

STATE OF ILLINOIS  
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HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

64th Legislative Day

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Speaker Hartke: "The House shall come to order. Members will please be in their chairs. We shall be led in prayer today by Father Stan Slone of the Episcopal Diocese of the Chicago House Agency in Chicago. Father Slone is the guest of Representative McKeon. Our guests in the gallery may wish to rise and join us for the invocation and remain standing for the Pledge. Reverend Slone."

Father Stan Slone: "Our loving God... the chance to offer service to the common good. Be with us in our thoughts and deliberations. Guard our treatment of one another, and keep us mindful of the poor and of those whose voices would not be here. We ask these things and we praise You, God of us all. Amen."

Speaker Hartke: "We shall be led in the Pledge today by Representative Lindner."

Lindner - 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 Hartke: "Roll Call for Attendance. Representative Currie, a report on the Democrat side."

Currie: "Thank you, Speaker. We have no excused absences to report among House Democrats today."

Speaker Hartke: "Representative Poe."

Poe: "Mr. Speaker, let the record show that Representative Durkin, Representative Mitchell and Representative Sommer are all excused today."

Speaker Hartke: "Mr. Clerk, take the record. 115 Members answering the Roll Call, a quorum is present and we're ready to do business. The Chair recognizes Representative Holbrook. For what reason do you seek recognition?"

Holbrook: "Thank you, Speaker. Today's a very special day. My

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colleague and seatmate here, Representative Mike Smith, the big dog is 35 years old today and there's cake down front for anybody who'd like it. Let's give him a hand for being 35."

Speaker Hartke: "Congratulations and happy birthday, Representative Smith. The Rules Report."

Clerk Rossi: "Committee Reports. Representative Reitz, Chairperson from the Committee on Cities and Villages, to which the following measure/s was/were referred, action taken on Tuesday, May 22, 2001, reported the same back with the following recommendation/s: 'be adopted' Floor Amendment #2 to Senate Bill 754; a Motion to Concur with Senate Amendment #1 to House Bill 1810. Representative Murphy, Chairperson from the Committee on Personnel & Pensions, to which the following measure/s was/were referred, action taken on Tuesday, May 22, 2001, reported the same back with the following recommendation/s: recommends 'be adopted' Floor Amendment #4 to House Bill 2370 and Floor Amendment #1 to House Bill 2698. Representative Burke, Chairperson from the Committee on Executive, to which the following measure/s was/were referred, action taken on Wednesday, May 23, 2001, reported the same back with the following recommendation/s: 'be adopted' Floor Amendment #2 to House Bill 1492; and a Motion to Concur with Senate Amendments 1 and 2 to House Bill 1069. Representative Michael Smith, Chairperson from the Committee on Agriculture, to which the following measure/s was/were referred, action taken on Wednesday, May 22 (sic-23), 2001, reported the same back with the following recommendation/s: recommends 'be adopted' House Joint Resolution 44. Representative Steve Davis, Chairperson from the Committee on Constitutional Officers,

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to which the following measure/s was/were referred, action taken on Wednesday, May 23, 2001, reported the same back with the following recommendation/s: 'be adopted' a Motion to Concur with Senate Amendment #1 to House Bill 293. Representative Erwin, Chairperson from the Committee on Higher Education, to which the following measure/s was/were referred, action taken on Wednesday, May 23, 2001, reported the same back with the following recommendation/s: 'be adopted' House Resolutions 308 and 334. Representative Dart, Chairperson from the Committee on Judiciary I-Civil Law, to which the following measure/s was/were referred, action taken on Wednesday, May 23, 2001, reported the same back with the following recommendation/s: 'be adopted' a Motion to Concur with Senate Amendment #1 to House Bill 512 and a Motion to Concur with Senate Amendments 1 and 3 to House Bill 1623. Representative Saviano, Chairperson from the Committee on Registration & Regulation, to which the following measure/s was/were referred, action taken on Wednesday, May 23, 2001, reported the same back with the following recommendation/s: 'be adopted' House Resolution 342. Representative Lyons, Chairperson from the Committee on Revenue, to which the following measure/s was/were referred, action taken on Wednesday, May 23, 2001, reported the same back with the following recommendation/s: 'be adopted' Floor Amendment #1 to Senate Bill 1493 and Floor Amendment #1 to House Bill 1774; a Motion to Concur with Senate Amendment 1 and 2 to House Bill 269, and a Motion to Concur with Senate Amendment #1 to House Bill 1270. Representative Kenner, Chairperson from the Committee on State Government Administration, to which the following measure/s was/were referred, action taken on Thursday (sic-Wednesday), May 23, 2001, reported the same back with

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the following recommendation/s: 'be adopted' a Motion to Concur with Senate Amendment #1 to House Bill 3307. Introduction of Resolutions. Senate Joint Resolution 6, offered by Representative Stephens; Senate Joint Resolution 26, offered by Representative Ryder; Senate Joint Resolution 29, offered by Representative Black; and Senate Joint Resolution 32, offered by Representative Ryder assigned to the Rules Committee."

Speaker Hartke: "Clerk, what is the status of Senate Bill 1493?"

Clerk Rossi: "Senate Bill 1493 is on the Order of Senate Bills-Third Reading."

Speaker Hartke: "Move that Bill back to the Order of Second Reading for the purposes of an Amendment at the request of the Sponsor. Ladies and Gentlemen, it's the Chair's intention to go to Senate Bills-Third Reading. Go through those, then Senate Bills-Second Reading and then to the Order of Concurrence. We have a full schedule this afternoon, so if you would keep the a... your voices low and please pay attention to the speakers. On page 3 on Senate Bills-Third Reading appears Senate Bill 20. Representative Coulson. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 20, a Bill for an Act amending the Illinois Vehicle Code. Third Reading of this Senate Bill."

Coulson: "Thank you, Mr. Speaker, Ladies and Gentlemen. Senate Bill 20 amends the Illinois Vehicle Code. Creates a class for a felony for aggravated DUI for persons who are driving under the influence within a school zone during school hours and resulting in bodily harm to another. I'd appreciate your support."

Speaker Hartke: "Is there any discussion? The Chair recognizes Representative Hoffman. The Sponsor will yield."

Hoffman: "Representative, have both Amendments #1 and #2 been

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adopted?"

Coulson: "Yes, both have been adopted yesterday."

Hoffman: "And it's my understanding that Amendment #2 actually increases the penalty for the Bill. Is that correct?"

Coulson: "Amendment #2 does not increase the penalty. Amendment #2 was put in because a judge held that extended terms needed to be corrected in all criminal laws. And so this was done with an agreement between the Senate, the City of Chicago and our staff on the House staff, so that we could be consistent with all the other laws."

Hoffman: "You're aware that earlier this Session we sent over to the Senate, and I believe they have either sent to the Governor or sent back to us, an omnibus package addressing DUIs. This doesn't in any way effect in a negative way that package by either lowering penalties that would be in that package or any other way, is that right?"

Coulson: "No, it does not. And actually the reason we had to add Senate Amendment #2... House Amendment #2 to this Bill was to fix something in there, so that was why we added it to this Bill."

Hoffman: "Great. I think this is a good Bill. And I stand in support. Thank you."

Coulson: "Thank you."

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

Davis, M.: "Representative... Will the Sponsor yield?"

Speaker Hartke: "The Sponsor will yield."

Davis, M.: "Does this automatically provide a jail term?"

Coulson: "No. This doesn't automatically provide anything. The underlying Bill basically adds to aggravated DUI cases. The fact that if a person is a DUI driver and causes an injury in a school zone, during school hours, that cause a

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bodily harm to someone, that they then can be tried for an aggravated DUI. And at that point the judicial system would make those decisions."

Davis, M.: "Well, currently, doesn't the law state that a person has to have more than one offence before they are charged the way you want this. I mean."

Coulson: "Yes."

Davis, M.: "You want to change it."

Coulson: "No, I'm not changing any of that."

Davis, M.: "Currently, they have to have, I think it's two or three offences."

Coulson: "Right."

Davis, M.: "And then they're charged with this greater felony. But you're saying if it's the first time. Is that right?"

Coulson: "No. It does not change the underlying law. It's the third offense that they could then..."

Davis, M.: "Well, exactly..."

Coulson: "...be charged with aggravated..."

Davis, M.: "I hate to be..."

Coulson: "...if they cause bodily harm."

Davis, M.: "I hate to be redundant, but would you just tell us exactly what this does do. What does it do?"

Coulson: "It creates a Class IV felony for an aggravated DUI for persons who are driving under the influence within a school zone during school hours that result in bodily harm to another."

Davis, M.: "Currently, if they're driving in a school zone and they cause bodily harm to another then what happens. What happens, currently?"

Coulson: "Currently, they cannot be charged with an aggravated DUI. And because of this situation in my district where a woman was injured, by a drunk driver, in a school zone, he

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was not... they were not able, even though he had been convicted of DUIs many times, they were not able to charge him with an aggravated DUI, even though he did cause bodily harm."

Davis, M.: "What did they charge him with, Representative?"

Coulson: "I'm not exactly sure, but it was not... they were not able..."

Davis, M.: "Did the judge have some discretion in this matter?"

Coulson: "The judge had some, yes."

Davis, M.: "Okay. To the Bill, Mr. Speaker."

Speaker Hartke: "To the Bill."

Davis, M.: "You know, it will be extremely unpopular to vote 'no' on this legislation, but we simply must stop increasing penalties and removing discretion from judges in an attempt to solve problems that could easily be solved in another way. If people are driving too fast around a school, the police district should be notified and the police should be vigilant to make sure people are observing traffic laws, not only during and around school hours, but in the entire community. For this Body to say every time an accident occurs we're... let's change the law to get that particular felon, or let's change the law because of that one accident. We, in this Body, must stop removing the discretion of a judge who hears all the details of a case. And if we don't do that, Mr. Speaker, we will continue to build prisons in the State of Illinois. We'll continue to build prisons and increase taxes and have a large pool of a prison population of people who did not intend to harm anyone. It will be unpopular to vote 'no' on this Bill, but this is one of those Bills that will solve absolutely nothing, that will take away the discretion of a judge, that will remove all of the differences that may occur in

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any of these instances that takes the responsibility from the police and traffic enforcement officials and puts it in the Legislature. Thank you, Mr. Speaker."

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

Coulson: "Thank you, Mr. Speaker. I'd like to clarify. This Bill does not remove any discretion from the judge. It's a very important part of the legislation that they can be... a person can be charged when driving in a school zone when children are present with an aggravated DUI. And I'd appreciate your support."

Speaker Hartke: "The question is, 'Shall the House pass Senate Bill 20?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On Senate Bill 20, there are 113 Members voting 'yes', 0 voting 'no', and 2 Members voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Senate Bill 117, Representative Hamos. Out of the record. Mr. Clerk, what is the status of Senate Bill 284?"

Clerk Rossi: "Senate Bill 284 is on the Order of Senate Bills-Third Reading."

Speaker Hartke: "Please move that Bill back to the Order of Second Reading for the purposes of an Amendment. Senate Bill 373, Representative Mendoza. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 373, a Bill for an Act amending the Children and Family Services Act. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Mendoza. This Bill's on Short Debate."



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Mendoza: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Senate Bill 373 actually has two Amendments to it, two of which have already passed the House unanimously in the past. One of them is Senate Amendment... House Amendment #1 and I have a House Amendment #2 and one of them was sponsored by Representative Ryan, which dealt with the state kidnapping alert program, and we wanted to add that. We've attached that to this Bill. The other Amendment dealt with the... Representative Hoffman and it incorporates House Bill #1 which amends the Child Death Review Team Act. Now, Senate Bill 373 amends the Children and Family Services Act. It provides that the Department of Human Services shall include in it's annual report toward... to the General Assembly regarding child-care issues an assessment of working condition improvements required to attract capable caregivers and a determination by the Department of the adequacy of day care facility pay benefit packages in assuring quality care. It adds different elements to the actual report that currently are not included; for example, provision of grants to encourage the creation and expansion of child-care centers in high need communities. Also, would include the creation of more child-care options, for off-hour workers and working women with sick children, something that's very important in my community in particular and many districts across the state. It would also encourage companies to provide child-care strategies for subsidizing students pursuing degrees in the child-care field, and it would ask that the Department include in that report, support service programs that assist teen parents to continue and complete their education. I would ask for your support of Senate Bill 373 here today along with the Amendments attached to the Bill.

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Thank you."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 373?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On Senate Bill 373, there are 115 Members voting 'yes', 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Senate Bill 396, Representative Coulson. Beth Coulson. Out of the record. Senate Bill 504, Representative Beaubien. Mark Beaubien. Out of the record. Senate Bill 598, Representative Hassert. Mr. Hassert. Out of the record. Senate Bill 698, Representative Feigenholtz. Out of the record. Senate Bill 699, Representative Hoffman. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 699, a Bill for an Act concerning highways. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Hoffman."

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Amendment #1 actually beco... Amendment #2, which was adopted yesterday, actually becomes the Bill. What this is, is agreed to Amendment between the various parties concerning the issue of removing utilities and other impediments on the right of ways when we're getting ready to build a road or a bridge which is an IDOT project or a county project. Essentially, this will move the projects forward. It's an agreement between the various utilities and the Illinois Department of Transportation as well as the County Engineers Association. I know of no known opposition. I ask for an 'aye' vote."

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Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass 'enate Bill 699?' 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. Clerk, take the record. On Senate Bill 699, there are 115 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, for a Rules... Committee Rules Report."

Clerk Rossi: "Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following measure/s was/were referred, action taken on May 23, 2001, reported the same back with the following recommendation/s: 'to the floor for consideration' a Motion to Table Committee Amendment #1 on Senate Bill 1283; a Motion to... recommend 'be adopted' Floor Amendment #2 on Senate Bill 1284; 'to the Order of Concurrence', Motions to Concur with Senate Amendment #1 to House Bill 27, Senate Amendment #1 to House Bill 231, Senate Amendments 1 and 3 to House Bill 572, Senate Amendment #1 to House Bill 681, Senate Amendment #1 to House Bill 1900, Senate Amendment #1 to House Bill 1942, Senate Amendment #1 to House Bill 2254, Senate Amendment #1 to House Bill 2283, Senate Amendment #1 to House Bill 2436, Senate Amendment #1 to House Bill 3137, and Senate Amendment #1 to House Bill 3145."

Speaker Hartke: "On page 4 on the Calendar, on Senate Bills-Third Reading appears Senate Bill 846. Representative O'Connor. Representative O'Connor. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 846, a Bill for an Act concerning strategic planning. Third Reading of this Senate Bill."

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Speaker Hartke: "Representative O'Connor."

O'Connor: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 846 would change certain aspects of the economic planning responsibilities of the Illinois Department of Commerce and Community Affairs. The Legislation does three things. First, it changes when economic strategic plans must be filed by DCCA pursuant to the State and Regional Development Strategy Act. It also would make permissive, as opposed to mandatory, certain criteria that DCCA must consider when it develops such plans. And finally, the Bill would also add beautification projects to the list of factors in the Keep Illinois Beautiful Advisory Board, which is another planning arm of DCCA. I know of no opposition to the Bill. There's no additional cost. And as I mentioned, it's an agency Bill. I'd be happy to answer any questions."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 846?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On Senate Bill 846, there are 115 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Senate Bill 861, Representative Mulligan. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 861, a Bill for an Act in relation to environmental matters. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Mulligan."

Mulligan: "Thank you, Mr. Speaker. Senate Bill 861 provides that the sunset date of December 31, 2001 for the IEPA to

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execute initial agreements under the regulatory innovation pilot program is deleted and language is added that authorizes an initial agreement may be renewed for an appropriate time if the agency determines the agreement meets the requirements of the Section. This is an IEPA initiative. And both the IMA and the chemical industry support this Bill. And I would appreciate an 'aye' vote."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 861?' 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. Art Turner, would you like to vote on this issue? Miss Yarbrough, would you like to vote on this issue? Mr. Clerk, take the record. On Senate Bill 861, there are 114 Members voting 'yes', 0 voting 'no', 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Senate Bill 862, Representative Meyer. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 862, a Bill for an Act concerning the regulation of certain financial activities. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Meyer."

Meyer: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 862 is the agency Bill for the Department of Financial Institutions. It deals with several of their Acts. It strengthens the deadline on small loan firm licences with regards to the renewal of applications and annual reports they must file with the Department of Financial Institutions. It increases the Consumer Installment Loan Act, surety bonds. It requires a currency exchange to disclose its owners to the Department

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of Financial Institutions. Requires it to file a new license application whenever its owners change. It authorizes Department of Financial Institutions to cooperate with other state agencies and with the Federal Government in the investigation of any currency exchange. This is again, an agency Bill. It passed out of the Senate by a vote of 56 to 0."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 862?' 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. Clerk, take the record. On Senate Bill 862, there are 72 Members voting 'yes', 38 Members voting 'no', 3 Members voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Senate Bill 887, Representative Ryder. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 887, a Bill for an Act concerning title insurance. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Meyer... Ryder."

Ryder: "Thank you. Mr. Speaker, could I ask for leave for the previous Roll Call?"

Speaker Hartke: "No."

Ryder: "Thank you. Ladies and Gentlemen this is an agency Bill from the Department of Financial Institutions that deals exclusively with title insurance companies. Unfortunately, for the first time in 20 years, there was a title insurance company that was unable to meet it's requirements and the agency was forced to take some very significant action. This Bill is a result of that. It is an agreed Bill with the title insurance industry and it provides the necessary

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abilities so that the agency may deal with that particular problem. I would say for those folks who are watching that, that there is an agreed increase in fees in this, so that means all of you folks who voted 'red' last time, should vote 'red' and hopefully everybody else will vote 'green'. And I'd be happy to answer any questions. Thank you, Mr. Speaker."

