Hartke: "Mr. Bradley. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 4873, a Bill for an Act concerning the regulation of professions. Third Reading of this House Bill."

Speaker Hartke: "Mr. Black, for what reason do you seek recognition?"

Black: "Yes, Mr. Speaker, simply to raise the question with the Sponsor. It is my understanding he agreed to hold this Bill on Second Reading, today?"

Speaker Hartke: "Mr. Bradley."

Bradley: "That's correct. There were some discussions in some other meetings that were going to take place tomorrow, regarding this Bill and a similar Senate Bill that was coming over. So, that's correct."

Black: "So, we'll hold the Bill on Second?"

Speaker Hartke: "It's on Third."

Black: "Would the Gentleman be willing to move the Bill back to Second, which is what I thought the agreement was?"

Speaker Hartke: "Mr. Bradley."

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Bradley: "We'll move back to Second."

Speaker Hartke: "Move that Bill back to Second Reading."

Black: "Thank you very much."

Speaker Hartke: "Representative Yarbrough. 5789. Is Representative Yarbrough in the chamber? Out of the record. Mr. Osterman, would you come to the podium? Mr. Mitchell. Jerry Mitchell, would you come to the podium, please? House Bill 4081, Mr. Osterman. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 4081, a Bill for an Act in relation to criminal law. Third Reading of this House Bill."

Speaker Hartke: "Mr. Osterman."

Osterman: "Thank you, Mr. Speaker and Members of the House. House Bill 4081 seeks to strengthen the Domestic Violence Law. The Bill amends the Criminal Code pertaining to domestic violence and allows that if an individual commits domestic violence or violates an order of protection and had previously been convicted of one or more... or a number of violent felony offenses including first-degree murder, aggravated battery, domestic battery, aggravated battery with child, and those offenses had been committed against a family member or household member, then the charge would be Class IV felony. In addition, 4081 also adds that a individual commits stalking if he had previously been convicted of stalking and stalks the same person on one occasion. Last year, our state had a 28% increase in reported domestic violence, including 54 homicides in Chicago. This Bill seeks to strengthen the penalties, increase the penalties, against those individuals who repeatedly commit violent domestic violence. I ask for 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 House Bill 4081?' All in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk. Have all voted who wish? Representative Delgado, would you care to vote? Mr. Winters. Mr. Clerk, take the record. On this question, there are 107 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And the House does pass House Bill 4081. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 5967, Representative Mitchell. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 5967, the Bill has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. Ladies and Gentlemen, while we're doing some paperwork up here, I'm going to have the Clerk read the Agreed Resolutions."

Clerk Bolin: "Agreed Resolutions. House Resolution 730, offered by Representative Ryan. House Resolution 731, offered by Representative McCarthy. House Resolution 732, offered by Representative Granberg. House Resolution 733, offered by Representative Krause. House Resolution 734, offered by Representative Pankau. House Resolution 735, offered by Representative Hoeft. House Resolution 736, offered by Representative Granberg. House Resolution 739, offered by Representative Dart. House Resolution 740, offered by Representative Novak. House Resolution 741, offered by Representative Novak. House Resolution 742, offered by Representative Novak. House Resolution 743, offered by Representative Joseph Lyons. House Resolution 744, offered by Representative Monique Davis."

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Speaker Hartke: "For the Agreed Resolutions, all those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the Agreed Resolutions are adopted. Mr. Clerk, committee schedule."

Clerk Rossi: "The following committees will meet immediately after Session: The Elementary & Secondary Education Committee in Room 114, and the Judiciary II-Criminal Law Committee in Room 118, not in Room D-1. The Judiciary II-Criminal Law Committee will meet in Room 118 immediately after Session. Tomorrow morning at 9 a.m. the Personnel & Pensions Committee will meet in Room 114."

Speaker Hartke: "Any Member have any announcements? If not, the Chair is prepared to adjourn. Representative Currie now moves, allowing perfunctory time for the Clerk, that the House stand adjourned until the hour of 11 a.m. on April 2nd. All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the House stands adjourned."

Clerk Rossi: "House Perfunctory Session will come to order. Introduction and First Reading of Senate Bills. Senate Bill 1710, offered by Representative Hannig, a Bill for an Act concerning leave time for state employees. First Reading of this Senate Bill. Introduction of Executive Order #3, filed November 1st, an Executive Order to reorganize agencies by the abolishment of certain entities of the Executive Branch. Having no further business, the House Perfunctory Session now stands adjourned."