

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

31st Legislative Day

3/19/2003

Speaker Hartke: "The House shall come to order. Members will please be in their chairs. We shall be led in prayer today by Lee Crawford, the Assistant Pastor of Victory Temple Church, here in Springfield. Our guests in the gallery may wish to rise and join us for the invocation and for the Pledge of Allegiance. Pastor Crawford."

Pastor Crawford: "Let us lift our hearts and our... our mind before His heavenly throne. Most precious and eternal God, we as Your people, we come humbly before You and the spirit of Your word that says if we seek then we shall find, knock and a door shall be opened, asked and it shall be given unto us. So, this day we come before You asking that the strength of God that has sustained Him, that the power of God that it preserved Him, and that the hand of God, that it protects them, and that the way of Your spirit, that it will direct them. So, Father we ask that the grace of God and the power of Your spirit will be with them this day and forever more. This we ask in Your Son's name. Amen."

Speaker Hartke: "We shall be led in the Pledge of Allegiance today by Representative Bailey."

Bailey - 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. Please let the record show that Representative May is excused today."

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Speaker Hartke: "Representative Bost."

Bost: "Thank you, Mr. Speaker. Let the record reflect that Representative Daniels, is excused today."

Speaker Hartke: "Mr. Clerk, take the record. 114 Members answering the Quorum Call, a quorum is present and the state is ready to do business. Representative Parke, for what reason do you seek recognition?"

Parke: "Good morning, Mr. Speaker."

Speaker Hartke: "Good morning."

Parke: "I would like to say that the House Republicans are ready to do the business of the people and we're looking forward to a great day. In addition, I want to announce that the Illinois Economic & Fiscal Commission will have their meeting tomorrow in Room 122-B at 9 a.m., not 9:30. But I presume we're gonna be in at 10 again tomorrow so therefore we're gonna move it to 9 a.m. to have our meeting. For the Economic & Fiscal Commission, I think Members will want to sit in on that meeting because we have some... some information that will affect our budgeting process. Thank you."

Speaker Hartke: "Mr. Parke, what room was that in again, please?"

Parke: "122-B."

Speaker Hartke: "122-B. Ladies and Gentlemen, the plan is today, many of you have submitted your first and second priorities. Yesterday, we ran through a number of those. Today, we will continue to run the first priorities for Members and then we'll proceed to second priorities and

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Bills. There will be a mix of First and... or Second and Third Readings. So, it would... it'd be... you should be advised to... be in your chairs and be ready to call your Bills when called upon. On page 1, on Third Reading, appears House Bill 2913. Representative Bassi. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 2913, a Bill for an Act in relation to criminal law. Third Reading of this House Bill."

Speaker Hartke: "Representative Bassi."

Bassi: "Thank... thank you, Mr. Speaker, Ladies and Gentlemen of the House. This particular Bill came out actually, was the result of a magazine ar... or a newspaper article that I saw that let us know that we have actually an unconstitutional law in the State of Illinois, which I know will shock you all. If... and this has to do with the DUI law. And apparently because we had written 'shall' into the... the record saying that the presumption that... that 'shall', one 'shall' used drunken driving as part of the... the cause for the accident makes it unconstitutional. This particular Bill changes that 'shall' to 'may'. Makes it constitutional and makes sure that we've closed the loophole in the law regarding drunk driving. And I would... there... I know of no opposition and I would ask for an 'aye' vote."

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

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

Speaker Hartke: "The Sponsor will yield."

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Parke: "Representative, what groups have come out and supported your legislation or said that you've solved a problem that needed solving?"

Bassi: "None, actually. Although, the... the cosponsor happens to be the former director of Mothers Against Drunk Driving."

Parke: "Do you know if they've contacted you? Do they... do they think that this is closing the loophole that you're concerned about?"

Bassi: "Apparent... They have not contacted me, but I know it closes a loophole."

Parke: "Okay. And again this loophole does... is... what does this Bill do to close the loophole? One more time."

Bassi: "It changes the word 'shall' to 'may'. And apparently it was a crucial element in proving recklessness. And according to the folks at Northwestern, the law professors at Northwestern, by changing this particular wording it makes the law constitutional... as... is... has been done by a number of other states in the country."

Parke: "Okay. Thank you, Representative."

Speaker Hartke: "Further discussion? Since no one is seeking recognition... Oh excuse me, Representative Franks."

Franks: "Will the Sponsor yield?"

Speaker Hartke: "Sponsor will yield."

Franks: "Representative Bassi, I just want to get a little more information on this."

Bassi: "Mm hmm."

Franks: "What's the genesis of the Bill?"

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Bassi: "Me."

Franks: "I'm sorry?"

Bassi: "Me."

Franks: "Okay."

Bassi: "Actually... actually... I act... not entirely. I'm being a little bit facetious, Representative. I happened to see an article in the newspaper talking about drunken driving laws. And according to this, defense... lawyers have long argued that the law was unfair because there can be other causes for an accident than drunkenness. A sobered driver might have had the same accident as a drunken driver if the drapes... brakes were faulty or the weather poor or the other driver was at fault. Although... and apparently, the prosecutors have been saying, well, if you could prove this, but the defense lawyers have been arguing that it was unconstitutional. Apparently, they... the lawyers, the folks at Northwestern had agreed and so did the state courts, they've said it was unconstitutional. This closes the loophole. I happened to see it in the paper, checked with the powers that be... found out that the... the newspaper was, in fact, correct and simply changed the wording from 'shall' to 'may'."

Franks: "Okay. So, we were worried more about constitutionality of the... of the underlying statute. Is that correct?"

Bassi: "Absolutely. And this makes sure that it's constitutional so that there is no loophole for drunk drivers to get through."

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Franks: "As I think all of us want to make sure that people who are driving drunk and... and are reckless..."

Bassi: "Can be prosecuted."

Franks: "...get prosecuted and get the most severe penalty outstanding. And I would want it... and as long as this Bill will ensure that happens, then I... I'm a supporter. And I appreciate you bringing this forward."

Bassi: "Great. Thank you."

Franks: "Thank... thank you."

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

Bassi: "I would ask for your support. Thank you."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 2913?' 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 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. On page 49 on the Calendar, on Third Reading appears House Bill 2860. Representative Bailey. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 2860, a Bill for an Act concerning drug treatment services. Third Reading of this House Bill."

Hartke: "Representative Bailey."

Bailey: "Good morning, Mr. Speaker."

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Speaker Hartke: "Good morning."

Bailey: "House Bill 2860, basically, is asking that all court order defendants who report to probation and are ordered by the court to enroll in drug treatment. Apar... Within 24 hours after determination of treatment, all drug... providers, drug care providers, are to notify the court of their termination."

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

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

Speaker Hartke: "Sponsor will yield."

Parke: "Good morning, Representative."

Bailey: "Good morning, Representative."

Parke: "Isn't it a grand day today?"

Bailey: "It's a lovely day."

Parke: "This is a really good Bill, isn't it?"

Bailey: "I love it."

Parke: "Yeah, it's a nice Bill. Now, of course, you've had a lot of other Bills like this one, right?"

Bailey: "Sort of."

Parke: "Sort of. Are you a... are you a circuit clerk?"

Bailey: "No, I'm a probation officer."

Parke: "So you're a... are you... you're a probation officer. I hope I never meet you professionally. I would hope that that would be the case. Now, you've done other ones like this, is that because you've not passed another Bill like this one?"

Bailey: "Actually, Representative, this is my first Bill."

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Parke: "Oh, this is your first Bill. I see. Well, Representative, this is much more interesting than I originally thought. Now, you're... this is a Bill that is near and dear because you work in the arena, so you have firsthand knowledge. Is that correct?"

Bailey: "Yes, I do."

Parke: "And you want to change it to make the... the drug free... or drug... the people that are under the drug treatment program to keep in touch with the court. How are... how will you do that?"

Bailey: "Well, technically, the court-ordered providers would be like TAZ or whoever is assigned. They're receiving a stipend to provide these services. But when... what happens when individuals are enrolled in their program? They don't necessarily report to drug treatment. Therefore, the drug treatment providers are not notifying the court that these individuals have shown up or they have to terminate em'. If they terminate the individuals, the court is to be notified, thus revoking probation."

Parke: "And this is important because we want them to be clean so that..."

Bailey: "That's right."

Parke: "...when they... when they leave probation that there's an opportunity for them to... to get a job because they're no longer under the influence of drugs and that they, in fact, will be meaningful and productive members of society."

Bailey: "Correct."

Parke: "Is that the objective here?"



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Bailey: "Yes."

Parke: "You're speaking with a real authority here, Representative. Obviously, this is something that you know about. And just by your demeanor I... I'm forced to have to vote for this because I think you're... you're very well and very positive about it. Do you know... who's for this Bill?"

Bailey: "At this point, I have not received any opposition. The Cook County State's Attorney... the Cook County State's Attorneys Office, the Community Behavioral Health Care Association."

Parke: "So, a lot of people that work in the arena are for this legislation?"

Bailey: "Right. Because they would truly be affected in the amounts of monies that they will not receive if they don't report these incidents."

Parke: "Okay. Do you have a Sponsor in the Senate that you think would... that has knowledge and would be able to present this to the Senators?"

Bailey: "No, I don't."

Parke: "Okay. Well, all those Senators that are listening to this debate, this young Lady is gonna need somebody to carry this Bill into the Senate. So... it sounds like a great first Bill, Representative. I'm sure there are Members of both sides that would like to chat with you a little bit more, but thank you for a good Bill."

Bailey: "Thank you, Representative."

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Speaker Hartke: "Further discussion? Chair recognizes the Gentleman from Cook, Representative Lang. Representative Lang, would you like to ask the Sponsor some questions?"

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

Speaker Hartke: "Sponsor will yield."

Lang: "Representative... Representative..."

Bailey: "Yes."

Lang: "Representative, can you turn your microphone around so you can face me while we're talking? You can't, can you?"

Bailey: "No."

Lang: "Okay, fine, I'm just checking. Representative Mautino thinks you oughta go around to the other side of the desk so you can face me, but it's not necessary."

Bailey: "Thank you, Representative."

Lang: "Now Representative, this is your first Bill?"

Bailey: "Yes."

Lang: "Now, I'm curious, we have this two Bill thing that we're doing, which to a freshman is not too bad 'cause most of you don't have more than two Bills. But I'm curious as to how this became one of your priority Bills."

Bailey: "Well, since I work with a lot of drug treatment providers... Oh, you're right. I thought this was important."

Lang: "Well, Rep..."

Bailey: "One of the important things."

Lang: "Representative, that... I mean, you can do better than that in terms of explaining. Let me... let me ask you a question about the Bill. It says, the last line of your

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Bill... I'm over here, Representative. You don't need all this staff. Representative... is Representative Davis part of your staff now?"

Bailey: "No."

Lang: "All right. The end of your Bill says, the provider shall refund to the court any amount paid for services not provided on a per diem basis. What the heck does that mean?"

Bailey: "What are you reading from? Okay."

Lang: "I'm reading from your Bill, Representative. It's the last line of your Bill."

Bailey: "Oh."

Lang: "What's it mean?"

Bailey: "What happens is any drug treatment care provider who does not comply with the ord... court orders on the conditions of treatment, that money has to be returned back to the Circuit Court."

Lang: "Which Circuit Court?"

Bailey: "Cook County."

Lang: "Just Cook County?"

Bailey: "Well, right now, Cook County."

Lang: "So, this doesn't apply to any of the other counties?"

Bailey: "Currently, no."

Lang: "So, would you call this special legislation? Are you sure this is constitutional, Representative?"

Bailey: "Yes."

Lang: "Well, do you want to bring down one of your constitutional scholars and make sure that you have this

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correct? Are you sure this is constitutional? There's nothing more embarrassing than a freshman passing a Bill and have it being found unconstitutional."

Bailey: "Yes, it is."

Lang: "Oh, yes it is. All right. You don't have a memo for us to read on that, do you?"

Bailey: "No, I don't."

Lang: "You know, it's... it's... it's standard procedure to provide a memo on all constitutional issues to the other Members, did you know that?"

Bailey: "No, Sir, I didn't."

Lang: "Well, it's 'cause I made it up. I just..."

Bailey: "Thank you."

Lang: "...checking."

Bailey: "I appreciate that."

Lang: "So, why do you have this particular interest in this drug treatment program?"

Bailey: "Well, on a whole, over 5,600 inmates are sentenced to drug treatment as a condition of their probation. Right now, if they do not comply with that they can be sentenced back or re-incarcerated. Rather than have them re-incarcerated, it's basically helpful for them to go to treatment."

Lang: "So, is this gonna save the counties or the state some money because..."

Bailey: "Yes, it would."

Lang: "...this money is being returned?"

Bailey: "Yes."

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Lang: "Do you have any idea how much it's going to save us?"

Bailey: "No, I don't."

Lang: "This won't be \$4.8 billion, will it?"

Bailey: "Oh, I wish it would."

Lang: "This is not gonna fill in the budget hole?"

Bailey: "No, it won't"

Lang: "All right. Are... are you fairly certain though that there will be some savings?"

Bailey: "Yes."

Lang: "All right. But you don't have the amount?"

Bailey: "No, I don't."

Lang: "Do you have any idea how many prisoners on an annual basis end their treatment and how many people will not be receiving the treatment anymore?"

Bailey: "Well, usually it's half and half. You have some who will comply with treatment and some it'll go by the wayside."

Lang: "And the goal here is to make sure that the money isn't paid continually after the services have ended?"

Bailey: "Correct."

Lang: "Is that correct?"

Bailey: "Correct."

Lang: "Well, I think you have a very worthy Bill here, Representative, but I'm not sure I can vote for it. Thank you."

Bailey: "Thank you."

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

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Giles: "Thank you, Mr. Speaker and Ladies and Gentlemen of this... of this chamber. Will the Sponsor yield?"

Speaker Hartke: "Sponsor will yield."

Giles: "Representative Bailey, unlike the previous speaker, I am supporting your legislation. We'll get that up... get that off the record here... get that on the record up front. But I do have some questions about your legislation. I have a similar piece of legislation which allow an individual that must go through a drug or alcohol program that they must do so or else they will lose their goodtime credit within the department. But... but I do have some questions concerning this piece of legislation. Who will provide the information to the prob... probation department?"

Bailey: "The drug care providers."

Giles: "They... they will solely do so. And if... how... how many... well... well, first of all, how... how many individuals do approximately that we're talking about, right now?"

Bailey: "Over 5 thousand."

Giles: "Over 5 thousand individual. Okay, and... I think you just mentioned that probably half will actually report to treatment or how does that process work? I mean, you're more affluent than I am."

Bailey: "Well, technically, anyone has a choice. When you are ordered by court to enroll in drug treatment, you are given a choice. Actually, you're directed to do so and failure to do so will result in termination of probation. It's your choice to comply."

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Giles: "So, when you say termination of probation, does that mean that that individual will be... will... will, if they are released and they're on probation, that means they're back into the system? They come back..."

Bailey: "Correct."

Giles: "...into the system."

Bailey: "Correct."

Giles: "Okay. And right now, do we have a similar program on the books or are you... this is simply a new... program or is this something that you're tightening bolts on... on to...?"

Bailey: "I'm tightening. And TAZ is the largest drug care treatment provider out there. TAZ, I feel, has monopolized the whole system by contracting with the county. The problem being is TAZ, at times, does not have enough workers to take care of the defendants who are ordered by treatment. The notification back to the department and to the courts is minimal to none."

Giles: "Sure. And I... I... maybe you answered the last question that I have. And if an individual... durin' the process of receiving the treatment, what if they just stop before they actually compete... completed the program? What..."

Bailey: "Then the drug care divider (sic-provider) is supposed to notify the courts that this individual has stopped. At that point, once they're notified, the individual can go back... the officer will refer them that violate them and send them back to court. And it's the judge's decision as to how to deal with that individual."

Giles: "That's solely the judge's decision?"

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Bailey: "Right."

Giles: "Okay. Representative, I think you have answered my questions. I think this is an excellent piece of legislation. I think we are on the right track when it comes to making sure. I think most of my concerns is to make sure..."

Bailey: "Right."

Giles: "...that individual's, one, that they... acknowledge that there is a problem."

Giles: "Right."

Giles: "Many of these individuals are incarcerated and then they are release after doing a time and most of them try their best to get out of going through any type of an assistance..."

Bailey: "Right."

Giles: "...drug or alcohol program. And therefore, not acknowledging or... or simply... not saying to themselves that they have a problem. They do have a problem. And that's one of the main reasons that we have a great recidivism rate, because of the lack of knowledge... acknowledgement that they do have a problem. So, once again, I... I commend you on your piece of legislation. And I fully, 100 percent, support you. And I think it's a excellent Bill..."

Bailey: "Thank you."

Giles: "...for even... even for a freshman Legislator. This is an excellent... I would love to have the legislation myself. So, I think this is a good Bill, Mr. Speaker. And I urge



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all Members to give an 'aye' vote on this piece of legislation."

Bailey: "Thank you."

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

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

Speaker Hartke: "She said 'no' before, but I think she will."

Winters: "She'd better. I was going to follow up a little bit on the comments made by Representative Lang, using his name in debate once again. It mentions that if a provider of these services has been overpaid that they have to refund to the state on a per diem basis."

Bailey: "Yes."

Winters: "Now, are you aware, it must be in your district that the state must... must have some extra money that goes into Cook County? To my knowledge, most of our providers and state services are not, in fact, prepaid but they may have been four or five, six months in arrears. Is that not your understanding?"

Bailey: "Yes."

Winters: "So, what you're saying is that you have special legislation here that you're gonna pay your providers early before they provide..."

Bailey: "No."

Winters: "...the services and then, and only in... then, if they don't provide the services we'll ask for the money to come back to the state... the state budget?"

Bailey: "That's not what I'm saying, Sir."

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Winters: "Well, the way I read the Bill, that's exactly what you're saying. Now, Mr. Hannig here, using another name in debate, I'm sure he's trying to find extra money out there as we put the budget together in... in conjunction with the Governor. Now, if, in fact, you're already prepaying all of these providers of alcohol and drug treatment programs, couldn't we snag some of that money, not pass it out so quickly in your district. In fact, we ought to slow down the payment to the service providers in your district. Wouldn't that be a fair way to... to operate?"

Bailey: "Well, I think with this piece of legislation, it will curtail a lot of that."

Winters: "So, you're saying this legislation will help the state budget?"

Bailey: "Correct."

Winters: "You're absolutely positive? I mean, have you got the cure for the state budget? I... absolutely... I can support this Bill. If this is gonna solve our state budget crisis, halleluiah."

Bailey: "Believe me, it'll save us some money. I don't know how much, but it will."

Winters: "Okay. So, you acknowledge that you don't know the impact of your Bill. Is that what you're telling me?"

Bailey: "Correct."

Winters: "As a freshman, that you're bringing a Bill to the floor and you don't even understand the financial impact of your Bill. What a way to treat this august Body. I am... I

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am absolutely flabbergasted that you don't know the answers to every question that we bring up this morning."

Bailey: "I'm sorry."

Winters: "I am absolutely shocked and appalled. But nonetheless, it probably... if it does help the state budget in the... in the least, then we should probably support it. Thank you."

Bailey: "Thank you."

Speaker Hartke: "Further discussion? Chair recognizes the Lady from Peoria, Representative Slone."

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

Speaker Hartke: "The Sponsor will yield."

Slone: "Representative Bailey, officemate. We did hear that this was your first Bill this morning, is that correct?"

Bailey: "Yes, Representative."

Slone: "All right, in your honor, three of the most recent Members and holders of the Century Club trophy have placed a red carnation in the hands of that beautiful gold figurine there. You have an opportunity, should you choose to take it, to become a Member of this club, along with the previous questioner Representative Winters, the current holder Representative Scully, and of course august doctor, Representative Miller. So, you really need to make a decision this morning whether you choose to have your very first Bill passed or whether you would prefer to become a Member of the august Century Club. I know it's tough. Representative Scully points out that nobody's ever crashed

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this barrier on their first Bill. You could be breaking a record this morning. It's up to you."

Bailey: "Representative Slone, I love the sentiments and your thoughts, however, I'm not gonna lose."

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

Bailey: "I... I thank you, Rep... Speaker. I am requesting an 'aye' vote on House Bill 2860. Thank you."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 2860?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk... Mr. Clerk, take the record. On this question, there are 112 Members voting 'yes', 1 person voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. McGuire, for what reason do you seek recognition?"

McGuire: "Mr. Speaker, someone pushed my button red and by the time I got here it was too late. I'd like to be reflected as voting 'aye'."

