

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

132nd Legislative Day

May 15, 2002

Speaker Madigan: "The House shall come to order. The Members shall be in their chairs. We shall be led in prayer today by the Reverend Dr. William Grice of the First Congregational Church in Des Plaines. Reverend Grice is the guest of Representative Rosemary Mulligan. The guests in the gallery may wish to rise and join us for the invocation and the Pledge of Allegiance."

Reverend Grice: "Thank you, Speaker Madigan and thank you Rosemary Mulligan and the Illinois House of Representatives for the privilege of leading you in prayer this day. Let us bow our heads, please. Everlasting and eternal God, we come before You this morning mindful of words written long ago by Harry Emerson Fosdick. Grant us wisdom, grant us courage for the living of these days. You are the God who was and is and is to be and You have given each of us the privilege to serve You and to serve those whom we represent. We know we are but a small part of a wider whole. Help us, Lord, to be patient when we feel upset. Help us to remember the people that we are called upon to serve that good in their lives may come from our efforts here. Help us always to speak the truth with love, to listen with compassion, intelligence and wisdom. Lord, we are indeed stewards of all of Your creation and all of the bounty. We thank You for our nation and the liberties we enjoy. We thank You for our State of Illinois, this wonderful place, that we call home. We are stewards of our state, we are stewards of our nation, we are stewards of our world. This day and each day grant us wisdom, grant us courage for the living of these days. For this we pray in Your Holy Name. Amen."

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

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Mulligan - 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 reflect that Representative O'Brien is excused today."

Speaker Madigan: "Mr. Bost."

Bost: "Thank you, Mr. Speaker. Let the record reflect that all Republicans are present today."

Speaker Madigan: "The Clerk shall take the record. There being 117 people responding to the Attendance Roll Call, there is a quorum present. Mr. Clerk."

Clerk Bolin: "Committee Reports. Representative McAuliffe, Chairperson from the Committee on Veterans Affairs, to which the following measure/s was/were referred, action taken on Wednesday, May 15, 2002, reported the same back with the following recommendation/s: recommends 'be adopted' House Resolution 759 and Motion to Concur with Senate Amendments 1 and 2 to House Bill 1033. Representative Joseph Lyons, Chairperson from the Committee on Revenue, to which the following measure/s was/were referred, action taken on Tuesday, May 14, 2002, reported the same back with the following recommendation/s: recommends 'be adopted' Floor Amendment #1 to Senate Bill 1809. Representative Kenner, Chairperson from the Committee on State Government Administration, to which the following measure/s was/were referred, action taken on Wednesday, May 15, 2002, reported the same back with the following recommendation/s: recommends 'be adopted' House Resolution 844 and House Resolution 866. Representative Steve Davis,

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Chairperson from the Committee on Constitutional Officers, to which the following measure/s was/were referred, action taken on Wednesday, May 15, 2002, reported the same back with the following recommendation/s: recommends 'be adopted' House Joint Resolution 75. Representative Holbrook, Chairperson from the Committee on Tourism, to which the following measure/s was/were referred, action taken on Wednesday, May 15, 2002, reported the same back with the following recommendation/s: recommends 'be adopted' House Joint Resolution 77. Representative Howard, Chairperson from the Committee on Computer Technology, to which the following measure/s was/were referred, action taken on Tuesday, May 14, 2002, reported the same back with the following recommendation/s: recommends 'be adopted' House Resolution 638. Representative Slone, Chairperson from the Committee on Conservation & Land Use, to which the following measure/s was/were referred, action taken on Tuesday, May 14, 2002, reported the same back with the following recommendation/s: recommends 'be adopted' House Resolution 565. Introduction of Resolutions. House Resolution 889, offered by Representative Durkin; House Resolution 892, offered by Representative Erwin; and House Resolution 894, offered by Representative Slone. These Resolutions are referred to the House Rules Committee."

Speaker Hartke: "Representative Hartke in the Chair. You've heard the Agreed Resolutions. All those in favor... Mr. Clerk for an announcement."

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

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

Delgado: "Thank you, Mr. Speaker. A point of personal

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privilege."

Speaker Hartke: "State your point."

Delgado: "Ladies and Gentlemen of the House, join us in welcoming a wonderful bunch of students from the United States Hispanic Leadership Conference who are here studying our committees, our education committees. They're up in our gallery. Give 'em a nice General Assembly warm welcome. Stand up, be seen. How ya doin'?"

Speaker Hartke: "Welcome to the General Assembly. House Resolution 903. Representative Wojcik. Representative Wojcik."

Wojcik: "Thank you, Mr. Speaker, and Members of the House. House Resolution 903 recognizes the Northeast DuPage Special Recreation Association on their 25th anniversary. The Northeast DuPage Special Recreation District works with disabled young people in the area of sports: hockey, basketball. They're national leaders for their innovative programs and they've been recognized as one of the state's outstanding therapeutic recreation agencies. The facility at Centennial Park in Addison was built with the support of the Addison Park District and in the only fully accessible wheelchair sports and Special Olympic Training Facility in the Chicago area. The gentleman who actually was part and parcel of instigating these programs is Mr. Larry Reiner. He has served as the agency's only director and he's seated up in the balcony today. I think we should recognize him for the fine work he's done and for recognizing how we can help children with disabilities and to afford them to have the sports that other people play and that they are now participating in. So, let's recognize Larry Reiner and thank him for his services and for what he's done for the disabled people."

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Speaker Hartke: "Thank you for your efforts, sir. You've heard the Resolution. All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the Resolution is adopted. On page 4 of the Calendar, on Senate Bills-Second Reading appears Senate Bill 1588. Representative Mitchell, Bill Mitchell. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1588, a Bill for an Act in relation to vehicles. Second Reading of this Senate Bill. No Committee Amendments. Floor Amendment #3, offered by Representative Bost, has been approved for consideration."

Speaker Hartke: "Representative Bost on the Amendment."

Bost: "Thank... thank you, Mr. Speaker. Floor Amendment #3 simply adds some cleanup language from the previous Amendment, so when we put 'em all together... Basically, what this piece of legislation does is we have a problem with trailers, boat trailers, as they're built. And when they're built, if we use the dealer plates, those don't quite meet the criteria set forth by existing dealers' plates. This cleans up some language that the Secretary of State wanted to clean up to help the manufacturers of these trailers to make sure they can transport their product and do it in a legal fashion. I'd be glad to answer any questions."

Speaker Hartke: "Is there any discussion on Amendment #3? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #3 to Senate Bill 1588?' 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: "Floor Amendment #5 offered by Representative Bost."

Speaker Hartke: "Representative Bost on Floor Amendment #5."

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Bost: "Yes. Thank you, Mr. Speaker. Floor Amendment #5 is the language that we worked together, Representative Davis, Representative Holbrook and the Members of the Constitutional Officers Committee. For years, we've been told that unless there are 800 plates that are ordered these speciality plates would not be produced. That was not necessarily the case. So, what this does is it sets clear guidelines for the creation of these new plates. It sets sunsets for the existing plates if they don't order enough of those. It's sensible legislation that's put in place to make sure that the taxpayers are not responsible for these special plates. I'd be glad to answer any questions."

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

Davis, S.: "Yes. Thank you, Speaker. I rise in strong support of Floor Amendment #5. As Representative Bost indicated, we do have a problem in the State of Illinois with speciality license plates. It was brought to the attention of the Members of our committee through some investigative reporting by the Post-Dispatch that the taxpayers in the State of Illinois were footing the bill for some of these speciality license plates in the State of Illinois and it took a collaborative effort on both sides of the aisle. I wanna commend the Republican staff and the Democrat staff for working on this along with Secretary of State Jesse White. I think that we have a reasonable solution to the problem of speciality license plates in the State of Illinois. I think this will guarantee the taxpayers and the citizens of this state that they will... they will not be footing the burden for speciality license plates in the future in the State of Illinois. And I would urge strong

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support for the Amendment. Thank you."

Speaker Hartke: "Further discussion on the Amendment? The Chair recognizes Representative Black."

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

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

Black: "Representative, I see you've taken care of the restrictive plates such as Medal of Honor... it doesn't go on to say, I'm going to assume, does that also include Bronze Star, Purple Heart, those plates?"

Bost: "Yes, that's correct, Representative. It was the intent of the working group that worked on this to make sure that those plates that you have received an award and you're able to use those, especially the veterans plates, are all secure under this and you can still achieve... still receive those through the Secretary of State's Office."

Black: "All right. So, a veteran of World War II, who has a plate, as you know that generation's dying off at a rather rapid rate, they would not be held to this standard of so many plates have to be ordered and paid for, correct?"

Bost: "That is correct. They will not be held to that standard. They will still be able to receive their plate as a veteran. And the veterans plates are protected under this."

Black: "All right. The only other question I have then, with that exception and two others that you list in the Amendment, am I to understand that every other license plate, be they the University of Illinois plate, I s... And the reason I brought this up, I was behind somebody yesterday that had a University of Illinois plate, #1, and I've seen a lot of legislative sportsmen's plates, for example. I don't think any of those have probably sold

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1500, 1800. Does that mean upon their renewal they will have to get these, you know, the base number or the plate will be taken away or how's that going to work?"

Bost: "The way... the way this legislation is in place and the way we intend for it to work is that if they... if there have not been 1500 plates sold, then... in the three-year period that they have been in existence. Now, that's starting the date this leg... language goes on... It isn't retroactive."

Black: "All right. So, it's not retrospective, okay. All right."

Bost: "It is not retroactive. That being said, in a three-year period, if they do not have 1500 plates as an annual basis being renewed, then that plate will go by the wayside. It will sunset."

Black: "All right."

Bost: "And it will not be renewed, a normal plate will be renewed to them."

Black: "Is there a way that these people will receive constructive notice, so that they can begin to work on this before they get notice that their plate will expire and no longer be issued?"

Bost: "I don't believe that the language in this Bill says that. However, that is something, I think, that we can work with the Secretary on."

Black: "Okay. And I hope that they do because, as you know, some of the people that have plates and maybe there's only five or six hundred out there become quite proud of those plates and if we just show up one day and say, I'm sorry, the plate's no longer valid... is it all right if I refer all those complaints to you?"

Bost: "I think, Representative David... Davis would take those."

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Black: "That's an excellent idea. Thank you."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from St. Clair, Mr. Holbrook."

Holbrook: "Thank you, Speaker. I wanna commend Representative Bost and the entire staff in the House and Republican side for putting this together and with the Secretary of State's Office. This is an issue we should have addressed a long time ago. We thought we had the guidelines in place, they didn't seem to work. And now, I think, this'll actually have no taxpayer bearing any type of burden for any type of vanity plate, for any style or type. And I'd urge your 'aye' vote."

Speaker Hartke: "The Chair recognizes Representative Rutherford, the Gentleman from Livingston."

Rutherford: "Thank you, Mr. Speaker. Representative Bost and Representative Davis and Representative Holbrook, I think this is a tremendous effort forward. I commend you and the cooperation of the staff that we've had doing this in the Secretary of State's Office. This does fulfill a problem that exists, but and this is the part I wanna make sure that you and your colleagues and particularly Secretary White and by the way, Secretary of White, thank you for lunch today. I would like to note that there exists a law that if a group wants to and if they promulgate the rules to have a universal charitable plate and if they do not... and they do not have to meet this minimum of 1500, that it does not have an additional burden cost to the taxpayer. That a not-for-profit, if these rules are promulgated by the Secretary's Office, could allow for a universal charitable plate that groups could have their logos put on it through a decal system, not an additional burden to the taxpayers of the State of Illinois, following specific

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guidelines that would be enforced and encouraged by the Department of Law Enforcement so we do not have the multitude of problems and confusions that we have today. So, I do commend for what you have done here. I think this is a positive step forward, but we have yet another alternative out there if we can just get the Secretary of State's Office off the dime to move forward to promulgate rules for groups that cannot meet these minimums."

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

Bost: "Thank you, Mr. Speaker. And the previous speaker is correct. I believe that his legislation is very good legislation as well or his proposal to put those rules into place. This is a problem that has existed. I do want to thank both the Republican staff and the Democrat staff for working together, as well as, Steve Davis and Representative Holbrook. Thank them all for working on this. I think this is a step in the right direction. It'll cure our problems in the future. Thank you."

Speaker Hartke: "All those in favor of Amendment #5 indicate 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."