Speaker Hartke: "Is there any discussion on Senate Bill 887? Seeing that no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 887?' 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. Clerk, take the record. On Senate Bill 887, there are 65 Members voting 'yes', 42 Members voting 'no', 7 Members voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Senate Bill 915, Representative Slone. Out of the record. Senate Bill 930, Representative Hoffman. Out of the record. Senate Bill 933, Representative Smith. Out of the record. Senate Bill 980, Representative Stroger. Out of the record. Senate Bill 1011, Representative Cross. Senate Bill 1175, Representative Klingler. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1175, a Bill for an Act in relation to human rights. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Klingler."

Klingler: "Thank you very much, Mr. Speaker. This is an agency Bill by the Department of Human Rights. And it concerns this situation of administrative hearings in which... a long administrative hearing has been held on a human rights complaint, and then the hearing officer either dies or

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leaves the agency unexpectedly. And these cases, the agency does not wish to have to go and repeat the entire hearing process when the hearing's already been completed, simply the finding of facts have to be carried out. This agency Bill provides that if the hearing officer is unavailable because of death or disability and the hearing has been completed, if all the parties to this complaint agree, they can have the findings and recommended order written by a hearing officer other than the one who did not preside at the public hearing. And, I also could add that other agencies have similar provisions to what the Human Rights administration (sic-Commission) is asking."

Speaker Hartke: "Is there any discussion? This Bill is on Short Debate. The Chair recognizes Representative Hoffman."

Hoffman: "Will the Sponsor yield?"

Speaker Hartke: "Sponsor will yield."

Hoffman: "Representative, it's my understanding Amendment 1 is on the Bill, and it makes certain changes regarding the conditions that have to be met in order for an additional or a different person, other than the hearing officer, to author an opinion after they've presided in the public hearing. And it's my understanding that this takes out two conditions that were in the original Bill. It indicates that the presiding hearing officer would not need to transmit his or her impressions of the witness' credibility to the author or there are no questions of the witness' credibility. Am I right? And, then, I guess my concern is, I would understand if the hearing officer passed away, they couldn't fulfill that function. But, in certain instances, such as disability, the hearing officer may indeed be able to tell the person who is authoring the order their impressions regarding the witnesses."



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Klingler: "Representative, this is a good question. The human rights agency's apparently the only one that had this very specific requirement about transmittal of impressions of witness credibility. And, in fact, an appellate case, court case overturned, it was the case of Gilcrest v. Human Rights Commission overturned it because there was a new hearing officer and the impressions of fact had not been written. But this is not in the requirements for other administrative law proceedings. So, they're trying to make this in line with what other administrative agencies do."

Hoffman: "Well, I guess, I don't necessarily have any problem with the original legislation. My only problem or my concern, and I don't know if potentially we can... I know we're running out of time here, and I don't have any problem with the genesis of the Bill. The problem would be to me, if the hearing officer is able to, I think they should transmit their feelings regarding the credibility of the witnesses. Otherwise, why do we have hearings at all?"

Klingler: "I certainly think that would be important, and I think if the hearing officer were able that he or she could do that. But, I think what the agency's looking at is a sudden death following the end of a hearing or someone quitting and simply leaving the... "

Hoffman: "You know, I understand. I understand, in the case of a death, obviously, they can't transmit their feelings regarding the credibility of witnesses. In the case... Many times, in the case of termination of employment, I would understand that problem. But, in the case of disability, which is one of the reasons here that another could author an opinion other than the hearing officer, it would seem to me that it would make sense, that if they could, they should transmit their feelings regarding the

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credibility of the witnesses. I would just ask that you take a look at that. We can vote for this, move it forward, but will you take a look at cleaning that up at sometime in the future."

Klingler: "Ya know, and I certainly agree that if a hearing officer were able to visit... if his disability weren't such that he was not able to write, then he should be able to do that. And I'm certain that the Human Rights Commission could look at that."

Hoffman: "Thank you."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 1175?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On Senate Bill 1175, there are 115 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, what is the status of Senate Bill 1176?"

Clerk Rossi: "Senate Bill 1176 is on the Order of Senate Bills-Third Reading."

Speaker Hartke: "Move that Bill back to the Order of Second Reading for the purpose of an Amendment at the request of the Sponsor. Senate Bill 1177, Representative Moore. Andrea Moore. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1177, a Bill for an Act concerning taxation. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Moore."

Moore: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 1177 amends the... to allow the

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appropriate tax statutes to allow the Department of Revenue, the statutory authority, to credit a taxpayer's account for the overpayment of an excise tax. And then... excuse me. Excuse me, one moment, Mr. Speaker. Sorry, I had an ..."

Speaker Hartke: "Don't strain your voice."

Moore: "This amends the Department of Revenue's law of Civil Administration Code allowing the Department of Revenue special agents that are assigned to the Illinois Gaming Board to have the full powers of a peace officer. This is an agency Bill and there has been negotiations on it. And for purposes of legislative intent, I'd like to read into the record, that it is not the Department's intent with Senate Bill 1177 to remove troopers off the riverboats except by attrition. I'd be happy to answer any questions."

Speaker Hartke: "Is there any discussion? Seeing that... Representative Scully. This Bill is on Short Debate."

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

Speaker Hartke: "The Sponsor will yield. Ladies and Gentlemen, could we give our attention to the speakers. Representative Moore has a very sore throat, and is very difficult to understand. Please, shhh."

Scully: "Representative Moore, you just read some comments in as legislative intent. Did you say that that was the agency's intention, or was that your intention?"

Moore: "This is a Department of Revenue... it's an agency Bill. And we are talking about Department of Revenue agents who will have the same policing powers as the troopers that are currently on the boats. It is not the agency's intent with this Bill, Senate Bill 1177, to remove troopers on the boat except by attrition. Some of these troopers will be

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replaced by agents."

Scully: "And you're making those statements for the purpose of legislative intent?"

Moore: "Correct."

Scully: "Is that your intent or the agency's intent? In order to be legislative intent, I believe it has to be your intent."

Moore: "Well, it would be my intent, along with the agency's."

Scully: "Thank you."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, the question is... Representative Black. This Bill's on Short Debate."

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

Speaker Hartke: "The Sponsor indicates, she will yield."

Moore: "No, I don't yield."

Speaker Hartke: "No, she will not."

Black: "Representative, does this..."

Speaker Hartke: "Mr. Black?"

Black: "What?"

Speaker Hartke: "She said, she would not yield."

Black: "That's fine. It's just as easy to vote 'no' without a question, as it is to vote 'no' with a question."

Speaker Hartke: "Would you relent?"

Moore: "No. I'm just kidding. I'm just kidding. A little sense of humor here."

Speaker Hartke: "Representative Black, she will yield."

Black: "I've no questions."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 1177?' All in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk,

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take the record. On Senate Bill 1177, there are 113 Members voting 'yes', 1 person voting 'no', and 1 person voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Senate Bill 1304, Representative Mulligan. Representative Mulligan. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1304, a Bill for an Act concerning immunizations. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Mulligan."

Mulligan: "Thank you, Mr. Speaker. Senate Bill 1304 prohibits any person from serving as a member of the Immunization Advisory Committee if that person or the person's spouse has an interest or is connected with a pharmaceutical company. Basically, what it does is it outlines conflicts of interest for anyone participating as a member of the statewide Immunization Advisory Committee."

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

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

Speaker Hartke: "Sponsor will yield. This Bill is on Short Debate."

Coulson: "Representative, would someone be ineligible to serve on the Advisory Committee if the person or their spouse owns a mutual fund over which they do not have direct control or has a retirement plan that has one or more of its holdings in a pharmaceutical company that makes vaccines?"

Mulligan: "No, Representative Coulson, that's not the intent of this Bill. This would not affect the person's eligibility to be a member of the committee under this Bill."

Coulson: "In an alternative, would someone be ineligible to serve on the Advisory Committee if a pharmaceutical company gives samples or promotional items to that person or their

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spouse, as would be in the case of a doctor's office?"

Mulligan: "No, this would not affect the person's eligibility to be a member of the committee under this Bill. Also, it would not affect them if they were to receive free vaccines for... underprivileged communities."

Coulson: "Would someone be ineligible to serve on the Advisory Committee if the person or their spouse participates in a drug trial study or other study sponsored by a pharmaceutical company?"

Mulligan: "No. As long as it wasn't a study about vaccines. Say it were a study for diabetes, cancer, osteoporosis, and other disease, then it would not affect their eligibility."

Coulson: "Could you give me an example of some of the things that might be prohibited or be a conflict of interest?"

Mulligan: "Well, you couldn't be a member if you were an employee of a pharmaceutical company that produces vaccine, or you accepted free trips from a pharmaceutical company that produces vaccines, or if you were in a participation of a drug study, or if you had direct ownership, say, of 500 shares or more of a company that does vaccines... manufactures 'em. On the other hand, ownership of a mutual fund would not be, or ordering vaccines for patients would not be a conflict."

Coulson: "To the Bill."

Speaker Hartke: "To the Bill."

Coulson: "I would encourage your support of this Bill. I think it's very important for the ethical running of the task force that people not have a conflict of interest if they are being appointed to this task force. And I encourage your 'aye' vote."

Speaker Hartke: "Representative Garrett. This Bill's on Short Debate."

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

Speaker Hartke: "Sponsor will yield."

Garrett: "I just have one question. I think it's a good piece of legislation, but I noticed that on my analysis on the opponents, we have the... excuse me, the Illinois Chapter of the American Academy of Pediatrics and the Illinois Nurses Association. I'm wondering why they would be opponents to something like this."

Mulligan: "Representative, I think that originally there might... there might have been some concern over conflict of interest. And I think we cleared that up by legislative intent. Certainly, some pediatricians, particularly those that work in underprivileged neighborhoods, accept free vaccines or solicit free vaccines so that they can give them away in their areas. So, I think if that is clarified, I don't think they have a problem with it anymore."

Garrett: "And have you talked to them about this, your legislative intent or..."

Mulligan: "No, but they never came to committee and no one testified against it. And it was amended in the Senate. And I think that the discussion was to clarify... I know the Illinois Medical Association helped us clarify what they thought would be conflict of interest, which we agreed with."

Garrett: "Thank you."

Speaker Hartke: "Further discussion? Mr. Beaubien, do you stand in opposition?"

Beaubien: "No, I just have a question I'd like to ask. Will the Sponsor yield?"

Speaker Hartke: "Proceed."

Beaubien: "Under the legislative intent, they talked about mutual

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funds and retirement funds. What if you simply owned a few shares of stock in a chemical company, would you be eligible... ineligible to serve at that particular point in time?"

Mulligan: "I'm sorry, I didn't understand... I didn't hear what you said."

Beaubien: "The question is, you were talk... I believe we talked earlier in legislative intent about mutual funds and retirement funds. What if you simply owned a few shares of stock in your name or your spouse's name, would that make you ineligible?"

Mulligan: "No, we're saying a major stock."

Beaubien: "Okay, thank you."

Mulligan: "It would have to be something that would impact like your statement of economic interest or something, but not... A mutual fund, particularly one that you have no control over, particularly for retirement, would not be considered a conflict and it would have to be a major block of stock that would be to your advantage to make some recommendation on the committee."

Beaubien: "Okay. Thank you very much."

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

Mulligan: "Thank you. I would appreciate an 'aye' vote."

Speaker Hartke: "The question is, 'Shall the House pass Senate Bill 1304?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Please record yourselves. Have all voted who wish? Mr. Clerk, take the record. On Senate Bill 1304, there are 114 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received a



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Constitutional Majority, is hereby declared passed. Mr. Clerk, Committee Reports."

Clerk Rossi: "Representative O'Brien, Chairperson from the Committee on Judiciary II-Criminal Law, to which the following measure/s was/were referred, action taken on Wednesday, May 23, 2001, reported the same back with the following recommendation/s: Motion to Concur with Senate Amendment #1 to House Bill 2295. Representative Giles, Chairperson from the Committee on Elementary & Secondary Education, to which the following measure/s was/were referred, action taken on Wednesday, May 23, 2001, reported the same back with the following recommendation/s: 'to the floor for consideration' Floor Amendment #1 to House Joint Resolution 37. Representative Hoffman, Chairperson from the Committee on Transportation & Motor Vehicles, to which the following measure/s was/were referred, action taken on Wednesday, May 23, 2001, reported the same back with the following recommendation/s: recommends 'be adopted' a Motion to Concur with Senate Amendment #1 to House Bill 2602. Representative Feigenholtz, Chairperson from the Committee on Human Services, to which the following measure/s was/were referred, action taken on Wednesday, May 23, 2001, reported the same back with the following recommendation/s: recommends 'be adopted' House Joint Resolution 42. Representative Novak, Chairperson from the Committee on Environment & Energy, to which the following measure/s was/were referred, action taken on Wednesday, May 23, 2001, reported the same back with the following recommendation/s: 'be adopted' House Resolution 340 and a Motion to Concur with Senate Amendment #1 on House Bill 3014."

Speaker Hartke: "On Page 4 on the Calendar appears Senate Bill

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915, Representative Slone. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 915, a Bill for an Act concerning park districts. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Slone."

Slone: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This is a Bill that was amended yesterday. And what it does, is it would allow the... a park district to give land that is... that they own... that is contiguous to a state park to the state. It is permissive legislation. It would assist us with the situation we have in Peoria County. And I would appreciate an 'aye' vote. Be glad to answer any questions."

Speaker Hartke: "Is there any discussion on Senate Bill 915? Seeing that no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 915?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On Senate Bill 915, there are 114 Members voting 'yes', 1 person voting 'no', and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. On page 3 on Senate Bills-Third Reading appears Senate Bill 117, Representative Hamos. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 117, a Bill for an Act concerning family law. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Hamos."

Hamos: "Thank you, Mr. Speaker, Ladies and Gentlemen. This is the Bill that we began to have a discussion about yesterday. Which creates a new Section in the Section on maintenance, which is alimony. And what it does, is it's a new Section only dealing, not in dealing with how we set maintenance, but how we modify, terminate or review

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maintenance orders. And what this Bill does, is it adds eight factors that courts are to consider before they modify, terminate and when they review maintenance orders. This is apparently been worked out in a very balanced view between attorneys who represent the women in these cases and the attorneys who represent the men, so that it is intended to be an objective presentation of balanced view, but to give judges a little more direction about the kinds of things they should be looking for before they make changes in maintenance orders. And I'd be happy to answer any questions."

Speaker Hartke: "This Bill is on Short Debate. Mr. Black."

Black: "Thank you very much, Mr. Speaker. Pursuant to the appropriate House Rule, I'm joined by seven colleagues on my side of the aisle to ask that the Bill be taken off Short Debate."

Speaker Hartke: "To which level?"

Black: "Standard."

Speaker Hartke: "Standard Debate."

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

Speaker Hartke: "The Sponsor will yield. The Bill is on Standard Debate."

Black: "Representative, when we were talking about the Amendment yesterday, and now I'm looking at the analysis of the Bill. I'm still trying to figure out whether this gives either of the parties in an action an advantage that they do not currently have in divorce law. As you read it, do you see either of the party's gaining an advantage that they do not currently have?"

Hamos: "I have asked that exact question of the people who brought me this Bill to Sponsor it and have also gone the next step of talking to some divorce attorneys back home

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'cause I wanted to get a real life prospective on this and I have been informed that this does not give either side any advantage and that it's a very balanced perspective although, what it's trying to do really, is to give judges more guidance because right now the review that judges do of maintenance orders is sort of all over the place and they don't have guidance on what those factors should be or could be."

Black: "Well, let me... after reading this, let me give you a scenario that I'm trying to understand. I'm not an attorney. Been married 39 years and quite frankly can't afford a divorce, so I hope that never happens. But, be that as it may, it mentions a change in employment status. Now, let us assume that the divorce was somewhat bitter, rancorous and the male... in just this scenario... the male was a member, a partner of a very prosperous law firm making substantial amount of money and therefore the alimony judgement was substantial, we'll say, \$4 thousand a month. Well, upon reflection, let's say 4 or 5 years after the judgement, the male party to the divorce says, I don't need this. I have an investment portfolio that I have been able to move offshore, or otherwise disguise in some form or another. I resign my partnership from my prestigious law firm. I move to a small town in the woods of northern Wisconsin. I do a little general practice of law and my income goes from a half a million dollars a year to \$40 thousand a year. So, I go to the judge and say, Your Honor, there is no way that I can continue a maintenance payment of \$4 thousand a month. I have had a midlife career crisis and change. I now make \$40 thousand a year and therefore, petition the court to eliminate or certainly greatly reduce the maintenance fee. Now, if the judge is

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only going to take into consideration the income and I don't know the power of the court to get into assets that people try to hide; I know, from my experience in talking with people that that's not unusual. It would seem like, unless the judge had some extraordinary power, he would look at the IRS documents and say, 'Well, from what you've told me, obviously, the 4 thousand a month is no longer possible. I excuse you from the payment.' Now, the exspouse's... the exwife's attorney will argue, we know he has assets, he's moved them offshore, he's transferred them, et cetera. What happens in that kind of a case?"

Hamos: "Well, Representative Black, you may know that I am in a comparable kind of situation, I'm a fierce advocate in child support cases. And once upon a time, for four years I ran the child support division in Cook County, and we had a hundred thousand cases, and I heard every single excuse in the book."