Speaker Hartke: "All right then, the Journal will reflect your wishes. Mr. Clerk, 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 March 19, 2003, reported the same back with the following recommendation/s: 'to the floor for consideration' Floor

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Amendment #2 to House Bill 92, Floor Amendment #4 to House Bill 184, and Floor Amendment #1 to House Bill 2996."

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

Slone: "Thank you, Mr. Speaker. I would like to recognize... for the purpose of point of personal privilege."

Speaker Hartke: "State your point."

Slone: "I'd like to announce the presence, in the gallery, of the fourth grade, from Northmoor School in Peoria. Please, welcome them to the chamber."

Speaker Hartke: "Welcome to Springfield, your State Capital. On page 45 of the Calendar, on Third Reading appears House Bill 1493. Representative Bellock. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1493, a Bill for an Act concerning insurance. Third Reading of this House Bill."

Speaker Hartke: "Representative Bellock."

Bellock: "Thank you very much, Mr. Speaker and Members of the Assembly. I have House Bill 1493 today which amends the Illinois Insurance Code and the Health Maintenance Organization Act. This Bill is working towards providing access to parity for people who suffer from serious mental disorders. This Bill provides the coverage requirements regarding emotional disorders apply under the Health Maintenance Organization Act. And it also adds to the 12 serious mental disorders to be served would be anorexia and bulimia. I'd be glad to answer any questions."

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Speaker Hartke: "Is there any discussion on House Bill 1493? Seeing that no one is seeking recognition, the question is, 'Shall the House pass... Representative Black. Good to see you this morning, Sir."

Black: "Mr. Secretary, it's always good to see you. And I might if... if the squawk box is on in a certain office, it's getting close to planting time, we'd kind of like to know who we're gonna turn to in these difficult times down on the farm. But thank you very much, Mr. Speaker."

Speaker Hartke: "Yes, the Sponsor will yield."

Black: "I'm so happy that she will. Representative, what's the genesis of this Bill? Is it from a particular problem, something that an... an insurance company didn't do?"

Bellock: "The genesis of this Bill is a followup from the Mental Health Parity Bill that we all voted on two years ago. And what it is is working towards in the State of Illinois for people who suffer from serious mental disorders to be able to receive insurance coverage. And all this Bill does, it was amended and in the Amendment fine it is that HMOs must cover that insurance now and it adds two other disorders to the 12 that are listed as serious mental disorders such as schizophrenia, bipolar, it adds anorexia and bulimia."

Black: "All right. So, self... self-insured plans are not covered because we don't..."

Bellock: "Right."

Black: "...the Federal Government preempts any... any state attempt to regulate self-insurance pro... programs."

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Bellock: "Right."

Black: "And I see that an Amendment took the individual health policy out of the Bill."

Bellock: "Right."

Black: "So who now is covered, just an HMO?"

Bellock: "And group insurance policies that are over 50. This does not include any small businesses with 50 employees or less."

Black: "Okay. Thank you very much, Representative. Mr. Speaker, to the Bill."

Speaker Hartke: "To the Bill."

Black: "It's... I've stood in opposition to these all Session and continue to stand in opposition. We have mandated coverage by ailment, by body part, by gender, by whatever, and they're all good ideas. If anybody needs care for mental disorders, it's probably me. But the fact... the fact remains that every time you mandate something you increase the cost. And every time you increase the premium cost you get the absolute opposite effect of what you want. Rather than covering more people, employers like my brother, who struggle to meet premium cost of a \$100 thousand in a small business, simply either has to up the employees' contribution or decides just to drop coverage all together. We can't continue this practice. We've done it for years. I don't... I can't think of a body part we haven't covered, an ailment we haven't covered, an illness we haven't mandated to be covered. That's left up to underwriters, risk managers and those people who want to buy a policy at

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a set price. And the more we mandate, actually, the fewer people will be covered. It's an unfortunate fact of life. I wish it wasn't that way. But that's what the marketplace does."

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

Bellock: "Thank you very much, Mr. Speaker. And I respect Representative Black's comments. But I feel strongly about this issue in that there's so many people in our state that are suffering from severe mental illness and they deserve the same rights that people who serve... who suffer from physical illnesses to be covered in the same way. If these people are just allowed to receive their medications, they will be able to stay out of institutions, they will be able to go to work just like people who suffer from dia... diabetes, cancer and heart problems. These are not just insi... insignificant issues. These are severe issues that have been covered by the papers of severe depression, which allows people not to be able to live their regular life. I strongly encourage you to support this Bill for people who seri... suffer from serious mental disorders, who are now, at this time, not able to receive any coverage like people who suffer from physical illnesses. They deserve to have this coverage. The insurance people and the business people in the last year have worked with us on this issue. They have seen, they have not complained. They are going to do study as to the ramifications of this. We took that issue out of the Bill, we took the sunset out of the Bill, we took



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individual policies out of the Bill. So, I'm asking you to support this as it stands today. Thank you."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 1493?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 109 Members voting 'yes', 3 Members voting 'no', 2 Members voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On page 48 of the Calendar, on the Order of Third Reading, appears House Bill 2579. Representative Acevedo. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 2579, a Bill for an Act concerning vehicles. Third Reading of this House Bill."

Speaker Hartke: "Representative Acevedo."

Acevedo: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 2559 (sic-2579) provides that the removal of... of a false or secret compartment from a motor vehicle or a promise to do so shall be... shall not be the basis for defense to forfeiture of the motor vehicle under the Criminal Code of 1961 and shall not be the basis for the court to release the vehicle to the owner. It also increases the penalty from a Class C misdemeanor to a Class IV felony. I'll be happy to answer any questions."

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

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Brady: "Thank you, Mr. Speaker. I'm not speaking to the Sponsor's Bill at this point, it was the last vote that we took. I'd like the record to reflect my switch did not work and I wanted to be recorded as 'yes' on 1493. Thank you."

Speaker Hartke: "The Journal... Journal will reflect your... the Journal will reflect your wishes. Further discussion? Chair recognizes Representative Franks."

Franks: "To the Bill, Mr. Speaker."

Speaker Hartke: "To the Bill."

Franks: "Representative Acevedo, I want comp... compliment you on this Bill. This is a Bill I worked with... with you along with Senator Madigan a few years ago to have these... automobiles taken off the streets that have secret compartments. I think this is very commonsense follow-up legislation. I appreciate you bringing it forward. And I ask that everyone vote 'aye'."

Speaker Hartke: "Further discussion? Since no one is seeking recognition, the question is, 'Shall the House pass House Bill 2579?' 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? Representative Hoffman. Mr. Clerk, take the record. On this question, there are 113 Members voting 'yes', 0 voting 'no' and 0 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On page 31 on the Calendar, on

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Second Reading appears House Bill 2983. Representative Bost. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2983, a Bill for an Act concerning veterans. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. On page 50 on the Calendar, on the Order of Third Reading, appears House Bill 3552. Representative Berrios. Representative Berrios. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 3552, a Bill for an Act concerning adoption. Third Reading of this House Bill."

Speaker Hartke: "Representative Berrios."

Berrios: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 3552, amends the Adoption Act. Today, a child who becomes pregnant as a result of rape must get the consent of the rapist or wait until the completion of the criminal proceedings that result in a finding of guilt in order to place her child up for adoption. This Bill would eliminate that requirement, making it easier to... to adopt a kid. In easier words, the girl can have an... can have an abortion without his consent but she can't give this kid up for adoption without the consent of the rapist. So, that's what we're trying to change. I'd like your support on this Bill. And I'd ask for your 'aye' vote. Thank you."

Speaker Hartke: "Is there any discussion on House Bill 3552?"

Chair recognizes Representative Fritchey."

Fritchey: "Thank you. To the Bill."

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Speaker Hartke: "To the Bill."

Fritchey: "I want... I want to commend the Sponsor on this. This Bill really closes up a loophole that very few of us realize exists. She's worked very hard on this issue. I've received a number of letters and calls and e-mails from people around the state who have been apprised to this issue. God forbid any of us ever find someone or someone we care about who's in this situation. You know, every now and then an issue comes along that you would just think the common sense would tell you is in the law. This is one of those situations where it's not in the law. It needs to address the situation before any woman's affected by this. So, I strongly suggest your strong support for this Bill. Thank you."

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

Berrios: "Thank you. In closing, rape is a form of control and power over the victim. When a minor who is raped becomes pregnant and makes a decision to place her child for adoption, the rapist continue to maintain control and power over the victim, even nine months after the rape. This Bill would reduce that power over the victim. Thank you. I'd ask for your 'aye' vote."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 3552?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question,

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there are 113 Members voting 'yes', 1 person voting 'no' and 0 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Representative Bellock, for what reason do you seek recognition?"

Bellock: "Thank you very much, Mr. Speaker. A point of personal privilege."

Speaker Hartke: "State your point."

Bellock: "I'd like to welcome today 30 students from Hinsdale Central High School that have come down to visit. They're from the AP Government Class, Ms. Cook's class and they're here to study the issues of government. Thank you."

Speaker Hartke: "Welcome to Springfield, Illinois, your State Capital. On page 30... on page 47, on Third Reading appears House Bill 2453. Representative Bradley. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2453, a Bill for an Act in relation to criminal law. Third Reading of this House Bill."

Speaker Hartke: "Representative Bradley."

Bradley: "Yes, 2453 provides that a person who applies to transfer parole, probation or mandatory supervised release must first make provisions to pay awarded restitution and must pay a \$125 transfer fee before the transfer is granted. This is an... an initiative of the Illinois Probation and Court Services Association."

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

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

Speaker Hartke: "The Sponsor will yield."

Mulligan: "Do they have to appear before, if they've got permission to go out of state, do they have to be back here to be in front of a probation officer? Or do they... are they moving, they'd have to see a probation officer in that state? How do you judge if they're not complying?"

Bradley: "Well, first they have to meet in state with the probation officer. Oftentimes, when they're leaving out of state it is for a valid job opportunity. And we just wanna get some funding in case that we have to bring 'em back."

Mulligan: "Normally, someone that's on parole would... probably wouldn't have the funds for that. So, how do you... how do you propose to collect?"

Bradley: "Well it's need base and it could be waived if necessary. So, it's gonna be commonsense application of the law."

Mulligan: "I'm sorry, I could not understand that."

Bradley: "It's gonna be need base and the fee can be waived if... the person can't afford it."

Mulligan: "So, they get permission to go out of state, say to visit a dying relative, and they don't come back. And then you're gonna have to track them down and get them to pay to retur... have themselves returned, if they're picked up in that state by the appropriate authorities. Who would normally charge us? The authorities or would our state have to pay for them to be returned?"

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Bradley: "Well, our state would have to pay the return. That's why we're trying to get that \$125 fee."

Mulligan: "Probably could cost more than that. All right, thank you."

Bradley: "Likely."

Speaker Hartke: "Further discussion? Chair recognizes the Lady from Kane, Representative Lindner."

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

Speaker Hartke: "Sponsor will yield."

Lindner: "You had said that it would be need base, but I don't think it says that in your legislation, does it?"

Bradley: "It does not. But again, in my discussions with the Probation and Court Services Association, that was their understanding how the law would be applied."

Lindner: "So, are they... do they draft their own rules for... for this legislation? Or how... how do you know that is gonna be need base if it doesn't say that in the legislation?"

Bradley: "And again, that's just from my discussions with them. They thought that that's how they would apply it, practically."

Lindner: "I mean, do you think you need an Amendment to this? Because it does say they must make provisions for the payment of this fee."

Bradley: "Again, when... in talking to the association, they thought that could all be worked out. Must make, again, if som... they have the flexibility to waive that fee if the person cannot afford it."

Lindner: "All right. Thank you."

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

Bradley: "Appreciate your support."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 2453?' 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? Representative Biggins and Saviano. Have all voted who wish? Mr. Clerk, take the record. On this question, there are 114 Members voting 'yes', 0 voting 'no' and 1 person voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On page 49, on the Order of Third Reading, appears House Bill 2843. Representative Brady. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2843, a Bill for an Act in relation to criminal law. Third Reading of this House Bill."

Speaker Hartke: "Representative Brady."

Brady: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 1493 (sic-2843) creates the offensive conspiracy to manufacturers syn... synthetic controlled substance, which is defined as aiding in the manufacture or production of a synthetic drug. This is part of the comprehensive package of legislation dealing with the production of methamphetamine labs in the state. And what the real change is here, is within statute would provide that for the persons or companies that supply the chemicals or other apparatus that they may be criminally responsible



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for their acts in furtherance of the manufacture of a controlled substance if, in fact, they were found with the subject matter of intent and was... that was proven in a court of law. And that is the change in the statute under this Bill. And I'd be happy to answer any questions."

Speaker Hartke: "Is there any discussion on House Bill 2843? Seeing no one is seeking recognition, the question is, 'Shall the House pass House Bill 2843?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk... Mr. Clerk, take the record. On this question, there are 115 Members voting 'yes', 0 voting 'no', 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. On page 46 on the Calendar, on the Order of Third Reading, appears House Bill 2146. Representative Brosnahan. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2146, a Bill for an Act concerning mediation. Third Reading of this House Bill."

Speaker Hartke: "Representative Brosnahan."

Brosnahan: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 2146 creates the Uniform Mediation Act. The purposes of this legislation is to encourage the use of mediation in the State of Illinois. Mediation is an increasingly important way for parties to reach disputes voluntarily without the need for a court judgment. It's a process in which a neutral person helps the parties come

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together and reach their own agreement on how to end to an... a dispute. The neutral person does not act as a judge or determine the outcome. Instead the parties decide whether to settle and what the terms of the settlement will be. They can decide on their own whether to mediate or in some Illinois state courts a judge can refer them to mediation. The primarily purpose of the Uniform Mediation Act is keeping mediation communications confidential. It creates a legal privilege for statements made in mediation. And the purpose of this is to encourage frank, in candid communications with the parties so they can reach a settlement. There's also... the Act also provides for exceptions to this privilege. The main thing is that this is totally voluntary. The... the parties have to agree to this. And I'd be hap... I don't know any opposition to this Bill. I'd be happy to answer any questions."

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

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

Speaker Hartke: "Sponsor will yield."

Parke: "Representative, is this... what if..."

Speaker Hartke: "Shhh. Ladies and Gentleman, it's getting... excuse me Mr. Parke. It's getting very noisy in here. Please, tone down your voices. Mr. Parke."

Parke: "Thank you, Mr. Speaker. I appreciate the courtesy. Is this legislation been proposed by you or was it brought to you by some uniform laws commission or some other group like that?"

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Brosnahan: "This is actually an initiative of the American Bar Association in conjunction with the National Conference of Commissioners on Uniform State Laws."

Parke: "Oh, okay. All right. And you say that... I... my records show that the Bar Association is neutral and CMS is neutral. Why... why do they get involved in this? Is there a possible cost to them?"

Brosnahan: "It... Terry, I'm not sure if you said CMS, I wasn't aware of their position. I know the Illinois State Bar Association had a concern. They would have liked to have seen all the mediators be required to be attorneys, which I don't necessarily think is a very good idea. But I don't think they opposed the Bill, that was just a concern that they had."

Parke: "Okay. So, you think this Bill closes loopholes or encourages, by legislation, for mediation to be the... the rule and not the exception?"

Brosnahan: "Absolutely. I think, right now, parties that agree to mediation, a lot of times they agree to mediation and they have a feeling that those communications in there are gonna be privileged. What they don't know is that if the case... if it's not resolved and they go to court then, they go back to court, a lot of times those statements can be used against them. So this just creates a privilege."

Parke: "Are you, yourself, an attorney?"

Brosnahan: "Yes, I am."

Parke: "And do you work in the mediation arena?"

Brosnahan: "You know, I have never done mediation before."

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Parke: "Okay."

Brosnahan: "So, I wasn't real familiar until this Bill."

Parke: "So, you just think that this is a good legislation and it helps with people solving problems?"

Brosnahan: "I definitely think it would... I think it would encourage settlements and decrease the case flow on courts."

Parke: "Thank you, Representative."

Brosnahan: "Thank you."

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

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

Speaker Hartke: "Sponsor will yield."

Mulligan: "Representative, is there any specified course or qualifications for a mediator?"

Brosnahan: "I'm sorry, Representative, I couldn't hear you."

Mulligan: "Are there any specified qualifications or certifications for a mediator?"

Brosnahan: "No, there are not."

Mulligan: "And it doesn't necessarily have to be a lawyer. It can be a psychologist or a paralegal?"

Brosnahan: "That's correct."

Mulligan: "Is there any set fees in the case of someone that may be indigent?"

Brosnahan: "There are no set fees."

Mulligan: "I notice in your Bill that there are provisions for counties with over a certain population to have their

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judicial system set up a fund that would pay for mediation."

Brosnahan: "Yes."

Mulligan: "Is that true?"

Brosnahan: "I'm sorry, could you repeat that question again? I... I know right now Rockford has a very substantial mediation program. Cook County really doesn't have a... any kind of a mediation program to speak of. So, this is meant to encourage the use of mediation throughout Illinois. But I know Rockford has it and I think the way it's usually worked is that the parties that agree to the mediation, they usually split the cost of the mediator."

Mulligan: "I... and that... what happens in the mediation under certain circumstances is not admissible or cannot be made public. Could you outline the circumstances under which that's confidential?"

Brosnahan: "I'm sorry, I cannot hear you. I'm trying to listen but I can't hear. I apologize."

Mulligan: "Would you outline the circumstances when mediation is not available in the court record and is kept secret?"

Brosnahan: "Sure. In Section 6, there's exceptions to this privilege. It does not apply when... it... there's an agreement evidence by a record signed by all parties to the agreement. It also... when they're... it's available to the public under the Freedom Information Act or made during a session or mediation which is open or is required by law to be open to the public. It does not apply when a threat or statement of a plan to inflict bodily injury or commit a

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crime of violence. It does not apply if the mediation is intentionally used to plan a crime, attempt to commit a crime or to conceal an ongoing crime or ongoing criminal activity. It does not apply when it is sought or offered to prove or disprove a claim or complaint of professional misconduct or malpractice filed against the mediator. And also there's two others, Sections 6 and 7, where also it doesn't apply."

Mulligan: "Also, there's a part in your Bill, when I was scrolling through here, that says that information is not disclosable, but there's also an exception to something that would normally be found in court. So, because you disclose it to a mediator does not mean that it's exempt from being asked in a court case."

Brosnahan: "That's correct. That's correct."

Mulligan: "Thank you."

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

Brosnahan: "I'd appreciate an 'aye' vote. Thank you."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 2146?' 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? Representative Davis. Have all voted who wish? Mr. Clerk, take the record. On this question, there are 115 Members voting 'yes', 0 voting 'no'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On page 31 on the Calendar, on the Order

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of Second Reading, appears House Bill 3009. Representative Bower, Brauer. Out of the record. On page 48 on the Calendar, on the Order of Third Reading, appears House Bill 2849. Representative Coulson. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2849, a Bill for an Act in relation to aging. Third Reading of this House Bill."

Speaker Hartke: "Representative Coulson."

Coulson: "Thank you, Mr. Speaker. House Bill 2849 permits the alignment of the circuit breaker and senior care programs. Many seniors float between our circuit breaker program and the senior care program as their income fluctuates from year to year. What we're trying to do with this Bill is to line the card fees, the copays and expenditure thresholds to reduce the confusion that seniors face as they may move from the program to program. With our excellent senior care and circuit breaker programs in the State of Illinois for per... prescription drug coverage, we'd like to make it easier and less confusing for seniors, and that's what this Bill does. I'll answer any questions."

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

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

Speaker Hartke: "Sponsor will yield."

Parke: "Representative, on a senior citizen issue like this, is this supported by any senior groups?"

Coulson: "This is one of the initiatives of AARP."

Parke: "Okay. And in a essence, what problem are we solving with this?"

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Coulson: "We're pro... we're... we... as you know, we have a circuit breaker program and last fall we were able to get the Federal Government waiver for the senior care program. Because the eligibility is slightly different I... as well as some of the... the requirements for expenditures and copays, what we want to try to do is end the confusion that seniors right now have that they don't know which one they're gonna be on, to let the department deal with that instead of the seniors trying to figure out which one to apply for. So, we're just aligning the... the... making the play... playing field level and aligning all of the details like the copays and the payments."

Parke: "So, what we're, in essence, allowing the professionals to work with our seniors and giving them guidelines and instruction rather than seniors who may not know how to do this themselves. Is that what... what you're saying?"

Coulson: "Correct."

Parke: "Well, Representative... again, Representative Coulson is continuing to support legislation to help seniors in this state. And this legislation is just a continuation of her outreach to senior citizens that, in many cases, have misunderstanding of how to secure support and help. I think the Body commends Representative Coulson on another outstanding Bill."