Speaker Hartke: "Third Reading. On page 5 of the Calendar, on Senate Bills-Second Reading appears Senate Bill 1657. Representative Hoffman. Representative Hoffman. Out of the record. Senate Bill 1697, Representative Beaubien. Out of the record. Senate Bill 1704, Representative O'Connor. Out of the record. Let's go back to Senate Bill 1657. Representative Hoffman. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1657, a Bill for an Act in relation to

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vehicles. Second Reading of this Senate Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Hoffman, has been approved for consideration."

Speaker Hartke: "Representative Hoffman."

Hoffman: "Mr. Speaker..."

Speaker Hartke: "Amendment #2 is in Rules."

Hoffman: "... I believe that there's an Amendment #2 that's in Rules that we need to get out. So, I would ask that this be taken out of the record."

Speaker Hartke: "Out of the record. Senate Bill 1917, Representative Yarbrough. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1917, a Bill for an Act in relation to minors. Second Reading of this Senate Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Yarbrough, has been approved for consideration."

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

Yarbrough: "Thank you, Mr. Speaker and Members of the House. Amendment #1 to Senate Bill 1917 reenacts the Juvenile Court Act provisions of PA 90-456 by providing that abused and neglect proceedings shall be commenced rather than held within 90 days of the date of service of process upon the minor. That once commenced subsequent delay in proceedings may be allowed by the court when necessary to insure a fair hearing. These Amendments were made to insure that delays caused by the state or of the defense to locate witnesses or to obtain medical records would not violate the statute. This same language passed out of the Senate and the House without a dissenting vote. I'll entertain any questions."

Speaker Hartke: "Is there any discussion on Floor Amendment #1? Seeing no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #1 to Senate Bill

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1917?' 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."

Speaker Hartke: "Third Reading. Mr. Clerk, Rules Report."

Clerk Bolin: "Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following measure/s was/were referred, action taken on May 15, 2002, reported the same back with the following recommendation/s: 'direct floor consideration' for the following Concurrence Motions: Senate Amendment #1 to House Bill 3938, Senate Amendments 1 and 2 to House Bill 4926, Senate Amendment #1 to House Bill 5255, Senate Amendments 1 and 2 to House Bill 5610, Senate Amendments 1 and 2 to House Bill 5625, Senate Amendments 1 and 2 to House Bill 5844, Senate Amendments 1 and 2 to House Bill 5906, and Senate Amendment #2 to House Bill 5941."

Speaker Hartke: "On page 6 of the Calendar appears Senate Bill 1936. Representative Bost. Mr. Clerk, read the Bill. Out of the record. Senate Bill 1949, Representative Hultgren. Out of the record. Senate Bill 2067, Representative Schoenberg. Mr. Clerk, read the Bill. Mr. Schoenberg, there's a new note request filed on that Bill, so it'll have to remain on Second. Mr. Schoenberg."

Schoenberg: "Mr. Speaker, I thought every note known to mankind, in the House Rules and beyond has been filed on this note (sic-Bill) already. There's a new one?"

Speaker Hartke: "Apparently not."

Schoenberg: "And this one is... and what's this one?"

Speaker Hartke: "Housing Affordability Impact Note."

Schoenberg: "Mr. Speaker, I thought I extended a professional courtesy last week to letting Mr. Cross know that he was

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filing superfluous... he was filing notes in error. Could I... could we move that the note is inapplicable?"

Speaker Hartke: "You've heard the Gentleman's Motion that the notes being implicable (sic-inapplicable). The Chair recognizes Representative Cross."

Cross: "Well, given the professional courtesy extended to us by Representative Schoenberg, I'm gonna withdraw that... that request. Try not to be so mean over here."

Speaker Hartke: "Okay. The note is withdrawn. Representative Schoenberg on Senate Bill 2067."

Schoenberg: "I'd just like to move the Bill to Third."

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

Clerk Bolin: "Senate Bill 2067, the Bill's been read a second time, previously. Amendments 1, 2 and 3 have been adopted to the Bill. No further Amendments have been approved for consideration. No Motions filed. All note requests have been fulfilled."

Speaker Hartke: "Third Reading. The Chair recognizes the Lady from Cook, Representative Mendoza. For what reason do you seek recognition?"

Mendoza: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I'd just like to direct your attention to the visitors in the gallery. Please say 'hello'. I have a group of students in from the United States Hispanic Leadership Institute and they are... they're... we give 'em a great tour of the mansion. Now, they're here to see us in action. And I hope we can give 'em a nice round wel... warm round of applause and welcome. Say 'hello'."

Speaker Hartke: "Welcome again to the General Assembly. Senate Bill 2214, Representative Hassert. Representative Hassert. Out of the record. On page 13 of the Calendar appears House Resolution 890. Representative Cowlshaw.

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Representative Cowlshaw on the Resolution."

Cowlshaw: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. If the Clerk could please read the Resolution. The members of the team that is being honored by this Resolution are seated in the gallery to my right and when the Resolution has been concluded and adopted, I would ask that they please stand to be recognized. Could the Clerk please read the Resolution."

Speaker Hartke: "Read the Resolution."

Clerk Bolin: "House Resolution 890 offered by Representative Cowlshaw."

HOUSE RESOLUTION 890

WHEREAS, The members of the House of Representatives are pleased to congratulate the Naperville Central Redhawks Swimming and Diving Team for winning the State IHSA Swimming Championship on February 22, 2002; and

WHEREAS, The Redhawks capped off their year, which included victories at the DuPage Valley Conference Championships and the Nequa Valley Sectional, with a thrilling 1.5 point victory in the State finals; Naperville Central, which finished third in the 400-yard freestyle relay in 3 minutes 8.74 seconds, collected 24 team points to close with 136.5 points, while Lake Forest ended with 135 points; and

WHEREAS, The 1.5 point victory margin is the closest outright championship margin in the meet's 70-year history; there have been two ties; and

WHEREAS, Naperville Central won the 200-yard medley relay with the team of Billy Pearce, Jose Lopez-Lago, Miguel Lopez-Lago and Pat Fleming for the Redhawks' only event championship in 1 minute

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35 seconds; the Redhawks also placed second in the 200 freestyle relay and had enough strong individual performances, including a second place finish by Pat Fleming in the 100 freestyle, to acquire the winning point total; and

WHEREAS, The members of the team include Chris Cash, Ken Goebel, Miguel Lopez-Lago, Drew Page, Jeff Dahlstrom, Mike Horwitz, Jim Lullo, Billy Pearce, Pat Fleming, Dan Li, Matt McNichols, George Petruck, Doug Gartland, Jose Lopez-Lago, Doug Mikita, and Mike Swanson; the team was led by Head Coach Mike Adams, Assistant Swim Coach Paul Desruisseaux, Assistant Diving Coach, Laura Warren, and was assisted by Dough Helm, Bob Peto, Vince Kuna, and Bill Salentine; and

WHEREAS, During their season, the dedicated Redhawk team practiced from dawn to dusk, starting at 5:15 in the morning and often not leaving until 7 P.M.; their strength, dedication, and courage is visibly displayed in their outstanding performance in the State tournament; and

WHEREAS, The Naperville Central High School Student Body and staff formally thanked the Redhawk swimming team and their coaches on their championship win during an assembly held in the school's gymnasium; the Boys Varsity Swim and Diving team is the 4th sports team to win a State Championship title in the school's history; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we congratulate the Naperville Central High School Boys Varsity Swimming and Diving Team on winning the 2002 IHSA State Boys Swimming Championship; and be it further

RESOLVED, That a suitable copy of this resolution be presented to Tom Paulsen, principal of Naperville Central High School, Head

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Coach Mike Adams, Assistant Swim Coach Paul Desruisseaux, Assistant Diving Coach, Laura Warren, to those who assisted the team: Dough Helm, Bob Peto, Vince Kuna, and Bill Salentine, and to each member of the team as an expression of our esteem."

Speaker Hartke: "Representative Cowlshaw."

Cowlshaw: "Thank you very much. I appreciate your reading that so very well, Brad. Mr. Speaker, I would move adoption of House Resolution 890, please."

Speaker Hartke: "You've heard the Resolution and the Lady's Motion. All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the Resolution is adopted."

Cowlshaw: "Mr. Speaker."

Speaker Hartke: "Representative Cowlshaw."

Cowlshaw: "The members of the state championship boys swimming team are in the gallery on my right and I would like you to all join me in giving them a round of well-deserved applause."

Speaker Hartke: "Congratulations to you and your school. On page 8 of the Calendar, on the concurrences appears House Bill 173. Representative Brunsvold. Out of the record. House Bill 3210, Representative Tenhouse. Mr. Tenhouse on your Concurrence Motion."

Tenhouse: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I would ask for the House to concur with Senate Amendment #1 to House Bill 3210. As you remember, when this Bill passed out of the House and went to the Senate last year, it was a little bit controversial at the time because it dealt with the issue as far as lengths of motor homes and in part of it... it also included some variances as far as width and other issues. The Senate with their Amendment basically just takes out all of the issues and

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the only one that it really deals with is extending the length by 3... by... to 45 feet which basically we've got a lot of RVs on the road that are doing that right now that still would not deal with the other issues that have been discussed as far as the width and the other mirror issues. So, this would just say that motor homes in Illinois could be traveling on Illinois roads of 45 feet length. I would ask for the concurrence at this time."

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

Stephens: "Will the Gentleman yield for a question?"

Speaker Hartke: "The Gentleman will yield for a question."

Stephens: "Representative, do you remember the wide load issue of the early '90s? It was at a moment, just about like this, that some of us feel we were... well, we sh... tell us, I fell asleep at the switch. So..."

Tenhouse: "Well, because of your concern about the wide load issue that was taken out. So, all this does is allow for Bill Black to operate his motor home on Illinois highways since it's... it's a big one."

Stephens: "The sort of work that we've learned to expect from you."

Tenhouse: "Thank you."

Stephens: "A guy who's on top of all the issues and there's no wide load with my name written all over it. I appreciate it, Representative."

Tenhouse: "There's no... Now, the wide load issue that really did make this controversial has been taken out."

Stephens: "Let's all finish business today and we can go back... maybe go down to Adams County and check out the Sny Levy."

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

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Black: "Thank you very much, Mr. Speaker, and Ladies and Gentlemen of the House. I just want to thank Representative Tenhouse for all his hard work on this, for the Senate in coming to their senses and realizing that we would soon be one of the few states in the world... or excuse me, in the country that didn't allow these bigger recreational vehicle motor homes to travel around this great state. So, now that this is resolved, I look forward to getting in my motor home this summer and going up to Chicago and seeing all the sights. I just can hardly wait, Mr. Speaker. I'm so excited this Bill's about to go to the Governor's desk. I just want to thank Representative Tenhouse for making this all possible."

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

Garrett: "Thank you, Mr. Chairman. Will the Speaker (sic-Sponsor) yield? I mean will the Sponsor yield?"

Speaker Hartke: "Sponsor will yield."

Garrett: "Sorry. In my analysis it says that the City of Chicago, the Illinois Municipal League and IDOT is opposed to this Bill. I just want to know if they're still opposed to this Bill, prior to the Senate Amendment..."

Tenhouse: "I think..."

Garrett: "... I know, but since this Amendment has been added on are they still opposed?"

Tenhouse: "I think IDOT is still opposed, but I don't think the city is an issue at this point."

Garrett: "Are you sure?"

Tenhouse: "No, we're not sure, but they have not spoken to me. I do know that IDOT still had... I think there are 46 states that now have the added length..."

Garrett: "Can I get..."

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Tenhouse: "... but IDOT did not agree to that in committee, but it passed the Senate unanimously. But of course, we all know they look at each issue with great depth in the Senate."

Garrett: "And the Illinois Municipal League, they're also listed as opponents. Do you know if they are still opponents to this?"

Tenhouse: "Again, they've not spoken to me at all. I was informed... I think that the major opposition had been removed because I think the issues that we had talked about earlier in terms of the width and apertures have been one of their concerns and that's... had been addressed."

Garrett: "Is there a way that we can find... I guess we'll just... go on blind faith. I'd like to know if the opposition has been removed since this Amendment has been added on."

Tenhouse: "I am informed by staff that the Municipal League is still opposed. They have not spoken to me. We've not had any discussion as far as this Concurrence Motion."

Garrett: "And the City of Chicago, we don't know either?"