Black: "Except the SDU."

Hamos: "There was not an excuse that we did not hear about why people could no longer pay child support. So, I looked at this language from that perspective asking the exact kind of questions you asked and pointing to the particular part of this law that would help judges think that through. Judges have always heard those excuses for why maintenance orders should be reduced or terminated. What this Section says, is that the judge should consider any change in the employment status of either party and, and here's the important part, and whether the change has been made in good faith. That's what we're adding to the law. The judges always got excuses for why there were changes in circumstances, why they change jobs and... but now we are also asking judges to look a little below that to figure

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out if there was an attempt to actually escape from their obligation or whether it was made in good faith. Now, no judge is going to order a man or woman who wants to move out to the country and take a job in a small town, nobody's gonna order that man to stay in a certain kind of occupation."

Black: "Right."

Hamos: "But, on the other hand, the judges under this kind of... by spelling out these factors, and looking, especially in that particular case you question, looking at the good faith beyond the motivation, I think we'll get a more balanced perspective by judges and we'll get more consistency among all the judges because right now it's very haphazard, I'm told."

Speaker Hartke: "Mr. Black, please bring your remarks to a close."

Black: "I just had one more question, Mr. Speaker. I was only allowed to asked one question. The answer is rather long, good, but rather long. The only other question I have... and it goes to a Bill that Representative Mathias passed a few days ago. Let's say the settlement was made and at that time, one of the two parties had stock options that at the time were valued at \$10 thousand. So, in the settlement, the party seeking the divorce says, I don't care. I don't want any... The stock options are hers, she invested, that's her's. I don't want any part of it. That's fine, whatever. Two years later the party finds that the stock options that at the time were worth \$10 thousand, his former wife has cashed in for a half a million dollars. Now, does this give him the ability to go back to court and tell the judge, hey, wait a minute. I know I agreed, but at the time the value of that asset was

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only \$10 thousand. Now, I discover that she exercised her option and made a profit of a half a million dollars. I think I would like either my maintenance reduced or a part of that profit. Would that be possible under this Bill? Or is it possible under existing law?"

Hamos: "Well, I think it's possible under existing law and it's also possible under this Bill because this Bill does say that the judge should consider the increase or decrease in each parties income, since the prior judgement or order, but, let me add the but, maintenance is different than the property settlement..."

Black: "Correct. Right."

Hamos: "...at the time of the divorce. Maintenance is intended to help rehabilitate an exspouse or is also... and is also intended to create the same lifestyle to which that spouse had become accustomed. So, if that is in fact, during the marriage there was no anticipation that a stock option would be at that level and..."

Speaker Hartke: "You may finish answering the question, go ahead. You may finish answering the question."

Hamos: "...and that the lifestyle would not require any kind of change in modification, then the judge would take that into account as well."

Speaker Hartke: "Further discussion? The Chair recognizes Representative O'Brien. This Bill is on Standard Debate. You have five minutes."

O'Brien: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Hartke: "The Sponsor will yield."

O'Brien: "Representative Hamos, I have a couple of questions I guess to go back. At one point in time, isn't it true that when we did, either after a trial or a marital settlement agreement, that the intent was not always to make both

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parties whole, and to, you know that we consider it to be more ongoing, but now, judges try and make both parties whole. They try and finalize it, so that we don't come back to court time and time again. Isn't that the case in matrimonial law or family law practice, that at the end of the day they want the case to be over and to be resolved?"

Hamos: "I really... And really I think that, Representative O'Brien, I want to really defer to you because I think you do have more experience in working on these kinds of cases. I do want to point to what we talked about yesterday which is that before there's a modification or termination they would still have to continue to be a showing of a substantial change in circumstances. So, that would not be anymore lax a standard under this Bill."

O'Brien: "I guess, my concern is that when we add these things for the court to consider, then they look at them as if it is written in stone and then they must consider these and if any of these things apply, then they have to make a modification or change. And I guess, my question is, if this legislation becomes law, an individual was... the length of the marriage is 10 years and a maintenance award was made based on the fact that the wife made 15 thousand and the husband made 70 thousand. And then 10 years go by and that maintenance award is in place, but now they haven't been married for 10 years and now this individual, he receives an inheritance or he receives some other bonus of employment or something. He hasn't been married to this woman in 10 years. The court decided that, whatever the maintenance award was initially, that made her whole. And now, because he has done better that you can go back and with your guidelines look at his income after the judgement and look at that solely and say, okay, now your gonna pay



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more money to somebody you haven't been married to in 10 years, based on nothing to do with the lifestyle of the parties during the marriage, but we're gonna look at the lifestyle of an individual 10 years after the marriage was concluded. And to say, well, you know, it's different than the property settlement, it isn't. Oftentimes, this maintenance award is given in lieu of pensions. I mean, they're always considered in the mix and I guess that's why I have some real concerns. I think that, when we put these specific criteria into this legislation then what we're telling the court is, each and every time, we want you to use these and sort of take away their discretion to be able to look at the fact. What did this person get in the divorce settlement? Did they get a pension, so they only got \$50 a week? You know, what kind of things did they get? And I guess, I don't know that we're making it easier, where I think we might be in fact making it more difficult for judges to look at the totality of the circumstances. And with that, I guess I'd like a little explanation of how this came about and why the state bar... the family law council... I mean, where the genesis came from and who they consulted with in order to... I mean, how many family law practitioners did they talk to? How many, you know, recipients of maintenance and payers of maintenance did they talk to?"

Hamos: "Well, Representative O'Brien, and I would agree with you on, really, your statements that you made. I think that we are not intending to change the really fundamental standard that has been required since the Marriage and Dissolution of Marriage Act, that's many years now, which is, that before there's a modification of maintenance or a termination of maintenance there has to be a change of a

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substantial change in circumstances. A substantial change in circumstances that is really intended to get any party even into court, they have to meet that threshold. But I am told that the reason for this, and this is an important initiative of the State Bar Association's Family Law Council, they do represent both sides statewide before many different courts, and they felt it was important to have some guidance for judges throughout the state on what are a reasonable set of factors to look at and mostly, I'm told, that this is intended to take care of situations in which the court is looking at reviewing the maintenance order. The maintenance order was set many years ago, possibly. Now they're reviewing it, and instead of just holding up their hands and wondering what to look at, they're being asked to sort of follow a checklist of things to look at and it was this group that felt it was important to do that. I do not know how many litigants they looked at. This wasn't my initiative in the first place. This is a set..."

Speaker Hartke: "Bring your remarks to a close. You have another minute."

Hamos: "And the best that I can answer here is that really it was the practitioners in the field representing both sides. We thought this was a balanced approach."

O'Brien: "Thank you."

Speaker Hartke: "The Chair recognizes Representative Reitz. This Bill's on Standard Debate."

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

Speaker Hartke: "Oh man, you're out of order, but go ahead."

Reitz: "Thank you. I like to be out of order. I have... We have my two seatmates here, Julie Curry and Mary Kay O'Brien have their birthdays next week on August... couple

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weeks, August 4th and August 7th and they are hopeful that we... Is that right? Oh, it's June, it's not too far off. June 4th and June 7th and they are hopeful that we won't be here. But in honor of that, since they are a couple of dillies, we have Dilly Bars right down front, if everyone would go down and get them. I think they're both turning 22 or so, so let's all wish them a happy birthday."

Speaker Hartke: "Mr. Reitz, you're totally out of order, but happy birthday, girls. The Chair recognizes Representative Cross. This Bill's on Standard Debate. You have five minutes."

Cross: "Thanks. Just for a couple... a few questions. Will the Sponsor yield?"

Speaker Hartke: "Sponsor will yield."

Cross: "Representative, I guess I'm... I have some concerns like some of the other speakers, and I... I didn't realize that we had a problem with the existing statute, that's just the first time I've actually heard about it and I... have spent a little bit of time around courthouses as well and... and especially in this area. Would this mean that under your Bill that a court at the time of the dissolution could order maintenance for a period of 36 months, then come along with a... on a petition to modify and extend it for another 36? With your language?"

Hamos: "Yeah. Well, Representative Cross, there's two ways I'd like to answer that. One is, that as I'm told the way that maintenance is working these days, 'cause it's evolved over time, the way that it's working is that they... the judges do grant maintenance orders for a set period of time, then they ask the parties to come back and they do a review, and then the judges can decide to whether or not to extend it beyond that. They've always been able to do that. This

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Bill doesn't change that. Secondly, if a litigant wants to modify or terminate, either side wants to modify or terminate the maintenance agreement, they would still have to show a substantial change in circumstances and this Bill doesn't change that either."

Cross: "Well... So, your criteria of substantial change in circumstances, you're saying, does not change; that's still there."

Hamos: "That is the threshold to even get into court to modify or terminate."

Cross: "All right. Any change in the employment status of either party and whether the changes' been made in good faith. What would then would be a substantial change of circumstances to fall under your first criteria? What would be an example?"

Hamos: "Well, it could be... I think it could be a firefighter, let's say, who had to pay maintenance. He has an injury on the job. He is now disabled. He can't, you know, he's living on disability. He no longer has the same income he had before. He would be able to come in, show a substantial change in circumstances and point to that as one of the factors."

Cross: "Are you suggesting that most petitions for modification under maintenance are those where people come in and try to cease the payment of maintenance or would you... really wouldn't you... sh... wouldn't it be more accurate to say that most maintenance petition modifications are to increase or extend maintenance. I mean, rarely do we have the example you're talking about, Representative."

Hamos: "I am told that in real life circumstances, most postdecreedle (sic-postdecreeable) changes in maintenance and that's review, modification or termination are to

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reduce maintenance. And that's why, quite honestly, I was concerned about sponsoring this Bill. And I needed some assurance, and I got it, that this was a balanced perspective, that it was going to help as many women as it was going to help men, and that it was a fair and balanced approach."

Cross: "Well, with all due respect, Representative, I'm not aware of an overload of petitions to decrease or terminate maintenance. I think, if you'll look at paragraph (c), it's pretty specific about when maintenance terminates, that's the current law and I don't think you need to... you're not modifying that. I think the law is very clear as to when maintenance terminates, it's when someone remarries or when someone dies. So I'm just... I don't think people can come in and ask that maintenance be terminated given paragraph (c). I'm puzzled by paragraph or subsection 5 of the factors, the duration of the maintenance payments previously paid, and remaining to be paid, relative to the length of the marriage.' Why do you have that language in there? I don't understand that at all."

Hamos: "Well, again, I think that the way that this was described to me and I didn't introduce this Bill, I'm only trying to pick up a history of trying to move this into legislative process, is that; for example, if there is a 30-year marriage and the woman has been a homemaker during that entire period and has very few skills with which she is able to go out and get a job, that is, in fact, the most typical situation in which maintenance is still awarded. A long time marriage..."

Cross: "I agree."

Hamos: "...that she has been the homemaker. If this is now three

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months into the maintenance order and let's say the maintenance is for the next four years, and this is three months into it, and he loses his job, but there's another, 'x' number of months left to be paid, one of the factors that this group thought would be useful for the judge to consider is how far along he is in make..."

Speaker Hartke: "Bring your remarks to a close."

Hamos: "...how far along he would be in making the payments. So, that would be one of the factors that could be considered."

Cross: "Well, wouldn't paragraph (1) take care of that... subsection (1) take care of that issue. Why do you need subsection (5)? I guess I don't... You keep using the examples of someone trying to modify. I think... it seems..."

Hamos: "But that's... Apparently, the reason for bringing a little consistency here is exactly that kind of situation that I just gave an example of, which is, it's not only that he's lost a job, people do change jobs, they lose their jobs, they gain their jobs, but there's a totality of circumstances here including the fact that it's only been three months and he has many more months to pay as an obligation. That would be an additional factor under that kind of scenario."

Cross: "Well, Representative, I think you've really hit the real crux of... the concern that some of us may have. Where one... We now have a criteria of substantial change in circumstances, and I suspect that most courts"

Speaker Hartke: "Representative Cross, I'll give you an additional minute. Bring your minute... remarks to a close."

Cross: "I think most courts look at the original... I suspect, look at the... use the original criteria that exists in the

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statue. But what you've done now is created five, six or seven additional criteria that are open-ended, and as a result of that, there's gonna have to be additional interpretation of these seven criteria and even you, Representative, in trying to do the best you can in answering this and I know you're well-meaning and well-intention (sic-well-intentioned), we don't have any... there's nothing fixed here. It's just as open-ended, if not worse, than under the current law with all of these criteria you've listed. And I think you've created potentially more problems here that we really didn't need. So, I know I've run out of time. I appreciate the Chair letting us ask a couple questions. And thank you very much."

Speaker Hartke: "Representative Hamos to close."

Hamos: "Ladies and Gentlemen, thank you for a set of, I think, very important questions about this Bill. Let me say that this is an initiative of the Illinois State Bar Association. Their family law council worked long and hard on this Bill. This is an important Bill to them. They are the practitioners. They know the problems better than, certainly, I know the problems. And what they believe is that beyond the standard of substantial change in circumstances, which is very amorphous and can mean anything and it can mean anything in the life of... in the... you know, in the... whatever a judge could interpret it to mean, that this kind of set of factors would be like a checklist to fol... that judges could follow through. And it's a balanced approach. And I ask for your favorable support."

Speaker Hartke: "The question is, 'Shall the House pass Senate Bill 117?' All those in favor will signify by voting

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'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 Senate Bill 117, there are 57 Members voting 'yes', 50 Members voting 'no', 7 Members voting 'present'. And this Bill... And what is your pleasure, Representative?"

Hamos: "Postponed Consideration, please."

Speaker Hartke: "The Bill will be placed on Postponed Consideration. On page 5 on the Calendar, on Second Reading appears Senate Bill 10. Out of the record. On page 6 on Second Reading, Senate Bills... Senate Bill 71. Out of the record. Senate Bill 103, Representative Bost. Out of the record. Senate Bill 113, Representative Moore, Andrea Moore. Out of the record. Senate Bill 163, Representative Moore. Out of the record. Senate Bill 267, Representative Jerry Mitchell. Out of the record. Senate Bill 400, Representative Saviano. Representative Saviano, Senate Bill 400. Out of the record. Senate Bill 461, Representative Feigenholtz. Out of the record. Senate Bill 489, Representative Dart. Out of the record. Senate Bill 493, Representative Reitz. Out of the record. Senate Bill 518, Representative Hamos. Out of the record. Senate Bill 754, Representative Granberg. Kurt Granberg. Kurt Granberg. Out of the record. Senate Bill 758, Representative Hannig. Out of the record. 795, Mr. Hoffman. Out of the record. 796, Representative Hoffman. Out of the record. Senate Bill 885, Representative Cross. Out of the record. This is not gonna take long. Senate Bill 888, Representative Hassert. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 888, a Bill for an Act concerning



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certain financial services. Third Reading of this Senate Bill."

Speaker Hartke: "Third Reading. Senate Bill 926, Representative Erwin. Out of the record. Senate Bill 945, Representative Madigan. Boland. Out of the record. Senate Bill 989, Representative Schoenberg. Out of the record. Senate Bill 1033, Representative Julie Curry. No. Out of the record. Senate Bill 1069. Out of the record. Senate Bill 1089, Representative Saviano. Out of the record. Senate Bill 1259, Representative Burke. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1259, the Bill's been read a second time, previously. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. Senate Bill 1283, Representative May. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1283, the Bill's been read a second time, previously. Amendment #1 was adopted in committee. A Motion has been filed to table Committee Amendment #1 by Representative May."

Speaker Hartke: "You've heard 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 Motion... or the Amendment is tabled. Further Amendments?"

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

Speaker Hartke: "Third Reading. Senate Bill 1284, Representative Wait. Ronald Wait. Out of the record. Senate Bill 1285, Representative Madigan. Out of the record. House Bill 1486, Representative Madigan. Out of the record. Senate Bill 1504, Representative Bellock. Out of the record. Second Reading appears Senate Bill 1284, Representative Wait. Out of the record. On the Order of Concurrences appears House Bill 27, Representative Leitch. Please

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explain Senate Amendment #1."

Leitch: "Thank you, Mr. Speaker. Senate Amendment #1 simply adds a sunset to the Bill. This is a Bill that you may recall originally was Representative Black's Bill. It pertains to establishing a process whereby townships can demolish properties with respect to county authorization, so... I don't know of any opposition. And I believe it should be enacted unanimously. Thank you."

Speaker Hartke: "Is there any discussion on House Bill 12 (sic-27) on the Concurrence Motion on Senate Amendment #1? Seeing no one is seeking recognition, the question is, 'Shall the House concur in Senate Amendment #1 to House Bill 27?' All those in favor will signify by voting 'aye'; 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 114 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And the House does concur in Senate Amendment #1 to House Bill 27. And this Bill, having received a Constitutional Majority, is hereby declared passed. What is the status of Senate Bill 1259?"

Clerk Rossi: "Senate Bill 1259 is on the Order of Senate Bills-Third Reading."

Speaker Hartke: "Please move that Bill back to Second Reading for the purpose of an Amendment at the request of the Sponsor. On Second Reading appears Senate Bill 1284, Representative Wait. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1284, has been read a second time, previously. No Committee Amendments. Floor Amendment #2, offered by Representative Wait, has been approved for consideration."

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Speaker Hartke: "Representative Wait on Floor Amendment #2."

Wait: "Yes. Thank you, Mr. Speaker. Floor Amendment #2 is a technical Amendment to Senate Bill 1284 which is the CPA Bill. It will be the new 10-year... updating the 10-year CPA Bill, but it's just a technical Amendment."