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

Coulson: "Thank you, Mr. Speaker. This is an important continuation of our senior prescription drug coverage to



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make it easier for seniors to understand what is provided by the state. And I encourage your su... 'aye' vote."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 2849?' 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... Representative Ryg. Mr. Clerk, take the record. On this question, 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. On page 47 on the Calendar, on the Order of Third Reading, appears House Bill 2441. Representative Chapa LaVia. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2441, a Bill for an Act concerning consumer fraud. Third Reading of this House Bill."

Speaker Hartke: "Representative Chapa LaVia."

Chapa LaVia: "Thank you, Speaker and Members of the House. Yes, this is my first Bill, if anybody's wondering. And I'm no newcomer to talking, so... or speaking, or whatever you want to call it. The House Bill 2441 is the nonwaiver ability legislation. It amends the Consumer Fraud Act, which protects Illinois consumers against unfair methods of competition and deceptive acts by declaring unlawful acts of deception, fraud, false pretenses, false promises and concealment, suppression or admission of material fact. This small insert just makes it, the waiver, unenforceable in the court of law. So this protects our consumers."

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

Lang: "Thank you. Will this Sponsor, on her very first Bill, yield?"

Speaker Hartke: "She will yield."

Lang: "I don't know why she removed..."

Speaker Hartke: "She will yield."

Lang: "...that century trophy, Mr. Speaker."

Speaker Hartke: "I don't either."

Lang: "She's gonna need it in a minute."

Speaker Hartke: "I think so."

Lang: "So, Representative, I am right, this is your first Bill?"

Chapa LaVia: "It is."

Lang: "Okay. So..."

Chapa LaVia: "And it was... the genesis is a... is a Madigan."

Lang: "I didn't ask ya the genesis, other people may ask you that. So, the question I have, at least the first question I have, is can we do what you're trying to do? If... if some company requires you to sign a document that... that has this waiver language in it, but the company's from North Dakota, aren't we in violation of the Federal Constitution? Isn't this a violation of the interstate commerce clause of the United States Constitution?"

Chapa LaVia: "No."

Lang: "Mr. Franks is not your staff, Representative."

Chapa LaVia: "No. Here... here's a dime. I'm gonna hire him as an attorney."

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Lang: "So, Mr. Franks said 'no'."

Chapa LaVia: "No, it is not."

Lang: "Have you done any research on this at all?"

Chapa LaVia: "I have not done research on the federal level."

Lang: "Well, would your new staff like to answer my questions directly or can you answer these questions?"

Chapa LaVia: "On advice of legal counsel, no."

Lang: "So, I don't really understand that. So, does... does our... does the current Consumer Fraud and Deceptive Business Practice Act apply to contracts that are from out of state?"

Chapa LaVia: "Sure, why not?"

Lang: "Well, fine. Let me move on."

Chapa LaVia: "Please do."

Lang: "How many Bills do you have, Representative?"

Chapa LaVia: "Only a handful."

Lang: "And this is your... like your top priority Bill?"

Chapa-LaVia: "It is."

Lang: "Has there been a big effort in your district and your part of your reelection to come here to the House Floor and move this Bill? Have you heard from a lot of constituents?"

Chapa LaVia: "Actually, this is one of 'em, Lou. It really is. The idea that you can go in, case in point, and buy a cell phone and sign it... a contract and not really reading the verbiage or understanding the language and sign away your right to actually go back and enforce the Consumer Protection Act, you can waive that right."

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Lang: "Just... just for the record. Your real staff is behind you now and you might want to ask him the same question about constitutionality. Would you ask your real staff that question?"

Unknown: "She's knows it all already."

Lang: "I'm told she knows it all already. Well, Representative, would you accept an Amendment to this Bill... Representative, I'm speaking now. Would you accept an Amendment to this Bill exempting contracts that come out of 4... the other 49 states to make sure it's constitutional?"

Chapa LaVia: "No."

Lang: "Just that... just like that, no."

Chapa LaVia: "No."

Lang: "You come here to the floor of the House, a hard election campaign, you spend a lot of money and you come here for the privilege of speaking on the microphone in the Illinois House of Representatives..."

Chapa LaVia: "No."

Lang: "...and all you have to say to me is 'no'?"

Chapa LaVia: "No."

Lang: "All right, then I'm done."

Chapa LaVia: "Thank you, Representative. Any other questions?"

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

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

Speaker Hartke: "Sponsor will yield."

Parke: "So, what's the genesis of this Bill?"

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Chapa LaVia: "The genesis of the Bill is by our Attorney General, Lisa Madigan."

Parke: "Which is... what was the name of that attorney general?"

Chapa LaVia: "I'm... I'm sorry some people are being rude on this side. I can't hear a word you're saying, Representative."

Speaker Hartke: "Shhh."

Parke: "Well, that's good because on our side we would never do that. I said, what was the name of that attorney general? What state is that attorney general from?"

Chapa LaVia: "Illinois, Sir."

Parke: "And what was the name?"

Chapa LaVia: "Our honorable Lisa Madigan."

Parke: "Okay, very good. Now, so, you're saying if somebody says that they are willing to do something that we... we won't allow 'em to say that. They won't... you won't allow them to decline something. Is that what you're saying with this legislation? So, an consenting adult says, I don't want to do something, you're telling 'em, by your legislation, that it doesn't matter whether you want to do it or not you gotta do it. Is that what this says?"

Chapa LaVia: "As Legislators, we try to protect consumers as much as we can. This is just adding in language to help them so, the fact that, if you and I went into a contract together and you bought women's underwear for me and you had to sign..."

Parke: "For you?"

Chapa LaVia: "...I'm getting... I'm getting some attention now. And you had to sign a contract, you can actually..."

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Parke: "I've never met your... I've never met your husbands, Ma'am."

Chapa LaVia: "I'm sorry. That's really real, right? Okay, a cell phone from me and you sign off because you don't have the time to read the verbiage on there, you can actually sign away your rights to go and use the Consumer Protection Act against that company that you purchased the cell phone against."

Parke: "I mean, aren't we piercing the shield of contracts? What if this is a written contract and that person signs it? I mean, are we gonna interfere with the basic tenants of..."

Chapa LaVia: "Right."

Parke: "...contract law in this state?"

Chapa LaVia: "What if it was a written contract for prostitution? We don't do that, right?"

Parke: "Well, what if it was to purchase ladies' underwear?"

Chapa LaVia: "We're back on that subject again. We're not talking about that."

Parke: "You brought it up. You brought it up, not me."

Chapa LaVia: "Hey your... your preferences there are none of, you know, our business."

Parke: "So... and so, if I go in and I... I sign a contract, you're telling me... is there... is there a certain... I mean, does this contract go from... from 18 to 75 or is there a breakdown on this in any age?"

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Chapa LaVia: "No, there's not. That's... that's... if you're 18 years old, you're old enough to sign a contract in the State of Illinois."

Parke: "But you're not old enough to smoke?"

Chapa LaVia: "The example comes from... I'm sorry, Sir."

Parke: "But your not old enough to smoke?"

Chapa LaVia: "I didn't say that."

Parke: "Oh."

Chapa LaVia: "I own a cigar martini bar."

Parke: "Okay. But again, is this... does this contract have to... can it be just verbal or is it written?"

Chapa LaVia: "It will... well, it'd have to be written only."

Parke: "So, if somebody just goes into a store and puts money down and walks away, that's not... then this Bill would not apply to that?"

Chapa LaVia: "No, Sir. It's writ... only in written contracts in the State of Illinois."

Parke: "Well, I do... I do have a... I really do have a concern about this. Is there a timeline on this? Do you set this certain... I mean, are we interfering with any kind of lemon laws that we have or anything like that where you have a three-day right to bring a car back? Is that... are we interfering with those laws?"

Chapa LaVia: "Well, it's strange that you bring that up because there was a Illinois Supreme Court decision, Perchant V. Bob Watson Chevrolet, and this is kind of the genesis of this. Is that the person actually signed a contract..."

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Parke: "Wait a minute, I thought you told me that the attorney general was the genesis of this."

Chapa LaVia: "...didn't get financing... No."

Parke: "Is this..."

Chapa LaVia: "This is one of the reasons why it was brought to where it's at right now, as opposed to..."

Parke: "So there's... there's another genesis?"

Chapa LaVia: "They're dual genesis."

Parke: "Dual genesis, okay. Representative Franks, I don't remember talking to you, Sir. It's the other Representative I'm speaking to."

Chapa LaVia: "Andy (sic-Terry), I would... I would really hope that you would support this. Representative Parke, you're a awesome person..."

Parke: "Are you... I'm not done."

Chapa LaVia: "...you like women underwear. Thank you for talking with me."

Parke: "I'm not... I'm not done. Are you interfering with written contract? That's... I mean, are we affecting contract law? That's what I really need to know."

Chapa LaVia: "No, everything else stays into play: about three days, the lemon law, things like that. This is just an added protection for our consumers that they can't waive away their rights under this and other things as your house, forfeiting your down payment if you don't receive finance on a vehicle. There is a lot of elements out there that you and I might be privy to because we are in a situation where we receive a lot of information, but the



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regular Joe on the street can actually waive a right... away a lot of things that are important in their life and not knowing... knowingly do it."

Parke: "Well, how does this affect telemarketing?"

Chapa LaVia: "It doesn't."

Parke: "Okay."

Chapa LaVia: "Only written contracts."

Parke: "Has anybody raised any objection to your legislation?"

Chapa LaVia: "None, whatsoever, Sir."

Parke: "I'm surprised because this does affect contract law. And I'm... I would have thought that some people might have expressed their concern. Thank you, Representative."

Chapa LaVia: "Thank you very much."

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: "Representative, the question was asked the genesis of the Bill. You said the Bill came from the Attorney General's Office. Well, that's all well and good. Is there a court case that prompted this legislation?"

Chapa LaVia: "Ye... yes, there is and thank you for asking about it. It was Perchant V. Bob Watson Chevrolet."

Black: "And what prompted the court case?"

Chapa LaVia: "The court case was prompted by the plaintiff had executed a contract to purchase a vehicle from Bob Watson Chevrolet. The form sales contract contained a provision

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stating that any case of action arising out of the sales transaction had to be filed no later than one year after the date of the contract. Note though, under Section 10A of the Consumer Fraud Act, consumers filing a private cause of action have a three-year statute of limitations to bring a cause of action. Later plaintiff... plaintiff filed a suit against defendant allegedly, among other things, violations of the Consumer Fraud Act. Defendant filed a motion to dismiss all court argue... arguing that plaintiff's case should be dismissed because it was filed after the one-year time period had expired. Plaintiff's counsel argued in opposition that contract provision limited the statute of limitation was unconstitutional, unenforceable against public policy. The trail... the Trial Court and the Appellate Court both ruled that the contract provision was enforceable as the consumer had duty to read all of the contract provisions. However, in this order, of March 28, 2001, the Trial Court also stated, while this court believes it is unjust to allow a sophisticated party in... and taking advantage of bargaining position such as the defendant to severely restrict the rights the consumer through language incomprehensible to the average person on the backs of the form contract such as the State of Illinois law. So, in... in briefing, they decided ag... for Bob Watson and against the consumer."

Black: "Was the consumer given constructive notice? Did the consumer initial or sign the waiver?"

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Chapa LaVia: "They did, indeed. But once again, the contract... for the average person looking at a contract, Sir, they need legal advice to look over contract and we don't have the time, we don't have the money, as... as the average citizen, to do that."

Black: "Well, then why don't we just pass a law that no contract can be entered into unless a lawyer puts his or her name on it and says this contract is under compliance with all of the laws of the State of Illinois?"

Chapa LaVia: "Well..."

Black: "A lot... a lot of lawyers out there need the work."

Chapa LaVia: "Well, that would... that would..."

Black: "Or... or why, I'll tell you what..."

Chapa LaVia: "That would be wonderful, Sir..."

Black: "Why don't we..."

Chapa LaVia: "...but not all of us can afford it."

Black: "Why don't we just have... mandate that a lawyer be on the payroll of every business and must consult with the buyer on any transaction? Who... who wrote the contract, Representative? Who wrote this contract that, in the court's judgment, was very difficult to understand? Who wrote that?"

Chapa LaVia: "Not the consumer, Sir. Not the consumer."

Black: "A person with a high school education or did an attorney write it?"

Chapa LaVia: "Not the consumer, Sir."

Black: "No, I don't... obviously the consumer didn't write it. Who wrote the contract? The car salesman or an attorney?"

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Chapa LaVia: "Probably an attorney."

Black: "Ah. Thank you very much. In your Bill what... what's the definition of a waiver?"

Chapa LaVia: "There is none."

Black: "So, in other words, you're wiping out my ability to sign a waiver of my rights, if I feel it's in my best interest to do so?"

Chapa LaVia: "Correct."

Black: "In other words, if I make a deal with a window salesman, he's gonna put new windows on my house and because it's towards the end of winter he says if you will sign this contract that gives you one year to contest the workmanship or the installation of the window... windows, we'll knock \$5 thousand off the price. So, you're telling me I can't even enter into that agreement, though it might be a good financial agreement for me?"

Chapa LaVia: "Who's gonna make that offer to you, Representative, cell phone companies, car dealerships? Who's gonna make that offer?"

Black: "I just told you. If... if a storm window salesman comes to my house Friday morning, it's the end of winter. And he says, you know, I know... I drove by your house and it's... it looks as if your windows need to be replaced. And I know how old those windows are. And I grew up in the heating business and I know what leaky, drafty windows can do to my heating bill. So I say, you know, I'm interested in that. And he gives me a price and I say that's way too high. So, he says, I'll tell you what I'll do, if you sign a waiver

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that the warranty and the workmanship warranty is one year, you sign that waiver and I'll cut \$5 thousand off the price. You're telling me, I can't sign the waver."

Chapa LaVia: "I... I'm not saying that. That's fine."

Black: "You just told me... you just told me three minutes ago..."

Chapa LaVia: "You... you... no... no you can sign that, if you wish."

Black: "...that I had no right to sign a waiver."

Chapa LaVia: "You can si... you can sign that, if you wish. The one... the waiver rights are the ones that I'm talking about under the Consumer fra... Act... the Consumer Fraud Act."

Black: "Well, Representative, that's very nice that you're gonna let me sign a waiver. But here's what your Bill says under the Amendment. Any waiver or modification of the rights, provisions or remedies of this Act shall be void and unenforceable. So, I can't sign a waiver."

Chapa LaVia: "Under the Consumer Fraud Act."

Black: "Does that... does that not cover storm windows? Somebody that comes to my house and sells me storm windows. You mean, that person isn't covered under the Consumer Deceptive Practices Act?"

Chapa LaVia: "Yes, that person would be covered."

Black: "That's what I thought. So, I can't sign a waiver. If a car salesman..."

Chapa LaVia: "You can sign the waiver. We're given..."

Black: "No, I can't."

Chapa LaVia: "We're saying that it's not enforceable, although some..."

Black: "I... I can sign it, but it's not enforceable."

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Chapa LaVia: "It's on the other... it's got to... it's to protect you, not to make... it's... You're asking for a windfall, I'm asking for somebody to be protected under this that do not know... does not know the language."

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

Chapa LaVia: "Thank you very much, Representative Black."

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

Speaker Hartke: "To the Bill."

Black: "I'll tell you one of the things that gives me a warm and fuzzy feeling in this chamber, when somebody tells me government is here to protect you. God, help us all."

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

Burke: "Thank you, Mr. Speaker. Would the Sponsor yield?"

Speaker Hartke: "Yes."

Burke: "Representative, when you opened your remarks earlier you had suggested that you were very well accustomed to public speaking. Is that not true? Did you suggest to this Body that you are very familiar with public speaking?"

Chapa LaVia: "Yes."

Burke: "Well, I received this little card here earlier that's suggesting that we have a happy St. Joseph's Day. And I noticed your name has a certain familiar Italian ring to it. And I was just wondering on who's behalf do you speak? What are you, Representative?"

Chapa LaVia: "I..."

Burke: "What is your heritage?"

Chapa LaVia: "I'm a woman."

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Speaker Hartke: "Is there any discussion?"

Chapa LaVia: "I have a little Italian in me... a little bit of the time."

Burke: "Did you su... did you suggest..."

Chapa LaVia: "My husband's Italian."

Burke: "Did you say you had a little Italian in you."

Chapa LaVia: "But, no, not by injection."

Burke: "Well I... I would just suggest to the Body that in view of your last name you certainly should have participated in this celebration. And maybe the next time, next year we can look forward to a little cannoli from the LaVia from Italy. But congratulations, Representative. I think I'm gonna support this initiative."

Chapa LaVia: "Thank you very much."

Burke: "And welcome to our wonderful establishment here."

Chapa LaVia: "Thank you very much, Representative Burke."

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

Mendoza: "Thank you, Mr. Speaker. I'm just curious, Representative, did Phil Collins perhaps help you with his invisible touch with the genesis of this Bill? Okay, don't worry about it. All kiddin' aside, I did want to stand in support of this Bill. I think it's an important piece of legislation. Because whether Phil Collins helped you or not, Representative Chapa LaVia, this is an important piece of legislation that does protect the consumer. I sit on the Consumer Protection Committee, I heard the Bill in committee. We're hearing it today. But... but it's

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important to... to mention that sometimes people, regular people, not attorneys, not people who've gone to school to know what it is to write a contract, to understand every si... every single, little, tiny word, regular people sign contracts en... enter into agreement. Senior citizens enter into agreements all the time for people to fix their roofs, for people to fix their windows and very often get... get scammed. That's just the honest truth and that's what happens every day in our state. A Bill like this just simply helps the consumer who perhaps isn't an attorney and who has sheets and sheets and pages and pages of legal jargon that they perhaps don't understand. The only thing they understand is that it's cold outside and they need new windows. So, they're gonna sign whatever they have to sign to make that happen. And I think that if businesses are in the business of telling people that they should waive their rights for protection, then we should be in the business of telling people that we will protect their rights for protection. So, I stand in strong support. I think this Bill simply says that businesses should respect the Consumer Fraud Act, they should respect people's right to be protected and they should be protected under either the contract that they sign or under the current law for the amount of time that our state has already stipulated. So, I would ask that this Body vote for this Bill, as well."

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



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Chapa LaVia: "Thank you very much. The rights and remedies of Illinois consumers are determined by the Illinois Legislature and not... are not negotiable. An individual business person should not have or not be able to override the Legislator by duping the unknowing consumer by waiving his or her rights. I would invite you to vite... to vote 'yes' on this. Thank you."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 2441?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 103 Members voting 'yes', 10 Members voting 'no' and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. On page 48 on the Calendar, on Third Reading appears House Bill 2853. Representative Collins. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2853, a Bill for an Act in relation to minors. Third Reading of this House Bill."

Speaker Hartke: "Representative Collins. Out of the record. On page 50 on the Order of Third Reading, appears House Bill 3532. Representative Colvin. Representative Colvin. Out of the record. On page 31, on the Order of Second Reading, appears House Bill 2980. Representative Cultra. Mr. Clerk, read the Bill."

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Clerk Bolin: "House Bill 2980, a Bill for an Act relating to sex offenders. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. On page 50, on the Order of the Order of Third Reading appears House Bill 3274. Representative Davis. Willie Davis. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 3274, a Bill for an Act concerning education. Second Reading... Third Reading of this House Bill."

Speaker Hartke: "Representative Davis."

Davis, W.: "Thank you Mr... thank you, Mr. Speaker, Members of the House. Third... This Bill, 3274, essentially changes the way that Members who participate in the General Assembly Scholarship Program can issue their scholarships. It takes the requirement that half of the scholarships must be given to the University of Illinois. Currently, under the law, you have two four-year scholarships that you can work with. This removes the requirement that one of those four-year scholarships must be given to the University of Illinois. Most Members that I've talked to generally break down their scholarships into eight one-year scholarships, which essentially means that half of those scholarships would have to go to the University of Illinois. I'm trying to remove that requirement that allow Members who... who... who's... in their districts, if you don't have enough students that want to go to the University of Illinois,

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that you can still use those scholarships and offer to students who may want to go to other state schools. So, I'd be more than happy to take any questions."

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

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

Speaker Hartke: "The Gentleman will yield."

Morrow: "Representative Dav... Davis, is this your first Bill?"

Davis, W.: "Yes, it is."

Morrow: "And you decided to pass on your first Bill a Bill that deals with General Assembly scholarships?"

Davis, W.: "Yes, Sir."

Morrow: "Are you aware that our Governor has... has proposed getting rid of our Members' ability to give General Assembly scholarships?"

Davis, W.: "I am aware that the Governor does have some problems with the program, but I'm not concerned about what the Governor's concerns are at this time."

Morrow: "So, are you in... so, you're not in favor of him doing away the General Assembly scholarships? Am I correct?"

Davis, W.: "That is correct."