Tenhouse: "We don't have... the City of Chicago did not return staff calls, so..."

Garrett: "Okay. Thank you."

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

Tenhouse: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I just ask that this Bill be passed as far as the Concurrence Motion, put us in compliance with 46 other states. It just makes good sense. I ask for your 'aye' vote."

Speaker Hartke: "The question is, 'Shall the House concur in Senate Amendment #1 to Conference Committee Report #1 on

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House Bill 3210?' On concurrence, on House Bill 3210. This is final action. 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? Representative Currie, Barb Currie. Mr. Clerk, take the record. On this question, there are 101 Members voting 'yes', 16 Members voting 'no'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Representative Wirsing, for what reason do you seek recognition?"

Wirsing: "Speaker, I rise on a point of personal privilege."

Speaker Hartke: "State your point."

Wirsing: "Ladies and Gentlemen of the House, today is... marks an important day, at least in one person's life here today, and wants to help to celebrate that with you. It is... today is Representative Ron Lawfer's birthday and if you all want to wish him a happy birthday, that'd be appropriate. And for those of you who do know and those of you who don't know that Representative Lawfer comes from being a dairyman for many years. And so, down here beside my desk, I'm in charge of this, is ice cream for everyone. And so, please come and help yourself. And appreciate the opportunity to help celebrate Lawfer's birthday here in the House. This will be the last opportunity for that, seeing how he's not coming back next year. Thank you, Mr. Speaker."

Speaker Hartke: "Happy birthday, Ron. On page 3 on the Calendar, on Third Reading appears Senate Bill 2024. Representative Cross. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 2024, a Bill for an Act in relation to criminal law. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Cross."

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Cross: "Thanks a lot, Mr. Speaker. I did Amendment #2 yesterday. We had some healthy and good debate on it. This Bill, as you know, as most everybody know, it deals with the issue of DNA and samples given to the State Police. It's a Bill that... had a great deal of work done on it of groups such as the Illinois State Bar Association and the ACLU, as well as the State's Attorneys' Offices from Cook County, DuPage, the Chief of Police Association, as well the Attorney General.... Attorney General's Office to come up with a Bill, and I think people believe it did, a Bill that satisfied the concerns of those groups I just mentioned. What... and I was in committee the day it passed out, I believe, overwhelmingly. But with the changes that we discussed yesterday, Committee Amendment #1 which became the Bill, does four things. Makes anybody who uses the information that's obtained or utilized or put into the database, if anybody misuses it they would be guilty of a Class IV felony, which I think all of you know a Class IV felony has a fine of a minimum of \$5,000. It also reduces the fee that a convicted felon would pay at the time they submit their sample from 500 to \$200. People thought that was a more realistic figure. It also eliminates the judges' discretion to impose that fee. It also requires the State Police, and I think this is critical, and Representative Morrow brought this up yesterday, it would expunge... require the State Police to expunge from the database the samples submitted for those who are... have their conviction reversed or pardoned. I think it's a lot better Bill than when it first started and I think it's a Bill that... if it's utilized in the right way and I believe it will be, will be good for those that are charged. It will also be good for those that are charged

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that perhaps shouldn't have been, who are, in fact, innocent. And I'd be glad to answer any questions."

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

Dart: "Thank you, Mr. Speaker. Will the Sponsor yield? Tom, just... I want to get back to what I was referencing yesterday. As I mentioned, this is an issue I've been working on for about 4... 4 or 5 years now with the State Police and the constant refrain that they had to me whenever I talked about expanding DNA sampling, such as this, is that they do not have the money for it. They do not have any of the people available to do any of the analysis, and that any expansion that we did in this area was gonna further complicate the problems they already have, because they can't get to the samples they have right now. Here we are expanding it. What is the funding source for the expansion?"

Cross: "Again Tom, I think we... and you ask a valid question and I think the committee if I'm not... I was not in there at the original time... the time the Bill was originally debated. My understanding is these questions came up and they're the right questions dealing with funding. But it was the committee's belief as well as those working on the Bill, the Attorney General, Cook County State's Attorneys Office, Chiefs of Police, State Police, et cetera, that by reducing the amount assessed from 500 to \$200 at the time of the conviction that that will, should adequately fund what the State Police will need to implement this, as well as these expansions. Tom, I don't know, it may not it may... we may find out in a year from now that this isn't going to do the trick. But the belief was that by having a realistic figure of the 200 instead of the 500 that that

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would satisfy the needs of the State Police. And it's my understanding the State Police believe that that \$200 figure, if implemented and collected, will fund this database."

Dart: "So, I'm correct then that the State Police is fully supportive of this Bill?"

Cross: "I'm told that the State Police are onboard with the Bill, Tom. I... I will tell you, I've not talked to 'em."

Dart: "Okay."

Cross: "And they have been very influential or been a critical part of the negotiation on it and have provided input. In fact, the Amendment we adopted yesterday was their Amendments."

Dart: "Okay, well now, do they have a backlog, right now?"

Cross: "I don't know."

Dart: "Okay, 'cause the last time when I was working on this with them they had about, I think it was a... oh boy, it was a backlog of... in some cases a couple years and then there were some instances, depending on what we were talking about testing, 9 months. Do we... are they completely... do we... do you know if they're completely caught up with their backlog yet?"

Cross: "I'm told, Tom, again a good question, that they are using outsourcing to try to catch up to where they need to be and they believe they're going to get there in a reasonable amount of time."

Dart: "But... so... they were going to outsource but that they're... the chances are they're still haven't caught up with their backlog right now."

Cross: "I don't believe they have caught up, but that's their goal. And you're right. I mean, they need to catch up and we need to make sure the money's there. But I also think,

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and obviously, you understand the importance of this, we need to implement this, but we need to find a way to make sure we've adequately funded in it. We're getting there."

Dart: "And Tom, I agree with what... I agree wholeheartedly with what you're doing. As I said, about three or four years I tried doing this exact same thing and I can't emphasize enough to you how State Police was absolutely adamant that by doing what I was looking to do, I was going to exacerbate the problems they had now, because they had such a backlog now. And it wasn't just on speeding tickets. It was on murder cases. It was on very serious cases, that this was going to make it worse, not better for them. And I find it interesting that the State Police is fully onboard with this now without a funding source. 'Cause, as I said, that's what they kept telling me. They said, Represen... they kept saying, 'Representative Dart, we can do this with a funding source.' Now, they're onboard with something with no funding source, apparently."

Cross: "Apparently, couple... couple just remarks, Tom. One, the State Police, I've just been told are in the process of hiring forensic scientists to help them actually implement this program and bring it up to speed. There's also mention of federal funding that's been utilized, will not necessarily continue. And third, the State Police do believe that this \$200 fee will pay for it, once they get caught up."

Dart: "But see the problem was is that to actually train someone from the day you hire them until the time they actually can start analyzing things, it's about a three-year process, because you can't just throw someone in... hire 'em that day, give 'em a sample, and have 'em testify the next day. They can't do that. It's about a three-year window and one

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of the problems that we've been facing in this state is the fact that we pay them so poorly. They take our training, we teach 'em what to do, and then they leave for these private firms that we then outsource to and then we're back in the same position we were at the beginning. That's point 'A' and point 'B' was, this federal money people kept talking about, I kept saying, can you specifically tell me what it was, the amount it's gonna be, and how it's going to be directed, and when we're gonna get it? And no one ever gave any of those answers ever."

Cross: "I've just... the forensic scientists they have hired are all to begin on July 1 and they actually have 80 people starting on July 1 to work on this specific issue. So, coupled with... that, coupled with the outsourcing, is my understanding is where they believe they can... they can bring it into full..."

Dart: "So... those will be... all be forensic scientists that will be able to start that day, these will not be people going into training or any other type of...?"

Cross: "I'm told, Tom, actually, a good number of them have already started, that the July date will be when they will all have completely been brought on board and that they are working on it already."

Dart: "And that these are people that can analyze and testify in court right away?"

Cross: "I'm told yes."

Dart: "Okay. And then what will that do to the backlog? Then the backlog will be removed by what date?"

Cross: "I don't know if anyone can give us a date, Tom."

Dart: "Okay. Tom, as I said, this is an issue I've worked on for quite a while. It's a great thing to do. It will help a lot of people in a lot of different ways and take care of a

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lot of cases that have been hanging out there for quite a few years. I just, as I say, I find it very interesting that the State Police position how it seems to change depending on the hour of the day. And I just, as I say, I hope that the funding sources are there so that we are not making things worse. Because as I say, I don't know what part of the State Police to believe anymore. Because as I said, a short time ago they were against these things because of expansion and no money. Now, apparently, they're onboard. And we'll have to take their word for it that... that they feel that the money's all gonna be there and that we aren't gonna make any problems worse. And we're not going to be hearing from any of the police departments, like Chicago, saying that we've got all these murder cases and the samples are out there and we have nothing back because of the backlog. And as I say, I hope it's the case and if not, we all know who to point the finger at and that'll be the State Police because they're making representations to us today that they can handle this. Thank you."

Cross: "Thank you."

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

Lang: "Thank you. Will the Sponsor yield?"

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

Lang: "All right, just a couple of questions, Representative. First, I just want to clarify that this is for convicted felons, not those who have been just accused of felonies. Is that correct?"

Cross: "It is convicted, Representative."

Lang: "All right. And this is for all felons?"

Cross: "All felons."

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Lang: "All right. I want to revisit the issue of who's paying for this. So, I understand that the cost that's being charged is being reduced to \$200, because when it was \$500 no one was paying it, judges were routinely waiving those fees. Is that right?"

Cross: "Correct. And under the Bill or the Bill as amended, that discretion from the judges has been withdrawn."

Lang: "And so, they all have to pay the \$200?"

Cross: "Correct."

Lang: "Well, that leaves me with a couple of questions. First, what if they can't pay the \$200?"

Cross: "Well, I... Lou, that happens, as you know, in a lot of cases where a fine or cost is assessed and goes through the process, sometimes it's collected, sometimes it's never collected. I think you know that as an attorney, that unfortunately, there are times where people don't pay their fines or their costs and..."

Lang: "So, the testing will be done regardless of whether they... of whether this convicted felon comes up with the \$200 or not, this test is going to be undertaken and the database created. Correct?"

Cross: "Yeah, but let me just also... let me back up and I... if you'll look at page 8 of the Bill. I assume you have the Bill right in front of you. And I want you to think this is important to read it. 'If the analysis fee is not paid at the time of the sentencing, the court shall establish a fee schedule by which the entire amount of the analysis fee shall be paid, not to exceed 24 months.' So, there's a real attempt in this Bill to give individuals opportunity to pay that \$200 over a 24-month period. Which, I think, is frankly something we don't do in other cases and perhaps, we should look at, so we do give 'em ample

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opportunity to pay."

Lang: "Well, what does the Bill say happens if it's not paid in 24 months?"

Cross: "It doesn't."

Lang: "All right. I think that's a flaw in the Bill. I think it's a minor flaw. I mean, the Bill's an important Bill. I recognize that, but I do think it's a flaw in the Bill. Let me..."

Cross: "I'm not sure what... what... I'm not sure what you're saying. So... so the... what are you suggesting? 'Cause we may wanna... we might want to clean up the whole Criminal Code, dealing with the inability to pay. 'Cause, obviously, that happens in other cases."

Lang: "Well, I think it might be a good idea. But let me go on to something I think is more important. You indicated when Representative Dart was asking you questions that the reduction of the amount, the \$200, and the assurance that the fees won't be waived should be sufficient to create a large enough pot of money to pay for these tests. My concern is what happens if it does not? Does this become a mandate on counties?"

Cross: "No... I... counties... Lou, I... in my reading of the Bill and the Amendment, I don't see any obligation or role of the counties, whatsoever. It's an obligation of the state."

Lang: "Let me ask you this. Would you state then for the purposes of legislative intent that it is not your intent that 102 counties in Illinois be... be responsible for any payment of any of these... for any of these tests where there's a shortfall?"

Cross: "Lou, I... I don't how... what you're looking for other than the Bill itself is very clear and very specific that

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this is an obligation of the State Police. I don't see anywhere in the Bill, I hope maybe this will satisfy your question, anywhere in the Bill that there's an obligation on the county, whatsoever."

Lang: "All right. So, then you're telling me for purposes of legislative intent that there is no mandate whatsoever on the counties to pay any portion of these fees under any circumstances."