Speaker Hartke: "Is there any discussion on Floor Amendment #2? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #2 to Senate Bill 1284?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Hartke: "Third Reading. On the Order of Concurrence appears House Bill 231, Representative O'Connor. Would you please explain Senate Amendment #1."

O'Connor: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Amendment #1 amends the... of the... Project Exile legislation which we passed out of this Body, I think, unanimously. Project Exile's a pilot program for prosecuting certain state firearms violations under the federal system. Senate Amendment #1 expands the scope of firearms violations which could be covered by the pilot project. Senate Amendment #1 provides that all felony convictions when a person at the same time is in possession of a firearm prohibited by the Illinois UUW law is covered. Our original legislation limited the scope of the program to four separate areas of gun violations. Those arising out of crimes against a person or property, drug crimes, domestic batteries, violations of orders of protection. Concurrence would make this legislation... It would be a result in the passage of legislation exactly the same as Senate Bill 5 that passed out of this Body unanimously last

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week. I know of no opposition to this legislation... to this Amendment. Be happy to answer any questions."

Speaker Hartke: "Is there any discussion on Senate Amendment #1? Seeing that no one is seeking recognition, the question is, 'Shall this House concur in Senate Amendment #1 to House Bill 231?' 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 113 Members voting 'yes', 0 voting 'no', and 1 Member voting 'present'. And the House does concur in Senate Amendment #1 to House Bill 231. And this Bill, having received a Constitutional Majority, is hereby declared passed. Senate Bill... Excuse me. On Concurrence Motions appears House Bill 572, Representative Bradley. Would you explain Senate Amendments #1 and Senate Amendment #3."

Bradley: "The Amendment, it's cleanup language. It was an oversight from the Act after it was originally passed. There's also further clarification on intent. And also there are continuing education renewal requirements that are put into the Bill. This is also a product of negotiations between the Illinois Physical Therapy Association, Illinois Chiropractic Society, Illinois State Medical Association and the Illinois Hospital and Health System. There's no known opposition to this Bill."

Speaker Hartke: "Is there any discussion? The Chair recognizes Representative Dart on Senate Amendments #1 and 3."

Dart: "Will the Sponsor yield?"

Speaker Hartke: "The Sponsor will yield."

Dart: "Rich, just procedurally, does Amendment #2 gut Amendment #1... Amendment 3?"

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Bradley: "On my summaries, from the Senate, it's Amendments 1 and 3 are both part of it. Oh, excuse me. I'm sorry, Tom. You're right, Senate Amendment #3 becomes the Bill."

Dart: "Okay."

Bradley: "Right."

Dart: "Great. Great. Thanks."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House concur in Senate Amendments #1 and 3 to House Bill 572?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 115 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And the House does concur in Senate Amendments #1 and 3 to House Bill 572. And this Bill, having received the Constitutional Majority, is hereby declared passed. Concurrence Calendar appears House Bill 681, Representative Novak. Would you please explain Senate Amendment #1."

Novak: "Yes. Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Amendment #1 is a technical Amendment to House Bill 681. It describes some changes we made dealing with the Department of Public Health. And also that the board members shall be appointed by the Governor rather than by the director of the Department of Public Health, as I understand it. Be more than happy to entertain any questions. And I move to concur in Senate Amendment #1 to House Bill 681."

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

Poe: "Would the Sponsor yield?"

Speaker Hartke: "Sponsor will yield."

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Poe: "Phil, is there anything in this Bill when you put that Amendment back, we were concerned with inspections and especially downstate where there was scattered areas. Would there be enough inspectors available? And then there was another question about maybe if an agriculture or some other units off premises and not in trailer courts, but use bill and put in for your..."

Novak: "They're exempt."

Poe: "They're exempt?"

Novak: "Yes. They..."

Poe: "What about the inspection?"

Novak: "From the inspections? Yes, as well. There's like a trailer on a farm... on a piece of farm property?"

Poe: "Right."

Novak: "Yes, they're exempt."

Poe: "Okay. But now, does the inspection there though for all mobile home parks and all that..."

Novak: "Correct."

Poe: "... statewide, right?"

Novak: "Yes, except the City of Chicago 'cause they don't have any."

Poe: "Okay. Thank you."

Novak: "You're welcome."

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

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

Speaker Hartke: "Sponsor will yield."

Black: "Yes, Representative, I need to follow-up on what Representative Poe was saying because perhaps my analysis is incorrect. But it says that Senate Amendment #1 to House Bill 681 makes two changes. First, it reinserts the

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requirement that homes must be installed under the on-site supervision of a licensed home installer. Now, that's the very language that we removed in the House for the reasons that Representative Poe just covered. Now, why is that language back in?"

Novak: "No. As I understand it, you have to have a licensed installer, but if you wish to install it yourself, under the guidelines of the Department of Public Health, you may, if a licensed installer is not available."

Black: "Well, I think where we're hung up, Phil, if staff is correct, the language that the Senate reinserted states that it must be on-site supervision. And that was the very question that concerned those of us downstate. We wanted language to say you could have it installed under the supervision of a licensed installer, but he did not... he or she did not have to be on-site because, quite frankly, in most rural communities where these are becoming more and more popular, you're not gonna have an on-site inspector at that site while it is being... the home is being erected. It's just not gonna work without some substantial cost either mileage and lodging and I think, that's where we're hung up. I think we've got a semantics problem in that the Senate put back some language and said there must be an on-site inspector and supervisor and the language that I thought we had in the House when it left here, was it saying the home would be installed under the supervision of a licensed installer, I'll visit the site, everything is fine, your drain tile is correct, your PVC is the right diameter, everything looks good, see ya later. But it appears to me, that the Senate Amendment says that the supervisor, in fact, must be on-site. And I think that's where we're hung up. I know, many of us have a problem

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with whether or not the supervisor can come out and do a visit, as they do in most downstate areas now, or whether that supervisor has to be on-site from the delivery of the home to the completion of the home. And if that's the case, then that's gonna be a hardship."

Novak: "I understand, Mr. Black, and I think, you raise a good point. Mr. Speaker, can I pull this out of the record so we can clarify this and come back to this? If you don't mind."

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

Novak: "Thank you."

Speaker Hartke: "... the Order of..."

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

Speaker Hartke: "On the Order of Concurrences appears House Bill 1942, Representative Brosnahan. Please explain it, Senate Amendment #1."

Brosnahan: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I'd move that the House concur with Senate Amendment #1 to House Bill 1942. The original legislation made it a Class 2 felony simply to possess an FOID card with knowledge that it had been materially altered or forged. The Amendment requires that there must also be an intent to use the altered or forged FOID card. I'd be happy to answer any questions."

Speaker Hartke: "Is there any discussion? ... that no one is seeking recognition, the question is, 'Shall the House concur in Senate Amendment #1 to House Bill 1942?' 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? The Clerk, take the record. On this question, there are 114 Members voting 'yes', 0 voting 'no', and 0 voting



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'present'. And the Senate... or the House does concur with Senate Amendment #1 to House Bill 1942. And this Bill, having received the Constitutional Majority, is hereby declared passed. Concurrence Motions appears House Bill 2254, Representative Ryan. Representative Ryan. Would you like to explain Senate Amendment #1, Representative Ryan."

Ryan: "Thank you, Speaker, Ladies and Gentlemen of the Assembly. Amendment 1 merely removes the portion with the drive offs. As you recall, this was a dual subject matter, went over to the Senate, it broke it up. It's just comin' back. And I ask for your concurrence."

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 2254?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 115 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And the House does concur with Senate Amendment #1 to House Bill 2254. And this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Novak, are you ready to go back to that Bill? He's not ready. On the Order of Concurrences appears House Bill 2283, Representative Morrow. Would you please explain your Amendment."

Morrow: "Yes. Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Amendment #1 expands the current factors under which a court may determine a cemetery lot to be abandoned and subject to the potential sale by the cemetery authority upon passage of time and additional public notice. Creates a affidavit process that may be used by an

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owner of a multiple cemetery interment rights to specify the manner in which a cemetery authority shall determine the use of the unused rights of interment after the death of the owner. If the owner or other person or other responsible person completes the standard affidavit, the cemetery authority must comply with the affidavit, allow for interments as noted by the affidavit and be released from liability in relying on the affidavit. One additional provision is added at the request of DNR; requires compliance with the Illinois Natural Areas... Natural Areas Preservation Act when cleaning off an abandoned or neglected cemetery that has been designated as an Illinois Nature Reserve under the Act. Be glad to answer any questions."

Speaker Hartke: "Is there any discussion? The Chair recognizes Representative Hoffman. He declines recognition. Seeing no one is seeking recognition, the question is, 'Shall the House concur in Senate Amendment #1 to House Bill 2283?' 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 115 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And the House does concur with Senate Amendment #1 to House Bill 2283. And this Bill, having received the Constitutional Majority, is hereby declared passed. The Concurrence Motions appears House Bill 2436, Representative Lindner. Representative Lindner. Would you like to explain Senate Amendment #1."

Lindner: "Yes. This Bill... This Amendment is a technical Amendment just to tighten up the legislation by making changes concerning the employment obligations, priority and

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awarding the scholarships, the length of time and the amount of scholarships and also presenting scholarships for part-time nursing students. I would..."

Speaker Hartke: "Is there any discussion? The Chair recognizes Representative Ryan. No, he declined recognition. 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 2436?' 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? There are still three people that have not voted. Have all voted who wish? Mr. Clerk, take the record. On this question, there are 114 Members voting 'yes', 1 person voting 'no', and 0 voting 'present'. And the House does concur in Senate Amendment #1 to House Bill 2436. And this Bill, having received the Constitutional Majority, is hereby declared passed. On Concurrence Motions appears House Bill 3137, Representative McGuire, on Senate Amendment #1. Please explain the Amendment."

McGuire: "Thank you, Mr. Speaker. Amendment #1 to House Bill 3137 is very brief and in the Senate they inserted the following language, 'the training shall be in accordance with standards of the American Red Cross, the American Heart Association or another nationally recognized certifying organization'. That's the extent of the Amendment. And I certainly do concur with the Amendment. Thank you."

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 3137?' All those in favor will signify by voting 'yes'; those opposed

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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? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 114 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And the House does concur with Senate Amendment #1 to House Bill 3137. And this Bill, having received the Constitutional Majority, is hereby declared passed. The Chair recognizes Representative Smith, the Gentleman from Fulton County. For what reason do you seek recognition?"

Smith: "Thank you, Mr. Speaker. I'd like the record to reflect that on House Bill 2436, I'd like to be recorded as voting 'aye' on the Concurrence Motion."

Speaker Hartke: "The Journal will so reflect your wishes. ...recognizes Representative Slone, the Lady from Peoria. For what reason does she seek recognition?"

Slone: "Thank you, Mr. Speaker. I pressed the wrong button on the last vote and I would like to be recorded as having voted 'aye'. Thank you."

Speaker Hartke: "The Journal will so reflect your wishes. Concurrence Motions appears House Bill 3145, Representative Currie. Please explain Senate Amendment #1."

Currie: "Thank you, Speaker and Members of the House. This is a measure that would permit electors for the presidential contest, Illinois electors, to be reimbursed for their travel and other expenses. The Senate Amendment switches the program from the Secretary of State Travel Control Board to the same amounts, dollar amounts, and requirements that it would apply to Legislators. It makes no material difference in the underlying proposition. And I'd appreciate your support for the Motion to Concur in Senate Amendment 1 to House Bill 3145."

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

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

Speaker Hartke: "The Sponsor will yield."

Mulligan: "Representative, how come the political parties don't pay for their individual electors rather than having it coming out of the state money?"

Currie: "This is an official state responsibility, Representative, it is not a party responsibility. These people are under our statutes required to perform this obligation."

Mulligan: "So, in the past, if they just picked up their own expenses and not..."

Currie: "That's right. And just as with us, it seems..."

Mulligan: "Thank..."

Currie: "...under the statute they've always got something, but it's not kept pace with any kind of reasonable reimbursement."

Mulligan: "So, right now, what's the discrepancy? Do you have any idea?"

Currie: "For right now, they get paid \$3 for every 20 miles in travel. That's no hotel, no lodging expense and the amount is about half of what the actual mileage reimbursement that applies to us. So, all this measure does is say that they get reimbursed just the way you do and just the way I do when we come to Springfield to fulfill our responsibilities as lawmakers. They, of course, are entitled to one day not more than that."

Mulligan: "Thank you."

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

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

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yield?"

Speaker Hartke: "The Sponsor will yield."

Black: "Representative, if you're abolishing that \$3 rate every 20 miles, are you also abolishing the cost of boarding and feeding their horses?"

Currie: "Well, actually, that had been abolished some time ago, Representative."

Black: "Oh."

Currie: "But I would have. I would have."

Black: "When it was \$3 at every 20 miles, I thought it must have gone back 75 or 80 years."

Currie: "I think that's about right. We figured it was time..."

Black: "I think you're on the right track because my fear is the electors might ask us to except... to accept their reimbursement..."

Currie: "Right."

Black: "... and I don't wanna go there."

Currie: "Right."

Black: "Thank you."

Currie: "Thank you."

Speaker Hartke: "Further discussion? Seeing no one is seeking recognition, the question is, 'Shall the House concur in Senate Amendment #1 to House Bill 3145?' 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. Clerk, take the record. On this question, there are 107 Members voting 'yes', 7 Members voting 'no', and 0 voting 'present'. And the House does concur in Senate Amendment #1 to House Bill 3145. And this Bill, having received the Constitutional Majority, is hereby declared passed. Order of Concurrence appears House

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Bill 2917, Representative Currie, Senate Amendment #1."

Currie: "Thank you, Speaker. I move the House nonconcur in Senate Amendment 1 to House Bill 2917."

Speaker Hartke: "You heard 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 House does nonconcur with Senate Amendment #1. Representative Novak. Representative Novak in the chamber? On the Order of Concurrence appears House Bill 161, Representative Hannig. Please explain Senate Amendment #1."

Hannig: "Yes. Thank you, Mr. Speaker and Members of the House. The underlying Bill had to do with volunteer firefighters and it provided that they could use flashing white headlights, blue grill lights and sirens. What the Senate did was they just struck sirens. So, I have no problem with that. And I move for the... that we concur in Senate Amendment #1."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House concur with Senate Amendment #1 to House Bill 161?' 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. Clerk, take the record. On this question, there are 114 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And the House does concur with Senate Amendment #1 to House Bill 161. And this Bill, having received a Constitutional Majority, is hereby declared passed. On Concurrence Motions appears House Bill 269, Representative Wojcik. Representative Wojcik on Senate Amendment #1 and 2 to House Bill 269. Please explain the Amendments."

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Wojcik: "Thank you, Mr. Speaker and Members of the House. Senate Amendment 1 and Senate Amendment 2 came out of the Revenue Committee this morning. Senate Amendment #1 becomes the Bill and it also makes numerous changes in number of gallons sold by licensed wine dealers and it also increases the fee for a winemaker if he has one, two or three different locations. Currently, the law states that a winemaker may make up to 50 thousand gallons of wine, we're bringing it up to a 100 thousand gallons. Amendment #2 states that if you are an elected official and elected trustee, alderman, whatever, but not a mayor, you may hold a seat as a trustee or elected official and also maintain a restaurant with more than 50% of food being sold in that restaurant. It cannot be a liquor store or a just a plain bar. So, I ask and I do concur with both Amendments. Thank you very much."

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

Hoffman: "Will the Sponsor yield?"

Speaker Hartke: "The Sponsor will yield."

Hoffman: "Yes. Representative, I just have a couple of quick questions about the Amendment. Number one, I believe that Senate Amendment #1 does indeed have some fees attached to it. Could you just go through those briefly."

Wojcik: "Yes, I'll try to. I have to get to the page. It increases the winemaker's fee from \$240 to \$600. Then for each new location that he has the first location will be \$100, then the next two locations will be 350. So, if you have three locations plus the main winemaker's location, it'll come up to about \$2100. Now, there's only one individual in the entire State of Illinois that this is going to affect, Representative, and that's the winemaker



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of Lynfred Winery in Roselle, Illinois. All the other winemakers are under 50 thousand gallons."

Hoffman: "Oh, so this is just is something especially for that one winemaker. And are they voluntarily willing to make this payment?"

Wojcik: "This is all agreed to. We've been workin' on this Amendment for about three months."

Hoffman: "And please explain again Amendment #2. You'd indicated that it relates to the issuance of license of law making public officials provide 'a liquor license may be granted under certain conditions'. Is that for any specific individual or why are we doing that?"

Wojcik: "I believe it is for a specific individual, but it's also now going to allow an elected official to be able to have a restaurant and be able to run for office, before, the liquor law stated that you could not do that. But with all the new checks and balances that we have today, this is like an archaic Act."

Hoffman: "Thank you."

Wojcik: "You're welcome."

Speaker Hartke: "Further discussion? This Bill's on Short Debate. Representative Mautino."

Mautino: "Thank you, Mr. Speaker. I just had a question of the Sponsor."

Speaker Hartke: "Sponsor will yield."

Mautino: "In regards to the Amendment #2, on the Senate Bill, what... Previously, there had been a prohibition against an elected official being both the liquor commissioner and a license holder because you would have a conflict and a potential conflict with... for example, if the other guy, who I'm regulating, has a problem with the police more people will come to my place was the reason we did that

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originally. What happens now?"

Wojcik: "Well, now the... you cannot have a restaurant..."

Speaker Hartke: "Shhh, please."