Morrow: "Are you in favor of his teacher scholarship program?"

Davis, W.: "Am I... I'm sorry, Sir."

Morrow: "Are you in favor of his teacher scholarship program?"

Davis, W.: "His... I'm not aware of his teacher scholarship program."

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Morrow: "Okay. 'Cause he... he made... he made that comment last week. Mr. Speaker, to the Bill."

Speaker Hartke: "To the Bill."

Morrow: "Now, I would have gone along with House Bill 3274 if he had increased the number of General Assembly scholarships from two to four. But to say that we can give two scholarships to any state university, I don't know whether I should support this proposal. First of all... no, you can't amend it. First of all, as I said last week, freshmen should not be allowed to pass Bills in this chamber. They should wait 'til their second term to pass Bills. But in as such this is my seatmate and he asked to push my button when I'm not on the floor, attending the various meetings that a ten-term Member must attend in being appropriation chairman, I reluctantly am gonna vote 'no' on this Bill. And knowing that if he doesn't push my button, he'll never pass a Bill in this General Assembly ever again. With that being said... with that being said, we urge... we urge that we make Representative Davis a Member of the Century Club here today. And thank you, Mr. Speaker, for my... for your time in allowing me to make my comments."

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

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

Speaker Hartke: "Sponsor will yield."

Lang: "Representative, good morning."

Davis, W.: "Good morning, Sir."

Lang: "Having a good day?"

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Davis, W.: "Having a good day."

Lang: "You are? Okay. Now, as I understand it, you joined the Illinois General Assembly for this moment in your life, so you could run your first Bill. Is that correct?"

Davis, W.: "That is correct."

Lang: "All right. So, let's take a look at this Bill. I think first we need to find out if there are any conflicts of interest. So, where did you graduate from, Sir?"

Davis, W.: "I graduated from Southern Illinois University at Carbondale."

Lang: "Ohh, you graduated from Southern Illinois Uni... Would that be the same university that Representative Hoffman wants to split into two pieces?"

Davis, W.: "It is, Sir."

Lang: "I see. So, 'Hoffman's Folly' I heard it was called recently. So, you didn't go to the University of Illinois?"

Davis, W.: "No, Sir."

Lang: "And so would this be your plot to make sure more go to Southern and less go to the U of I?"

Davis, W.: "Well, no, not actually, Representative. Having been a college recruiter, I'm an advocate of education. So, any opportunity that will allow more students to attend college in general or period is what I'm supporting. So not necessarily to go to Southern Illinois, Sir."

Lang: "Well, but why are you discriminating against the University of Illinois in this way?"

Davis, W.: "Oh no, Sir. Not discriminating at all."

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Lang: "Well, you're taking a scholarship... you're tak... you're... you're requiring that we not make sure that at least half of our scholarships go to U of I students. Is that correct?"

Davis, W.: "Doesn't mean that the scholarships can or won't go to the University of Illinois. I'm simply offering an alternative for those Members in their districts maybe they don't have enough students that want to go to the University of Illinois, that they still can offer an opportunity for students to go to college."

Lang: "Right. But I think you'd have to agree that this leaves open the opportunity for Legislators who are anti University of Illinois, such as those that went to Southern or Northern or Eastern or Western or one of our fine community colleges, gives you an opportunity to discriminate against the University of Illinois, doesn't it?"

Davis, W.: "Well, I would like to think that Members of the General Assembly are not necessarily anti higher education. They're just simply an advocate for encouraging young people to go to college."

Lang: "Representative, has the University of Illinois contacted you about this Bill?"

Davis, W.: "I had the opportunity to speak with them, Sir, and they have no position on it."

Lang: "They have no position?"

Davis, W.: "They have no position."

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Lang: "They too busy preparing for March Madness to come to talk to you about this Bill?"

Davis, W.: "Quite possible. I don't know, Sir."

Lang: "Well, okay. Who wrote this Bill for you? Did you write this Bill? Is this your idea?"

Davis, W.: "It is my idea, Sir."

Lang: "Well. And have you had a lot of calls from your constituents urging you to proceed with this Bill as your number one top priority Bill?"

Davis, W.: "Well, I've had some calls from constituents, not an overabundance of them. But again, simply, I'm an advocate of public education and higher education and want to provide an opportunity for more young people to go to college, Sir."

Lang: "Are you... familiar with the fact that there are some people in this chamber that want to eliminate these scholarships altogether?"

Davis, W.: "Very familiar, Sir."

Lang: "Aren't you fearful that when this goes to the Senate someone will take this very good idea and use it as a shell to eliminate the scholarships?"

Davis, W.: "Well, if that's the case, Sir, then I certainly hope it does not make it out of the Senate because this is not a shell to eliminate the program. We need to continue this program and this is yet another opportunity to encourage more young people to go on."

Lang: "Well, I think you've done a very fine job answering my questions, but I'm certainly hopeful that many of my

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colleagues will have questions that I have not yet thought of. Thank you, Representative."

Davis, W.: "Thank you."

Speaker Hartke: "Further discussion? Chair recognizes Rep... Representative Miller. Representative Miller."

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

Speaker Hartke: "Sponsor will yield."

Miller: "Representative Davis, how will this impact your district?"

Davis, W.: "Certainly, what I hope it will do, Representative Miller, will be able to offer an opportunity for more of our young people to go on to college. Essentially, for those districts where you don't have an overabundance of young people who want to go to the University of Illinois, the way most Members put their programs together, this will allow us to be able to offer more opportunities for young people. So, I expect a tremendous impact on my district."

Miller: "Well, you're saying all for more opportunity... opportunities, but the number of scholarships has an increase. How will it offer more opportunity?"

Davis, W.: "Well, because we're not... because you're not limited by where you can offer the scholarships. If you... as most Members, I understand that... that if... that are offering eight one-year scholarships, under the current requirement half of those, four of them, would have to go to the University of Illinois. So, when you put your program together and you have your committee make those selections, if you only have two students that wanted to go to the



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University of Illinois, under the current law, those are two scholarships that you don't have the opportunity to... to utilize. And so this allows you to use those other two to... for students who wanna go to other state schools."

Miller: "Are you aware of any time deadlines on the... you said that those scholarships weren't utilized, but did you realize that there are time limitations or that you can issue out these scholarships?"

Davis, W.: "I... I am aware of some of the time limitations, but as you put your committees together and you make your selections, this simply allows you that opportunity to send more students to college."

Miller: "And how many cosponsors are on this Bill?"

Davis, W.: "There are several cosponsors. I don't know the exact number."

Miller: "Is that a number... Am I on this Bill?"

Davis, W.: "Yes, you are."

Miller: "Oh, okay. Just one last question. Last... Yesterday, Representative Sullivan announced a Sullivan Caucus. Were you interested in establishing a Davis Caucus?"

Davis, W.: "Well, you know, I've got a couple other Members in the House and we all share the last name. We have informally put together a caucus."

Miller: "Yeah, so, Representative Monique Davis and Representative Steve Davis hasn't... and Representative Will Davis has not established a caucus yet?"

Davis, W.: "Not a formal caucus, but those are my cousins so we work together."

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Miller: "Okay. To the Bill."

Speaker Hartke: "To the Bill."

Miller: "I think it's an excellent Bill and I think everyone should support it."

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

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

Speaker Hartke: "Sponsor will yield."

Giles: "Representative Davis, I know you brought this Bill before the Higher Ed Committee and I served on that committee for a number of years. And I just want to make clear with this piece of legislation, I believe, as I asked the same question in committee, this... this piece of legislation and what you're trying to do here do not eliminate the General Assembly scholarship."

Davis, W.: "No, Sir. I'm not trying to eliminate the General Assembly scholarship."

Giles: "Okay. And so what you're trying to do here, and I think you eloquently stated to the previous speaker, that you're trying to make sure that every scholarship waiver available is used. Is that correct?"

Davis, W.: "Yes, it is."

Giles: "And... and each Member in their legislative... each Member has the opportunity to grant these scholarships from their legislative offices will... will... will have restrictions removed as to these legislative scholarships have to be granted to a specific university. Is that correct?"

Davis, W.: "Yes, it does eliminate that requirement."

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Giles: "Okay. And so, I... I think what... what you just stated is that this is going to enhance the process because I know in the past, and I'm sure many other Members, I've had... the legislative scholarship is very competitive, it's very competitive to the sense that there's a lot of individuals that are applying for these scholarships. And what has happened to me often is that in one particular Legislative Session I would get a swarm of individual that will apply for the University of Illinois or either I would get a swarm of individuals that will apply for some of the other state universities. And at any given year it could be lopsided. And so oftentimes I've had the burden of... my committee have had the burden of trying to... to make sure that each of those General Assembly waivers are fulfilled. And what you're doing is taking those restrictions off so that if I only have... if I have five... if I have seven individuals that... that apply for these General Assembly scholarships from the other state university and not the State of Illinois, I will have the ability and the opportunity to... to make sure those individuals can apply and be granted those waivers. Is that correct?"

Davis, W.: "Yes, it is. You essentially captured the essence of the Bill."

Giles: "Representative Davis, I... I, you know, I tell ya, I'm impressed and I truly, 110 percent, support this initiative. I understand exactly what you're trying to do. I'm surprised we have not thou... thought of this until you have come into this Body. But it is truly refreshing for

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you to look... take a look at this process... because of your higher education background for you to take a look at this process and truly resolve a problem that I know I've had with my General Assembly scholarships, those waivers, trying to grant to individuals. Whereas one year I may have ten applicants applying for the University of Illinois and only two for the other state universities. So, I think what this does is to open it up and to make sure each of those waivers are granted and to make sure that everyone has an opportunity, regardless of whatever state university that they attend to. And Mr. Speaker, at the... at the proper time I... I would ask that every Member support this initiative. This is an excellent piece of legislation. And I commend the Sponsor for bringing this forth. Thank you."

Speaker Hartke: "Further discussion? The Chair recognizes Representative O'Brien. Okay, thank you. She declines recognition. Representative Monique Davis. A final questioner."

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

Speaker Hartke: "Sponsor will yield."

Davis, M.: "I thought I heard you say there was no Davis Caucus in this Body."

Davis, W.: "No, I didn't say there was not a Davis Caucus. I said it's an informal caucus at the moment."

Davis, M.: "Because there is a Davis Caucus. You just weren't invited to join."

Davis, W.: "Oh, I stand corrected."

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Davis, M.: "Representative, you do support the idea that the Legislators give scholarships to students based upon that Legislator's criteria, whatever that may be in their office?"

Davis, W.: "Yes, I understand."

Davis, M.: "So, you, in no way, would support legislation perhaps that would deny Legislators to decide who those scholarships go to?"

Davis, W.: "Support legislation that would deny Legislators that opportunity? I'm... Could you repeat that for me, please."

Davis, M.: "No, I said you would not support legislation that attempted to deny Legislators the right to choose who gets the Legislator's scholarships. I'm sure you wouldn't support legislation like that."

Davis, W.: "As in the Legislators actually handpicking who gets those scholarships?"

Davis, M.: "Right."

Davis, W.: "Well, I... I certainly would... certainly we... in my thinking this particular legis... legislation, it's my hope that Legislators have a... a very arbitrary and nonfavoritism, if you will, process by which these young people are selected for the scholarships."

Davis, M.: "Okay. I think you have a very, very timely Bill. I believe it's important that we encourage students in the State of Illinois to attend college. And any assistance we could possibly give, I think, we should in... continue to

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make sure that that support and encouragement continues.  
But can you tell me how you thought of this Bill?"

Davis, W.: "Well, during our freshman orientation a Member of the Senate, who came to talk to the freshman class in their orientation, spoke a little bit about the program and she specifically mentioned that provision of how the University of Illinois is into that, and I just thought that that is something that should be changed."

Davis, M.: "So, if a person... you... in other words, you wouldn't lose part of it. You would say, okay, you can just go to a different school. In other words, it doesn't have to be to the University of Illinois?"

Davis, W.: "Correct."

Davis, M.: "So, it just could be any state college that you or your students choose to attend?"

Davis, W.: "Or that..."

Davis, M.: "I think it's an excellent piece of legislation and I'm sure you'll get an overwhelming vote on this. Thank you."

Davis, W.: "Thank you."

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

Davis, W.: "Thank you, Mr. Speaker. Again, I know that everyone does not participate in this program, but for those of you who do participate, this is an opportunity for us to all... to make better use, I think, of our legislative or General Assembly scholarship tuition waivers. And I ask for an 'aye' vote from the... from the Members."

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Speaker Hartke: "The question is, 'Shall the House pass House Bill 3274?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 87 Members voting 'yes', 27 Members voting 'no' and 1 Member voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Morrow, for what reason do you seek recognition?"

Morrow: "Yes, thank you, Mr. Speaker. I rise for a point of personal privilege."

Speaker Hartke: "State your point."

Morrow: "Yes, we have up in the... in the balcony here, in the visitors' gallery, we have Reverend Hill and the students of Emmanuel Church. We want... we wanna welcome them on 83rd and Racine. Welcome them to the General Assembly."

Speaker Hartke: "Welcome to Springfield. Chair recognizes Representative O'Brien."

O'Brien: "Thank you, Mr. Speaker. I have an inquiry of the Chair."

Speaker Hartke: "State your inquiry."

O'Brien: "It's my understanding that, according to House Rules, that any time a former Member of this chamber is seeking admittans... admittance that they are admitted to the House chamber. Is that correct?"

Speaker Hartke: "Yes, usually."

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O'Brien: "Well, when not usually be a case? Because I am quite incensed at this moment that one of our former colleagues was asked to leave this chamber. She is not a professional lobbyist. She's a member of the Governor's staff and she was ordered off the House Floor. And for those of you that worked with Julie Currie and hope to continue to work with her, I think that that's disgraceful that she was asked to remove herself. She is not a professional lobbyist, she is a former Member of this chamber and I would ask that she be invited to come back onto the House Floor. And I ask my colleagues to join me on that Motion with you. Thank you."

Speaker Hartke: "Representative Stephens. For what reason do you seek recognition?"

Stephens: "We couldn't agree more."

Speaker Hartke: "Thank you. On page 47, on the Order of Third Reading, appears House Bill 2478. Representative Delgado. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 2478, a Bill for an Act in relation to criminal law. Third Reading of this House Bill."

Speaker Hartke: "Representative Delgado."

Delgado: "Thank you, Mr. Speaker and Members of the General Assembly. House Bill 2478 will do the following. It requires the court to consider a victims statement in cases of a Class IV felony, prostitution, solicitation of prostitution, patronizing a prostitute, patronizing a juvenile prostitute and pimping. Basically, in a nutshell, what this Bill will do at the time of sentencing of that individual by a judge you have court advocates that will be



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able to stand, with this Bill, and let the judge know how those actions impacted their community. Johnny and Suzie couldn't go outside and play. Grandma could not walk unimpeded to the Walgreen's in her neighborhood to get her prescription. This Bill will allow that freedom back in that community and have an impact statement at the time of sentencing. And I would ask for your 'aye' vote."

Speaker Hartke: "Is there any discussion on House Bill 2478? Seeing that no one is seeking recognition, the question is, 'Shall the House pass House Bill 2478?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, 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. On page 38 on the Calendar, on the Order of Second Reading, appears House Bill 3429. Representative Dunkin. Mr. Clerk, read the Bill. 3429."

Clerk Rossi: "House Bill 3429, a Bill for an Act concerning environmental protection. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. Mr. Black."

Black: "Mr. Speaker, an inquiry of the Chair."

Speaker Hartke: "State your inquiry."

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Black: "We try to keep track of Members' promises in committee. The Sponsor of this Bill, and I quote, 'I'll hold this Bill on Second Reading for an Amendment until all parties come to an agreement.' I don't think an Amendment's been filed and, as far as I know, all parties are not in agreement. I assume the Gentleman intends to keep his word."

Speaker Hartke: "Mr. Dunkin."

Dunkin: "Mr. Speaker."

Speaker Hartke: "Yes."

Dunkin: "We still need an Amendment and the parties are still working on this. So, we can continue to move into Second Reading."

Speaker Hartke: "Okay. Mr. Clerk..."

Black: "No... no, Representative, you are moving it from Second to Third."

Dunkin: "Excuse me, hold it. Excuse me, hold it on Second."

Black: "You need to hold it on Second."

Dunkin: "Yes, Sir, point of clarification."

Black: "Thank you."

Speaker Hartke: "Mr. Clerk, please place Bill 3429 on the Order of Second Reading for the purpose of an Amendment at the request of the Sponsor. On page 48 on the Calendar, on the Order of Third Reading, appears House Bill 2835. Representative Eddy. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2835, a Bill for an Act regarding schools. Third Reading of this House Bill."

Speaker Hartke: "Mr. Eddy."

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Eddy: "Thank you very much, Mr. Speaker, Lady and Gentlemens of the House. This Bill provides that the statement of affairs for school districts, known as the annual financial report, shall be made available to the public by posting that statement on the district's Internet website. It also states that if anyone would want to receive a copy of the annual financial report, that that copy would be made available to them by the school district. It further states that a notice would appear in a paper of local and general distribution whereby individuals would be made aware that the annual financial report is prepared and available. This would greatly reduce what has become a burdensome cost to local school districts and in fact, some cases the cost is reaching the 6 to 8 thousand dollar range. And at a time when money is obviously very important to our school districts, this would allow districts to retain additional funds to educate children while still... while still meeting the spirit of the... the law in the... the information would be made readily available to the public. I would ask your support on this Bill."

Speaker Hartke: "Is there any discussion on House Bill 2835? Seeing no one is seeking recognition, the question is, 'Shall the House pass House Bill 2835?' 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 114 Members voting 'yes', 0 voting 'no', 0 voting 'present'. And this Bill,

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having received the Constitutional Majority, is hereby declared passed. On page 19 of the Calendar, on the Order of Second Reading, appears House Bill 2501. Representative Feigenholtz. Representative Feigenholtz. Take that Bill out of the record. Representative Reitz, for what reason do you seek recognition?"

Reitz: "Point of personal privilege, please."

Speaker Hartke: "State your point."

Reitz: "I'd just like to remind all the Members tonight we have the... the Legislative Sportsman's Caucus. It's held at the Orr Building, starting at 6 o'clock. Come out, we have an auction... we have a number of items to auction. We have silent auctions. Good time to meet some of the sporting groups that are out there. Our future director of Department of Natural Resources has the department out there so people can get information or update their FOID card or get a FOID card, if you need one. But you'll be able to do all that at the Orr Building tonight at 6 o'clock. And we welcome everyone."

Speaker Hartke: "Thank you. On page 33, on the Order of Second Reading, appears House Bill 3075. Representative Froehlich. Representative Froehlich. Froehlich. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 3075, a Bill for an Act in relation to criminal law. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

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Speaker Hartke: "Third Reading. On page 47 on the Calendar, on the Order of Third Reading, appears House Bill 2413. Representative Forby. Mr. Forby in the chamber? Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2413, a Bill for an Act in relation to aging. Third Reading of this House Bill."

Speaker Hartke: "Mr. Forby."

Forby: "...like to move that Bill back to Second."

Speaker Hartke: "Place that Bill back on the Order of Second Reading for the purpose of Amendment at the request of the Sponsor. On page 12 on the Calendar, on the Order of Second Reading, appears House Bill 1507. Representative Flowers. Representative Flowers. Mr. Clerk, read the Bill. Representative Flowers, there are notes req... not been filed on that Bill. The Bill will remain of Second Reading. On page 4 on the Calendar, on the Order of Second Reading, appears House Bill 209. Representative Franks. Representative Franks. Out of the record. On page 10 on the Calendar, on the Order of Second Reading, appears House Bill 1383. Representative Fritchey. Representative Fritchey in the chamber? Mr. Clerk, read the Bill. Mr. Fritchey, there are notes filed on your Bill. It'll have to remain on Second. On page 50 on the Calendar, on the Order of Third Reading, appears House Bill 3480. Representative Flider. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 3480, a Bill for an Act in relating to schools. Third Reading of this House Bill."

Speaker Hartke: "Representative Flider."

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Flider: "Thank you, Mr. Speaker. House Bill 3480 eliminates some of the conditions that which a school district would close a school and not have a re... a reduced state aid claim when the school day has already begun. Under this Bill, school districts may close the school for a threat is posed to the health or safety of the pupils. But also, 3480, that expands the conditions for delay in starting the school day that would not result in a reduced state aid claim to a threat to... for the health to... excuse me, to a threat to the health and safety and welfare of the students. And... and I'd encourage your support."

Speaker Hartke: "Is there any discussion on House Bill 3480? The Chair recognizes Representative Eddy."

Eddy: "Thank you very much. Will the Speaker yield?"

Speaker Hartke: "Sponsor will yield."