Cross: "I... I... I... I'm again, I'm reiterating what I said a minute ago. There's nothing in the Bill that I read and you have staff on your side I know that have looked at this Bill. I see you have some Representatives over looking, talking with you. There's absolutely nothing in the Bill that I see that would put an obligation on the county, whatsoever."

Lang: "Thank you very much."

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

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

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

Davis, M.: "Representative, this legislation is requiring that certain groups of inmates... excuse me, have DNA tests on file."

Cross: "What... what groups are you talking about, Representative?"

Davis, M.: "What groups are you talking about?"

Cross: "I'm not sure I follow your question."

Davis, M.: "Well, which group of inmate will be tested and have a DNA sample on file? Will it be all prison inmates in the State of Illinois? Will it be those... will it be those arrested after 1998? What group of inmates do you plan to have DNA samples on file?"

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Cross: "Well, it would apply right... Representative, after the effective date, anyone convicted of a felony would have an obligation to submit a DNA sample, those convicted subsequent to the enactment of this Bill."

Davis, M.: "And this sample will be kept exactly where and locked up by whom?"

Cross: "We, currently and I think Rep... I'm sure... I know you know this, Representative, but for those that don't..."

Davis, M.: "Could you speak clearly, please?"

Cross: "I'm talking right into the microphone."

Davis, M.: "Okay."

Cross: "We have a database that the State Police keep. They will continue to keep it just as they have prior to this point. We already have a DNA database in the State of Illinois."

Davis, M.: "Now, the DNA base that we have, I believe, is based on sex crimes. Is that correct?"

Cross: "There are certainly sex crimes, but also some serious felonies and I don't have them right now for you, but the more serious offenses have been required... those convicted have been required to submit DNA samples, as well."

Davis, M.: "Representative, what kind of information does a DNA sample contain? What else could this information be used for besides identifying someone? What else could you use this for?"

Cross: "Well, the legal use under this Bill, and again, I think, as you know as I've said several times over the last couple of days, it can be used... it is... it's limited to use by law enforcement for identification purposes only, Representative."

Davis, M.: "Well, could... could this DNA sample tell if a person had a genetic disorder that could be transferred to his or her family?"

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Cross: "I'm not sure that that... I would classify that as a law enforcement issue, Representative. So, I would say no."

Davis, M.: "But it is possible?"

Cross: "You would be utilizing the information improperly and that's not allowed. It's a criminal offense."

Davis, M.: "Representative, what would prevent... let's just say you were trying to establish a link with an individual and a crime, what would prevent those who hold these DNA samples from stating or using them as having been obtained from the crime scene?"

Cross: "I'm sorry, Representative, I'm not following your questions."

Davis, M.: "Well, let me help you follow it. There have been a number of cases in the State of Illinois in which innocent people have been incarcerated for many, many years. They've been on death row. They've been on death row based upon the investigation of prosecutors and police in the State of Illinois. Now, let's not deny that. In the State of Illinois, we've had over, what, 13, 14 people on death row based upon an investigation by our system of criminal justice. Because these individuals were able to, at a later date, provide you with a DNA sample, they were exonerated."

Cross: "Correct."

Davis, M.: "They were proven not guilty. Some of them were charged as murderers who had not been near the scene of the crime and because of their DNA it was proven that they had nothing, absolutely nothing, to do with the crime. Now, my question is, if you have access... if you have access to that DNA, the same system... the same system who had attempted, who did incarcerate and put on death row these innocent people and now you have charge of the DNA, what

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would prevent you from stating that here's further proof that this DNA is available and this person was at the crime? You understand... you're removing... you're removing from certain people their only opportunity to prove their innocence. You are taking their last amount of something and you're saying I'm going to keep this on file for you."

Cross: "Representative, the DNA works both ways. There are gonna be some times where the DNA is utilized to convict people. And there's... there are gonna be some times and rightly so, when the DNA is used to let someone go and prove, if you want to use that term, that they were not there. That they shouldn't have been charged. It works both ways. And for those..."

Davis, M.: "But... But... But, Representative, at this point it has not worked both ways for those who are erroneously convicted and put on death row. It has not worked in their favor unless they had charge... in charge of their DNA."

Cross: "Well..."

Davis, M.: "Now, what you're saying is, 'Let me be in charge of your DNA and let's see how many of you will be proved innocent.'"

Cross: "Representative... Representative, if we had had DNA 10 years or 15 years ago, access to that information, those 13 people that you're talking about wouldn't have been convicted. That would... it's too bad we didn't. If we had had it, those 13 people and perhaps others, wouldn't have been convicted, 'cause that information would've been available and it would've said to law enforcement or it would've said to the court, or to a jury or a judge, you've got the wrong person. And accordingly, we shouldn't find this person guilty."

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Davis, M.: "But I think we did have DNA testing 10 years ago.

What we didn't have was some attorneys who went to bat for these poor people, for these indigent inmates who were erroneously accused, that's what we did not have."

Cross: "Well, Representative,..."

Davis, M.: "And what... what you're asking this Body to do is to say to the accused we now have all the cards and any that I choose to stack against you, I can stack. Now, what you want to say is we have a system that is not flawed. You want to say that we have a system that is just. You want to say that we have a system that is fair and honest, but you know it is not true. You know that it's not true."

Cross: "Representative, isn't a bigger database better? Isn't a bigger database... there's more information available, assuming you have a good lawyer or any lawyer there."

Davis, M.: "Assuming that you have a good lawyer, now listen to what you just said..."

Cross: "What's the harm in a bigger..."

Davis, M.: "... assuming, assuming."

Cross: "If you would let me finish. What's the harm in having more information, a bigger database available to the court system?"

Davis, M.: "The harm is in who controls and monitors and contains that information. That's the harm. Who is in charge of holding the information? In other words, you're a prosecutor, you don't ever wanna be wrong... you don't wanna be wrong. We've had perfect examples of that in the State of Illinois. You refuse to accept that you have prosecuted the wrong person. You refuse to accept that. So now, what would tell me that you would say, yeah, let's test the DNA and see if this is the right person? Or would you be more prone to say, here I've got greater proof,

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'cause here's your DNA and it shows that you were there. Your system is not foolproof, your system is not honest..."

Cross: "You're exactly right. We have faults in our system. I will be the first to agree with you and if that's what you're looking for I'll agree with you, we have a lot of faults. This is..."

Davis, M.: "And the Governor... the Governor..."

Cross: "Would you..."

Davis, M.: "...is attempting to pass legislation to put some fairness in it, but you don't wanna wait for that to happen. You don't wanna wait until this commission's proposals are put into effect. You want to hurry and make sure you're in charge of some indigent person's DNA to further prove that you're right and that they're guilty for another 20 years of prison. And Representative, frankly, it's wrong, it's just morally wrong. To the Bill, Mr. Speaker. A person's DNA is the absolute last opportunity they have to prove who they are and what their genetic makeup may be. It should not be turned over to a criminal justice system who has proven time and time again that they will erroneously take a man's life. It is my true belief that giving the criminal justice system the control over the DNA will help to put the nail in the coffin of many innocent people. As a mother, as a grandmother, I too, want to protect the citizens in the State of Illinois and everyone in this country. We want to protect them from crime. But I cannot stand here in good conscience and pretend that I believe you are trustworthy... you are trustworthy to maintain the integrity of someone's DNA that you have taken. That DNA not only gives you information on that individual, it gives you information on that individual's family, his whole family tree, the genetics

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that make up that entire family, what illnesses they're predisposed to. What guarantee do we have that you won't sell it to insurance companies? This Bill is a Bill whose time has not come. It is dangerous. It is more dangerous than cloning. It is more dangerous than cloning. And even if I am the only 'no' vote in this Bill, I know that I will have voted for the conscience... for the conscience of people whose relatives have sat on death row who were innocent. And if you had an opportunity to use it against them you would've pretended it was their DNA, 'cause you don't wanna be wrong. But in this case, Sir, you are absolutely wrong. Vote 'no'."

Speaker Hartke: "Further discussion? Chair recognizes the Gentleman from McHenry, Mr. Franks."

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

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

Franks: "Representative Cross, I understand what you're trying to do here and I agree with the premise and I intend on voting for your Bill. But I wanted to ask you as I was listening to debate where Mr. Lang had asked about the counties being possibly held accountable. I'm looking at page 8, subsection (j), when they're talking about the fee of \$200, which I appreciate's been lowered from \$500 to \$200. But in the Bill here, you have put in that the court can establish a fee schedule not to exceed 24 months. Did you find that?"

Cross: "I've got that, Representative, I've got the language."

Franks: "What I'm concerned about is last month we passed a Bill here over my objection which would have interest charges of 60% a year for those people who did not pay their criminal fines immediately. It was 5% a month. Now, how does this jibe with that Bill that was passed last month?"

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Cross: "Jack, I'm... or Representative, if I'm not mistaken I don't have that Bill and maybe you can refresh my recollection a little better and get me the Bill number. But I thought that dealt with delinquency pay... delinquencies."

Franks: "No, it's any criminal fine. What they were basically doing was you had to pay your criminal fines and if you didn't pay them within 30 days, 5% per month interest was going to accrue. And I'm wondering here as if we're sanctioning the state to charge basically usurious interest rates of 60% a year for two years on people who can't afford to pay for this."

Cross: "Representative, I... I think that's a totally different issue. This Bill in, I think, in an attempt to address some of the concerns you had and perhaps Representative Lang, recognizes the... the and the Bar Association had a lot of input in this, the Illinois State Bar Association, but they're... if we're going to be realistic let's put an amount that people can pay and give them an opportunity. You're... we've got a schedule that sets out up to 24 months to pay \$200. Now, I think that's about reasonable as I've ever seen this Body be. So..."

Franks: "Oh, I... I... I agree with you a hundred percent. It's..."

Cross: "...I don't see the... I don't think the language you're talking about, from that particular Bill, kicks in at all."

Franks: "I think it would, that's what worries me. I think you're being very reasonable here, but I'm just worried about how that Bill can be interpreted with this one and I think maybe for legislative intent you could make a statement there or possibly the Governor, in an Amendatory action, would exempt this from those, in my opinion,

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usurious rates."

Cross: "I don't think it applies."

Franks: "Okay. Well, I just wanted to add that for the record then. Thank you."

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

Flowers: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Will the Gentleman yield?"

Speaker Hartke: "The Gentleman will yield."

Flowers: "Representative... Representative Cross, how much will this legislation cost the state?"

Cross: "Well, it shouldn't cost the state anything. That's the idea of the... the goal here, Representative, and I think and it's a good question. The goal is to utilize the fees or that I should say the cost of the \$200 per person convicted of a felony to pay for it. I think yesterday when we talked about this Bill, if I remember it correctly, I said there are about 75-77,000 convicted felons in the State of Illinois. The hope is that about half of those are on probation as opposed to going to the Department of Corrections and realistically we can expect those people to pay this \$200, which incidentally comes out to about \$8 a month, if we allow this fee schedule. It's the belief that that those 35,000 at \$200 will pay for the system."

Flowers: "Representative, I'm... I'm trying to be... according to the fiscal note that I have here, this legislation will cost \$5.8 billion... million. \$5.8 million. That will be the cost to the state for the implementation of this legislation. But, let's talk about the offender who have supposedly been found guilty. And if I may follow up on some of the remarks that Representative Franks was talking about. According to this legislation, it says, 'provides

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that a person subject to DNA analysis shall pay... shall pay a fee of \$200 instead of \$500.' So, Representative if I have been charged with a crime and if I don't have the \$200 to pay to prove my innocence I will do the time, because I cannot afford to pay to play."

Cross: "Representative, this... and you're going down a good road, a fair road to ask questions and then there's a distinction here. This... what we're talking about here does not apply, it's not applicable to the use or utilization of DNA at a trial. That might come into play at a trial where someone's gonna... either the state or the defense will as part of their case utilize DNA samples. We're talking about merely the submission of a sample after conviction, after the trial."

Flowers: "After the trial."

Cross: "Right."

Flowers: "After the trial if I feel that I am innocent and my attorney didn't do the best job, I don't feel like I had the best representation, if after the trial I don't come up with the \$200, because remember the men that have been set free because of DNA it has been after the trial. It's been after the trial that they 13 years later it's been the DNA that has proven their innocence. And for these people who cannot pay... who cannot afford to pay the \$200 up front... let's deal with the \$200 up front and then... then there's the provision that says that the court shall establish a fee schedule for payment for the entire analysis fee, not to exceed 24 months from the time of conviction. And then... so is there a compounded interest on the \$200 if I'm paying on installment while I'm incarcerated, while I'm trying to get my freedom?"