Wojcik: " ... or participate with a restaurant if you handle liquor licenses within your community. Normally, that's the charge of the mayor, though, but if you are an alderman or a trustee and you are entitled to passing out the liquor license, you cannot have... you cannot be elected, you cannot run."

Mautino: "Okay. So, under your Bill, those who control the passing of the liquor licenses themselves, the liquor commissioner or the mayor..."

Wojcik: "Cannot run."

Mautino: "Cannot..."

Wojcik: "Cannot have a tavern."

Mautino: "Well, that was one of my concerns that I think is a very bad precedence that you're structuring. If you're gonna have someone in the industry who's deciding who else can be his competition and you set up a serious conflict that way."

Wojcik: "Right."

Mautino: "That is not your intention and that is not what the Bill will do?"

Wojcik: "No, the law as it stands now states that if you do handle liquor licenses, you cannot have a restaurant or a bar. And you... In other words, if you want to run for office and you handle a liquor license, then you are not allowed to have a business in that community."

Mautino: "Well, I mean... I know, previously, I had a liquor license in that as a distributor which was different than you're talking about strictly a retail license."

Wojcik: "Correct."

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Mautino: "Okay."

Wojcik: "Some... It would be like a restaurant or a banquet hall that has more than 50% of the activity pertaining to food not alcohol."

Mautino: "Okay."

Speaker Hartke: "Further discussion?"

Mautino: "Thank you."

Speaker Hartke: "Representative Stephens. This Bill's on Short Debate."

Stephens: "Well, I appreciate that, however, Representative Mautino asked a couple of questions that I'm interested in. Representative Wojcik, Amendment #2 allows a liquor license to be granted in a city or village of less than 50 thousand population. That's virtually every downstate city south of Springfield for sure. To be granted to an alderman or member of the city council or member of the village board of trustees, can you tell me how many years that we have survived in Illinois without that provision?"

Wojcik: "Not really."

Stephens: "Would you care to guesstimate that maybe it's a good long time?"

Wojcik: "There probably was not a provision that would allow this to happen before, but the reason this is being considered now is because in years past we didn't have the checks and balances that we have today and we are more accountable to our constituents and absolutely more visible and so therefore, that's why this is going to become legislation."

Stephens: "Well, I can certainly testify that we're more visible and I appreciate that. But I wonder, is there someone in particular that we have in mind with this Amendment?"

Wojcik: "Representative, this is... I'm carrying this Amendment... actually, they put the Amendment on in the

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Senate, so... This is Representative Capparelli's Amendment."

Stephens: "Well, I... Maybe I should ask the Representative Capparelli if he has somebody in mind with this Amendment. It's just been a history in my region of the state, the region that I represent I should say, we have dealt with this issue before and we have always been opposed to it and I certainly don't want to stand in opposition to your Bill and I don't want to come back and get in a fight with Representative Capparelli, but I do have some legitimate questions about why we're doing this. It's been a practice of the state not to allow this in the past and I just have some interest and I wonder if I can get a answer to my question."

Wojcik: "Representative, from what I know, there is an individual who has a huge banquet hall, but it's not his, it's family operated. And also there's a restaurant in there and because there's a restaurant in there and they sell liquor that is the reason and he is a trustee in the community."

Stephens: "Oh, he's already elected?"

Wojcik: "He's already elected."

Stephens: "So, the question is whether he should resign or give up his license?"

Wojcik: "I can't answer that."

Stephens: "Is Representative Capparelli in the room? Excuse me for a moment, Mr. Speaker."

Wojcik: "There he is."

Stephens: "Well, I heard the magic word. And I appreciate your time, Mr. Speaker. Representative Wojcik, thank you for the courtesy."

Speaker Hartke: "Representative Wojcik to close."

Wojcik: "I just ask for the favorable concurrences of both

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Amendments 1 and 2."

Speaker Hartke: "The question is, 'Shall the House concur with Senate Amendments #1 and 2 to House Bill 269?' 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. Clerk, take the record. On this question, there are 71 voting 'yes', 42 Members voting 'no', and 0 voting 'present'. And the House does concur with Senate Amendments #1 and 2 to House Bill 269. And this Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Concurrences appears House Bill 512, Mr. Turner. Would you please explain Amendments #1."

Turner, J.: "Yes. Thank you, Mr. Speaker. I move to concur in Senate Amendment #1 to House Bill 512. And it makes explicit that nothing in the Act shall be construed as allowing an owner of a mineral interest in coal to mine by the surface method without first obtaining the consent of all the owners of the surface. This is a very small change made to the Bill, sent over to the Senate which passed unanimously. And I would ask for concurrence. Thank you. Be glad to answer any questions."

Speaker Hartke: "Is there any discussion? The Chair recognizes the Representative Cross. This is on Short Debate."

Cross: "I understand that, Mr. Speaker, but I have to ask an inquiry of the Sponsor."

Speaker Hartke: "The Sponsor will yield. Timer's on."

Cross: "Representative, is this your last Motion?"

Turner, J.: "Representative, I'm not certain yet, whether it'll be my last one or not."

Cross: "When can we expect you to be a little more definitive on

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your answers, Mr. Sponsor?"

Turner, J.: "Probably some time after June 1st."

Cross: "All right. Thanks for sharing us with that, Mr. Sponsor."

Turner, J.: "Thank you."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House concur in Senate Amendment #1 to House Bill 512?' All 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. Clerk, take the record. On this question, there are 113 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And the House does concur with Senate Amendment #1 to House Bill 512. And this Bill, having received the Constitutional Majority, is hereby declared passed. On Concurrence Motions appears House Bill 293, Representative Beaubien, Mark Beaubien. Mr. Beaubien, would you explain Senate Amendment #1 to House Bill 293?"

Beaubien: "Yes, I will, Mr. Speaker, Ladies and Gentlemen of the House. Mr. Speaker, could we have silence in here because this Bill..."

Speaker Hartke: "Yes, please. It's kinda hard to get silence, but we'll try."

Beaubien: "I know it's rather unusual, but..."

Speaker Hartke: "Shhh, please."

Beaubien: "... this Bill affects an awful lot of people in this room and frankly, I find it's gonna be rather difficult..."

Speaker Hartke: "Please give Mr. Beaubien your attention."

Beaubien: "This was... House Bill 293 went over as a Lions Club Bill. The Senate took it upon themselves to attach ten other license plate Bills to that. These Bills include the

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Pet Friendly Bill by Feigenholtz, Hospice Bills by Bill Black, the Union Member Bill by Julie Curly (sic-Curry), the Lions Club Bill by myself, the Illinois Correctional Employee Memorial by Fowler, the Gulf War Veterans by Tenhouse, the Paratroopers by Lyons, K-12 Education by Zickus, Park District Youth Program by Bassi, Coal Mining by Forby and the Small Business Enterprise Entrepreneur by the Illinois Chamber. Now, that's all fine and good, but what they did, because they're getting tired of having all these Bills sent over by the House, they packaged them all together, but here comes the tricky part. They increased the fee to \$100. Now, what that means is instead of the usual 27 and the state getting 2 and the organization getting 25; the state will now get 2 and the organization will get 100. It's my belief, frankly, that it's highly unlikely that anyone's gonna buy license plates at a hundred dollars apiece to support these organizations and I also, quite frankly, think this was one of the sorta tricks by the Senate to kinda put us in our place. The dilemma's as follows: (1) we could just simply not concur, but they've told me over in the Senate that they would not, if we went back over there, they would not pass the Bill and they would not change it. So, the alternative is either to vote 'no' on this Bill and then try to explain to your people why it is you wouldn't pass their vehicle Bill or to vote 'yes' on the Bill and then we can come back to the Governor and ask him to amendatorily veto the Bill to put the fee structure back in its appropriate form. That would also give all of these organizations the opportunity to let their feelings be known to the Governor and more importantly to let their feelings be known to their Senators and ask them why they did what they did. So, I'm

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gonna vote 'yes' for this Bill, but I wanted all the Sponsors of those other Bills to realize what happened with this and what the consequences are. I'd be happy to answer any questions."

Speaker Hartke: "Is there any discussion? This Bill's on Short Debate. Representative Black."

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

Speaker Hartke: "To the Bill."

Black: "I'm not gonna stand up here and play any such games. The Motion should be to nonconcur. What the Senate has done is indefensible and inexcusable. When all of these organizations come to you and ask for a special plate, they do so with the rules in place. Here are the rules of the game, here's how many you have to have and here's how much it costs. Now, the Senate in their infinite wisdom, probably to get back at the House more so than some of the worthy organizations seeking the plate, says you wanna send us all these license plates Bills, fine, they're gonna cost a hundred bucks. Well, I'm not going back to the hospice people, the woman who came down from my district and testified about what it means to be a hospice coordinator and her experiences taking care of people in the final days of their life, dying sometimes in horrible pain with cancer and trying to create a hospice fund license plate under the current financial rules so that hospice might be able to generate 25 or \$30 thousand a year to buy equipment not covered under normal operating expenses. This is an insult to her travel to Springfield. This tells her we didn't even take her request seriously. This tells her, you want a special license plate, well you can pay a hundred bucks and if you don't like it, you don't have to order it.



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Well, that's a really great way to do the public's business. And I'm not about to be any part or parcel of this kind of chicanery and shortsightedness and vindictiveness by the Illinois Senate. I intend to vote 'no'. This Bill should go to conference and it should get worked out like any dispute here that does rather than tell good organizations who had a well meaning, well-intentioned idea, 'shove it up your nose because we're tired of this license plate Bills and you can have one, but it'll cost you a hundred dollars'. That's an outrage and an insult and if you vote for this, I hope you can explain it because by God I can't. I intend to vote 'no'. This ought to go to conference."

Speaker Hartke: "Mr. Black, would you say this is not a good time for a Senator to be on the floor?"

Black: "Most Senators I know are either taking naps or on the floor, somewhere."

Speaker Hartke: "This Bill is on Short Debate. I know we had ten Sponsors and ten names were mentioned, but I refuse to recognize ten Sponsors, but I will recognize Representative Crotty."

Crotty: "Thank you, Mr. Speaker. Representative Beaubien, why are you concurring with this? Why not nonconcur? Could I ask you that?"

Speaker Hartke: "The Sponsor will yield."

Beaubien: "Yes, I'd be glad to explain that. And again, this has been a very difficult process for me. I did go over to the Senate Leadership, ask them what happened, indicated that I would like to nonconcur and they essentially said, 'go right ahead and do it, but we're not gonna do anything with... we're just gonna let the Bill die. We're not gonna work with the Bill.' I felt the only way to keep it alive

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was to try to talk to the General Assembly and again, I'm very much conflicted on this Bill myself and very much appreciate Bill Black's comments. I don't know any other way to keep it alive other than to ask to have it pass and then ask the Governor to Amendatory Veto it. What I'd like to do, by the way, since the discussion's been started, I'd like to take this Bill out of the record and hear from more people on how we ought to approach this matter. I'm very much open to it. I'm very much conflicted by it. I don't know how to recommend it. My plan was to go ahead and pass it, but I'd like to hear from more Members of the House before we take final action on this Bill."

Crotty: "And also..."

Speaker Hartke: "Take this Bill out of the record."

Crotty: "All right. But I have... I wanna ask one more thing before he takes it out of the record."

Speaker Hartke: "Okay."

Crotty: "And if he's gonna work on it, I'd like to make sure that this is also with that. The current plates that we have now that are speciality plates, are those also gonna have to be increased by a hundred dollars or are we talkin' just these plates? Are we gonna have two tiers?"

Beaubien: "That's what this Bill would do in its present form. Yes, it would be two tiers."

Crotty: "So, this Bill would... So, then the old... So, the speciality plates that we have in effect right now would still stay the same, so we're makin' two tiers?"

Beaubien: "That's correct."

Crotty: "Okay, thanks."

Beaubien: "And again, I'd like to seek more input from the Members. We have a couple days to do this in and I really don't know what's the best way to proceed. Maybe Mr. Black

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was right. Maybe we ought to just nonconcur and be able to go back to our people and say, 'it's been an insult.' But I'd like to hear from more people. Thank you."

Speaker Hartke: "Representative Feigenholtz, would you like to talk to Representative Beaubien in private? He has taken the Bill out of the record. Representative Novak, are you ready now on to concur on 681, Senate Amendment #1? Please explain the Amendment."

Novak: "Yes. Thank you, Mr. Speaker, Ladies and Gentlemen of the House. We had a conversation with Mr. Black and I think we've got a slight misunderstanding. The Amendment simply does two things. It requires that the board that's set up under the Bill be appointed by the Governor instead of the Department of Public Health. And when we sent the Bill over from the House to the Senate, it had... we deleted 'direct on-site' from the Bill, the Senate put back 'on-site' in their Amendment and that's back in the Bill and it only applies to the installers. It does not imply (sic-apply) to the inspectors from the Department of Public Health that come out to inspect the proper installation and it only applies to mobile home parks. Does not apply to a situation and if you own, let's say, five acres of property and you want to have... install a mobile home on that private property, does not apply to a situation where a mobile home would be placed on a piece of property that's zoned agricultural. And this entire Bill... The purpose of the Bill is to conform within a period of time to the Federal Law that was passed on... to promulgate national standards to secure the proper installation of manufactured housing around the country."

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

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Black: "Thank you very much, Mr. Speaker. I do appreciate Representative Novak's courtesy, so that we could get together with staff and a representative of the industry and talk about this. I still have some concerns about the language, but I think there are sufficient exemptions for those of us in rural areas who would never have on-site supervision, that just wouldn't work. I think there are sufficient protections in here for us. It also and I'm glad that he was so accommodating to take it out of the record because I was also able to discover that if you are in an incorporated area, that city building inspector can sit there all day if he or she wants to do that. But I think the language has been worked out to offer a... to realize and Representative Novak and I are legislative neighbors. He has some rural areas in his district as certainly do I. And I think we both realize that what may work very well in Kankakee or Bourbonnais or Ottawa or Chicago, may not work very well in Sheldon, Illinois or Alvin, Illinois. I think there are sufficient protections in here that recognize that difference. I appreciate the Gentleman's courtesy. I intend to vote 'aye' for the Bill."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House concur in Senate Amendment #1 to House Bill 681?' 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. Clerk, take the record. On this question, there are 99 Members voting 'yes', 16 Members voting 'no', 0 voting 'present'. And the House does concur with Senate Amendment #1 to House Bill 681. This Bill,

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having received the Constitutional Majority, is hereby declared passed. On Conference Committee reports appears House Bill 632, Representative Coulson. Beth Coulson. Out of the record. House Bill 863, Representative Osterman, on Senate Amendment #1. Please explain the Amendment."

Osterman: "Thank you, Mr. Speaker and Members of the House. Senate Amendment #1 makes three changes relating to the victim impact statement. First, it reinserts that a victim or his or her representative shall have the right to present a victim impact statement. Secondly, it changes from 'shall have the right' to 'may be permitted by a court, a victim's spouse, guardian, parent or other immediate family member or household member the ability to present a victim impact statement to the court'. And lastly, it clarifies that a victim impact statement shall be given during the sentencing hearing. There's no opposition that I know of. And I ask for your support in this concurrence."

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 863?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 115 Members voting 'yes', 0 voting 'no'. And the House does concur with Senate Amendment #1 to House Bill 863. And this Bill, having received the Constitutional Majority, is hereby declared passed. On Concurrence Motions appears House Bill 1069 Senate Amendments #1 and 2, Representative Hoffman. Please explain the Amendments."

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

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House. Concurrence Motion to House Bill 1069 involves Senate Amendments 1 and 2. What Senate Amendment 1 and 2 take in together would essentially do, it would insure that 20% of the purse money that is currently bet between 6:30 p.m. and 6:30 a.m. at Fairmount Racetrack would go to the standardbred industry for their use in insuring that they have some additional purses for county fairs. As you know, the underlying Bill as it passed the House insured that live racing would be maintained at Fairmount Racetrack by insuring that money that is bet at Fairmount and on Fairmount live races and is bet at Fairmount actually goes to purses for live racing. We... The Senate has put on this Amendment. I would ask that we concur. And I ask for an 'aye' vote."

Speaker Hartke: "The Chair recognizes the Gentleman from Sangamon, Representative Poe. This Bill is on Short Debate."

Poe: "Mr. Speaker, to the Bill."

Speaker Hartke: "To the Bill."

Poe: "We debated this Bill several times in the House and we all have several concerns. And I still have those same concerns that when the original Bill come through, but if this is money that's collected, not just in one part of the state, it's money that was an agreement in a 1995 committee recommended and voted on by this chamber. It's been taken to court and there's a decision pending. But it seems that the court is leaning toward the standardbred industry. We think that that money ought to stay with the standardbred horses. This is also a big business in Illinois, for example, even in my district, right here, with the Illinois State Fair we have probably a hundred and thirty horses housed at the Illinois State Fair. There's very many jobs

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and if we take this money away from the standardbred industry, those jobs are also in jeopardy, as well as other jobs around the state that works in the standardbred industry. So, I think what I would like for everybody to do is I'd like you to vote to not to concur and I think when we do that and we vote 'no', we bring these two groups back to the bargaining table and it can be a more fair and reasonable resolution to this. 20% back to an industry that the money was collected on is not a very good return. And so I would ask you to vote 'no' and Mr. Speaker, I'd like to ask for a verification if this gets the proper amount of votes. Thank you."

Speaker Hartke: "A verification has been requested by Representative Poe. This Bill is on Short Debate. The Chair recognizes Representative Jones. Do you stand in opposition?"

Jones, J.: "Yes, I do, Mr. Speaker."

Speaker Hartke: "Go ahead."