Eddy: "This, I strong... I rise in strong support of this Bill. I believe that it's well intended. It will add flexibility to local school superintendents to make necessary judgments about a school day due to emergencies and not have to worry whether or not that day will... will cost them an additional day of expenses after the school year is over with. It's an excellent piece of legislation, long overdue."

Flider: "Thank you, Representative."

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

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

Speaker Hartke: "Sponsor will yield."

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Mulligan: "Representative, usually when there's a snow day or a type of day that causes a problem, that day gets tacked on at the end of year so that the children do not lose a day of education. Under your Bill, the funding would be there for that day, but would the school district then be not obligated because they've gotten the money to tack on the day at the end of school year in order for the children to have adequate time to be educated?"

Flider: "This particular legislation would relate specifically to a delay in the opening of school, therefore... and it would be in circumstances which would be beyond the control of the school districts. So therefore, with... with this legislation, it would very likely be that school... well, it pertains to times when school would... would be in session."

Mulligan: "All right. But then the school district normally... it means if they go home they're not getting the day of being educated. So with... if they're being paid for the day, does that mean that... they have no obligation then to provide the extra day at the end of the year to give the children so many days of school?"

Flider: "Well, again, I think the presumption is that they would be in school that day."

Mulligan: "Right. And so... but they wouldn't be there long enough to have adequate education. I have no problem with your Bill. I understand where you're going with... What I would have a problem with is if it's counted as the number of total days you have in school and then the child only gets an hour of school, goes home and doesn't get educated

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that day, I think there should be some obligation by the school district to then add the day at the end of year so that the child had that day of education."

Flider: "Okay. But..."

Mulligan: "That's the only point I wanted to make. I did not think about this I think when it came up in committee and I supported your Bill before and I'm willing to support it now. But I think that is a concern particularly seeing to the education of children."

Flider: "Okay. Thank you."

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

Mitchell, J.: "Thank you, Mr. Speaker. Representative, this... this is a good concept and I made the statement in committee that in this day... day and age of high technology we ought to be able to count school days by the clock hour. We can't do that yet because not everybody's got the capability of trans... of communicating with the State Board of Education electronically, but that day is coming. I think this is a good concept. I think it's one that has real merit. And I certainly stand in strong support. Thank you, Mr. Speaker."

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

Flider: "Thank you, Mr. Speaker. I think that this is very important to school districts. It... it recognizes situations that would be beyond their control. Certainly, I think the school districts are not interested in... in... in



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delaying school. They're not interested in... in not having school, they're interested in educating our students. And I think they would use great discretion when they have to delay school openings. And I would encourage your support for this legislation."

Speaker Hartke: "Representative Parke, Mr. Flider has closed already. Do you... Okay. The question is, 'Shall the House pass House Bill 3480?' 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? Representative Yarbrough. Representative Colvin. Have all voted who wish? Mr. Clerk, take the record. On this question, there are 115 Members voting 'yes', 0 voting 'no', 0 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On page 19 on the Calendar, on the Order of Second Reading, appears House Bill 2311. Representative Feigenholtz. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2311, a Bill for an Act concerning public health. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. On page 47 on the Calendar, on the Order of Third Reading, appears House Bill 2332. Representative Giles. Representative Giles in the chamber? Out of the record. On page 48 on the Calendar, on the Order of Third Reading, appears House Bill 2533. Representative Graham. Mr. Clerk, read the Bill."

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Clerk Bolin: "House Bill 2533, a Bill for an Act in relation to schools. Third Reading of this House Bill."

Speaker Hartke: "Representative Graham."

Graham: "Thank you, Mr. Speaker and Madam... thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 2533 creates a smaller classroom grant for classroom sizes K through 3. This grant is targeted towards classroom sizes that have more than 18 in it. It's subject to appropriations, so if there's no funding for the program, it won't be initiated. This program won't take away funds from any other programs. So, I urge your guys' support."

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

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

Speaker Hartke: "Sponsor will yield."

Parke: "Representative, you've had more than one Bill?"

Graham: "Yes, I do."

Parke: "Okay. Is this a mandate on the school districts?"

Graham: "No, it's only for appropriation. No, it isn't."

Parke: "Do you know how much this is gonna cost?"

Graham: "I'm sorry, I can't hear you."

Parke: "Do you know how much this is gonna cost?"

Graham: "There's not any... we don't have any documentation of how much it's going to cost. But it's gonna be administered by the Illinois State Board of Education and they'll determine what the cost is, what the allocation is and how it will be distributed throughout the State of Illinois."

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Parke: "Are there..."

Graham: "And it's subject..."

Parke: "Are there any groups opposed to this legislation?"

Graham: "There is alliances opposed to the legislation but they're not opposed to the concept, they're just opposed to what it may potentially cost."

Parke: "And that's the Illinois School Management Association?"

Graham: "Yes."

Parke: "So, there is a cost on this. And if we have no money, what happens then?"

Graham: "It's subject to appropriation. If there's no funding for it, it won't... this program will not be initiated."

Parke: "How much money do you think it'd cost to start it up?"

Graham: "It's subject to the State Board of Education. They'll make that determination."

Parke: "It depends on how much money they want to put in?"

Graham: "Yes."

Parke: "Well, to the Bill. Ladies and Gentlemen, the Sponsor has a Bill that certainly can be described as having merit. To reduce the size of the classrooms is something we all want. But quite frankly, at a time when we do not have money and that the school districts around this state are laying people off because they cannot provide essential services because the money is not there, this kind of program should be held for another year. And I would ask the Body to consider passing a program that there is no money for. Thank you."

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

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

Speaker Hartke: "Sponsor will yield."

Lang: "Representative, this is not a typical first Bill. This is a very substantive piece of legislation and it's, I think, a good one. Let me make sure I understand. You're creating this grant program, but you've said that it's subject to appropriation. Is that correct?"

Graham: "That's correct."

Lang: "And so, for those on the floor that think it's a good program, like the previous speaker, but said... who say we have no money for this now, would your response be that there may or may not be money as we get through this budget process, but if there is no money we won't fund the program."

Graham: "Absolutely."

Lang: "And then you would then say that when we have the necessary funds, over succeeding years, we can begin to do what we know is the right thing, which is to reduce class size?"

Graham: "Absolutely. We will have taken this measure already and got this mechanism in place. And getting prepared for what the funding... we will not always be at a tight budget crisis. But when the funding becomes available, we'll be prepared to make this initiative happen."

Lang: "Now, would it be fair to say that there was nobody opposed to this on the merits of the Bill?"

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Graham: "Absolutely."

Lang: "So, when you got... went through committee, there were no opponents based on the merits, only on fiscal grounds. Is that correct?"

Graham: "Absolutely. Absolutely."

Lang: "And you haven't heard of any opponents since, right?"

Graham: "No."

Lang: "And you know of no research, I presume, that would indicate that higher class size is good for kids?"

Graham: "No, there's research that says that smaller classrooms are..."

Lang: "Right. And that's why you have a good Bill here and that's why we should all support it. Thank you."

Graham: "Absolutely."

Speaker Hartke: "Further discussion? Chair recognizes the Lady from Will, Representative Kosel."

Kosel: "Thank you, Mr. Speaker. The content of the Bill is... is super. In fact, I carried legislation identical to this last year and had it passed. However, we are in a different financial situation this year than we were last year and years before and I am very concerned about the pressure that this is going to place on the budget. I know that it is subject to appropriation, but it does place more spending pressure on the budget. And I wanted to let you know, even though I sponsored identical legislation last year, that I will not be able to support this on the floor because we really need to be looking at funding the very basic programs in education. The only way, folks, that

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we're going to get... that your schools are going to get the kind of money that they had last year is if we cut out the frills. We are in very serious problems here. Your schools are going to be in very serious problems. We cannot add extra spending pressures. I appreciate that this is the Lady's first Bill. I don't like having to do it, but I will be voting against it. Thank you."

Speaker Hartke: "Further discussion? Chair recognizes Representative Meyer, the Gentleman from Will."

Meyer: "Thank you, Mr. Speaker. Would the Sponsor yield?"

Speaker Hartke: "Sponsor will yield."

Meyer: "Representative, how do you... Representative, where are you? Oh, I see you. Okay. Representative, how do you determine the class size under your Bill?"

Graham: "The state... the Illinois State Board of Education will determine what the classroom size is... will be. They don't make recommendations. They won't make a rec... a recommendation as to what the class size will be. This grant will only..."

Meyer: "In other words, you have not addressed changing the way or mandating a way that the State Board of Education will determine the class size?"

Graham: "Correct. Correct."

Meyer: "Representative, I've been on the Education Appropriations Committee for eight of the ten years that I've served so far, I'm not on it this year. But one of the things that I've always found disturbing is that the State Board of Education... the way that they determine the

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classroom size, I... I don't believe is accurate. They seem to throw in a whole lot of other people in addition to the person that's right in front of the class teaching on a day-to-day basis. They put in there some librarians..."

Graham: "I'm sorry, Representative, I can't hear you."

Meyer: "Mr. Speaker, if we could hold down the noise, the Sponsor's having a hard time understanding what I'm saying."

Speaker Hartke: "Shh. Please, Ladies and Gentlemen."

Meyer: "My point to you, Representative, is that under the current law they... the State Board Education allows for additional education personnel to be counted in the determination of the class size. In other words, it's not just a teacher that's in front of the K... K through 3 students, but additional people that might be there such as a special education teachers that might have that child for part of the day. It goes on and on and on, almost to the point where we have the lunchroom monitor as a part of the classroom. And my... my point to you and others that have introduced this type of legislations here, I wish that you would include in it a way to determine... really mandate the way that we should determine the classroom size. The whole crux of what you're trying to accomplish... the whole crux of what your trying to accomplish is that ratio to teacher to the student. I... I saw you were conferring with your aide there. I wanted to make sure that I saw getting through to you. I believe the whole crux of what you're trying to accomplish is to relate the classroom students, the number

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of them, to the teacher standing in front of them. Not all these other peripheral people that, yes, they play a roll in education, but we need to make sure that we have one teacher for so many students and we want to limit that number of students. That's what I would like to see you address. Certainly, as it moves... as this Bill moves to the Senate, I plan on supporting it. But as it moves to the Senate, I would hope that you would try and get an Amendment placed on it over there that would build that tri... criteria into your Bill because I think it would strengthen it. And I think that it would also help us really get at the... at the crux of the situation, making certain that the classroom size is not diluted because of all these other peripheral people. Let me ask you this now, in... in following. Does your Bill provi... how does your Bill determine this? Is it on the school district basis for classroom size? Is it on a certain school within that district that you would take that or is it on individual classrooms?"

Graham: "This grant will be targeted towards classroom sizes that are above 18 pupils in a class."

Meyer: "Well, here's what I'm saying is... is if you have a fairly large district and you have 30... grade three classes, third grade classes, and you average out to 18 or... or fewer, well, it looks like you're... you're right where you wanna be. However, if you have six or seven of those classes and average in excess of 25 and you have a couple over here that average 13, well, now, all of a sudden it



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brings that classroom size average down but certainly those kids that have 25 in their class are... are not being served properly. You understand where I'm driving?"

Graham: "Yes."

Meyer: "Well, I... I, again, would like to see you try and build some criteria in there so we could get a real handle on the classroom size because other... otherwise we just allow the State Board of Education to go along their merry way and we haven't solved the problem, and yet it looks like it's solved on paper. And I... I like what you're trying to do. I just would hope that you would try and strengthen it over in the... in the Senate with an Amendment."

Graham: "Thank you, Representative."

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

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

Speaker Hartke: "Sponsor will yield."

Giles: "Rep... Repre... Representative Gra... Representative Graham, I recall that this piece of legislation came before the Elementary & Secondary Education Committee and I think, at the time... at that particular time, did you have an estimated cost that this program would cost... this grant program would cost?"

Graham: "No."

Giles: "Okay. And at this time, I... I prop... I think rightfully so because we do not know what the budget is gonna be. We do not know exactly what we will have at the end of the day when it comes towards education, but however, I think what

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you're trying to do here is to put education first. And... and by doing so, as we've all said here as Legislator, we have said the reduction of class size is one of those eminent factors that... that we... we must have when it comes to the reform package towards education. Is that correct, Representative Graham?"

Graham: "That's correct."

Giles: "Representative Graham, do you know approximately... what would you... just off the top of your head, a... a size reduction for a particular class, what would be... what would be a good class number? What would be a number for... for a class?"

Graham: "I guess between 15 and 18. I would just be guessing."

Giles: "Okay. And... and I think all of the data that I've seen with EFAB and other organizations who have presented this particular type of legislation, in reduction of class size, has stated so anywhere from 16 to... 24 class size would... would... would meet... allow the criterias as for an individual having a good quality and... and being able to single in on that individual student for a good education."

Graham: "Absolutely."

Giles: "To the Bill."

Speaker Hartke: "To the Bill."

Giles: "Let me just say that, you know, as Legislators we stand here, each and every one of us, we stand here and we... we... and all of our literature, all of our pamphlets and every meeting that we may go to to address education, we always talk about education first. More funding for education.

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We... we all have put education first. But until we actually... actually put that into action then it will never happen. This piece of legislation, what it would do... this is one of the reform measures that we talked about, reduction of class size, that would truly enhance the quality of a child being educated, that would have more attention on their student to be able to... to get the quality education that we all seek for all of our students. And so I commend the Legislator to continue to pursue and bring this reform forward, as we have seen numerous of... of... of language that have had in the reduction of class size. And once again, we have a freshman Legislator who's bringing forth excellent init... ex... excellent piece of language that will... will truly address the problem and solve the problem. And I think this will be a trend for all Legislators that have entered this Body to continue to push forth good legislation. And I think the education community will truly benefit by this piece of legislation. And I, 110 percent, support this legislation as Chairman of the Elementary & Secondary Education."

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

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

Speaker Hartke: "Sponsor will yield."

Delgado: "Representative, I wanna really thank you for bringing this legislation forward and I have a couple of questions for you. Will this... I heard a previous speaker mention the fiscal impact and I wanted to ask you, does this Bill allow

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an option to Illinois State Board of Education to... to create a grant program with their existing budget at this time?"

Graham: "No."

Delgado: "Well, according to my synopsis it says this Bill allows an option to ISBE to create a grant program. That's where they would get the money isn't that correct?"

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

Delgado: "Yeah. Doesn't this Bill allow ISBE the option, in a year that they're reprioritizing their budget, that they can make a decision and say we're gonna create this grant program because we think it's a priority now?"

Graham: "Absolutely."

Delgado: "And isn't it true that you're not trying to do the entire K through 12, you're looking for K through 3, which is a great pilot program. Is that correct?"

Graham: "That's correct, Representative."

Delgado: "And this would be an early stage because the ISBE budget hasn't been approved yet. Is that correct?"

Graham: "Absolutely."

Delgado: "So, also some school districts would not be eligible just based on how they fill out their application, so this isn't a blanket giveaway. Is that correct?"

Graham: "That's correct."

Delgado: "So, to the Bill, Mr. Speaker. I think that the Representative Graham has brought a great opportunity to the State of Illinois where many, many states of the union are discussing reduction of class size. And we know that

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down in the state of Florida, Governor Bush down there is dealing with an entire school system, and you know the tag is really huge. And we understand that. But here we have a Representative who's come in and said from K to 3 lets start looking at the children first. And those are our seeds, that's where it all starts. To give them that individual attention versus a snapshot of education. So, keeping in mind that Illinois state Board of Education will have the option to prioritize their budget, and as a Member of the Appropriations Committee on that Elementary & Secondary Education, I will be urging them to look at this strongly and use existing dollars they have in their budget for the next fiscal year. I would ask all my colleagues and the colleagues on the other side of the aisle to please look at this in detail. It's not about a fiscal note. I know we have a bad year with financially. But we gotta start to be incremental and look at the out years so we can help our children. Representative, I'd love to be a cosponsor with you on this Bill."

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

Graham: "Thank you, Ladies and Gentlemen of the House. I request an 'aye' vote."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 25... 2533?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take

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the record. On this question, there are 84 Members voting 'yes', 17 Members voting 'no' and 13 Members voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Chair recognizes Representative Molaro. For what reason do you seek recognition?"

Molaro: "Thank you, Mr. Speaker. This is a point of personal privilege."

Speaker Hartke: "State your point."

Molaro: "I'll do it as briefly as I can. First of all, for those of you who came in you could see on your desk today, today's holiday of St. Joseph. And in tradition, both with the Italians as well as Polish ancestry, that you wear red and we passed out the flower. But also I'd like to take this opportunity for those people who would like to find out how to address me. Some people say should we call you Senator. Some people say should we call you Representative. Well, I came to this House for a reason, so I'd like to be called Mr. Representative or Representative Molaro. That's the title I chose, that's the title the people of the 21st District gave me, and that's the title I'd like to be known for. However, let me make another point. One of the reasons I came here is after the coin flip, and we saw that it looked as though the House as well as the Senate may be Democratic, I went to President Jones, who's then gonna be President, and I called President Jones my Godfather. To the Italian people, that is a very strong term of endearment. And I

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called him Godfather Jones and I said, Mr. President, I'm going to the House of Representatives because for the last ten years in the House when I serv... I mean, the Senate, when I served in the Minority, I'm gonna go to the House and I'm gonna exact vengeance when I go to the House for what happened to me in the Senate. So, I came here because I was gonna get my vengeance for what... the way I was treated, but the Leadership in the House asked me to forgo the vengeance. There's been peace made between the Senate and the House and the Governor's Office, and they asked me to forgo the vengeance that I had in my heart. Leadership said, 'Bob, if you have vengeance, will that bring back the Bills that you lost to you and will that bring back our Bills?' I said, no. They said, 'so, will you forgo the vengeance?' I said, will that... when have I ever refused an accommodation. Now, I forgo the vengeance. But I want President Jones to hear this and I want his consigliere, Vince Demuzio, and his compos, Hendon and Deleo. That I will forgo the vengeance, and I have my reasons. I will pass Bills out of this chambers, but if they should die in the Senate Rules Committee or if these Bills should die for lack of a quorum or if the page who brings the Bills from this chamber to that chamber should be struck by lightning, that I will not forgive and I will blame some of the people in that chamber. That... that being said, let it be known that I will not break the peace that we have made during this Session between our two Houses. Thank you."

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Speaker Hartke: "Thank you, Representative. Chair recognizes Representative Parke. For what reason do you seek recognition?"

Parke: "Thank you, Mr. Speaker. But we... we cannot allow that to go without a comment. My comment to you, Representative Molaro..."

Speaker Hartke: "Could we have some order in the chamber, please? Shh... Mr. Novak."

Parke: "That was very interesting."

Speaker Hartke: "Thank you, Mr. Parke."

Parke: "Rep... Representative, may I comment? You were complaining that if your Bills get lost on the way from the House to the Senate or they die in the Senate Rules, are you sure you're not a Republican?"

Speaker Hartke: "On page 10 on the Calendar, on the Order of Second Reading, appears House Bill 1383. Representative Fritchey. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1383, a Bill for an Act concerning persons under age 19. Second Reading of this House Bill. Amendments 1, 2 and 3 have been adopted to the Bill. No Motions have been filed. No further Floor Amendments approved for consideration."

Speaker Hartke: "Third Reading. Representative Giles in the chamber? On page 47 on the Calendar, on the Order of Third Reading, appears House Bill 2332. Representative Giles. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 2332, a Bill for an Act regarding education. Third Reading of this House Bill."



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Speaker Hartke: "Representative Giles."

Giles: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 2332, what it does is expands the definition of 'textbook' to include science curriculum materials and a kit of format, if certain conditions are met. We... we passed this piece of legislation out of the committee unanimously. At the time, I see where the State Board of Education had some... some opposition to the legislation and I think their main concerns was that this textbook... that this kit will... will actually replace the textbook, but that's not the case. It simply enhances the textbook by allowing certain materials such as science and math materials to coincide with the textbook curriculum. And I'll answer any questions on this piece of legislation."

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

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

Speaker Hartke: "Sponsor will yield."

Mitchell, J.: "Representative Giles, your legislation, and quite frankly, it's been long in coming, allows districts to submit requests for science kits rather than textbooks in the... under the free textbook loan program. Is that correct?"

Giles: "That is correct."

Mitchell, J.: "Now, our understanding of this Bill is that the majority of that... of that kit will remain intact and only

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those items that are used up during a year would have to be replaced and that would be the expense of the school district, correct?"

Giles: "That's correct."

Mitchell, J.: "So, basically, there wouldn't be anymore loss with a science kit then there is with some textbooks that get basically mutilated and would have to be replaced by the school district?"

Giles: "That is correct, Representative."

Mitchell, J.: "Thank you. Mr. Speaker, to the Bill."