Cross: "There's no interest, Representative."

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Flowers: "The court shall establish a fee schedule for payment for the entire analysis fee not to exceed 24 months. So, what do you mean not to exceed 24 months? What if it takes me more than 24 months to pay the \$200? I don't come up with the \$200 in the 24 months, what happens to the hundred and ninety-nine dollars that I paid?"

Cross: "Well, Representative, I guess that's gonna be up to the court. And I want to stress, maybe we ought to point out or I can stress it, however I want to say it. We have fees associated with crimes in this state that this General Assembly has allowed judges to impose and there are hundreds of them. Upon a conviction, a judge can order someone to get alcohol counseling and pay for it, drug counseling, counseling to handle..."

Flowers: "Representative..."

Cross: "...anger abuse, whatever the case may be."

Flowers: "Representative..."

Cross: "This is not unique to us."

Flowers: "We're talking about a man's liberty or a woman's liberty and their freedom. It can be taken away because I cannot afford to pay. And... and if I may say to you... if I may say to you that this Bill, in my opinion, in my humble opinion, is as Representative Monique Davis stated, it's not ready yet. Because this Bill does nothing to ensure... it does nothing to ensure the safety of the people of this state by taking a person's DNA in the beginning. Your DNA does not make me any safer. The cost factor that's attributed to this legislation is truly not timely, considering the constraints that this state is in. You yourself said, let's assume, you are assuming that these people can afford to pay. But more importantly, Sir, you are saying that if they cannot afford to pay to prove

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their innocence they must do the time for the crime in which they're not guilty of."

Cross: "Representative, that's... that's... I'm sorry, that's simply just not accurate. We're talking about two different issues. We're talking about after a trial. And if you'll also read the rest of the sentence that Representative, I think, Franks pointed out to you, the inability to pay this analysis fee shall not be the sole ground to incarcerate the person. And we're only talking about... we're talking about after the trial."

Flowers: "No, we're not talking about the sole ground of incarcerating a person. Absolutely not. The person has been found guilty. Now, I'm trying to prove my innocence. You have found me guilty, because I know that if you were to take this test that you would find me innocent. I know that the proper... Representative, I'm not talking about before a person is found... I'm talking about after a person is found guilty."

Cross: "Okay."

Flowers: "A person is doing time. They cannot come up with the \$200, number one. Why is it that I have to pay \$200 to prove my innocence?"

Cross: "You're not. Representative, we're already done with the trial. The trial... someone's charged with murder. The state puts on their case, the defense, if they choose, puts on their case. At that time, if the DNA sample is applicable..."

Flowers: "So, are you taking my DNA before I'm found guilty? Are you taking my DNA before I'm found guilty?"

Cross: "Representative, yeah. The \$200 you put aside if... as a part of the case, the case before you even get to the sentencing stage, that DNA sample, will be utilized

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regardless... the \$200 has nothing to do with what goes on at trial."

Flowers: "Am I guilty? Have you found me guilty?"

Cross: "I'm not sure I understand."

Flowers: "Have... before you take my DNA, have you found me guilty of the crime?"

Cross: "Yeah, you're asking two different questions, Representative."

Flowers: "Yes."

Cross: "Samples are going to be utilized either by the defense or the prosecution during the trial, during the trial. All right? And..."

Flowers: "So, I'm... okay."

Cross: "Regardless of the \$200, regardless. I can give samples as a defendant, the prosecutor may want them. I may wanna give 'em to the prosecutor to prove that I'm not the one and that's not gonna cost you anything as a defendant."

Flowers: "But as Representative Davis so stated so eloquently, Sir, if a prosecutor is hell-bent, irregardless of all the signs that says that I'm innocent, I turn over to a prosecutor my DNA, what is stopping that prosecutor from going to spread my DNA on the infected (sic-affected) area to prove, see, see, she was there, here's her DNA. You have copies of... you have samples of my DNA. The only thing that... the only thing, Sir, that I have to prove my innocence is what I have within me, you want to extract that out, give it to the person that's trying to lock me up. He has not my best interests... It is not in his best interests to prove that I'm innocent."

Cross: "Well, Representative, we've utilized fingerprints for years with the same..."

Flowers: "Obviously, the fingerprints... the fingerprints was not

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good enough and technology has evolved so that DNA is almost 99.9% accurate and my only... And you know even with fingerprints, they have taken people's fingerprints and placed them elsewhere. What is stopping... because you know the inadequacies and the weakness of the system that we have here, why is it that this legislation is necessary that will cost the state \$5.8 million at a time when we need to be finding monies to keep the state afloat and you are costing the state \$5.8 million and I am no safer? I will not be any safer as a result of this legislation."

Cross: "I'm not sure..."

Flowers: "I want... tell me... tell me, how would I be made safer as a result of this legislation. Tell me how you can guarantee that I will be... my DNA will be held safe and that the prosecutor then which you want me to turn my DNA over to would not use it as it has... as... as... as evidence has been used against people... have been planted and used against people in the past?"

Cross: "That's the beauty of the DNA, Representative, that's good. In... evidence probably has been planted on people, I'm not gonna suggest to you for one moment that it hasn't. And there have been police departments that have acted improperly. Everyone in this chamber would agree with you. And there have been prosecutors that have acted improperly. This is an opportunity, with an expanded database, to go to a prosecutor, to go to a courtroom, to go to law enforcement, to go to a judge, to show to a jury we have the best evidence, this is the DNA sample, regardless of a prosecutor trying to manipulate evidence or hide something. Why wouldn't you want an expanded database?"

Flowers: "Because, Representative, right now because the database is not expanded I have been able to prove my innocence. If

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I turn over to you my database (sic-DNA) anytime you want to set me up you can do so, because you have my DNA. The only somebody else that has my DNA now is me. And tell me.. tell me, how is it... what can we prove by this legislation? How can we go and tell the people of the state that they are... they will be safer as a result of a prosecutor having their DNA? If anything... well, just would you answer that question? Why would I feel safer and a prosecutor has my DNA?"

Cross: "Representative, I'm not sure there's anything else I can say."

Flowers: "Okay. Let me just... let me give it to you another way. Let's talk about your credit card. Right now, you are the only person that know, except for your wife of course, your credit card information."

Cross: "You know what, no. It's the opposite. My wife knows the credit card information and doesn't give it to me."

Flowers: "Absolutely. Absolutely. And so my point to you, Sir, that if you were to put your credit card information on the Internet everyone will have your information, because you put it out there. But right now, as long as it stays in your pocket and stay within the confines of between you and your wife, chances of anyone abusing or misusing your information is null and void. But, if you put it out there, somebody can misuse and abuse it. Am I right or wrong?"

Cross: "Certainly can..."

Flowers: "If you put it out there, Sir, can someone misuse it and abuse it?"

Cross: "Right. Yes."

Flowers: "That's my point. Mr. Speaker, Ladies and Gentlemen of the House, to the Bill."

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Speaker Hartke: "To the Bill."

Flowers: "This is a very bad piece of legislation. Not only because it's costly, but it's dangerous. I would urge a 'no' vote on Senate Bill 2024. Thank you."

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

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

Speaker Hartke: "The Gentleman will yield."

Giles: "Representative Cross, at this point in time I still have not made a decision of which way to go on this piece of legislation. I am truly torn here because I believe DNA testing will yield the results that we need to yield to exonerate individuals, but also individuals that are guilty it will convict those individuals, as well. But there are some questions that was raised that I do have concerns about. I know you stated, I think one of the Amendments reduced the penalty from 500 to \$200, but also it had a limitation of 24 months in order for that to be paid. If an individual is convicted or if this individual or is... is incarcerated, how can this individual meet that time frame to pay this \$200? If this individual is not able to go to work, if this individual is incarcerated at that time, how can this individual meet that time frame and pay the \$200?"

Cross: "It's a fair... it's a good question, Representative. And what... what realistically what the expectation is that this will only be utilized in those put on probation, who are not incarcerated. Realistically, it's gonna be... you're not gonna collect from people in DOC, but those on probation will have the two years to pay. And I would suggest to you that in the... in the criminal justice system, let's say that the defendant has made a hundred and

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seventy-five dollar payment and their probation ends. The court would have the discretion to extend the probation perhaps for another month or two to give the defendant time to complete that payment. So, we're only really focusing on those on probation, not those incarcerated, where we're gonna collect the \$200."

Giles: "So... so, are you saying this particular guideline is not applicable to an individual that's coming into the system?"

Cross: "I'm not saying that. I'm just saying realistically in order to get this program paid, because we're not gonna pay for it as a... with an appropriation. We want those that we're getting samples from to pay. As I said earlier today and yesterday, there are about 75,000 people... 75,000 convicted of felons in the State of Illinois. About half of those go to DOC, the other half are put on probation. It's the belief that that 35,000, collecting \$200 from those 35,000 will pay for this program or this database."

Giles: "Okay. On that note and I think the question was asked previously, the program costs 5.85 million in the first year and then every year thereafter is 1.68."

Cross: "I'm not sure that I agree with that, Representative. I don't know where that came from."

Giles: "That was some of the numbers that came out. So, let's just say hypothetically, the first year we're talking about 7.53 mil. Let's just say with the 24 months that's given for an individual to pay, these individuals can't pay. Those payments are volatile. Some may pay, some may not pay, now you're looking... especially in the first year, you're looking up with start-up costs, we're looking at \$7.53 million."

Cross: "Representative, again you're asking good questions, I think very legitimate ones. We have been able to utilize

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and take advantage of federal funds to get this database started and get this program off the ground, if you will."

Giles: "And of course, one of the previous speakers mentioned that, you know, this may yield some burdens on the local government in order to make up these particular costs. So, I just had some concerns with that. The other question that..."

Cross: "And Representative, I wanna... let me make sure that another thing, just so we're clear. We've done a... there's been a very strong attempt here to just limit this to the felonies. I'm not sure if you're aware, I don't think you're on the Judiciary Committee. The Chief (sic-Superintendent) of Police of Chicago, Chief (sic-Superintendent) Hillard really wanted to have everybody tested, even those simply arrested, not tested, those to provide samples. Even those arrested for misdemeanors. There are those that wanted to broaden this dramatically. The belief is that let's just... and let's do this, just start it out and do it right and just limit it to those convicted of felonies. So, that's one of the reasons we've done that. And again, as I stress..."

Giles: "And that's what you have done in this piece of legislation..."

Cross: "Yes."

Giles: "... narrowed it to just that. And as I say, I just had a couple of questions of concern. One of these... the last question that I had... the Amendment... one of the Amendments, I believe it's the first one, changed the language from 'investigation' to 'identification', is that correct? And help... help me out here, if this piece of legislation simply just allowed the DNA to be on a file, just to be identified, will that information say for

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instance, if that information is on file and I need to have that information, I'm an inmate, to exonerate myself if I feel like I am innocent, will I be able to use that information stating this Amendment saying identification purpose... DNA uses... usage of DNA is for identification only? Now, you have taken this sample from me and now it's just used for identification and I need that information for exoneration, or on the other hand that information can be used to convict."

Cross: "You could... that would be in the discretion of the court. If they felt like it was... you know, if... let's say there's... someone's convicted and an attorney files what's known as a post conviction petition asking the court to reconsider evidence. I mean, if the court felt like the DNA samples or DNA information from the database would be of relevance to this case, then it would be available, of the particular case. So, the answer is 'yes', depending on the discretion of the court."

Giles: "All right, thank you. Thank you, Representative."

Speaker Hartke: "Further discussion? The Chair recognizes the Lady from Cook, Representative Davis. You've already spoken in debate now..."

Davis, M.: "It was used in debate, Sir. My name was used in debate. Representative Flowers used my name..."

Speaker Hartke: "Not by the Sponsor."

Davis, M.: "... and according to the rules I have a right to reply."

Speaker Hartke: "All right. Courtesy extended when the Sponsor uses your name in the debate and I don't believe the Sponsor did. Chair recognizes Representative Morrow. Representative Morrow."

Morrow: "Yes. Thank you, Mr. Speaker. I would... I would

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just..."