Jones, J.: "Mr. Speaker, to the Bill."

Speaker Hartke: "To the Bill."

Jones, J.: "You know, the former speaker spoke very eloquently on this Bill. This money was collected for the standardbred industry that they're wanting to divide with just 20% going to them now. It's my feeling and many of the people of the State of Illinois that if we did not have this Bill before us right now, negotiations would be going on between the two parties and an agreement could come about. But if we pass this Bill, there is no chance of those negotiations continuing. All the cards are off the table then. I, along with the previous speaker, would strongly encourage everybody on this floor to nonconcur with this, vote 'no' and let the parties work this agreement out. This should

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not be in the General Assembly for us to decide at this point. You know, some people have said that this Bill, if Fairmount Park gets this money it's gonna keep the employees there, they will pay them more money, quite frankly, I totally disagree with this. I think it's going to go into the owner's pocket down there at Fairmount Park. Standardbred racing is going to be really in jeopardy throughout the State of Illinois. So, I stand in strong opposition to this Bill and I would urge the Body to vote 'no'. Thank you very much."

Speaker Hartke: "This Bill is on Short Debate. There are three people seeking recognition, Representative Stephens, Holbrook and Righter. Mr. Holbrook or Mr. Stephens, do you stand in support of the Bill? Mr. Righter? Two people have spoke in opposition. Do you stand in opposition? Mr. Righter?"

Righter: "Mr. Speaker, I'd like to make a Motion according to the appropriate rule to move this Bill off Short Debate."

Speaker Hartke: "To what level?"

Righter: "Standard Debate, please."

Speaker Hartke: "Standard Debate."

Righter: "Yes, Sir."

Speaker Hartke: "The Chair recognizes Representative Stephens."

Stephens: "Well, thank you, Mr. Speaker. I stand in support of the Motion to Concur in Senate Amendments 1 and 2. And I want to recognize Representative Hoffman who has reasonably negotiated on this important issue. And I think we need to recall the history and what occurred here. Fairmount Racetrack regrettably was forced to make a business decision to remove harness racing from its daily agenda. Now, I didn't particularly concur with that, but that was a business decision that the State Legislature has no



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business ruling on. In response, they asked for Senate Bill or for the... for House Bill 1069 to be passed and in the process, Representative Hoffman has legitimately negotiated, they will not be racing at Fairmount, but they will receive approximately \$540 thousand that will go in Ag Premium Fund dollars that will be used at county races and that's, for the most part, that's where these folks wind up racing. Many of those that would have raced at Fairmount and no longer do, we can't change that, will be racing at the county racetracks and they will receive \$540 thousand, a 70% increase in what is currently allowed at those facilities. This is a reasonable issue to be before the Legislature and that's the way the courts found it when the... This has been before the courts, it's been appealed and as I understand it, the judges have ruled that whatever the wisdom of the Legislature, that is what will be their guiding light. And I think this is a reasonable compromise on a very tough issue and the bottom line is, in my region of the state, harness racing, notwithstanding, a thousand jobs are in jeopardy at Fairmount Racetrack. It is not the most viable racetrack in the state, it is in a very tenable situation and this is a huge issue for them. They have made tough business decisions in order to keep racing alive in Southwestern Illinois. This is part of what they need, a small gesture by the Illinois Legislature and I understand the difficulties that harness racing is having, but you can't just put your head in the sand and ignore the realities of the business world that Fairmount Racetrack has to survive in. So, without... with due respect to the opponents, I urge an 'aye' vote on the Senate Amendments 1 and 2."

Speaker Hartke: "This Bill is now on Standard Debate and we've

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heard two people stand in opposition. Representative Holbrook."

Holbrook: "Thank you, Speaker. If you wanna go to a horsetrack and watch a live race there's only one spot outside the Chicago area and that's in our area in southwest Illinois. This is the last track outside of Chicago. We've got a thousand jobs here, these are tough decisions, I've got friends that are harness racers, we've given 'em a piece of the pie, this is a decent settlement under the circumstances. These are tough decisions. I'd ask for an 'aye' vote on this. Thank you."

Speaker Hartke: "Representative Hoffman to close."

Hoffman: "Well, thank you, Mr. Speaker, Ladies and Gentlemen of the House. I enjoyed the..."

Speaker Hartke: "Excuse me, Mr. Hoffman. I was in error. Mr. Righter, you turned your light off, but you're correct. You have the right to speak. You have five minutes."

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

Speaker Hartke: "Sponsor will yield."

Righter: "Representative Hoffman, how long ago was the decision made to not have the standardbred harness racing at Fairmount anymore?"

Hoffman: "I believe it was two Sessions ago. It was right after two Sessions ago, so about two years, give or take a few months."

Righter: "Who made that decision?"

Hoffman: "The racetrack itself."

Righter: "Okay. Would that be the racetrack owner?"

Hoffman: "Well, I would assume. Yeah, the racetrack owner."

Righter: "Who is that?"

Hoffman: "At that time, I believe, it was Ogden Fairmount. So, some corporation in New York owned it at that time."

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Righter: "Okay. It's my understanding, maybe I'm wrong, Representative Hoffman, that Carl Icahn is a principal shareholder in the business that owns it or the owner. Is that not right?"

Hoffman: "That's not correct, no."

Righter: "Okay. Representative Hoffman, is the 20% figure that..."

Hoffman: "All right. Let me tell you, I don't know. He may own something. It's my understanding is Carl Icahn owns... used to own TWA. I don't think he owns Fairmount Racetrack."

Righter: "Okay. The 20% figure that appears in House Bill 1069, now, a previous speaker mentioned the amount of money that that might help county fair purses by. How did you arrive at 20% as opposed to 30 or 35 or 40% just of their share?"

Hoffman: "That was determined by the Senate."

Righter: "Okay. Well, were you involved in the negotiations on that?"

Hoffman: "I was there. I don't know that I said that I would take 20%... Let me tell you this. As far as I'm concerned, I'm willing to concur on this Amendment. All I care about is live racing at Fairmount Racetrack, keeping people in my area working, keeping people in Ron Stephens' area working, keeping people in Tom Holbrook's area working. What I think and I was here in 19... You weren't here when the Bill passed regarding how the money was going to be distributed. But the whole intent, I asked Representative Jack Kubik at the time who carried that Bill and I even pulled the transcripts, is this to insure that money that is bet at Fairmount facilities stay at Fairmount for purses for live racing? His answer was 'yes'. So, from my standpoint and the Bill that I passed over to the Senate, I

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believe that all the money should go towards live racing. However, Senator Watson, who was on the floor, he believed the 20% should go to county fairs. I submit to you that for the standardbreds this Bill is better than the way it left the House."

Righter: "Thank you, Representative Hoffman. To the Bill, Mr. Speaker, briefly."

Speaker Hartke: "To the Bill."

Righter: "Mr. Speaker and Ladies and Gentlemen. There was an agreement in the mid 1990s about how to split up this money between the standardbred and the thoroughbred industry and now after a unilateral decision by Fairmount Park to remove one of those parties from having the opportunity to race at that track we now have a power play here in the Legislature to try to take the rest of that money. The simple fact is, the original legislation was a product of a negotiation an agreement and we ought to vote 'no' on this and send them back to the tables and give them an opportunity to hammer out a fair deal. And I would urge a 'no' vote."

Speaker Hartke: "Representative Hoffman to close."

Hoffman: "To the Bill or to the Motion, Mr. Speaker. Let me just say this. Just for the purpose of anybody who may not understand how this thing lines up. First of all, live racing is in jeopardy at Fairmount Racetrack which is in my district, Representative Stephens' area, Representative Holbrook's area, Representative Younge's area. We have over a thousand peoples' jobs, a thousand peoples' families, a thousand people who day in and day out rely on live racing at Fairmount Racetrack. We're coming to you today and we're asking you to help us out. Who else is asking you to help you out... help us out? The AFL-CIO. The AFL-CIO supports this Bill and you know why they

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support this Bill because we're talking about jobs, decent paying jobs for decent families. We're here asking for your help. The AFL-CIO is here asking for your help. The thoroughbred industry. The thoroughbred industry who raises horses throughout this entire state, breeds 'em in Illinois, they're here asking for your help. We as Representatives need your help, today. Very seldom, very seldom have I stood up and asked my colleagues for a vote that is as important to me as this vote. Whether or not Fairmount Park is profitable, not my concern. My concern is insuring that we have live racing at Fairmount Racetrack. I... My job is to insure the families in my district have decent paying jobs, have a full-time job and can go to work. I ask for your 'aye' vote."

Speaker Hartke: "The question is, 'Shall the House concur in Senate Amendments #1 and 2 to House Bill 1069?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Please vote your own switches. Representative Poe has requested a verification. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, on this question, there are 59 Members voting 'yes', 50 Members voting 'no', 6 Members voting 'present'. And Mr. Hoffman."

Hoffman: "Mr. Speaker, a ruling of the Chair. It's my understanding, this is a renewable Motion and I don't need Postponed. If that's the case, we'll just leave it go and I'll renew the Motion. Otherwise, I'll ask for Postponed."

Speaker Hartke: "On this Motion... On this question, there are 59 Members voting 'yes', 50 Members voting 'no', 6 Members voting 'present'. And having failed to receive a Constitutional Majority, this question fails. This Motion

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fails. On Concurrence Motions appears House Bill 1623, Representative Black. On Senate Amendments 1 and 3, Representative Black. Representative Black, do you have time to explain Senate Amendment #1 and 3?"

Black: "Yeah, thank you very much. Thank you very much, Mr. Speaker. A question came up in committee today, the Motion must be to concur in Senate Amendments #1 and 3. Let me tell you what the Amendments do. Senate Amendment #1 and we don't need to spend a lot of time on that because it is... it's rendered moot by Senate Amendment #3. Senate Amendment #3 goes on a Bill that passed the House, I think it had 12 perhaps 14 'no' votes, it deals with the Miami Indian tribe lawsuit over 2.6 million acres of land in the State of Illinois. We told you we'd be back for an appropriation when that substantive Bill passed, but it's tied up in the Supplemental and the fiscal year is about to draw to a close. So, what the Senate Amendment does and I think does very well, it appropriates that hundred thousand dollars that we've already passed in the Supplemental for fiscal 2001 and another hundred thousand dollars to be spent in fiscal 2002. Then this entire Bill sunsets in fiscal 2002. I'm looking for the exact date and I apologize, I can't find it, but this goes away. In other words, there was a question brought up in committee today, well, a hundred thousand this year, a hundred thousand next year, where does it end. Well, the entire authorization ends in fiscal 2002. That's what the Amendment does. It's a result of the Supplemental not being passed. I'll be glad to answer any questions that you have."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition... Representative Scully. He declines recognition. The question is, 'Shall the House concur in

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Senate Amendments #1 and 3 to House Bill 1623?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 115 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And the House does concur in Senate Amendments #1 and 3 to House Bill 1623. And this Bill, having received the Constitutional Majority, is hereby declared passed. The Concurrence Motions on House Bill 1810. Representative Kurtz on Senate... Out of the record. On Concurrence Motions appears House Bill 1218 (sic-House Bill 1812), Senate Amendments #1. Representative Mendoza. Please explain the Amendment."

Mendoza: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. As a result of concerns raised by different organizations, Senate Amendment #1 has been offered to House Bill 1812. Senate Amendment #1 deletes proposed changes concerning aggravated discharge of a firearm and the language 'or by reason of his or her gang affiliation'. Under Senate Amendment #1, the gang member must commit the offense in furtherance of a gang activity before it can be considered an aggravating factor. This Bill has already been debated at length. I worked very hard with the Sponsors in the Senate to address the concerns of those brought to my attention. I once again ask for your support of House Bill 1812. And I'd be happy to answer any questions."

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

Miller: "Will the Sponsor yield?"

Speaker Hartke: "The Sponsor will yield."

Miller: "I just wanted to, at least, get some clarification here

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and I couldn't really hear. What is the difference... What does the Senate Amendment do..."

Mendoza: "It just..."

Miller: " ... to the underlying Bill?"

Mendoza: "It does two things, Representative. One of 'em, it deletes the proposed changes concerning the offense of aggravated discharge of a firearm. There were..."

Miller: "Could you... Hold it... I can't hear."

Mendoza: "There were some... There was an issue of... brought to my attention regarding disproportionality... a possibility of disproportionality and I think that the Senate Bill addresses that by removing that Section of the Bill. And also, the language that had been a concern to the ACLU and other Members of this Body regarding the 'or by reason of his or her membership in or allegiance to an organized gang' has now been deleted from every Section of the Bill. So, in other words, in order for an aggravating statute to be considered the gang member must commit the offense in furtherance of a gang-related activity, not just by an allegiance or membership to."

Miller: "So, let me just make sure I'm paraphrasing this correctly. So, by somebody being in a gang that they're and is committing a murder or has committed a murder, does this mean that the sentence has increased or is it still the same fact of the matter of the murder or the situation regarding the homicide that will seek additional penalties?"

Mendoza: "The penalties in the Bill stay the same depending on what the crime is. What we're saying is that the language is much more narrowly constructed now. It's much more specific in that you have to commit the murder in furtherance of a gang-related activity, not just by an



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allegiance to or membership to an organized gang."

Miller: "So, what I'm hearing... Let me make sure. I just want to be real clear on this. So, if somebody... If a group of gang members are going or are hangin' out or together and then one of them commits a homicide to try to move up the ranks of the gang, is that correct? Then that will... That person who commits the murder itself can be eligible for the death penalty? Is that correct?"

Mendoza: "If the person who commits the crime does so in futherance of gang-related activity, if he commits first degree murder in futherance of gang-related activity, then there would be an eligibility for the death penalty provision in this Bill. However, I would like to clarify, Representative Miller, that none of the people that surround that person would fall victim to this or would be affected by this Bill, only the person who pulls the trigger and commits the murder is affected and responsible for the consequences of those actions under this Bill."

Miller: "Okay. So, once again, and maybe I'm just not hearing this correctly. Once again, by the member status of being in a gang member... I guess when I read the Amendment with the changes and I can understand why the changes are... have occurred, but then it almost comes to me, why do we have this law here? I mean, if somebody commits a murder... if somebody just, regardless if they're in a gang or having gang activity or not, if somebody shoots somebody down then wouldn't they be eligible for the death penalty as the same as a nongang member?"

Mendoza: "I think that as far as my district is concerned and many other districts which this isn't an issue that only affects urban areas, it's an issue that's extending into rural and suburban communities as well. And I think, that

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if we are here as Legislators making a commitment to the community to be tough on gangs and to come to Springfield and introduce legislation that will be tough on gangs, Representative, that's the intent behind this Bill. It's to send gangs a clear message that we don't want to tolerate them terrorizing our neighborhoods anymore. So, being in a gang in and of itself is heinous, to some extent, and that if you're going to go out and commit a murder because of that gang or in furtherance of that gang activities, then I think that you should be held to a stronger degree and I believe that that's what this Bill does."

Miller: "Now, do you know of any other laws in which a membership to any other societies would increase the penalty because I guess it really... the problem I have or the issue I have with this, I just want to be real clear on this, is the fact that, if somebody who is not gang affiliated kills somebody, then they could be eligible for the death penalty. If somebody in a gang society or a gang... involved in a gang or member of a gang kills somebody, then you're saying and maybe I'm not correct here, and when they are trying to move up the ranks of the gang, then they could be eligible for the death penalty. Is that... Am I correct on this?"

Mendoza: "Well, what this Bill says is that if you commit a murder, first degree murder, in furtherance of gang-related activity then this Bill would apply to you. What we're saying is, that if you're a gang member who goes and murders an innocent person because of your intent to commit criminal gang activity, that there will be tough laws that will apply to you. That is what this Bill says, Representative."

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Miller: "I guess, once again, I think that if somebody commits a murder, I don't see... I understand the purpose of being tough on gangs. I mean, I loathe gangs myself. But once again, I guess the question is centered around the person who's not a gang member versus those who are gang member and just being fair within the law, saying if somebody's in a gang because, at least as far as my knowledge is concerned, being a gang member is not a crime. I mean, you know, unfortunately whether your view on a gang is and it's usually not that positive, however, that within itself is not a crime. And so I guess, my question still centers around, is it... are you focusing only on gang members who decide... who ends up in a homicide, ends up killing somebody that that will... that that person will be eligible for the death penalty. I guess I'm still not clear on the difference between those who are not gang members and those who are."

Mendoza: "Representative, you're correct in one thing and that's that the gang members... being in a gang in and of itself is not a crime. However, pulling a trigger and killing someone is. And when you do that specifically because you're doing it in furtherance of gang-related activity, you wouldn't normally have gone out and done this. The reason behind it, the intent behind it is very heinous in nature. At that point, this Bill applies to you. And yes, this Bill does target murdering gangbangers."

Miller: "Okay. My question then becomes, then two questions. One is, in your Bill, is there a definition of a gang? In addition, how will you prove that that person tried to move up the gang by killing somebody? I mean, for instance, if somebody ended up pulling a gun out or did a drive-by and they tried to defend themselves and they were both members

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were in a gang, then would they be... that person be eligible or would it be a defense?"

Mendoza: "You're specifically relating to the death penalty eligibility clause in this?"

Miller: "Well, you said that... I guess what I'm saying is, how would you define someone trying to move up in an organized gang in regards to homicide as opposed to any other matters? For instance, like I said, if there ended up being a situation where two rival gangs, the Jets and the... what's the other group, and ended up and somebody got killed, how would you know if that was... whether a defense or whether they were really trying to move up in an organized gang?"