Speaker Hartke: "To the Bill."

Mitchell, J.: "This is an absolutely great Bill. Simply because it will allow school districts the flexibility to utilize that textbook loan money in areas where they really need it. Many, many courses are now... now in science and in math as well are... taught with kits rather than a standardized textbook. They're lab oriented, they're hands on and, in my opinion, students learn a heck of a lot more in a class like that then they do simply be sitting and let... and having some teacher lecture to them. So, this Bill is one that the schools would like to have. Superintendents have embraced it across this district. And it's one that I think should have every 'aye' vote. Thank you, Mr. Speaker."

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

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

Speaker Hartke: "Sponsor will yield."

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Eddy: "Representative, I stand also in very, very strong support of this legislation. The opposition of the State Board of Education notwithstanding the Illinois Learner Standards, which this Body has supported, requires that educators throughout Illinois look for ways to teach children that engage them in activities, especially in science and mathematics. The Illinois Learner Standards require that we teach school differently to achieve the high standards that... that are contained within this document. We need more of this flexibility at the local level with the funds that are available. I... I couldn't support this anymore strongly than I do. And I would recommend that we continue to look at ways to make school districts use of funds available more flexible toward attaining these Learner Standards."

Giles: "Thank you, Representative."

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

Black: "Thank you very much, Mr. Speaker. I have great respect for our previous speaker the Gentleman from Whiteside County. He was my school principal when I was in the eighth grade at Danville. He did... he did a wonderful job. He was a phenomenal principal and an excellent teacher in his day. But I... I do have some questions of the Bill, notwithstanding the Gentleman from Whiteside's strong support of the Bill. Representative, who is Delta Education? They're a strong proponent of the Bill."

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Giles: "Representative, to tell you the truth, at this particular time I couldn't give you the... the full genesis of Delta Education. I can't get you that."

Black: "Is Delta Education a private company?"

Giles: "At this time, I can't say it is or isn't."

Black: "Well, I think they are. Would... would Delta Education be in the business of selling science kits?"

Giles: "Representative, I would like to be able to give you a 'yea' or 'nay'. I... I can't..."

Black: "I'll tell you what..."

Giles: "...currently."

Black: "...tell you what, Representative, if you'd... if you'd take this Bill out of the reading and answer who Delta Education is, where they are located, and how much money they expect to make out of this Bill, I may vote for your Bill. But if I don't have those answers, I'm not gonna vote for this Bill because I think this is a... I've got a hunch and I may be wrong and you're the one that can prove me wrong. But I've got a hunch this is typical of what we do in Illinois. A private company signs in support of a Bill who intends to make money off the Bill and is portrayed as a warm and fuzzy, good for the kids. I want to know who Delta Education is. I want to know where they do business. And I want to know if they sell science kits or any other material that would be impacted by this Bill. And if they stand to gain favorably by the Bill. I don't think that's too much to ask."

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Giles: "Representative, I will take the Bill out of the record to do so. And... and I... that's a valid question. However, if that... if it does... if that is the case, then... un... unfortunately we could probably take... probably three-fourths of our legislation out of the record. And..."

Black: "I couldn't agree more."

Giles: "...and... but... but nevertheless, I'm looking on the merits of the program and the program will move... sho... should move forward because I think it is a long due in the State of Illinois that we... we..."

Black: "And it... it may..."

Giles: "...we have such a program."

Black: "It may very well be, and I have no quarrel with the underlying intent of the Bill. It's just that, in the history of this state, we don't do a very good job of making sure that we're not helping some company at the expense of somebody else. The reason it was called to my attention is that very seldom, and I may have bad information, I may be completely wrong and off base and if so I'll apologize to you, but very seldom do you get private companies who come in and sign in favor of a Bill that they may, in fact, stand to gain from that Bill. Now, if this has been done, I'll still judge the Bill on its merits. But I'd like to know a little bit more about Delta Education."

Giles: "Thank you, Representative."

Speaker Hartke: "Further discussion?"

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Giles: "And I... and I want you to support this legislation. And so, Mr... Mr. Speaker, I will take the Bill out of the record and get that information for Representative Black."

Speaker Hartke: "Sure."

Giles: "Thank you."

Speaker Hartke: "Mr. Clerk, take this Bill out of the record. On page 46, on the Order of Third Reading, appears House Bill 1543. Representative Granberg. Out of the record. Mr. Clerk, what is the status of House Bill 3060?"

Clerk Rossi: "House Bill 3060 is on the Order of House-Bills Third Reading."

Speaker Hartke: "Please bring that Bill back to the Order of Second Reading for the purposes of an Amendment at the request of the Sponsor. On page 49 on the Calendar, on the Order of Third Reading, appears House Bill 3093. Representative Hultgren. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 3093, a Bill for an Act in relation to criminal law. Third Reading of this House Bill."

Speaker Hartke: "Representative Hultgren."

Hultgren: "Thank you, Mr. Speaker and Members of the House. 3093 is a Bill that deals with place of worship arson. I had a horrible situation almost exactly a year ago. March 18th, there was an arson in my district of a beautiful old church, St. Michael's Church, that was burned down by a young person who went in with the intent to do significant damage to the church, and obviously, it's affected our entire community. What this Bill would do is create the offense of a place of worship arson. We've seen,

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unfortunately, too often where places of worship have become a target for arson. What this would do is create this offense. It would set it at a... as a level... a Class I felony, which would be similar to a residential arson. And I would ask for your support. Would be happy to answer any questions."

Speaker Hartke: "Is there any discussion on House Bill 3093? Seeing that no one is seeking recognition, the question is, 'Shall the House pass House Bill 3093?' All those in favor signify by say... voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have you all voted who wish? Mr. Clerk, take the record. On this question, there are 114 Members voting 'yes', 0 voting 'no', 0 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On page 49 on the Calendar appears House Bill 2900. Representative Hamos. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 2900, a Bill for an Act in relation to children. Third Reading of this House Bill."

Speaker Hartke: "Representative Hamos."

Hamos: "Thank you, Speaker, Ladies and Gentlemen. I'm proud to present you today with the Children's Mental Health Act, which is the product of about 9 months of work by 50 different organizations that are supporting this, some of whom are sitting in the gallery today, and... and thanks really goes to them. Groups as diverse as the Illinois Violence Prevention Authority, the Chicago Public Schools,

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the DuPage County Health Department, Voices for Illinois Children, Kids PHEP, many of the groups that really are looking at children's mental health. And in some ways... we're looking at it in some new ways. I think the... the purposes Section of this Bill in... really describes what we're trying to do. It... it tells us and reminds us that children's social development and emotional development are essential underpinnings to school readiness and academic success. The Bill reminds us that many mental health problems are really preventable and can be minimized with promotion and early intervention, and that's what this Bill is really about. It creates... a framework for the state to create a children's mental health plan. It thoughtfully puts forward nine different kinds of important recommendations that should be considered as part of a mental health plan. It creates a children's mental health council that, together with State Government, would work on this mental health plan. And it requires that the State Board of Ed and the school districts would also create policies for incorporating social and emotional development into the district's educational program. Furthermore, it has a few Medicaid reforms. And I'd be glad to answer any questions. And I seek your favorable support."

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

Lang: "Thank you, Mr. Speaker. I rise in support of the Lady's Bill. A lot of work went into this particular piece of legislation. As many of you know, I've taken a particular



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interest in mental health. The problems of children and their mental health is... is an area where the state has really failed over a long period of time. This is actually the kind of legislation we should always be working on in the House. This is comprehensive, it deals with a wide range of issues regarding the mental health of children, whether they're at home or in school. This is an important piece of legislation and it will take Illinois from being one of the worst states in America dealing with children's mental health issues and dramatically improve upon how we deal with these issues. So, I would join the Sponsor in seeking your strong support."

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

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

Hamos: "She will."

Parke: "Very good. Let's just talk about the funding, Representative. Does this come out of the General Revenue Fund?"

Hamos: "There is no state GRF component to this Bill. In fact, what it suggests is that with better coordination we could probably save some dollars. This is really about creating a plan that... that promotes coordination. There is a funding piece to this which is to draw down more federal dollars to Medicaid, and it does se... set up the Children's Mental Health Fund which would be the repository for new funds that... that presume that are coming into this state as a result of this Bill."

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Parke: "Well, so is this... is this an almost entirely federal money or is there some state money involved and... to get it started?"

Hamos: "Again, I think that the... the purpose... this particular Bill is not a funding of programs Bill. It really, the centerpiece of it, is to create a plan for the State of Illinois. The reason that there's a funding component to this is that in the deliberations of this group we discovered that there were, in fact, some ways that the state could improve our efforts in drawing down federal dollars. And in doing that, we spell that out for... for our State Government and we also create a mental health fund which would receive these new dollars coming in. But this is not really a Bill that is about funding new programs. The policy in the plan that will come into play here will decide that."

Parke: "Well, I think that's a great, but in all ser... in essence, eventually it's gonna cost the state the money when it's implemented. And I'm trying to find out, are you going to pass some kind of an appropriations for this? Are you gonna just turn it and lay it on the Governor's desk and tell him you find the pro... program... the money for this cause we have a wonderful program?"

Hamos: "House Bill 2900 will not have an appropriation component."

Parke: "Ever?"

Hamos: "Long-term... no, well no, no, I don't mean ever. Long-term, we will look at ways that some programs can be

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coordinated, consolidated, improved upon and really it's the State Government that will... that already gets a lot of money for mental health services that will think of ways to fund children's mental health programs more effectively."

Parke: "Well, let me ask you, who's gonna utilize this? Will this be for... will there be a threshold? Or is it... does it affect a certain segment of the children of the state? Or is it all children of the state?"

Hamos: "Well, this is... the Bill is looking at children's mental health issues from birth to age 18."

Parke: "For all children?"

Hamos: "Well, we would... we really want children's school... well, schools where children, of course, are and we want programs that see children for counseling or for other kinds of family related support to now think about the children's social and emotional development issues for children 0 to 18. So, obviously, many children will not have problems, but the few that are... that are uncovered, the whole purpose of this really is to promote early intervention."

Parke: "Yes, but if you said it's from 0 to 18, that would mean... will this be equally spent with children in the new tier school system as well as the inner city of Chicago?"

Hamos: "Yes."

Parke: "How do you determine what is necessary for mental health? Do we have... I have a group that has a... the doors open for my Hispanic community and children come in and they have counselors there that work with those children and to make sure that there's some self-esteem developed,

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that they work on projects for their family, those kind of things. Can... can we access any of the money through your program for these kinds of programs?"

Hamos: "And... and Representative Parke, this Bill does not purport to decide that for every single school district or every single student. What this Bill says is that the State Board of Education should develop a plan to incorporate social and emotional development standards as part of the Illinois learning standards and also that the Illinois school districts should develop a policy for incorporating social and emotional development into the district's educational program. What we want... what we really want to happen is that school districts will now take a look at what they're already doing, some of which will be very effective and some of which could be improved upon."

Parke: "Well, it sounds like an ambitious program, Representative. I just would like to make sure that when you implement this program that it is implemented equally to... to areas that are affluent, to areas that are poor, to downstate, to upstate. I just don't want always to have the focal point of a needs factor on... on being just poor. If you're gonna do a program that's gonna affect every student in the state, if they have mental problems, then I think this is a good Bill. But I... I would just say that I want to make sure if we're going to ultimately set up a program it ought to help all of the children of the state."

Hamos: "I agree. Thank you."

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Speaker Hartke: "Ladies and Gentlemen, there are still four people seeking recognition on this piece of legislation. I would ask those individuals: Mulligan, Flowers, Mitchell and Coulson to keep your remarks brief. The Chair recognizes Representative Mulligan."

Mulligan: "Thank you, Mr. Speaker. I rise in support of this Bill. Will the Sponsor yield? Representative Hamos, I recently read a report from the office of the inspector general for DCFS which covered a young woman whose mother was schizophrenic and drug addicted and had five children. The one child they were tracking, because of an incident, will go to prison because she murdered somebody. But over the course of her time in the system, she's cost the state over a million dollars, mainly because she either didn't have adequate services and then, when they finally discovered something was wrong, they gave her services that cost the state a lot of money. And ultimately, now she will probably cost the state money in some kind of a prison setting. Don't you think that a Bill like this might have identified a person at a younger age that was at risk and been helped sooner rather than to have wait to have cost the state a million plus dollars?"

Hamos: "Well, thank you, Representative Mulligan. I think that's a really important point. And that, in fact, is the whole goal of this Bill, is to identify children and their families earlier and to get involved with them and to... and really we now know that very early identification assessment prevention really makes a difference. And

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that's what this Bill is really trying to promote for the entire state."

Mulligan: "So, basically, when we're talking about these issues, it's kind of pay me now or pay me later, and pay me later may be a lot more than pay me now."

Hamos: "Right."

Mulligan: "And so, that's why I will stand in support of Representative Hamos's Bill."

Hartke: "Further discussion? Representative Flowers. Please be brief."

Flowers: "Thank you, Mr. Speaker. Will the Lady yield?"

Speaker Hartke: "The Lady will yield."

Flowers: "Representative, I do not support your Bill. And... and let me tell you the reason why. Children are children and... and for your legislation to talk about mental health of children from the age of 0 to 18, what happens to the children that are just guilty of being just little mischievous children? How will your Bill not interfere with them just growing up being children?"

Hamos: "Well, Representative Flowers, you brought up these points in committee and while I respect your point of view, this is really not the goal of this Bill. There are... of course, children are children and they should be respected for that, but there are many other children for whom prevention and early intervention really could make a difference. And that's what this Bill is trying to address."

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Flowers: "Thank you. Representative, if I may, is... your Bill states that it will coordinate the mental health prevention, the early intervention, and the treatment services for children from birth through the age of 18. And so you're saying... who will identify these children from birth through the age of 18? Who will be the one to point their finger at them and to say these children are in need of mental health, intervention and prevention?"

Hamos: "And again, I think that it's important to point out that the language you are referring to is a reflection on a current nonsystem. It's on a system... it's on a group of services that aren't coordinated. So, the goal here is to make sure that there is that kind of... that level of coordination so that we can provide the most effective and more sufficient set of services. This Bill, Representative Flowers, does not spell out who is going to make the assessment. What... what is contemplated is that a group of very smart people, the experts in this field, will spend a year and will develop a comprehensive plan for the State of Illinois. And..."

Flowers: "Thank you."

Hamos: "...through that plan it's exactly those kinds of questions that will be answered."

Flowers: "In... in the meantime, Representative, there are some people out there who will purport to be experts and it will be a conflict of interest for them because it would be in their best interest to say that these children have a mental health problem so they can then... because also in

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your Bill it state's that none of them could receive... ment... none of them would be able to receive public aid, not unless an inpatient... required the Department of Public Aid to require screening... require screening. To the Bill, Mr. Speaker and Ladies and Gentlemen of the House. This Bill will be, once again, a detriment to the children, and more specifically to the African-American children, of this state. Because anytime it says that the Department of Public Aid must be contacted first and public aid cannot be given, not unless there is an intervention from them to allow someone to come in and give some type of diagnosis to say their child is mentally ill. My point to you is that there were 50 thousand children in the Department of Children and Family Services and the speaker (sic-Sponsor) spoke and said that the lack of coordination, and there is a lack of coordination, because I want you to know that the... that the Department of Public Aid does not now and will not in the future talk about the lack of coordinated services that it doesn't have with the Department of Children and Family Services. And right now the parents can't get mental ill... mental illness treatment, but we're gonna give it to the children. The parents have very few rights in this legislation, Ladies and Gentlemen. Today it's somebody else's children, tomorrow it's gonna be yours. This is a very bad piece of legislation. First of all, I did not know that there was a cure for a mental illness. And according to this, this department... this newly created department will be able to prevent mental



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illness. What can be prevented in regards to mental illness, if the child was given decent education in a school. The same school system that you want to identify these children of having mental illness. Some of these teachers have not been taught to teach, but yet you're gonna say they're to identify them. The same system, DCFS, that have given children, wards of the state, psychotropic drugs and don't know the consequences of their action. The same children who've been acting out because they've only been guilty of wanting to be returned home to their parents as opposed to being turned into the juvenile justice system because they don't want to be abused and misused. The same children that because of a lack of a voice they've committed suicide and they're put in jail for murder for trying to protect themselves. This is a very bad piece of legislation. I'm sure it's gonna fly out of here, but I guarantee each and every last one of you that this will be revisited. I urge a 'no' vote on House Bill 2900. Thank you."

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

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

Speaker Hartke: "Sponsor will yield."

Mitchell, J.: "Representative, I've looked at the analysis several times and it's a very all-encompassing Bill. My understanding is that it will fall under the Department of Human... Department of Human Services Children and Family

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Services, the division of that huge conglomerate. Is that correct?"

Hamos: "Well, I think, Representative Mitchell, there are a number of different agencies that are identified that all need to be part of creating a comprehensive plan for Illinois. Out of that plan will come a set of policy recommendations and which agency will have responsibility will be determined as part of that... that plan."

Mitchell, J.: "So, the comprehensive plan is gonna be created by a committee of advocate... advocates for children of this... concerned about the mental health of our 0 to 18 population?"

Hamos: "The Children's Mental Health Council will also include not only advocates but DHS, as you pointed out, the State Superintendent of Education, DCFS, Public Aid, Public Health and Corrections."

Mitchell, J.: "It also seems to imply that there will be some mandates on the State Board of Education and individual school districts. Can you give me any indication as to what those mandates might be?"

Hamos: "Yes. We... we do have that written in here and really it was the Large Unit District Association, it was Chicago Public Schools sitting around a table that helped craft this language. So, we don't think these so called mandates are onerous mandates. They do, however, require that school districts would develop a policy for incorporating social and emotional development into the district's educational program. So again, it doesn't spell out what

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the policy should entail. It does ask each school district to look at what resources it has, what training it's provided, how it makes referrals and again, on an individual school district level, to think about what it might improve upon."

Mitchell, J.: "But the end result basically is what... what you're saying is that there are going to be some impli... maca... implications and some mandates on the school curriculum... of individual schools by this committee?"

Hamos: "Yes, yes. I don't know about curriculum, but possibly."

Mitchell, J.: "Well, any... anything that affects children will have to come through the curriculum of that individual school."

Hamos: "Yes."

Mitchell, J.: "Is there gonna be any money that comes along with this or is this simply another unfunded mandate to school districts down the road that they're going to have to tolerate with local funds that... that aren't there now for the curriculum they have?"

Hamos: "Well again, I think, Representative Mitchell, I don't believe and I think the groups that brought this to us don't believe that this is an onerous mandate. However, if we really care about children's mental health from 0 to 18, oftentimes these children are in school settings. And it really is their teacher, their counselor, the people involved in the school who can best identify what a child may be going through. And it's very important, in fact,

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for the school districts to be involved in helping to craft a mental health policy for children."

Mitchell, J.: "Well, Representative these are the same people that you... you've just indicated that also have a very important task, and that's called teaching. If all of their time is spent in testing or identifying which child has problems, it cuts into the time that those teachers have to make sure that... that those children get a good basic education. You know, and... and every single mandate that comes down the road to schools is a good one and it is not onerous. However, if you continue to pile mandate after a mandate on our education system, sooner or later it's gonna crumble under the weight of the various mandates, the various expectations, that we put on 'em. I have... happened to be married to a kindergarten teacher that just spent an hour and a half filling out forms requested by the Department of Children and Family Services on individual kindergartners and what their specific learning problems are. These forms started the second week of kindergarten. She didn't even know the kids yet. They've continued, now we're into the third quarter. And before I came down here I helped her with a wording on one form for a child who is having some difficulty. Before the parents can get any help from the Department of Children and Family Services, teachers are required to fill out the forms on their own time and I'm just afraid that this program is going to add more unfunded mandates, take more time away from individual children and sooner or later we're gonna

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have no time for the purpose of education. Mr. Speaker, somewhere along the line we have to stop the unfunded mandates on our public schools. I don't know when or where, but between testing, between mandates from No Child Left Behind, which I admit I'm gonna speak on because I'm carrying the Bill for the State Board of Education to increase the number of hours or lose federal funding.. there's so many now, and every time we do something good for someone or some program we add another layer to the public schools. This one just kind of talks about offhand, well down the road, yeah, they may have to do some things, every single mandate starts that way and no money ever comes with 'em. We've got to stop it. Thank you."

Speaker Hartke: "Further discussion? And final speaker, and Representative Coulson. Please make your remarks brief."

Coulson: "Thank you. Thank you, Mr. Speaker. I want to encourage everyone to vote for this Bill. This Bill is to try to help coordinate and integrate much of what is already there as well as to add, if we can, better services to children to save money, to save paperwork, to save those things. So, I would encourage your 'yes' vote so that we can try to integrate this program in the state. Thank you."