Speaker Hartke: "Representative Morrow. Representative Davis, the parliamentarian will try to answer your... your question."

Parliamentarian Uhe: "Representative Davis, on behalf of the Speaker in response to your inquiry, the rules do not provide that a Member of a caucus may speak more than once in debate when another Member of that same caucus has used their name. It's a courtesy that the House has extended in the past when a Member of the other party has used their name. So..."

Speaker Hartke: "Representative Davis, briefly, in response."

Davis, M.: "Thank you very much. First, let's take the gloves off. Rolando Cruz... Rolando Cruz was accused many times by the DuPage County prosecutors. This gentleman tried in every way he could to prove his innocence. These prosecutors after many, many attempts to have him executed found their efforts thwarted. With this Bill, you will be able to go to the State Police, obtain that DNA and continue to prosecute an innocent man. I wish I could name the others. This is a Bill for a prosecutor from DuPage County to run for office and he should not be able to run on the backs of almost dead men. Men that were almost put to death, who were innocent because they chose not to be wrong. This issue is much too serious, we're talking about life and death. Rolando Cruz was able to save himself, but if you get a hold to the DNA of everybody that you convict those people will have absolutely no..."

Speaker Hartke: "Please bring your remarks to close and thank you. Representative Morrow."

Morrow: "Yes. Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I would... I would ask the Members to look at

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page 39 of the Chicago Sun-Times. I'll read the article. 'Hundreds of thousands of DNA samples that could identify or clear alleged rapists sit untouched and untested in police laboratories because of a lack of funding, a Senate Judiciary subcommittee was told Tuesday. And governments have not entered enough DNA samples from convicted felons to match the DNA samples that police and hospitals take from rape victims, Senators were told. Democratic lawmakers said Tuesday they would try to get additional funding to get those rape kits into laboratories. There are 900,000 convicted offender DNA profiles in the system... and 33,000 forensic profiles contributed by federal, local, and state laboratories.' This Bill is an unfunded mandate. And as many times I've heard from Members on the other side of the aisle, you're passing an unfunded mandate. I'm not necessarily against the Bill, but where's the money to pay for the Bill? And if we... and if the FBI has over 900,000 samples that they have not been able to test, what makes you think that the State Police of the State of Illinois are going to have the adequate funding and staffing to make sure that people that have been convicted of an offense have the opportunity to clear their name? That's all I wanted to contribute to this debate, Mr. Speaker."

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

Mendoza: "Thank you, Mr. Speaker. I just wanted to make a point of clarification, in terms of the Rolando Cruz case. If Rolando Cruz's DNA would have been on file for the previous crimes that he had been convicted of, then that DNA evidence would have been used to allow him to never have been on death row to begin with. That's what this Bill

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does and for that same reason I think we're all here and I think I as a advocate of the death penalty would say that my number one concern though is to make sure that we don't have innocent people on death row. This Bill, I think, would have allowed for Rolando Cruz to be home with his family and not in jail awaiting a death that obviously he was innocent and should never had been there for. So, I would urge my colleagues to think about that and to not mistake the facts of these cases. This is meant to help exonerate and it's meant to put those people who should be in jail, in jail where they belong. I'd ask for an 'aye' vote."

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

Cross: "I think Representative Mendoza said it best and I'd appreciate an 'aye' vote. Thank you."

Speaker Hartke: "The question is, 'Shall the House pass Senate Bill 2024?' 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 100 Members voting 'yes', 6 Members voting 'no', and 11 Members voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. The Chair recognizes Representative Daniels."

Daniels: "Mr. Speaker, Ladies and Gentlemen of the House. Just as an order of personal privilege, I stand before you as a very proud grandpa, again. My daughter Rachel, who lives in Orlando, Florida, gave birth to a nine pound, nine ounce baby girl. That's what I said, whoo. Katie Noonan. So, thank you for allowing me to state that on the floor."

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Welcome to this world, Katie."

Speaker Hartke: "Congratulations, Representative Daniels, Grandpa. The Chair recognizes Representative Bost. For what reason do you seek recognition?"

Bost: "For a point of personal privilege, Mr. Speaker."

Speaker Hartke: "State your point."

Bost: "I have an announcement. MADD is sponsoring and everybody knows that the Undie 500 that was scheduled for this evening, that has been postponed to 5 p.m., Tuesday, May 21st. And it's the same... Knight's Action Park."

Speaker Hartke: "Chair recognizes Representative Burke on House Resolution 922. Mr. Burke."

Burke: "Mr. Speaker, I think it would be appropriate that Mr. Saviano be recognized first."

Speaker Hartke: "Representative Saviano."

Saviano: "Thank you, Mr. Speaker, Members of the House. Over the last five and a half years I've had a trusty aide working for me down here in Springfield as he's attended University of Illinois, Springfield. He has since got his Bachelor's Degree down here and is graduating on the 18th of May with his Master's in Public Administration. I know all of you've grown to know him and like him, he's been a good guy. Whenever we needed something, even though I was paying him, he was willing to help everybody around here. And now, he's going on to bigger and better things. Going back to the district and looking for a real job which will find him. He's filed... he's filed for a State Senate seat back home and whatever happens there happens, but he's... he's... will make him a well-rounded individual even though he's a skinny little runt. But we've had a lot of fun with Jim, he's served this chamber real well. He's always been there when we needed him. And this small token of our

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appreciation, I think, is well-deserved for a guy who seems to have been a fixture in this place for the last five and a half years. So, Jimmy, good luck in your future endeavors. I'm sure you'll be comin' to me for your next employment opportunity and I'll be happy to help. Thanks, James."

Speaker Hartke: "Representative Saviano and Burke now move that the... Representative Burke. Representative Burke."

Burke: "Thank you, Mr. Speaker. I, too, rise in support of this Resolution recognizing this fine young man who each and every one of us here has come to know. And as Skip suggested, he did indeed pay him, but if memory serves, I believe last year we had a fund that was created... being collected in the men's room and I, for one, would like to know what in the world happened to that money that was being collected for Jimmy's future. I think I might have to make a call to Arthur Andersen and ask for an audit of Skip's books to see where that dough went. But, Jimmy, as you know, we've had a great, great friendship with you. We've had many interesting experiences here on the House Floor and I know that your involvement with this government and your friendship with each and every one of us here is going to serve you well in the future. We know that we can all have a little piece, a little part, of what we know you're going to become in your future. You've accomplished a very important education and we know that you have political endeavors. You, in fact, are a candidate for the State Senate up coming and we certainly all here compliment you and wish you nothing but the best as you continue to be the fine man that we all helped to mold and we wish you nothing but the best of success in your future. All the best, Jimmy."

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Speaker Hartke: "The Chair recognizes Representative Wojcik."

Wojcik: "Hey, Jimmy, this is Aunt Kay speaking. I want to wish you the best and thank you for being the most wonderful young man that I've had to see and talk to the past five years. You deserve it. You've got your great studies behind you and now a beautiful future behind (sic-ahead of) you. God bless you and thank you for everything."

Speaker Hartke: "The Chair recognizes Representative Mendoza."

Mendoza: "I just want to say 'congratulations, Jimmy' and it'll be nice, hopefully, to have another young whippersnapper in the Senate."

Speaker Hartke: "You've heard the Motion. All those in favor of the Resolution signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the Resolution is adopted. Senate Bill 2235, Representative Morrow. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 2235, a Bill for an Act concerning energy. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Morrow."

Morrow: "Yes. Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 35 (sic-2235) reflects the recommendations of the energy assistance program design group that was established in 1997, electric dereg Bill. The design group was charged with procuring a revised Low-Income Home Energy Assistance Program, normally known as LIHEAP, more consistent with a competitive energy and environment. We did adopt some Amendments. Amendment #1 restored the current language regarding that citizens receive or ensure that citizens receive services, eliminates the December 31, 2007 sun (sic-sunset) date. Amendment #3 restores the December 31, 2007 sun (sic-sunset) date. And Amendment #2 adds three members to

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the design group representing the City of Chicago to policy council. I'll be glad to answer any questions."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 2235?' 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 117 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Representative Calvin... Colvin, for what reason are you seeking recognition? He has declined. On page 9 of the Calendar, on concurrence appears House Bill 3812. Representative John Jones. Mr. Jones."

Jones, J.: "Thank you, Mr. Speaker. I would simply move to concur with Senate Amendment #1 and #2 to House Bill 3812. Give me just a second here. Senate Amendment #1 adds to the Bill. It allows another way to determine the minimum balance that must be left in the Public Assistance Fund. The amount must be at least 100% of the highest amount levied for the general assistance purpose in any of the three previous fiscal years. Of course, Senate Amendment #2 just made a correction to a drafting error in the Senate."

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

Saviano: "Thank you, Mr. Speaker, Members of the House. I rise in strong support of this Concurrence Motion. As a former township supervisor, this is not an unprecedented thing. We did this about ten years ago and it is permissive. And it gives the local townships a little flexibility to

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readjust their funding and put it where they need it. It's something that we... the least we could do to help our local governments. And I would ask for your concurrence on the Senate Amendments. Thank you."

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

Jones, J.: "Thank you, Mr. Speaker. Mr. Speaker, I would just simply ask for an 'aye' vote, but I also would ask the Clerk to add Representative Saviano to the Bill. So, I would ask for an 'aye' vote."

Speaker Hartke: "The question is, 'Shall the House concur in Senate Amendments #1 and 2 to House Bill 3812?' This is final passage. 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? Have all voted who wish? Mr. Turner. Have all voted who wish? Mr. Clerk, take the record. On this question, there were 108 Members voting 'yes', 7 Members voting 'no', and 2 Members voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On page 10 on concurrences appears House Bill 4371. Mr. Lang. Mr. Clerk... Mr. Lang, on the Concurrence Motion."

Lang: "Thank you, Mr. Speaker. This is a Bill that we passed virtually unanimously when it left the House. The Bill would prohibit an insurance company from canceling or refusing to renew an insurance policy where a hate crimes claim had been made. They made a small change in the Senate requiring that the claimant be able to show that the police called this a hate crime on the police report. That's the only change they made. I would ask for your support of the Concurrence Motion."

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Speaker Hartke: "Is there any discussion? Seeing no one is seeking recognition, the question is, 'Shall the House concur in Senate Amendments #... Senate Amendment #1 to House Bill 4371?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. This is final passage. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 117 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On Concurrence Motions appears House Bill 4407. Mr. Wait on Senate Amendments #1."

Wait: "Thank you, Mr. Speaker. Yeah. Senate Amendment #1 simply adds some clarifying language, just spells out the word 'hail' rather than 'other damages'. I'd ask for a concurrence of this Bill."

Speaker Hartke: "Is there any discussion on Senate Amendment #1? The Chair recognizes Senate... Representative Righter. He has declined. Further discussion? Seeing no one is seeking recognition, the question is, 'Shall the House concur in Senate Amendment #1 to House Bill 4407?' This is final passage. 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. Morrow. Mr. Colvin. Mr. Clerk, take the record. On this question, there were 117 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Representative Righter, for what reason do you seek recognition?"

Righter: "Inquiry of the Chair, Mr. Speaker."

Speaker Hartke: "State your inquiry."

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Righter: "Mr. Speaker, by my count looking at today's Calendar there are almost 50 Senate Bills sitting on Second Reading, right now. You and I have discussed, on the record, one of those, Senate Bill 1760 of which I am the Chief Sponsor. Just about three or so weeks ago, you advised me that that Bill was being reviewed by the Speaker's Office, so I guess my inquiry is in two parts. First, has that review been completed on Senate Bill 1760 and second, if it has not been, are the deadlines gonna be extended on all the Senate Bills that are sitting on Second Reading now?"

Speaker Hartke: "To answer your first question, all Bills are still under intense review and it is more than likely that most of those deadlines will be extended."

Righter: "More than likely the deadlines will be extended?"

Speaker Hartke: "Yes."

Righter: "Do you know when we'll have a definitive answer on when those deadlines will be extended because, it's my understanding, we're not gonna be here tomorrow... or Friday and we need an answer, I assume, before we leave today then."

Speaker Hartke: "Yes. It would be wise of you to call the Speaker's Office and request that that be extended if you're concerned about that Bill."

Righter: "You would like us... you would like the Members who have Senate Bills on Second Readings to call the Speaker's Office and ask for a specific extension on their Bill?"

Speaker Hartke: "Well, if they're concerned about it, yes. If it's a... yes."