Mendoza: "Well, in that case, Representative, it would be up to the state's attorney to decide whether that's something they could prosecute under this law. And I think, the burden of proof does fall on the prosecution to prove beyond a reasonable doubt that the crime was committed in furtherance of gang activity. So, I mean, that's not my decision nor anybody else in this Body's decision to make. It's the decision of the prosecution and ultimately, would be the decision of a jury or a judge to decide if a case is so heinous in nature that it might merit the ultimate penalty. That's all we're saying here. We're not saying that anyone gets automatically a death penalty attached to their crime. What we're saying is that there are instances in which a crime is so heinous in nature and only in those instances should the death penalty apply, but in those instances it should be an option to a jury or a judge or prosecution to pursue that if that's what they feel is appropriate."

Miller: "Well, once again, the question centers around somebody

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determining on that person's... whether that person tried to commit this murder to move up in a gang and I guess that's what I'm... that is the center of the question."

Mendoza: "And again, Representative, thanks for your questions, but I believe that I'm answering that by saying that that would be up to the state's attorney to prove that that person was involved in criminal gang activity."

Miller: "To the Bill."

Speaker Hartke: "To the Bill."

Miller: "You know, I appreciate the Sponsor of the Bill addressing this issue and I know many Members here want to be perceived back in their communities as, you know, tough on gangs and tough on crime. However, I still have some reservations involved with this legislation and it is not in regards to just simply determining on someone if they're trying to commit a murder to move up a gang or not. True, that it may be considered or left up to the state's attorneys office, but my concern is still furthering the death penalty or reasons for someone seeking the death penalty when there's a moratorium. The death penalty itself has been proved flawed in this system in the State of Illinois when 13 people have been proven innocent and others across the country. And so to try to expand further legislation on dealing with the death penalty, I think it's unfair and unwarranted at this time. In addition, the recommendations from the Governor's task force on this have not been heard to this and at least we can say we need to wait until those recommendations are done with the flawed system and in trying to address this issue with the task force. So, I would ask for those to vote 'no' on this issue."

Speaker Hartke: "Further discussion? The Chair recognizes

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Representative Davis, Monique Davis."

Davis, M.: "Thank you so much, Mr. Speaker. Is this..."

Speaker Hartke: "This Bill's on Standard Debate."

Davis, M.: "It's on Standard Debate. I'm glad to hear that.  
Shall we put it on extended debate?"

Speaker Hartke: "Not yet."

Davis, M.: "Good. Representative Mendoza, what does your Bill do  
with your concurrence of the Senate Amendment?"

Mendoza: "What are the changes in the Bill is that what your  
question is?"

Davis, M.: "I want you to talk loud. I want you to talk clear  
and I want to hear and understand what you're saying."

Speaker Hartke: "Ladies and Gentlemen, please give the speakers  
your attention, please. Shhh."

Mendoza: "Absolutely. Representative, the Senate Amendment  
deletes the Section regarding aggravated discharge of a  
firearm and the language 'or by reason of his or her gang  
affiliation'. In other words, now the enhanced penalties  
including the eligibility for the death penalty only apply  
if the crime is committed in furtherance of gang activities  
regardless of affiliation."

Davis, M.: "Okay."

Mendoza: "It addresses some of the concerns that this... were  
brought up at this Body and in the Senate."

Davis, M.: "Does this Bill include activity by the Klu Klux Klan?  
Is there aggravated of anything... Is the Klu Klux Klan  
included in this?"

Mendoza: "This Bill provides for any gang. So, if you're a gang  
member who's gonna go kill someone in my state, in our  
state, then this Bill will apply to you."

Davis, M.: "Are motorcycle gangs included in this Bill?"

Mendoza: "If they go out and kill innocent people, yes."

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Davis, M.: "All right, Representative..."

Mendoza: "Gangs."

Davis, M.: "... would you describe for me, including any Member of this Body, who might be suspected of being a gang member."

Mendoza: "That's irrelevant, Representative."

Davis, M.: "Would you identify them for me? Now, I know, Representative Mendoza, there are some in this room. Tell me which ones they are and how you picked them out?"

Mendoza: "Representative, we are state lawmakers. I believe, we all support the laws of our state and I would not venture to say that anybody in this Body is, at this moment, a member of a gang who intends on going out and committing homicide."

Davis, M.: "Representative Mendoza, I would like to know from you and any Senate Member who put this Amendment on exactly what describes membership in a gang, what tells you, what gives you that knowledge, what gives you this information, what allows you to easily identify a gang member."

Mendoza: "Representative, street gang member or gang member means any person who actually, and in fact, belongs to a gang and any person who knowingly acts in the capacity of an agent for, or accessory to, or is legally accountable for, or voluntarily associates himself with a course or pattern of gang-related criminal activities..."

Davis, M.: "Well..."

Mendoza: "... whether in a preparatory, executory, or cover-up phase of any activity or who knowingly performs, aids, or abets any such activity. Representative, gang member, many times is self-proclaimed and I can guarantee you that the gang member who shot and killed a 14-year-old boy in my district..."

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Davis, M.: "I don't want to hear about it."

Mendoza: " ... and in many other cases are gang members."

Davis, M.: "I don't want to hear... I don't want to hear those one-time incidents in which the whole world must suffer."

Mendoza: "Neither did the mother of the child..."

Davis, M.: "Now, hold it."

Mendoza: " ... who was killed, Representative."

Davis, M.: "Representative, I'm asking you a question. If I'm walking down any street, I want to know what specifically will tell me that this person was a gang member if he or she does not say that to you. And let me say this, if you're giving me the definition of a gang member, don't use that term 'gang'. Give me... it must be something about this person that helps you to identify that person as a member of a gang. That is significantly important not only for this Body, but for the courts. What in your opinion or in your mind is a gang member?"

Mendoza: "Representative, I believe in the definition that this Body agreed to the Illinois Streetgang Terrorism Omnibus Prevention Act. More importantly, I agree to the definition that is just so prevalent in my district which is terrorized by gangs. And again, ultimately, it's not my decision to decide who is or who is not a gang member. That will be decided in the courts, by the state's attorney, by the prosecution and having to prove their case beyond a reasonable doubt that the person who committed the act of violence, who committed the act of murder was or was not a gang member."

Davis, M.: "So, Representative Mendoza, do you think a gang member's sentence should be greater than the sentence of a Klu Klux Klansman or a militia man? Should they get a stiffer sentence than a Klu Klux Klansman if a Klu Klux



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Klansman commits a murder or an act of intimidation?  
Should he..."

Speaker Hartke: "Representative, bring your remarks to a close."

Davis, M.: "I'll bring my remarks to a close. My comment is, if you cannot identify a gang member, this legislation is obviously moot. It is behavior that constitutes a crime and not membership, it is behavior. It's a 'no' vote."

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

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

Speaker Hartke: "The Sponsor will yield."

Garrett: "Representative Mendoza, I do have a couple of questions regarding gangs, also. Do you have a general idea of what the age group would be?"

Mendoza: "Excuse me, Representative. I couldn't hear you."

Garrett: "Do you have an idea of what the age group, the general age group would be, for gang members?"

Mendoza: "Representative, if you were to go to my district, you'd see that it varies. They start 'em as young as five or six years old and..."

Garrett: "Okay. That's my point. Okay. If they start as young as five or six..."

Mendoza: "..."

Speaker Hartke: "Excuse me."

Garrett: "Yeah."

Speaker Hartke: "Would you wait 'til she answers the question."

Garrett: "And so gangs can be..."

Speaker Hartke: "Thank you."

Garrett: "... constituted of children who are five years and six years which you've just said, six years old and they can go up I'm sure to be teenagers."

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Mendoza: "Or adults."

Garrett: "Or adults. But you're right. You know and I know that gangs can start at a very early age. My next question is and I don't know the answer to this, what is the age when somebody is eligible for the death penalty in the State of Illinois?"

Mendoza: "It's 18 years of age, Representative, and that would stay the same for this Bill."

Garrett: "So, when you've got gang members 14 years old who, obviously, are participating in these heinous crimes, what does that mean when you've got an eligibility for the death penalty at age 18? How, in fact, can this legislation be used when the death penalty age is 18 and you've got many gang members who are well under the age of 18?"

Mendoza: "That's a good question, but for the most part the murders that are being committed with handguns by gang members are done by people over the age of five or six, much older. They're done by adults. The individual that this Bill is named after was killed by a 20-year-old adult, not by a 13-, 14-, 15-year-old and that's again who this Bill applies to, like many of our laws that apply to people of different ages."

Garrett: "Well, Representative, I understand your situation, your specific information that you've put out regarding your particular district and I'm not saying that's it's not an issue. However, this is an issue that we need to address at a very different level. We need to put prevention programs in place. When you, yourself said that gang members start at the ages of five and six and here we are talking about making these gang members eligible for the death penalty, we aren't doing our job in making sure that we do everything possible to educate them and provide

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programs in your district and in my district that would prevent them from picking up a gun and shooting anybody. To the Bill. I hope that everybody in..."

Speaker Hartke: "To the Bill."

Garrett: " ... this General Assembly really takes notice of what kind of precedent this particular piece of legislation is setting. I think it's important to note that we are being very heavy-handed in how we're looking at some of the youngest people in our state who have been misled and need much better and positive direction. And this isn't the kind of legislation that's going to provide that. I ask for your 'no' vote."

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

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

Speaker Hartke: "To the Bill."

Acevedo: "Representative Susana Mendoza had listened to some concerns that some Legislators had and she's dealt with them here in the House. The Bill went to the Senate, she dealt with the concerns that were over there. She worked very hard on this Bill. And here we sit here today and talk about what a gang member is, how do you identify a gang member. This ain't about puttin' somebody to death... on the death penalty because he belongs to a gang. This is about justice. This is about mothers and fathers of a 14-year-old who was shot three times in the back of his head because he refused to put up gang sign with his hand. This is about a mother and father who cries for justice about her two-year-old is shot because two gang members are shooting at each other and she loses an eye. It's about a mother and father who cries for justice about a five-year-old boy who goes to drive his Big Wheel that he

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got for Christmas. I understand when we talk about here today about prevention programs. Sure we can do that and we can try to come up with more funds for the budget, let's think about that. But also, we gotta remember the family members who have to deal with the pain and suffering today, not tomorrow, not in the future. We can deal with the prevention programs, I'm all for that. I believe everybody deserves a second chance, but how many times are we gonna give these gang members chances, five, six, seven, eight, nine times, until another five-year-old was shot dead in the street, another two-year-old loses her eye, or another 14-year-old boy is shot three times in the back of his head because he refuses to put up a gang sign. Ladies and Gentlemen, I understand that some people are concerned about this because of the death penalty, but we have to realize one thing. Each and everyone of us here and I want to send a message to the Legislators from downstate, this is not a Chicago problem, this is a State of Illinois problem and they're not... the gangs are spreading all over. This is a wildfire. It's not only in Chicago, they're going downstate and they're recruiting down there. So, think about it when you press your button. Think about the 14-year-old that might be shot dead in your district, think about the two-year-old in my... who she might lose her eye in your district, think about the mother and father coming to you and asking for help. I ask for an 'aye' vote."

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

Turner, A.: "Thank you, Mr. Speaker. I don't have a question of the Sponsor. I'd like to know if you're a member of the baddest gang in town and you shoot somebody, do you get the

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death penalty? But, to the Bill."

Speaker Hartke: "To the Bill."

Turner, A.: "And I think some of you know who I'm talking about. The question I have and I guess this is for the little kids, and in particular, the kids in my neighborhood and not that... I want to first go on record saying that I don't support murder or any killings or gang activities, but I stand up for the little guys in my neighborhood. I talk about 'my' kids who wear their hat backwards, who wears his pants down just below his waistline, in fact, you know, it's a common thing now to show your underwear and let people know that you either have on Jockeys or Hanes. Kids do this because they want to look, in many cases, they're trying to look safe. They want to look a part of the community, a part of what's going on in their neighborhood because there's so many cases in some areas where it's out of control. The question that I have here and the issue that I lay before us today, what we're doing here is taking away judicial discretion. If the Legislature wants to start determining what the sentences should be, why don't we just do away with the judiciary, we don't need judges. And in fact, a few years ago we passed legislation which created a judiciary that is more reflective and representative of the communities, especially in the City of Chicago. We have it now where you elect judges from the area, in many cases, these judges live in our communities. These judges know who the bad asses are and for us to sit here and tie the judges hands I think is the most unfortunate part of this Bill. In addition to this whole thing of the death penalty, but we're not talking about the merits of the death penalty on this issue. This is not the way to legislate. What we are

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doing is taking away powers from the judiciary, what we're doing is... In many cases, there are gonna be some innocent kid, your nephew, my son, your cousin who happens to look like a gang member, who some say he has an allegiance. My sons have allegiance to a gang. They don't belong to the damn gang, but that gang runs the community. So, the people know 'em and in many cases they know if you've got the pant's leg pulled up on the left side, you belong to this gang. If it's pulled up on this side, it belongs to that gang. And depending upon what neighborhood they walk in, they pull up the pant's leg on this side, they pull up the pant's leg on the right side. Heaven forbid, they get pulled over. Heaven forbid, they're with a gang, they don't pull the trigger, but the very fact that they're with two or three kids, 'cause that's what the gang statutes says, any two or three standing together can be considered a streetgang. What we're doing here, as I say, is a travesty. We should let the judges determine what the sentences are and we need to set a policy on how we're going to deal with our youth. I agree with the young lady that there old gang members and old gang members should be dealt with. But we need to develop a policy in this state that addresses youth and how we intend to deal with 'em, because right now the attitude in this Assembly, that I've noticed over the last couple years, is let's lock 'em up, throw away the key, give 'em more time, take 'em from juvenile court to adult court. We had a Bill last week that dealt with the automatic transfer as a juvenile. Juvenile probation is better than adult probation, but we'd rather send them to adult court because that's being tough on crime. I'm sick of being tough on crime. Let's do the right thing. Let's let the judges make the determination

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and let's not classify people into any, because you can't determine who's a gang member. You can't determine by looking at 'em whether they're a gang member and their allegiance certainly has nothing to do with whether how strong they support it. I urge you to vote 'no' on this Bill."

Speaker Hartke: "Further discussion? The Chair recognizes Representative McKeon. You have five minutes."

McKeon: "Thank you, Mr. Speaker. I concur with one of the previous speakers. This is about justice and therefore, I would like to convey my time to Representative Monique Davis."

Speaker Hartke: "Representative Davis."

Davis, M.: "Thank you. Thank you very much, Representative McKeon. First, I'd like to say, a young lady was killed in my district, she was an IBM worker. She was a passenger in a car. She was killed by someone who call themselves a member of the baddest gang in town. LaTanya Haggerty was killed by a Chicago police officer and she only got fired from her job. She didn't have any charges brought against her for murder which is what was committed. She snatched this woman out of the car, threw her on the ground and killed her, an unarmed citizen. I say to this Bill, Governor Ryan, to his credit across this country, has placed a moratorium on executions in the state and the reason the Governor has done this is because through DNA testing we were about to execute 13 or 14 innocent people. After that, the Governor put forth a task force to try and identify where the problems lie in the State of Illinois' prosecutorial system because if you're getting ready to execute 13, 14, 15 innocent people, you're getting ready to end their lives. We have a flawed system. According to

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the Chicago Tribune, one of the largest papers in our state and in our country, the Chicago Tribune stated, we have enough reasons to execute people and we should not be adding to those reasons. I urge all of you to vote 'no' and say, 'goodbye, electric Susie.'"

Speaker Hartke: "Representative Mendoza to close."

Mendoza: "First of all, I'd like to start by thanking my colleagues, thanking those who stood up to share with me and the rest of this Body their concerns regarding this Bill. I respect every Member of this Body who has spoken, those who have been listening attentively. But most importantly, I respect the people that I represent back home. Those are the people who are supportive of this Bill. I would hope to God that someday other Members of this Body would not have to relate to this Bill the way I do today, that you would not have any problems with gangs, that you will continue to not have problems with gangs. But I would suggest that that will continue if we support legislation like this, like House Bill 1812, that deals with stiff penalties for murdering gangbangers, that deals with stiff penalties for those members of gangs who show complete disregard for human life by aiming and pulling the trigger of a gun that is intended to take away human life. I've many children in my district who are five, six, seven, eight, nine up to 18, 19, 20 years old who are good kids. And I think it's a sad day in Illinois when we have to say that it's okay that there's boundaries that we should be walking around, that we do need to dress like gangbangers so that we don't get shot so that we can go to school without any problems. That's a sad statement to make and I don't support that because I support safety in our schools. I support our children being able to walk to school without



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fear of being killed and I support a parent's right to know that their child will be protected by the laws of the State of Illinois. So, again, I thank you all for your support, for those who have been with me from the first day I walked into this House asking for support of this Bill. I thank the Members of the Senate who also supported this. And I would just like everyone to know that most importantly my residents thank you for that support. And they're asking you for it today, once more. If this Bill fails though, I would like a verification. And I do believe though, that I do count on the support of enough of my colleagues who want to see safety in the State of Illinois and who want to deter gang members, because this Bill may not deter them all, but if this deters one from pulling the trigger and taking someone's life, then we have done justice today in Springfield. We have saved the life of a good child who doesn't deserve to die. I ask for an 'aye' vote. Thank you."