Speaker Hartke: "Representative Hamos to close."

Hamos: "My... I think my rep... my cosponsor, Representative Coulson, said it well. Please vote 'aye'."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 2900?' All those in favor signify by voting 'yes';

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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... Mr. Clerk, take the record. On this question, there are 107 Members voting 'yes', 5 Members voting 'no' and 1 Member voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. On page 47 on the Calendar, on the Order of Third Reading, appears House Bill 2354. Representative Howard. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2354, a Bill for an Act regarding schools. Third Reading of this House Bill."

Speaker Hartke: "Representative Howard."

Howard: "Yes, thank you, Mr. Speaker. Ladies and Gentlemen of the Assembly, House Bill 2354 would amend the School Code pertaining to school technology and the revolving fund program. It would allow additional usage of the fund for the purpose of integrating technology into the classroom. This Bill would expand the participation in the program from public school districts to charter schools, area vocational centers, and laboratory schools. The Bill would also make it possible for the loan to be accessible to these entities on a more frequent basis, rather than a two... three-year rotating basis it would be a two-year reporting... rotating basis. And it would also allow the schools to borrow money from the fund in order to... to purchase computer furniture. I ask for support of my colleagues."

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Speaker Hartke: "Is there any discussion on House Bill 2354?  
Seeing that no one is seeking recognition, the question is,  
'Shall... Representative Slone."

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

Speaker Hartke: "The Lady will yield."

Slone: "Thank you. Representative Howard, can you just tell me  
what the relationship is between this program and the  
Illinois Century Network, if there is any?"

Howard: "Not to my knowledge. The Illinois Century Network is  
operated by the Illinois Board of Higher Education. This  
program would be operated by the Illinois State Board of  
Education."

Slone: "Thank you."

Speaker Hartke: "Further discussion? Since no one is seeking  
recognition, the question is, 'Shall the House pass House  
Bill 2354?' 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. Mitchell and Mr. Mitchell. 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 this Bill, having received a  
Constitutional Majority, is hereby declared passed. On  
page 6 of the Calendar, on the Order of Second Reading,  
appears House Bill 465. Representative Jakobsson. Mr.  
Clerk... Mr. Clerk, read the Bill. Out of the record. On  
page 44 on the Calendar, on the Order of Third Reading,

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appears House Bill 496. Representative Jefferson.  
Representative Jefferson. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 496, a Bill for an Act in relation to  
personnel appointments. Third Reading of this House Bill."

Speaker Hartke: "Representative Jefferson."

Jefferson: "Thank you, Mr. Speaker. All this Bill basically  
does is change the number from three to ten in the  
Secretary of State's Office so that they can interview  
candidates for jobs. It's... it's a good Bill. Just changes  
the number from three to ten the people they can interview.  
I would urge an 'aye' vote."

Speaker Hartke: "Is there any discussion on House Bill 496?  
Seeing that no one is seeking recognition, the question is,  
'Shall the House pass House Bill 496?' All in favor  
signify by voting 'yes'; those opposed vote 'no'. The  
voting is open. Have all voted who wish? Have all voted  
who wish? Have all voted who wish? Mr. Osterman. Have  
all voted who wish? Mr. Clerk, take the record. On this  
question, there are 112 Members voting 'yes', 1 person  
voting 'no', and 0 voting... and 2 persons voting 'present'.  
And this Bill, having received a Constitutional Majority,  
is hereby declared passed. Representative Biggins, for  
what reason do you seek recognition?"

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

Speaker Hartke: "State your point."

Biggins: "Well, Mr. Speaker, I have in my hand a transcript of  
the recently stated remarks by our new colleague from the



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Senate, Mr. Molaro. Now, I've had my staff go through these comments that he made on the floor not too long ago and we can't figure out what it is that he said. Now, I don't speak Italian but if somebody can help me, I'll be glad to share this transcript with any of my colleagues and we'll figure this thing out and maybe we can make some progress and make him feel at ease here again."

Speaker Hartke: "Mr. Biggins, we'll send you over an interpreter."

Biggins: "Thank you."

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

Feigenholtz: "For the purpose of an announcement that..."

Speaker Hartke: "State your purpose."

Feigenholtz: "...the House Human Service Appropriations Committee will meet at 8:30 tomorrow morning."

Speaker Hartke: "The House Appropriations Committee for..."

Feigenholtz: "Human Services."

Speaker Hartke: "...Human Services will meet at 8:30..."

Feigenholtz: "Thank you."

Speaker Hartke: "...tomorrow morning. Representative Turner in the Chair."

Speaker Turner: "The Gentleman from Madison, Representative Stephens. For what reason do you rise? From Fayette? Okay."

Stephens: "Fayette."

Speaker Turner: "Fayette is right."

Stephens: "Thank you. A point of personal privilege."

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Speaker Turner: "State your point."

Stephens: "Well, I was wondering if our... are our micro... are our microphones hooked up to the Governor's Office? Do they have audio down there?"

Speaker Turner: "I would think the Governor's listening to your every move."

Stephens: "I think they do. I... well, I wanted to talk to the Governor for a little bit. I... I wanted him to know that we wanna work with him. I know he wants to work with us even if... even though I've not heard from him. I... I've been here... I worked under Jim Thompson, Jim Edgar, and George Ryan."

Speaker Turner: "You're telling your age."

Stephens: "They were all different Governors with different personalities. And our new Governor, Governor Blagojevich, has his own personality. I would just like a little more engagement. You know, these times are not entirely unprecedented. In 1990, when Jim Edgar came to... to the State Capitol as our Governor, the times were tough. And... and he made some tough cuts, 10 percent across the board. As a matter of fact, I don't think Jim Edgar ever said 'yes'. Maybe on his wedding night, I don't know. Okay, now we got everybody's attention. I've talked to some medical providers around the state this morning, Mr. Speaker. And this is way beyond serious, way beyond serious. A small business in central Illinois that's over a half million dollars behind in payments. This is merchandise that they've gotten out of their store, out of

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their enterprise, paid for it, and they're now a half million dollars behind. We've got to... we've got to do something. I want the Governor to work with us. We've got bright people on both sides of the aisle who can work with him and come to some solution. I stay at the Mansion View, that's between the Capitol and the Mansion. And I don't know where the... where we need to go to get this done, but we've got to start being serious about it. We've moving Bills, I think we're to the 'h's now. That's great."

Speaker Turner: "That small business wouldn't happen to be a pharmacist, would it Representative?"

Stephens: "Excuse me?"

Speaker Turner: "That small business wouldn't happen to be a pharmacy, would it?"

Stephens: "No, it's not."

Speaker Turner: "Okay."

Stephens: "No, it's an equi... a medical equipment place."

Speaker Turner: "Okay."

Stephens: "Pharmacies never get up to a half million dollars in the hole. I owned one of those pharmacies once in Granite City, 1982 was the year, and we had another budget crisis. I don't know who was the... I guess it was 'Big Jim' Thompson."

Speaker Turner: "'Big Jim', you're absolutely right."

Stephens: "I had a pharmacy in Granite City and, Ladies and Gentlemen, since you brought it up, I closed it. And I closed it because the state wouldn't pay me money. I remember pounding my fists on my counter, didn't do any

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good. It didn't help pay my bills. And I never got a 'I'm sorry' or 'too bad it closed' letter from the Governor."

Speaker Turner: "Did you get a chance to see Governor Thompson during that time? Did you ever pay a visit or..."

Stephens: "Jim Thompson was on this floor more regularly than some of our Members. Jim Thompson was... was a big gregarious, bigger than life Governor. Didn't do everything right, did some things that were... were not appreciated by either side of the aisle, but we at least had leadership. And that's why I really wanted to talk to you this morning, Mr. Speaker. Because on a national level, like it or not, we're going to war, maybe tonight. I don't know if you know any of the kids that are going to war, but I do. Senator Rick Winkel's son, David, is waiting just off the coast of Turkey to be the point man in his brigades. He... he's a scout. Remember the scouts in... in the... the last time we had... in the Baltic, I'm sorry, in the Baltic area. Those three POWs, remember those? Those were scouts. That's where Senator Winkel's son is waiting to go. I have a son who's a first lieutenant, he's nothing special. He's... you know what, he's just a good American kid going out there and he... all he wants to do is be led and he wants to lead his platoon. Leadership is not something we just do some days and not do the other days. Leadership is always. We need the Governor's leadership today. We need to do some things that are absolutely doable right now. Short-term borrowing to pay up to a certain day. Not... we don't have to be paid up to the day.

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The... the providers, the nursing homes, developmentally disabled, hospitals, all of those people that provide such absolutely necessary services are willing, they are willing to be 90 days behind, 120 days behind. Just don't keep changing it."

Speaker Turner: "So, Rep..."

Stephens: "They don't know when they're gonna hear from us again. And, again, we never send... one more thing, Mr. Speaker, and then I will shut up and everybody'll be happy. We've been called a deadbeat state because we don't pay all our bills. I don't want our Governor to be a deadbeat Governor. I want to help him, I want to work with him. I'm willing to look at any and all issues. And people on both sides of the aisle, I know, are growing tired, not only of my remarks but of really not getting anywhere. We've gotta start today. So, let's hear from the Governor, I know you're down there. Come on up. I... I look forward to working with you. Mr. Speaker, I look forward to getting to the 's's today."

Speaker Turner: "Representative, your remarks are well-taken. We hope that the Governor will contact you, if not come on the floor shortly. I do know that he knows how to reach your office. And it sounds like you're ready to vote for a bonding Bill or some... something of that nature and I'm certain he'd be interested in hearing that. And our prayers are also with all of the young men and women who are overseas and who may very well be... we don't know what they're going to be doing soon, but certainly after 8

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o'clock tonight we will find out. But our prayers are with the young men and women of this country who are preparing to preserve the rights of the United States. On the Order of Third Reading, we have House Bill 1118. Representative Joyce. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 1118, a Bill for an Act concerning higher education. Third Reading of this House Bill."

Speaker Turner: "The Gentleman from Cook, Representative Joyce."

Joyce: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 1118 is the 'truth in tuition' Bill. What it does is gives people an understanding of what their tuition will cost over the period of four years. What you pay as a freshman, you will pay for four years. It also creates an incentive to graduate in four years. I'd be happy to answer any questions."

Speaker Turner: "Seeing no questions... Sorry. The Rep... the Gentleman from Cook, Representative Parke. For what reason do you rise?"

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

Speaker Turner: "He indicates he will."

Parke: "Let's talk about this a little bit more. You're saying that when someone... in two years from now, when someone starts their academic experience, that they're supposed to be told what it's gonna cost 'em the four years that they're gonna be in school?"

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Joyce: "No, what I'm saying is that their tuition as a freshman will be the same each year for the next consecutive four years."

Parke: "I guess I'm missing something."

Joyce: "So, if they're paying \$4 thousand a year right now or when they enter school in 2004-2005 academic year, then they will pay \$4 thousand a year in tuition the next four years."

Parke: "How can they do that, Representative? Don't they have salary increases, don't they have gasoline increases, don't they have electricity increases that have to be passed onto the students?"

Joyce: "No, I don't... I don't think so."

Parke: "They don't have those increased expenses?"

Joyce: "I don't think they... I don't think they have to pass that onto students because it's called public education and we are... and those parents and those children and those families are paying for the funding of the universities as it is now. So, to constantly give increases without having an understanding of what it's gonna cost... the problem is, Representative, if they sav... if someone saves \$20 thousand to send their child through college because they think that's what the cost will be and that's what they save for their family and then all of the sudden there four years... four years later they've spent 28 thousand. So, that is the point of the Bill, to give people an understanding. It is not a freeze, it is not a cap on tuition."

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Parke: "To the Bill. Representatives of this Body, I... I appreciate the Sponsor's intent on this legislation, but it sure doesn't make sense. I mean there... the universities, as everybody's household from year to year, nobody knows what the increased expenses are. To try to tell somebody because you start at \$4 thousand and four years later you're still gonna be paying \$4 thousand just doesn't make sense, it's just not logical. And I appreciate the Sponsor, I've come to know him and respect him. But, ya know, this is just not good government to try to limit at one expense. I mean, every university, everybody has increased costs every year. The cost of doing... of providing education to our students, and especially on the university level in this state, is an increasing expense and nobody can deny it. Ladies and Gentlemen, I don't know how... I know that... I know that the Bill, on the face of it, tries to make some sense out of it, to try to give some guidance to the people of Illinois to determine what it costs for their children or for themselves to go to college, but this just doesn't make sense. And I would ask the Body to vote 'present' or 'no' to this legislation."

Speaker Turner: "The Gentleman from Cook, Representative... I should say, the Gentleman from McDonough, Representative Myers. For what reason do you rise?"

Myers: "Thank you, Mr. Speaker. I rise in strong support of this piece of legislation. I worked with Representative Joyce on this particular Bill and he knows now that the university that is domiciled in my particular district,



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Western Illinois University, has in fact been doing... conducting this very program for a number of years. In fact, they've carried this 'truth in tuition', or a guaranteed cost for tuition, even to a larger extent. Western Illinois University guarantees that an incoming freshman not only knows what his tuition cost is going to be for the next four years, but also knows what room and board is going to be for the next four years. Representative Joyce's Bill only limits that guarantee, in this case, to the tuition costs, and of course tuition costs are a big part of our educational system. Western Illinois University has been very successful in applying the cost guarantee to the students. And certainly, as a student would go in, in Representative Parke's case, in the next couple of years to start their academic experience they know what their tuition cost is going to be, but the next year another incoming class of freshmen come in and the fee is going to be different. The universities plan for this. They... they can adjust the tuition from year to year of incoming freshmen based on the cost that the university experiences in operating the university and providing the services for academic learning. I think it's a good piece of legislation. I think it's a start that the university systems in the State of Illinois can use in the budgeting process. They're under a great deal of challenge today and this is one tool that they know that they... if we pass this Bill, that they can rely on in the future for

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budgeting purposes. I commend Representative Joyce on this legislation and urge the Body to strongly support it."

Speaker Turner: "Gentleman from DeKalb, Representative Wirsing.

For what reason do you rise?"

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

Speaker Turner: "He indicates he will."

Wirsing: "Representative, let's kind of work through this legislation from when you first filed it and to where it is today. As it came to the Higher Education Committee and you presented it, there was a lot of... what should I say, a lot of lack of support in the questioning. You were more than willing from the very get go to say, this is a starting point, I want your input, as you were saying to the universities and others, so that we can amend this to... to do what we need to accomplish. And that simply is allowing a student and his family to understand their budgeting process for that four years, as far as the tuition costs for higher education. Am I on track here what..."

Joyce: "That's correct, Representative Wirsing."

Wirsing: "And there were some questions and you have amended the Bill to deal with those questions from the universities, the University of Illinois is one example and the other universities' input as well."

Joyce: "That's correct."

Wirsing: "So, what we have today is, I think... I think it's a... and I gotta admit I was a little questionable of this legislation, you know that, when it first... when you first,

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you know, kind of hit the fan with it. But what we really have evolved to here is a piece of legislation that simply offers the citizens in this state when they enter any of the nine public universities in Illinois, not just the University of Illinois but all... any of the nine publics, to be able to do some level of budgeting. Now, let's talk about how this... how this happens. And I know there's been questions about how can you know what it's gonna cost four years from now, which is simply going to be a process of each university to determine that. Is that not right?"

Joyce: "That's correct."

Wirsing: "So that they can look at what they project their tuition costs, only the tuition part of it, over the next four years so that they don't get caught short as they go down the road."

Joyce: "Exactly. And what it does, ya know, the Bill doesn't take effect 'til the year 2004-2005, so it gives the universities time to budget this and look at this. And that's, I think, from day one, Representative Wirsing, our point was if it is public education that we are talking about, then the people should understand what those costs will be. And I think we're just asking the universities, in this particular case, to budget the same way we're asking families to budget across this state to pay for... to pay for their education of their children. And I think the universities, ya know, we've worked together on this issue. I think they're pretty comfortable with the legislation as it stands and I think that they know that they create a

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better value with a piece of legislation like this in place for the families and the citizens of this state."

Wirsing: "And all nine uni... public universities are in support of this legislation. Is that...?"

Joyce: "To the... to the best of my knowledge. Yes, Sir."

Wirsing: "Yes. Well, I... To the Bill, Mr. Speaker. I just... I, too, want to compliment Representative Joyce for coming in as a new Member and offering something that really looks good in the final result here and would urge Members of this Assembly to... to vote 'yes' on this Bill as a... as a new beginning in higher education... public higher education here in Illinois. Thank you."

Speaker Turner: "The Lady from Cook, Representative Mulligan. For what reason do you rise?"

Mulligan: "Thank you, Mr. Speaker. Will the Sponsor yield? Representative, first blush this looks really good. And then in sitting here thinking about it, it appears to me that you ought to have some mechanism in here that would study what would happens to tuition over the years for the simple reason that if you lock in four years for the first class, the following year, the next class would then probably get an automatic increase in tuition because you would have to make up what you're gonna lose for the next three years on that class. It almost guarantees that state universities will be able, without any question, to raise their tuition rate every single year. Over a period of ten years it would be interesting to see what that would do to the state. And I think that there could be a definite

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problem here, particularly, if costs raise significantly one year, the then incoming freshman class would be hit with a humungous amount of an increase. And the other thing I would like to know, would this also apply to out-of-state students?"

Joyce: "To your latter question, no, it does not apply to out-of-state students."

Mulligan: "All right. Also, there is a problem called College Illinois... or a program called College Illinois, where you can purchase college tuition at today's rate for young children so that they have an accurate rate. But I don't think that if you actually passed this Bill, there should be some monitoring system or some sunset on it to study what it does to the overall rate of college, because it seems to me that it would be perfect for universities to then raise the rate every year to compensate for what they're not getting from the first class in. So, it would a steady... steady increase all the time. So, I see that as an inherent problem in what otherwise looks like a very good idea, particularly for parents or students who are trying to plan ahead or get a loan. Ya know, it's nice to have stable costs, but I don't think that ultimately that'll be the only problem, ya know, that it solves. I think it'll create other problems for each succeeding class."

Joyce: "Well, Representative Mulligan, the... first of all, the universities can do that right now. They can continuously increase tuition as much as they want right now. They have

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done that at their... at their will or the will of their board. On the issue of, ya know, historical data, we have looked at that and for... with particular to University of Illinois, you can look in the last 30 years there is not one four-year period that the increases for any class was anything less than 24 percent. So, when you look at each class... and we have numbers and I'd love to share them with you on what the increases can be to have an average of 5 percent or 3 percent. The University of Illinois can live with it, we've talked about it, we've met with the vice presidents there, we've met the president. They are very comfortable with this situation and they do not see this as harmful, they see it as something that brings more value to their education system. So, looking at what it's gonna cost, I believe that the universities are not gonna let this... let this legislation go through and then turn around and have excessive increases in their tuition, because they know that that does... that we can always come back to the Legislature and amend any piece of legislation that would limit them from doing that. So, I don't believe that your concerns are gonna come to fruition if this Bill passes."

Mulligan: "Did this not come up at all in the hearing in committee on the Bill?"

Joyce: "On... what...?"

Mulligan: "When you presented your Bill in committee, was there not a question regarding succession of the increases? And if you took the study that you did for the last, say, ten years..."

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Joyce: "Thirty years."

Mulligan: "...and dropped out a quarter or whatever it is, usually the freshman class is the largest because you lose a certain number over the years, if you took out that increase and then added it back into the next three years of the... would it... how much more of a percentage would it increase? I mean, it would take somebody to sit down with a computer and figure that out... calculator, but I'm just wondering if it never came up and how the univ... I mean, it seems to me that that would be a perfect way to raise tuition. I think it's a good idea. I'm willing to go along with it, but I think you need to monitor it closely to make sure that the successive increases for each coming year are not more than what they would've been otherwise."

Joyce: "Okay. Thank you."

Speaker Turner: "The Gentleman from Vermilion, Repres... Representative Black."

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

Speaker Turner: "He indicates he will."

Black: "Representative, refresh my memory. Did you... did you or did you not say it in the Higher Education Committee you would hold this Bill until after the Governor's FY04 budget had been introduced?"

Joyce: "No, I did not state that, Representative Black."

Black: "I... I thought that that was part of the discussion."

Joyce: "No, what I stated was that I would work..."

Black: "Maybe it was the Amendment."

Joyce: "...that I would hold the..."

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Black: "Maybe it was the Amendment."

Joyce: "...Bill on Second Reading and work with all the Members, and we have done that."