Righter: "Well, can I take this opportunity to convey to you my concern about Senate Bill 1760 and that the... and if it's not moved today, that the deadline on it will be extended?"

Speaker Hartke: "Your request will be noted."

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Righter: "Thank you."

Speaker Hartke: "Representative Black."

Black: "Yes, Mr. Speaker. As soon as I find my Bill on Second Reading I want to read into the record my concern that the deadline be extended for a very important tobacco Bill. No, but I can't find it. I'll get back to you, Mr. Speaker."

Speaker Hartke: "Thank you. Mr. Bost."

Black: "It's been on the Calendar for so long, I can't remember where it is."

Speaker Hartke: "On page 11 on concurrences appears House Bill 4953. Representative Jefferson. Mr. Jefferson. On page 11 on concurrences appears House Bill 5343. Representative Bassi."

Bassi: "Thank... thank you, Mr. Speaker. Ladies and Gentlemen of the House, I move to concur with Senate Amendments 1 and 2. Senate Amendment 1 was one that was requested by some lawyers who were involved with this. Senate Amendment 2 removed the provision... or changed the provision back to a onetime transfer of funds. And I would ask for an 'aye' vote."

Speaker Hartke: "Is there any discussion on House Bill 43... or 5343? Seeing no one is seeking recognition, the question is, 'Shall the House concur in Senate Amendments #1 and 2 to House Bill 5343?' This is final passage. 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. Leitch. Mr. Clerk, take the record. On this question, there are 117 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On page 11 appears House Bill

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4953. Mr. Jefferson on Conference Committee... or conference... concurrence. Out of the record. Representative Black."

Black: "Mr. Speaker, a point of personal privilege, if I might."

Speaker Hartke: "State your point."

Black: "Yes. Would the young man come down the hall here... the young man back there behind you, Dale. No, the young man behind you. There's a man in the center aisle here, dark suit, holding a big envelope, he's a Page. He can't remember who sent him out to get the envelope. If you have an Amendment to a Bill, if you'd raise your hand, the young man would try and get you the Amendment to the Bill. All right. I think his name is what... Watson. Related to Senator Watson, no doubt."

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

Stephens: "Frank Watson is my State Senator and this, Sir, is not Frank Watson. Look at the hair."

Speaker Hartke: "On page 11 of the Calendar appears House Bill 3938. Representative Flowers on a Senate Amendment #1, a Motion to Concur."

Flowers: "Mr. Speaker, I concur with Senate Amendment #1 to House Bill 3938."

Speaker Hartke: "You'll have to explain the Amendment."

Flowers: "What the Amendment does it... the Senate decided to say what I want it to be silent on is that the schools will be able to make their own rules in regards to cell phones."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House concur in Senate Amendment #1 to House Bill 3938?' This is final passage. All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have

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all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 117 Members voting 'yes', 0 voting 'no', 0 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On page 11 on concurrences appears House Bill 4926. Representative Davis, Steve Davis. Mr. Davis, Steve Davis on Senate Amendments #1 and 2."

Davis, S.: "How you doin', Speaker?"

Speaker Hartke: "Fine."

Davis, S.: "Yes, I move to concur in Senate Amendments 1 and 2. Be happy to answer any questions."

Speaker Hartke: "You must explain the Amendment."

Davis, S.: "Well, Amendment 1 deals with sexual conduct or sexual contact with an animal and I defer any questions to that to Representative Black. And Amendment #2 reduces the term that a court must extend for the sentence for a violation of the Criminal Sexual Abuse Act from 15 years to 10 years. Currently, Class X enhancements exist for aggravated criminal sexual assault with a firearm and the original Bill addresses the situation when a dangerous weapon other than a firearm is used in the commission of aggravated criminal sexual assault."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House concur in Senate Amendments #1 and 2 to House Bill 4936... 4926?' This is final action. All those in favor signify by saying... 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? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 117 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received the

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Constitutional Majority, is hereby declared passed. On concurrence on page 11 on the Calendar appears House Bill 5255. Representative Mathias on Amendment... Senate Amendment #1."

Mathias: "Yes, I move to concur in Senate Amendment #1 to House Bill 5255. It's a technical Amendment to the Bill. It has been approved also by the IEPA. What it does, basically, is if a vehicle fails an onboard computer diagnostic test, the owner has to be informed that he does have the option to have his vehicle tested under less stringent exhaust gas analysis that is being done to most automobiles. And also the Amendment states that by April 15 of 2003 the agency being the IEPA shall submit a report to the General Assembly detailing the effectiveness of the use of onboard computer diagnostic tests. And I ask for your 'aye' vote."

Speaker Hartke: "Is there any discussion on Senate Amendment #1? Seeing that no one is seeking recognition, the question is, 'Shall the House concur in Senate Amendment #1 to House Bill 5255?' This is final action. All those in favor signify by voting 'yes'; those opposed vote... Mr. Black. He's declined. 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... Mr. Clerk, take the record. On this question, there are 117 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On concurrence appears House Bill 5625. Mr. Rutherford. Representative Rutherford on Senate Amendments #1 and 2. 5625."

Rutherford: "Mr. Speaker, I move for concurrence on Senate Amendments 1 and 2. Senate Amendment 1 is further

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clarification on some questions in regards to animal abuse as to regards to would affect rodeos and some people in the agriculture area and this requested by this Body to help clarify that. We did that in the Senate."

Speaker Hartke: "Is there any discussion on House Bill 5625? The Chair recognizes Representative Lawfer."

Lawfer: "Thank you. Will the Representative yield for a question?"

Speaker Hartke: "The Sponsor will yield, yes."

Lawfer: "Representative, I haven't had a chance to read all this Amendment, but does this in any way affect agriculture production or animals that are used for production agriculture..."

Rutherford: "No, Sir."

Lawfer: "... farmers?"

Rutherford: "No. This actually is just to clarify some question we had when it was before us before, Representative, in regards to videotaping rodeos. And we said we would try to clarify that that it would not have any implication on that when we did it in the Senate and that's what this does."

Lawfer: "Well, as I recall, the original Bill did not pertain to production agriculture. So, this... it makes the Bill even better?"

Rutherford: "If you're in a rodeo, it is, yes."

Lawfer: "Thank you."

Speaker Hartke: "Further discussion? Seeing no one is seeking recognition, the question is, 'Shall the House concur in Senate Amendments #1 and 2 to House Bill 5625?' This is final action. 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,

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there are 117 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And the House does concur with Senate Amendments #1 and 2 to House Bill 5625. And this Bill, having received the Constitutional Majority, is hereby declared passed. Representative Black, for what reason do you seek recognition?"

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

Speaker Hartke: "State your inquiry."

Black: "On Bills that come back, refresh my memory. Bills that come back from the Senate and the House Sponsor files a Concurrence Motion, does that Bill then have to go to the Rules Committee?"

Speaker Hartke: "The Motion goes to Rules Committee."

Black: "All right. Is... Does the Rules Committee plan to meet today?"

Speaker Hartke: "They already have."

Black: "Oh. Well, not only do I have Bills stuck on Second Reading, I have Bills stuck on the Concurrence Calendar. I... I've only been here a few years. I don't remember this. What do we... How we gonna handle this? We're running out of time."

Speaker Hartke: "All in due time."

Black: "You've told me that for years, Mr. Speaker. You told me that... you told me that when you had a great deal of hair."

Speaker Hartke: "Friday."

Black: "Oh, thank you. Yes, Friday, always Friday."

Speaker Hartke: "On page 12 on concurrence appears House Bill 5844. Representative Ryan on Senate Amendments #1 and 2."

Ryan: "Thank you, Mr. Speaker. Ladies and Gentlemen, two Amendments, #1 and 2, are merely technical changes in

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language. They allow the DHS to become neutral and also, the... some... for some acronyms in clarification in the language. I defer any questions to Representative Jerry Mitchell."

Speaker Hartke: "Mr. Mitchell."

Mitchell, J.: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I wish to concur with Senate Amendments 1 and 2. Basically, this was an Amendment put on by the Department of Human Services to clear up some questions on a federal issue. With this Amendment, they are in favor of the Bill as well. So, we wish to concur. Thank you, Mr. Speaker."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House concur in Senate Amendments #1 and 2 to House Bill 5844?' This is final action. 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? Have all voted who wish? Mr. Black. Mr. Clerk, take the record. On this question, there are 116 Members voting 'yes', 0 voting 'no', and 1 person voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On page 13 on concurrences appears House Bill 5906. Representative Simpson on Amendments #1 and 2, Senate Amendments #1 and 2."

Simpson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Amendment #1 to the Bill exempted the licing... licensing requirement for nursing homes. And in their infinite wisdom, the Senate added Amendment #2 which then removed the exemption. They found that there were several nursing homes that were doing renal dialysis and so, it was

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felt and concurred with by the Illinois Health Care Association that it was necessary that those facilities offering that should be licensed under the Act. Thank you."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House concur with Senate Amendments #1 and 2 to House Bill 5906?' This is final action. 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... Representative Jones, Lou Jones. Mr. Clerk, take the record. On this question, there are 117 Members voting 'yes', 0 voting 'no'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On the concurrence Calendar on page 13 appears House Bill 5941. Representative McAuliffe on Senate Amendment #2."

McAuliffe: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I move to concur with Senate Amendment #2 to the Bill. This would relieve some problems that we had. It would give 'em more due process or there'd be more due process as far as suspending licenses or perma... permits on under age drinkers. I'd be happy to answer any questions."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking... Representative Black."

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

Speaker Hartke: "The Sponsor will yield."

Black: "Representative, there was a court case some time ago, I think it was Lindner v. Illinois in which the Illinois Supreme Court ruled that a driver's license could not be suspended for a nonmotor vehicle related offense. Has that

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case been changed because this... this allows for a suspension of a license for a nonmotor vehicle related offense. I was under the impression we could not do that."

McAuliffe: "To be perfectly honest with you, I'm not sure on that. It would be up to the Secretary of State to either give a suspension or revoke the license. However, with the rule still being in place, if somebody would need to have a hardship license they would still have the opportunity to be able to apply for that."

Black: "So, actually, we're creating two classes of people under the law. If I don't have a driver's license, don't need one, live in the city, take public transportation, and I'm convicted of purchasing and convicted is the word, by the Senate Amendment now, which I think is a good Amendment, convicted of purchasing or consuming alcohol while I'm under the age and did so while using a false ID, that's a misdemeanor under the law. But if I don't have a driver's license, this Bill has no impact on me, correct?"

McAuliffe: "Yeah or instruction permit, too. If you have an instruction permit, too, or... and not a driver's license that could either be suspended or revoked."

Black: "All right. Well, what I want to make sure of is if I'm convicted of this and I have a CTA pass, doesn't mean I can't ride the CTA does it?"

McAuliffe: "No, you can ride the CTA as long as you pay."

Black: "All right. And if I had a bicycle, I could still ride my bicycle."

McAuliffe: "Yes, you could."

Black: "And if I bought a Segway off of Representative Burke, I could still use my Segway?"

McAuliffe: "If the local ordinance in that town would permit it."

Black: "Oh, well. All right. That... that makes me feel a lot

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better 'cause I was just scared to death we were gonna do something to impact the Segway because I just envisioned thousands of those on the sidewalks of Chicago this summer. So, as long as you can assure me that won't bother the Segway population then I think this is a good Bill, right?"

McAuliffe: "Yeah. Thank you."

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

Lang: "Thank you. Will the Sponsor yield?"

Speaker Hartke: "The Sponsor will yield."

Lang: "Representative, it's my recollection that a similar Bill or a similar idea was held unconstitutional at some point. Do you have any recollection of that?"

McAuliffe: "No, I don't."

Lang: "Well, I don't necessarily dislike your idea, but let me ask you this. Doesn't... Has the Supreme Court held more than once that there has to be a relation between the act and the penalty? And what relationship is there between buying alcohol and driving, unless you're driving while you're drinking? You understand my question, I think."

McAuliffe: "Right. I understand that. Like one example could be, someone that is going into a licensed beverage establishment, they may be driving there. So, if they're going there, they're, first of all, it's illegal for them to be in there and consume or purchase alcohol and by using that vehicle, in one sense, they're using their driver's license to be... use the accessibility to enter an establishment."