Speaker Hartke: "The question is, 'Shall the House concur with Senate Amendment #1 to House Bill 1812?' All those in favor will vote 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 77 Members voting 'yes', 32 Members voting 'no', 5 Members voting 'present'. And this Bill, having received a Constitutional Majority... And the House does concur in Senate Amendment #1 to House Bill 1812. And this Bill, having received the Constitutional Majority, is hereby declared passed. On Concurrence Calendar appears House Bill 2276, Representative Ryder. Ryder. Would you please explain Senate Amendment #1 to the Body for their consideration."

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Ryder: "Thank you, Mr. Speaker. The underlying purpose of the Bill is to develop a standardized form for what's called DNR or 'do not resuscitate'. The Senate Amendment #1 would require licensed nursing homes to develop with Public Health nonresuscitation forms. And I would ask that we concur in that Amendment."

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 2276?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 115 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And then the House does concur in Senate Amendment #1 to House Bill 2276. And this Bill, having received a Constitutional Majority, is hereby declared passed. On Concurrence Motions appears House Bill 2295, Representative Bellock. Representative Bellock on Senate Amendment #1. Please explain the Amendment."

Bellock: "Thank you very much, Mr. Speaker. The Amendment to this Bill, 2295, is just a cleanup in the language. There was a redundant paragraph. So, the Bill is the same, it's about aggravated arson. And it remains exactly the same as how we voted on the last time. But just two sentences that were redundant from another paragraph were taken out. It passed unanimously in the Senate. And I know of no opposition."

Speaker Hartke: "Is there any discussion? The question is, 'Shall the House concur with Senate Amendment #1 to House Bill 2295?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all

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voted who wish? Mr. Clerk, take the record. On this question, there are 114 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And the House does concur with Senate Amendment #1 to House Bill 2295. And this Bill, having received a Constitutional Majority, is hereby declared passed. On Concurrence Motions on the Calendar appears House Bill 2300, Representative Wait. On Senate Amendment #1, Representative Wait."

Wait: "Thank you, Mr. Speaker. Yeah, Senate Amendment #1 is just a clarification to the Bill. It just says that any offense would be considered to be a Class... that would be considered to be a Class II should be considered like a Class II and would be treated then considering it to be a Class X felony. Be happy to answer any questions."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall this House concur with Senate Amendment #1 to House Bill 2300?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 115 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And the House does concur with Senate Amendment #1 to House Bill 2300. And this Bill, having received the Constitutional Majority, is hereby declared passed. The Chair recognizes Representative Collins. For what reason do you seek recognition?"

Collins: "Yes, Mr. Speaker. To the Members of the House, I voted 'no' on House Bill 1812, yet I came up as absent on the Roll Call. I just wanted that in the record."

Speaker Hartke: "The Journal would reflect your wishes to vote 'no'."

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Collins: "Thank you."

Speaker Hartke: "...the Calendar on Motions of Concurrence appears House Bill 2602, Representative Currie on Senate Amendment #1."

Currie: "Thank you, Speaker. I move the House concur with Senate Amendment 1 to House Bill 2602. This is a clarification of the law with respect to customer car facilities at airports, any airport in the state, clarifying that the car rental companies, if they are assessed fees for the building, the construction, or the maintenance of those facilities, may charge as a separate proposition on the rental car bill the appropriate fee to make that happen. The measure does contain clear consumer protections so that, for example, the person calling to find out the rates would be notified that this rate is part of the total and on the bill itself, this will be a separate charge. The Attorney General does not oppose this Bill. It is a consumer-friendly piece of legislation that will enable airports to build the kinds of consolidated car rental facilities that will ease traffic and ease transportation, part of the point of the regional air system. So, I know of no opposition to the measure and would appreciate your support for the Motion to Concur."

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

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

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

Black: "Representative, in the Amendment on page 3, line 31, new language says, 'a public airport may, if approved by its local government corporate authorities or airport authority, impose a customer facility charge upon customers

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of rental car companies for the purposes of financing, designing... ' and on page 4, 'constructing, operating, and maintaining a consolidated car rental facility, common use transportation equipment, et cetera.' Does O'Hare currently level... excuse me... levy a customer facility charge on rental cars?"

Currie: "They do have the authority under the Airport Authorities Act right now, today. But there is also language in another code that conflicts with the language in the Airport Authorities Act. And it's that disconnect that we're trying to resolve with passage of this measure."

Black: "Is... I guess what concerned me this morning, and what I don't see in the Amendment... and excuse me, I do not have the underlying Bill, I apologize..."

Currie: "Well, the underlying Bill was a shell, so I don't think you need it. You know my kind of Bill."

Black: "Sometimes shell Bills are very important around here. Is there any... other than being left up to that corporate authority or Airport Authority, is there any limitation on what this fee may be? I mean, would it be \$5, \$10?"

Currie: "It has to be reasonable and it has to be connected to the Airport Authority's decision to create and to maintain a consolidated car rental facility. So, it's not for popcorn machines, it's not for unrelated expenses at the airport. It's only for consolidated car rental facilities and the transportation equipment which would get the customer from the terminal to the car rental facility itself."

Black: "All right. That was a question... I'm glad you mentioned that because I was... for a reading on page 4, going down the list and obviously, I don't live in the suburbs of Chicago, so I... but others have asked me to ask you this

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question. Notwithstanding any other provision of law, the charges are not subject to Retailer Tax, et cetera, et cetera, et cetera and it goes on and on. Is there any way, in the language on page 4 or 5, that the money from a customer facility charge could be used to build a runway rather than a consolidated car rental facility or a parking garage, et cetera?"

Currie: "No, there is not, limited to these common purposes car rental facilities."

Black: "Okay."

Currie: "I understand that people on your side of the aisle are preparing an Amendment to add a runway at Meigs. But, you would not be able to use this fee in order to finance that new runway at Meigs Field."

Black: "Okay. What is the difference between the CFC, the customer facility charge, and a trip charge or a Trip Tax that one might incur at O'Hare?"

Currie: "Are you talking about the Passenger Tax at O'Hare?"

Black: "I brought this up in committee today, I don't know what it's called. I thought that the City of Chicago, if you leave O'Hare or come into O'Hare, charges you..."

Currie: "A passenger landing, right."

Black: "...I don't know, \$1, \$2, \$3..."

Currie: "Right. Passenger landing fees..."

Black: "Okay."

Currie: "...or something of that sort. This is separate. Separate and its purpose is limited solely to the issue of a consolidated car rental facility and the equipment... that the buses that would move people..."

Black: "Okay."

Currie: "...from the terminal to the car rental program."

Black: "And there's nothing..."

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Currie: "And I would point out that among the supporters of this measure are the Williamson County Airport, the Quincy Municipal Airport, the Coles County Airport, the Bloomington, it's called actually the Central Illinois Regional Airport, Peoria Airport, and DuPage County Airport. So, this is not about the big city."

Black: "But Representative... And those are all fine airports. But what really hurts me, and I know you don't mean to do that, you do on occasion, but I know you don't mean it, Vermilion County International is not on that list, my home airport... "

Currie: "Well... "

Black: "I was so disappointed."

Currie: "Representative, call 'em quickly, maybe it's not too late to add them to the list."

Black: "Well, since Ozark pulled its DC-3s out years ago, we've had a strange lack of scheduled air service."

Currie: "Oh, and maybe you'd like..."

Black: "But that's another issue."

Currie: "Maybe you would like to encourage your colleagues instead of authorizing the new runway at Meigs to authorize the new runway at the Vermilion County International Airfield."

Black: "I have offered for years to take O'Hare, believe me, but that's a whole nother issue. If... I assume that any facility to be used by the car rental companies, whether they be storage areas or parking garages or what, would have to be on the airport grounds. You would not want the customer facility charge to be used to build a car rental facility at Peotone, would you?"

Currie: "I wouldn't imagine so."

Black: "Well, I try where I can, it's getting harder and harder

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to do so. Well, since all of the downstate airports, other than my home airport, is included I guess this is all right. I... But I do enjoy crossing swords with you, it's generally the highlight of my day."

Currie: "A pleasure."

Speaker Hartke: "Further discussion? Chair recognizes Representative Hamos."

Hamos: "Thank you, Mr. Speaker, Ladies and Gentlemen. This Bill came up in our committee this morning and we asked some tough questions at that time. And since then, I've even had an opportunity to do some research on this and I'm rising in support. What this Bill does is... this Bill has gone through a process with the Attorney General that has made it a proconsumer Bill. This doesn't impose any new charges. This says that if an airport already imposes this customer charge, which it already has the right to do under current law, then... and then it follows through a series of things that require it to conspicuously display those charges so that consumers know what they're getting. And I think that it has been worked out by the Attorney General. I'm satisfied that based on the questions we asked this morning, we got some good answers. And I think we should all support this Bill. Thank you."

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

Currie: "Please vote 'yes'."

Speaker Hartke: "The question is, 'Shall the House concur in Senate Amendment #1 to House Bill 2602?' 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 85 Members



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voting 'yes', 29 Members voting 'no', 1 Member voting 'present'. And the House does concur with Senate Amendment #1 to House Bill 2602. And this Bill, having received the Constitutional Majority, is hereby declared passed. On Motions of Concurrence appears House Bill 3014, Representative Rutherford on Senate Amendment #1."

Rutherford: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Amendment 1 would allow for the Department of Nuclear Safety to participate to remediate the Ottawa radiation sites under the Comprehensive Environmental Response Compensation Liabilities Act."

Speaker Hartke: "Is there any discussion? Any discussion? Seeing no one is seeking recognition, the question is, 'Shall the House concur with Senate Amendment #1 to House Bill 3014?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 114 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And the House does concur with Senate Amendment #1 to House Bill 3014. And this Bill, having received a Constitutional Majority, is hereby declared passed. Motions on Concurrence appears House Bill 3307, Representative Poe, Senate Amendment #1. Representative Poe on Senate Amendment #1."

Poe: "We put a Motion in to Concur. And all we're doing that the Senate did is we had four parts in this Bill that we passed out of here unanimously. And the Amendment eliminates the Illinois Register Program. So, otherwise than that, it's the same Bill that we passed out. Appreciate a 'yes' vote."

Speaker Hartke: "Is there any discussion? No one is seeking

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recognition, the question is, 'Shall the House concur in Senate Amendment #1 to House Bill 3307?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 115 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And the House does concur with Senate Amendment #1 to House Bill 3307. And this Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Concurrence Motions appears Senate Bill 14... excuse me. On page 5 of the Calendar, on Second Reading appears Senate Bill 1493, Representative Moore. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1493 has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Andrea Moore, has been approved for consideration."

Speaker Hartke: "Representative Moore."

Moore: "Thank you, Mr. Speaker. Floor Amendment #1 deletes all provisions to shift the circuit breaker eligibility year to a calendar and then it also takes the eligibility year to the state fiscal year. Be happy to answer any questions."

Speaker Hartke: "Is there any discussion? Seeing no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #1 to Senate Bill 1493?' All those in favor will signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Hartke: "Third Reading. On the Order of Motions or on Concurrence appears House Bill 632, Representative Coulson. Would you please explain Senate Amendment #1?"

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Coulson: "632 is the abandoned newborn infant Bill. We've discussed it many times on the House Floor. I would appreciate your 'aye' vote on concurrence in the Senate Amendments."

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

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

Speaker Hartke: "Sponsor will yield."

McKeon: "Representative, would you explain what Senate Amendment #1 does to the underlying Bill?"

Coulson: "As I said, we've already discussed this. The Senate Amendment 1 makes it identical to the Senate Bill that we passed about two weeks ago. It adds, basically, some language that has the state's attorneys' offices agreeing to the Bill, at this point."

McKeon: "Representative, is the sunset provision still in the Bill?"

Coulson: "The sunset provision is still in the Bill. This Bill is identical to the other Bill that just passed out of the Senate."

McKeon: "And another question that I did not ask when the Bill was here, previously. My understanding was that if someone was brought to a fire station or to a hospital, now it's within what, 3 days, 72 hours of birth, they would be immune from prosecution. How about under the situation where someone gives birth in the hospital and does not want to maintain custody of the child. Would they be protected from the... under the criminal provisions?"

Coulson: "This Bill does not cover that. As we've discussed before, I am very happy to work on what would happen to a baby if they're delivered in a hospital and what would happen after that in another Bill, but this Bill does not

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cover that. It's really up to the prosecutor's office on whether they would prosecute the parent."

McKeon: "All right. Thank you, Representative."

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

Coulson: "As I mentioned, this Bill has been a long time. We've worked hard to encourage everyone to be supportive of it. I appreciate your 'aye' vote."

Speaker Hartke: "The question is, 'Shall the House concur in Senate Amendment #1 to House Bill 632?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 110 Members voting 'yes', 0 voting 'no', and 5 Members voting 'present'. And this Bill, having received the Constitutional Majority... And the House does concur in Senate Amendment #1 to House Bill 632. And this Bill, having received the Constitutional Majority, is hereby declared passed. Agreed Resolutions."

Clerk Rossi: "House Resolution 380, offered by Representative Steve Davis."

Speaker Hartke: "You've heard the Agreed Resolutions. All those in favor of the Resolution say 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the Resolution is adopted. Representative Younge in the chamber? Wyvetter Younge. On page 18 of the Calendar appears House Resolution 207, Representative Younge. Representative Younge on the Amendment. Mr. Clerk, read the Amendment... or the Resolution."

Younge: "Thank you, Mr. Speaker and Members of the House. House Resolution 207 calls for the establishment and creation of a commission to study high-technology cities. The

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commission would answer questions as to what should be the design, what should be the ownership, what should be the composition of future cities in Illinois. And I move for the adoption of the Amendment."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt House Resolution 207?' All those in favor signify... all those in favor vote 'aye'; 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 Resolution, there are 111 Members voting 'yes', 0 voting 'no', and 2 Members voting 'present'. And the House does adopt House Resolution 207. House Resolution 233, Representative Younge."

Younge: "Thank you, Mr. Speaker. House Resolution 233 establishes the African-American (sic-Africa-America) Peace Brigade to study the best way of setting up a program for volunteers for Africa and urban inner cities. And I move for the adoption of the Resolution."

Speaker Hartke: "Is there any discussion? Seeing no one is seeking recognition, the question is, 'Shall the House adopt House Resolution 233?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 113 Members voting 'yes', 0 voting 'no', and 1 person voting 'present'. And the House does adopt House Resolution 233. The Chair recognizes the Gentleman from Madison County, Representative Davis. For what reason do you seek recognition?"

Davis, S.: "An inquiry of the Chair, Mr. Speaker."

Speaker Hartke: "An inquiry of the Chair. Yes, go ahead."

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Davis, S.: "I'm looking at weekly House bulletin here that was handed out to the Illinois House of Representatives and under scheduled lunches, dinners, desserts for Members it has Wednesday, May 23, 5:00 p.m. dinners from Remy's Steakhouse will be served to Members compliments of the Illinois Restaurant Association. So, my inquiry is, 'where's the beef?'"

Speaker Hartke: "Checking on that, Mr. Davis. The Chair recognizes Representative Black. For what reason do you seek recognition?"

Black: "Thank you very much, Mr. Speaker, you're very kind. I have an inquiry of the Chair."

Speaker Hartke: "State your inquiry."

Black: "On the weekly House bulletin that was in my office this morning at 7:00, it said that dinner would be served on Wednesday, April 23 and on Thursday, April 24. Was that a typo or did it just go to my office trying to throw me off? Perhaps an inquiry of the Clerk would be in order. I notice it's been corrected. But I think the Early Edition said that we would be eating on two dates in April. I must have missed that."

Speaker Hartke: "Well, Mr. Black, the Clerk informs me that that was possibly the only one and that was sent to your office."

Black: "Why am I not surprised, Mr. Speaker."

Speaker Hartke: "Get a clue."

Black: "Well, who better to send it to than me. But the Clerk should know better by now, he knows I'm gonna ask him about that."

Speaker Hartke: "And Remy's is setting up in the corridor on the east side. And so, it'd be just a few minutes. Mr. Clerk, would you read the House committee schedule."

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Clerk Rossi: "Attention Members. A committee schedule for Thursday, May 24, has been passed out. The following committees will meet tomorrow: the State Procurement Committee in Room 118 at 9:30; at 10:30, the Judiciary II-Criminal Law Committee in Room 114; at 12 noon, the following committees will meet: the Children & Youth Committee in Room 115, the Elementary & Secondary Education Committee in Room D-1, the Executive Committee in Room 114, the Human Services Committee in Room C-1, the Registration & Regulation Committee in Room 118, and the Revenue Committee in Room 122-B."

Speaker Hartke: "Clerk, what is the status of House Bill 2698?"

Clerk Rossi: "House Bill 2698 has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Currie, has been approved for consideration."

Speaker Hartke: "Representative Currie."

Currie: "Thank you, Speaker. This is a measure that's been approved by the Pension Laws Commission. It provides that former Members of the Legislature would be entitled to the same treatment current Members are with respect to military service. By virtue of paying both the employer and employee share, the individual would be entitled to add that service, I believe it's two years, a two year limitation, but I'm checking that, for purposes of the General Assembly pension system. I'd be happy to answer your questions. I know of no opposition. This merely provides parity for former Members on the same terms that are available to current Members of the General Assembly."

Speaker Hartke: "Is there any discussion on Floor Amendment #1 to House Bill 2698? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Floor

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Amendment #1 to House Bill 2698?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Hartke: "Leave that Bill on the Order of Second Reading. The Chair would like to announce that the food, of course, as you noticed, has been... has arrived and is being served in the east corridor. Representative Wait. Representative Pankau now moves, allowing perfunctory time for the Clerk, that the House stand adjourned until the hour of 1:30 p.m. on Thursday, May the 24th. 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."