Lang: "I'm not sure I understand where you're going. So, let's assume I'm 17 or 18 and I take a bus to my local liquor establishment and I buy liquor illegally. I get back on the bus and I go home and I drink it. What does that have

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to do with my ability to drive?"

McAuliffe: "Are you saying if someone... Do they have a driver's license already or not?"

Lang: "Well, maybe I misunderstand your Bill. Does your Bill say that if you buy liquor illegally your driver's license gets suspended?"

McAuliffe: "Pretty much so. Either your driver's license or identification card. They did studies. They did these studies down in university campuses and what they found out is the only way to deter underage drinkers is one reason is to either suspend or revoke their driver's licenses. Remember, that a driver's license is a privilege, it's not a right."

Lang: "Would it be a stretch for me to ask you, Representative, to take this Bill out of the record and check with your staff attorneys? I believe there is a Supreme Court case that is right on point and that the Illinois Supreme Court has said this is unconstitutional. If you find that I'm wrong, bring the Bill back, but could you take this out of the record and check this?"

McAuliffe: "Okay. Please take this out of the record."

Lang: "Thank you."

Speaker Hartke: "Mr. Clerk, take this Bill out of the record. On page 12 on concurrences appears House Bill 5578. Representative Brosnahan on Senate Amendment #1."

Brosnahan: "Thank you, Mr. Speaker. I'd move to concur with Senate Amendment #1 to House Bill 5578. The Amendment requires that the DNA profile of the offender is obtained and entered into a DNA database, within ten years after the commission of the offense, the identity of the offender is unknown after a diligent investigation by law enforcement authorities. I'd be happy to answer any questions."

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Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House concur in Senate Amendment #1 to House Bill 5578?' This is final action. 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 116 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received the Constitutional Majority... and this Bill, having received the Constitutional Majority, is hereby declared passed. On page 15 on Resolutions appears House Resolution 827. Representative Hoffman, Mr. Hoffman."

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Resolution 827 simply urges the US Congress to fully fund when they reauthorize the TEA-21 money, increase the level of money for public transportation dollars in TEA-21. As you know, public transportation is largely a federal... federal money coming through the states and we would like to urge them to make a commitment to public transportation whether it's in the City of Chicago or the rural areas of Illinois."

Speaker Hartke: "Is there any discussion on House Resolution 827? Seeing no one is seeking recognition, the question is, 'Shall the House adopt House Resolution 827?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the Resolution is adopted. The Chair recognizes Representative Franks. For what reason do you seek recognition?"

Franks: "A point of personal privilege."

Speaker Hartke: "State your point."

Franks: "Thank you, Mr. Speaker. I'd like to welcome and ask the

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General Assembly to welcome up... up here we have the eighth-grade class from Riley School in Marengo, Illinois, with their teachers and parents. Thanks for coming to Springfield."

Speaker Hartke: "Welcome to Springfield, your state capital. Members should be reminded that there are still plenty of Motions on the... concurrence... items on the Calendar that you have not filed Motions on. Please file those Motions for your concurrence wishes. Agreed Resolutions."

Clerk Bolin: "Agreed Resolutions. House Resolution 891, offered by Representative Cowlshaw; House Resolution 893, offered by Representative Art Turner; House Resolution 895, offered by Speaker Madigan; House Resolution 896, offered by Representative Zickus; House Resolution 897, offered by Representative Giles; House Resolution 898, offered by Representative Osterman; House Resolution 899, offered by Representative Granberg; House Resolution 900, offered by Representative Granberg; House Resolution 901, offered by Representative Franks; House Resolution 904, offered by Representative Schoenberg; House Resolution 905, offered by Representative Poe; House Resolution 906, offered by Representative Crotty; House Resolution 907, offered by Representative Erwin; House Resolution 908, offered by Representative Fowler; House Resolution 909, offered by Representative Rich Myers; House Resolution 911, offered by Representative Burke; House Resolution 912, offered by Representative Rutherford; House Resolution 913, offered by Representative Rutherford; House Resolution 915, offered by Representative Hamos; House Resolution 916, offered by Representative Garrett; House Resolution 917, offered by Representative Cross; House Resolution 918, offered by Representative Acevedo; and Senate Joint Resolution 78,

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offered by Representative Barbara Flynn Currie."

Speaker Hartke: "You've heard 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. The Adjournment Resolution."

Clerk Bolin: "Senate Joint Resolution #80 offered by Representative Barbara Flynn Currie."

SENATE JOINT RESOLUTION NO. 80

RESOLVED, BY THE SENATE OF THE NINETY-SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that when the two Houses adjourn on Wednesday, May 15, 2002, the Senate stands adjourned until Thursday, May 16, 2002, in perfunctory session; and when it adjourns on that day, it stands adjourned until Tuesday, May 21, 2002, at 3 o'clock p.m.; and the House of Representatives stands adjourned until Tuesday, May 21, 2002, at 2 o'clock p.m."

Speaker Hartke: "Does anyone have any announcements? The Chair is prepared to adjourn. You've heard the Agreed Resolution... the Adjournment Resolution. All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the Adjournment Resolution has been adopted. The Chair recognizes Representative Parke."

Parke: "Thank you, Mr. Speaker. What is the procedure for requesting extension of the deadline on our Bills?"

Speaker Hartke: "I've been informed that all Bills on the Calendar will be extended to the deadline of May 31st."

Parke: "Without requesting an extension, just automatically?"

Speaker Hartke: "Yes."

Parke: "Thank you very much, Mr. Speaker. Appre..."

Speaker Hartke: "Mr. Black."

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

Speaker Hartke: "State your inquiry."

Black: "I filed Amendment #2 yesterday to Senate Bill 2216. Has the Clerk accepted that Amendment? It is, in fact, on file and may I make an inquiry then of the Chair as to what the status is of the Amendment?"

Speaker Hartke: "The... the Amendment is assigned to the Rules Committee. I would suggest you talk to the chairman and work the Rules Committee."

Black: "I will send the appropriate letter. Mr. Speaker, I appreciate your indulgence. I would just simply say once again for the edification of the Chair and all Members, this debt is not going to go away and I just... my blood pressure goes up when I hear people telling the press, we can't borrow money to get out of this debt. I would submit to you, more calmly than I did yesterday, we have, in fact, borrowed money. We have, in fact, borrowed over \$800 million from small businessmen, small businesswomen, hospitals, nursing homes, vendors. We have borrowed that money by simply saying, you provide this service and now, we are not paying them. In some cases, we aren't paying them for a hundred and twenty days. That isn't right. That's not fair. That's not what government should be about. My Amendment would address this situation. I would hope that we could hear it next week because I know you, Mr. Speaker, and I know most every Member of this House. There's no more embarrassing situation that we go through when we go home and see the corner druggist in a small town, it's the only pharmacy we have, or a contractor in my district who repaired a roof under an emergency condition at the Danville prison months ago and we haven't paid them.

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That's embarrassing to look those people in the eye and say, well, we'll try to get to it as soon as we can. If we need to borrow money, I would submit that we can borrow it cheaper and certainly have a cash flow to pay it back more quickly than we can let... and then what... the businessman and businesswoman in the health care community can borrow money. They are borrowing thousands of dollars to meet payroll. It isn't right. It isn't fair. We've helped... we've all helped create this problem. I would submit to you and I hope we address this next week, we all need to address the fact that there are hundreds of millions of dollars of unpaid bills putting businesses, nursing homes, and hospitals at risk of closure. It isn't right. We can fix it. We can borrow the money. We should borrow the money. There is nothing more sacred to my family than the way I was brought up, when you incur a debt, you pay it. Mr. Speaker, I, again, urge us, pay our bills."

Speaker Hartke: "The Chair recognizes Representative Stephens."

Stephens: "Thank you, Mr. Speaker. I'd like to move that the... the relation... in relation to Senate Bill 2215 that the House Committee on Transportation be... that the Bill be discharged and brought to the floor for immediate consideration. Please."

Speaker Hartke: "Would you repeat your Motion?"

Stephens: "I would like the House Transportation Committee to discharge Senate Bill 215... 2215 and that the Bill be considered for immediate consideration here on the House Floor. Mr. Speaker, just to keep things moving here. We've met... the Transportation Committee and their spokes... their Chairman, Jay Hoffman, continues to schedule it, in good faith, four... four times in a row with that Bill before it and it's never been... I've never

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been allowed to present the Bill."

Speaker Hartke: "Mr. Stephens, our parliamentarian has an... has an answer for your Motion."

Parliamentarian Uhe: "Representative Stephens, on behalf of the Speaker and in response to your inquiry, pursuant to House Rule 58, Motions to Discharge are a matter from a standing committee and must be made in writing and carried on a Daily Calendar the following day before the Motion can be considered. Therefore, any Motion at this time is out of order."

Stephens: "Mr. Parliamentarian, did you say that it has to be filed in writing and be put on the Calendar before it's printed for that day?"

Parliamentarian Uhe: "That's correct."

Stephens: "Representative Hoffman and I really would like to... like to cooperate and in the spirit of bipartisanship that you, Mr. Speaker, have made this place work under for oh these many hours that we've worked this week, we'll maybe talk about this on Tuesday or Wednesday. And speaking of Tuesday or Wednesday, what's the schedule gonna be next week?"

Speaker Hartke: "Tuesday, we will be in Session. Is that your last inquiry?"

Stephens: "I didn't hear your response."

Speaker Hartke: "Tuesday, we will be in Session."

Stephens: "A full day? A full House day? And we know that the Senate gotta get out of here by 3:00, but Mr. Speaker, seriously, we would like to... I think most of the Members would like to come back and make a... have a commitment from all of us to stay here until we've got the budget passed and delivered to the Governor."

Speaker Hartke: "We will work as diligently as possible."

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Stephens: "You've never let me down, Mr. Speaker, and I know that this is not gonna be the first time."

Speaker Hartke: "The Chair recognizes Representative Hoffman."

Hoffman: "Thank you, Mr. Speaker. Just in response to the Gentleman's Motion. I make... I made the commitment to him that I'll work with him to try and get this out of the Transportation Committee. I'm hopin' we'll be able to do it, next week is my intention of attempting to do that."

Speaker Hartke: "Representative Black."

Black: "Thank you very much, Mr. Speaker. Just a... to rise in support of Representative Stephens and I appreciate Representative Hoffman's comments and I know him to be a man of his word and I expect that we will, in fact, hear that Bill in Transportation next week. But Mr. Speaker, I... I fail to understand why a Bill is posted for five weeks and then suddenly the committee is adjourned while we're in Session, no reason given and I know the rules say that no reason has to be given, when there's only one Bill to be heard and it's been posted for five weeks. This is not a partisan Bill. I believe, that it's down in the Metro East area and would probably have implications for some Gentlemen and Ladies on your side of the aisle as well as our side of the aisle and forgive me for appearing somewhat paranoid, Mr. Speaker, but these are the kinds of games we were playing back in 1992 and '93 and there's no future in that for any of us. There's no future in whatever the reason is, this Bill has been posted five times and whatever the political decision is to keep canceling the committee and not giving the committee their right to vote on this Bill is wrong. And I hope that wrong will be rectified next week. And the proof will be, in fact, is if the committee meets and we get a chance to do

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the duty that we were elected to do. And I have confidence in you, Mr. Speaker, that we'll do that and I have confidence in the chairman of the Transportation Committee that he, in fact, will do that. But let me just say, that if that is not the case, I can assure you that this Representative will speak loudly and longly about a violation of Members' rights, the likes of which we haven't seen around here for a number of years. So, I hope we can take you at your word, the committee will meet and the Members will get a chance to vote on that Bill. That is our duty. It is our responsibility and it is our right given to those... given to us by those who elect us to this position. We'll hold you to your word, Mr. Speaker."

Speaker Hartke: "Your position is well noted. Nothing further, Representative Currie now moves, allowing perfunctory time, that the House stand adjourned until Tuesday, May the 21st at the hour... 1st at the hour of 2 p.m. 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 until Tuesday, May 21st, at 2 p.m."

Clerk Bolin: "The House Perfunctory Session will come to order. Introduction of Resolutions. House Resolution 910, offered by Representative Hamos; House Resolution 914, offered by Representative Bost. These Resolutions are referred to the House Rules Committee. Introduction of House Bills. House Bill 6287, offered by Representative O'Connor, a Bill for an Act in relation to public employee benefits. First Reading of this House Bill. There being no further business, the House Perfunctory Session will stand adjourned."