Black: "Okay. I think it's been brought out... Representative, I worked in higher education for ten years and I'm gonna tell you how the school's gonna get around this very easily and it's gonna not do what you wanna do. Of course, you... you can come back and whack 'em later on if you want to. The tuition can be frozen for four years, but every cost of educating the student will suddenly become a fee. There'll be a fee for lab, there'll be for lab equipment, there'll be a fee for computer time, there'll be a fee for computer disks, there'll be a fee for lab instruction, there'll be a fee for... well, I think there's already a fee at the university for bus transportation but the list could go on and on and on. So, I appreciate what you're trying to do, but let's do a hypothetical. A family has four children, one is going to be a freshman next year and that tuition is going to be locked in at approximately what, \$4 thousand?"

Joyce: "Yes, it's 46 hundred."

Black: "All right, \$46 hundred. So, for four years that student's gonna pay \$46 hundred. Now, the second child starts the year after. The tuition for the second child a year later could be 5,500, right? In other words, each new year that tuition can go up a considerable amount of money if the university finds it necessary to do that."

Joyce: "That's correct."



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Black: "So, if you had four kids in school... I... I'm gonna vote for your Bill, but I don't want people going out of here thinking that, oh boy, I've got four children who are gonna be in school at the same time. I'm gonna have a senior, a junior, a sophomore, and a freshman and they're all gonna pay \$4,600 a year in tuition. They're not. Each..."

Joyce: "Hypothetically, that..."

Black: "Right."

Joyce: "...that could happen."

Black: "And would probably happen. And... and, ya know, I would point out to you that the Iowa... the Higha... Iowa higher education system, I didn't know Iowa had a higher education system until just recently, but anyway, they're contemplating a 20 percent tuition increase for next year. The City University of New York is contemplating, if I read the analysis correctly, a 50 percent tuition increase. And I only bring this up and I've talked to you about it in the past, I can vote for this Bill on the assumption that we don't take the income fund away from them and reappropriate it, that we do not severely cut their appropriations, because if we do that... I think your Bill has some merit, but what scares me is that your Bill's... the universities com... the universities' ability to provide the quality education that they do may be dependent upon things not directly under your control or my control. If the majority of both chambers decide that their tuition and income fund will come back to us and be redistributed and if the fiscal crisis of the state indicates that they will all take a 10

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or a 15 percent cut, then we're gonna be... have some really serious problems maintaining quality. I know that's not your intent, that's my fear. I intend to vote for your legislation, but I think those who vote for it, it will be incumbent upon us to be very careful that we not further eliminate, reduce, or micromanage their finances, because if we do, then what is regarded by the US News and World Report survey every year, one of the top-rated universities in the country, that being the University of Illinois, particularly in the field of engineering and others... I know it's not your intent to harm that reputation and it isn't anybody's intent, but I think it will be incumbent upon us now later in the Session to be very vigilant that we don't all jump on the bandwagon to further limit the ability and the income strain to provide the quality education that I think our system of systems have provided for a number of years. I think... I think the time is right for your Bill. I think it does give parents an easier way to try and budget and try to meet college costs, and from that standpoint it's good. The only thing I urge you is to work with all of us to not make further cuts that could really harm that student's quality of education, and I know that's not your intent. And I join others in appreciating and expressing my appreciation for your willing to amend the Bill and for your willingness to work with a number of people, you're being congratulated for that."

Joyce: "Thank you, Representative Black."

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Speaker Turner: "The Gentleman from McHenry, Representative Franks, for what reason do you rise?"

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

Speaker Turner: "He indicates he will."

Franks: "Kevin, I think this is a good Bill and I appreciate you adding me as a cosponsor. I do have a question though, and I'm not sure if this issue has been addressed and I think there might be an unintended consequence that might need to be cleaned up once we pass this from here on the Senate side. And I thought about it when Representative Mulligan had brought up the issue of the College Illinois prepaid college tuition program. Right now, as it's set up, if one pays into that and doesn't go to school in Illinois, the amount that one would get is based on the tuition cost at the University of Illinois. So, let's say your... one of your neighbor's children would go to the University of Iowa and that child now would get 'x' amount of dollars per the... per credit course or credit hour. By freezing the amount as a freshman, what you would be doing then, unintentionally, I think, would be limiting the increase that those people who've chosen to go out of state, but they can't get into U of I, for instance, and get into, you know, a lesser school, then they wouldn't get any increases any more after their first year because everything would be frozen. However, these people have bought an investment based on the increase because they have prepaid the tuition. I think we might need to exempt folks who don't go to school in Illinois but use the

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college tuition, the prepaid tuition plan, and have them stepped up on the new tuition basis for the incoming years because otherwise, I think, we could have a real problem with contracts and we could be skirting an issue, a legal issue, which I think would not... your Bill would not withstand a credible legal issue."

Joyce: "I think... I think... I don't think it's an issue, Representative Franks, because I think that each class will see the increases as opposed to... in the first year, as opposed to over the four years. So, I think the end amount of money will be similar for..."

Franks: "Oh, I agree with you at that point. But my point is, let's assume you're a freshman and you decide to go to the University of Iowa and you're gonna be there for all four years. And then what you've effectively done is given up all increases for the second, third and fourth years. But see, this was purchased as an investment vehicle and it wasn't capped, it was supposed to keep going up. And I'm worried that if you cap it at the freshman rate that they wouldn't be able to have a return... a greater return in the following years. And maybe it's only... and maybe it's only a technical Amendment here, but maybe what we say is, they would get the amount that each incoming freshman class would get in subsequent years. I'm just worried, frankly, of a challenge which would throw out the entire... entire Bill."

Joyce: "Yeah, I think we need to talk to ISAC about it."

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Franks: "Yeah, ya might wanna talk to lawyers about that, but thank you."

Speaker Turner: "The Gentleman from Cook, Representative McCarthy, for what reason do you rise?"

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

Speaker Turner: "He indicates he will."

McCarthy: "I just have a couple questions for the Sponsor on this. First of all, as far as fees, are fees capped at all?"

Joyce: "No."

McCarthy: "So, fees are not capped. Are surcharges capped?"

Joyce: "No."

McCarthy: "During the testimony in committee, it came out that the University of Illinois, two years ago, implemented a five hundred dollar surcharge. It was then followed by a thousand dollar surcharge. So, according to this legislation that's not capped. So their tuition may be capped next year, or not next year, the following school year for their freshmen, but the surcharge, according to your legislation, could go up to any feasible amount. Is that correct?"

Joyce: "Not according to my legislation, no."

McCarthy: "But there's no cap on the surcharge and the parents that pay the surcharge..."

Joyce: "This is... this is not... this Bill affects tuition only."

McCarthy: "Okay. So, the surcharges that like the U of I charges today would not be covered under this?"

Joyce: "That's correct."

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McCarthy: "Okay. And do you see that as an opening that could be explored by the university to increase surcharges instead of increasing tuition?"

Joyce: "I don't think they would go down that road."

McCarthy: "Okay. Another question I have is that, we talked about the university systems. If I remember from committee, the university from the Macomb area, Western Illinois University, did file a proponent slip, but isn't it correct that no other university filed a opponent or proponent slip?"

Joyce: "Before... before it was amended, no. There was... they were all neutral."

McCarthy: "But there... there are no slips anywhere in existence saying that the other universities are proponents, is that correct?"

Joyce: "I don't think... I don't think the universities file slips on the floor."

McCarthy: "They don't. They don't. I'm just saying, in committee, it was kind of intimated that there were... every university is a proponent and the other university has not told me that. So... and I just want to make it clear to the Body that in the hearing, wasn't it correct that the univer... Western Illinois University was the only university that filed a slip on this?"

Joyce: "As the Bill stands today, all the universities are onboard with this, so you..."

McCarthy: "That's not the question. The question is..."

Joyce: "This is not committee, this is the floor."

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McCarthy: "Did any university, other than Western Illinois, file a slip on this Bill in committee?"

Joyce: "Not that I'm aware of."

McCarthy: "Okay. Another thing that came up, the Lady from Des Plains was asking some questions, came out very thoroughly in the conversation in committee that Western Illinois, when they implemented this program, they expected small increases every year, and the first couple years in tuition they were small increases. I think, one year it was \$63, one year it was like \$83, so it wasn't a big difference between the freshman and sophomore's class. Now, last year was the first year we not only cut higher education spending and the money we give to our universities, we also asked them for money back, which we are currently doing again in this fiscal year, right today. We're asking them for money back from FY03. So, last year the Western Illinois University tuition went up \$465 that the freshmen pay more than the sophomores. Didn't that come up in committee?"

Joyce: "That was discussed in committee, yes."

McCarthy: "Okay. We also discussed in committee with the Western Illinois University lobbyists. We said, wouldn't you at... just being fair about the budget situation we're in today, would you anticipate at least that much of an increase for next year's tuition. Now, one of the things that came up at that time from all of the universities is that none of them have even set their tuition for next year. So, we talk about these parents and you think about

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parents calling you for assistance in getting in different universities, not one of our universities, maybe in the last couple weeks they have, but at that time, not one of the universities had even set their tuition for next year. Isn't that correct?"

Joyce: "That's correct."

McCarthy: "That's correct. And the reason they didn't set it is 'cause they have no idea what they're gonna get in the Governor's budget address, they know what they've asked for. And in the Western Illinois University example, they said that they at least could look at it and say, it's probably gonna be at least as much of an increase between this freshman class and the next freshman class as it was in the preceding class. And we talked about it in committee and we said, next year at Western Illinois University... now, you may think this is a good program, but if it just goes the way it did last year, the freshman class will be paying \$11 hundred, approximately, more in tuition than the senior class. So, I think that's an important point for the people in the Assembly to... to remember. The College Illinois points that the Representative from McHenry brought up. It's gonna be a very difficult time for them to set. Right now, they're having a tough time because of the increases we had last year. But they can look at it and they can look at the history of tuition increases. With this Bill, since all of the increase that the university incurs basically has to be put on one class out of the four, they're frozen on their



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sophomore and junior and senior class after the first year.  
Isn't that correct?"

Joyce: "That's correct. But we're not asking them to put it on  
one year. We're ask..."

McCarthy: "But they can't do it on any other year. They're  
frozen on the second, third and fourth year."

Joyce: "We're asking them to be responsible to the citizens of  
the State of Illinois and plan and properly plan and budget  
it. We can't ask the people of this state and the families  
of this state to come up year in and year out with numbers  
that they're not aware is gonna... aware of what it's gonna  
cost them."

McCarthy: "Every family..."

Joyce: "But at the same time..."

McCarthy: "Okay."

Joyce: "...tell the universities they don't have to worry about  
planning or budgeting."

McCarthy: "But every family that's applying to every public  
university in our state, as of like, two weeks ago, has no  
idea what the tuition is next year. Not a one of 'em."

Joyce: "And that should be changed. That's the point. That's  
the point."

McCarthy: "This won't change it. This won't change it. Only...  
thing is... it'll change..."

Joyce: "It won't."

McCarthy: "...is that the sophomore and junior..."

Joyce: "They'll know for what their tuition is gonna be for  
four years."

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McCarthy: "Will the... when will the freshmen know?"

Joyce: "Who knows... who knows when the freshmen will know, that's still in the university hands. But then they'll know for the next four years, which is an improvement over what it is right now."

McCarthy: "Well, I... I thoroughly disagree. I disagreed on this Bill since the day it came to committee. I think it probably will fly outta here, but I think we'd better look at this. We're putting all the expenses on that one class. Now, Western, I think, I have to credit them. They tried this program. They aren't even including the fees, if I remember correctly from the testimony at committee. But next year at Western Illinois University, I think the difference between the freshmen and the senior class is gonna be extraordinary, as far as in their costs. I think the College Illinois concerns are very, very genuine. And I'm telling you one thing, I sat through a four-hour meeting on Monday morning with... every president of every university in this state talked about what they're gonna have to do as far as to reduce their programs to meet that 8 percent cut that the Governor's asking them to hold in reserve. And when we tried to look into the next fiscal year and ask them about that, talking about capping of enrollments was something that came up by... from two and three different university presidents. I think, we, in this Body, not only worry about the quality of education at our public universities, but also the quantity. I don't want the University of Illinois saying, okay, we can do

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this limit on tuition, but next year we're gonna accept 5 hundred less kids. And I don't think there's too many other people in here who think that way either, as well as the Westerns, and the Northerners and the Illinois State's. I think that some of these universities have been put in a bad spot with this Bill, but I don't think this is the right time, especially at a time when we are not guaranteeing we're even gonna give 'em what they got last year or the year before in this year's budget. We have to be reasonable with these people. I wanna maintain the quality. And one other thing about this sends out a message to the people in the state that our public universities are expensive. Our public universities are rated every year as one of the best buys in education..."

Speaker Turner: "Could the Gentleman..."

McCarthy: "... in the State of Illi... in the entire United States. So, I think we better start pressing that message when the people call us. Tell 'em what a wonderful deal they're getting and stop letting them complain about the cost of tuition in our state."

Joyce: "Okay."

Speaker Turner: "Thanks. The Gentleman from Randolph, Representative Reitz, for what reason do you rise?"

Reitz: "Thank you, Mr. Speaker, a point of personal privilege. I know this is a very..."

Speaker Turner: "State your point."

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Reitz: "...a very important Bill, but I'm just wondering what Representative Phelps is doing up in the gallery up there when we have this discussion on this Bill going on?"

Speaker Turner: "Representative Phelps in the gallery? Yeah, what's he doing up there? Who's that young lady, Representative?"

Reitz: "Who's that young lady with him?"

Speaker Turner: "You okay, Rep? The Gentleman from Vermilion, Representative Black, for what reason do you rise?"

Black: "Mr. Speaker, Ladies and Gentlemen of the House. This important Bill cannot be concluded without comments from Representative Phelps. And when he was needed most, he wasn't on the floor. Where was he? Up in the balcony, trying to convince some young lady that he had a frozen tuition deal for her."

Speaker Turner: "There's the Representative. Speaking of Representative Phelps."

Black: "I'm tellin' ya, Mr. Speaker, I am shocked and appalled at that young man's behavior. If his uncle, gospel singer... one of the great gospel singers that the southern Illinois has ever had, if he had known what this young man was up to... Representative Phelps, you better call home. I think David Phelps wants to talk to you. I know he's... I know he's very concerned about you. That's what happens when you let these young freshmen in here."

Speaker Turner: "The Gentleman from Saline, Representative Phelps."

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Phelps: "I was just going the extra mile to meet my constituents, and wherever they are, that's my duty. So, sorry 'bout that. Thank you."

Speaker Turner: "The Gentleman from Cook, Representative Joyce to close."

Joyce: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I know there are some concerns, but I do believe that we do owe the people of this state some guarantees. And I think that this Bill will give people an understanding of what their tuition will be over the period of four years so they can properly budget. And I think that's the least that we can do for the people of this state. Now, I appreciate Chairman McCarthy's comments, but I do believe that we are the best bargain in the country. Our university system is the best bargain in the country, there's no doubt about it. And that's fine, but we must realize and we must let the people of this state realize what their cost will be. And you can look... Representative McCarthy referred to Western Illinois's program. First of all, it's not the same program as this Bill. But second of all, you can look at the seniors at the University of Illinois and compare them to the freshmen at the University of Illinois and they pay... the freshmen at the University of Illinois are currently payin' \$11 hundred more than the seniors paid as a freshman. So, I urge an 'aye' vote."

Speaker Turner: "The question is, 'Shall House Bill 1118 pass?' All those in favor should say 'aye'... no, should vote 'aye'; all those opposed will vote 'no'. The Clerk... The voting is

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now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk... I'm sorry. Representative Bailey. The Clerk shall take the record. On this question, there are 104 voting 'aye', 6 voting 'no', 5 voting 'present'. And House... this Bill, having received the requisite Majority, will be declared passed. On the Order of Third Reading, we have House Bill 463. Representative Krause."

Clerk Bolin: "House Bill 463, a Bill for an Act concerning transportation. Third Reading of this House Bill."

Speaker Turner: "The Lady from Cook, Representative Krause."

Krause: "... much, Mr. Speaker and Ladies and Gentleman of the House. Wish to present, at this time, House Bill 463, which creates a task force that would establish the Regional Transportation Task Force. What this Bill seeks to do is to address the issue in the northeastern part of the state where we have a number of transportation agencies. But it is looked upon and believed that these agencies could cooperate better, perhaps they could consolidate in some ways, perhaps they could step forward and present some ideas to promote cost effectiveness and efficiency. What this Bill does is to provide for a task force that has a number of memberships that are provided within the Bill, in the Amendment we added provided for four mayors from the Metropolitan Mayor's Conference. And also provided in the Amendment to make it very clear that they are also to examine the regional and the economic impact as it relates to pretension policy implementation.

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The task force does have an extended period of time. It is to report back by November 2004 with their recommendations back to the General Assembly. I'd be pleased to answer any questions."

Speaker Turner: "The Gentleman from Cook, Representative Miller. For what reason do you rise?"

Miller: "Thank you, Mr. Speaker. To the Bill, just real brief. I would like to commend the Sponsor on adding the Amendment. We in the south suburbs have some of the longest transportation times in metropolitan Cook County, and with transportation, economic opportunity is limited. And so, this issue is far... as we see it, in our eyes, far overdue. And I would like to make sure that... that everybody understands the importance to this Bill to us. And also that we urge everyone for an 'aye' vote."

Speaker Turner: "Seeing no further questions, the question is, 'Shall House Bill 463 pass?' All those in favor should vote 'aye'; all those opposed vote 'no'. And the voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 115 voting 'aye', 0 'noes', 0 'presents'. And this Bill, having received the requisite Majority, will hereby declared passed. Representative Kelly on House Bill 1415. Read the Bill, Mr. Clerk. The Lady wants to take it out of the record. The Gentleman from Cook, Representative Giles. For what reason do you rise? The Gentleman from Cook,

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Representative Lyons, on House Bill 1516. House Bill 1516.  
Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 1516, a Bill for an Act relating to  
certain financial institutions. Third Reading of this  
House Bill."

Speaker Turner: "The Gentleman from Cook, Representative  
Lyons."

Lyons, J.: "Hello. Thank you, Mr. Speaker, Ladies and  
Gentlemen of the House. House Bill 1516 amends the  
Illinois Credit Union Act. It provides for credit union  
fees... does four things. The first of which is provides for  
credit union fees to be paid to the Department of Financial  
Institutions by July 1st rather than March 1st. It also  
authorizes credit unions to expel members for violating a...  
of board policies. It, additionally, provides for payouts  
to be made to minors, which keeps it in parity with other  
financial institutions of Illinois. And also allows credit  
unions to make loans to credit union organizations within  
the system, not greater than 3 percent, as opposed to the 1  
percent which is now the limit on those types of... of those  
types of loans. So those are usually done to accuse those,  
which are internally developed by the credit union  
organizations, it's kind of a internal loan from one entity  
to a offspring of the... of the credit union. So, I have no  
known opponents. I think it passed unanimously out of  
committee. And I'd be happy to answer any questions or ask  
for your... for your 'yes' vote."



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Speaker Turner: "Are there any questions? Seeing none, the question is, 'Shall House Bill 1516 pass?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 113 voting 'aye', 0 'noes', 1 voting 'present'. And this Bill, having received the requisite Major... requisite Majority, is hereby declared passed. Representative Kelly on House Bill 1415. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 1415, a Bill for an Act in relation to minors. Third Reading of this House Bill."

Speaker Turner: "The Lady requests the Bill be brought back to Second. The Bill will be so moved back to Second. Representative Giles on House Bill 2332. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 2332, a Bill for an Act regarding education. Third Reading of this House Bill."

Speaker Turner: "The Gentleman from Cook, Representative Giles."

Giles: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Previously, I had pulled House Bill 2332. There were some questions about the Bill. I think Representative Black had... had asked about Delta Education, exactly who they are. He have assist me in pulling the website on this particular company. They manufacture and sells through for grades K-12 on onhand and in science and math supplies. So, this is probably one of the many companies that

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actually do this work. And at the proper time, I would ask for a favorable vote on this piece of legislation."

Speaker Turner: "The Gentleman from Vermilion, Representative Black. For what reason do you rise?"

Black: "Yes, thank... thank you very much, Mr. Speaker. To the Bill. First of all, let me thank Representative Giles for his kindness in taking the Bill out of the record so that I could look into something that I wasn't sure about. There... there's... we used to do that all the time around here. It was a courtesy. He came over and talked to me, we talked to staff. I was under the impression that there was a sole source provider for these kids, and I had some problems with that. I was wrong. There are a number of companies involved in it. The competitive bidding situation is more than adequate protection. I am... I am indebted to Representative Giles for letting us take a look and making sure of that I knew what I was voting on and that others knew what they were voting on. And with what we have been able to discover, this is a fine Bill and I intend to vote 'aye'. And once again, Representative, thank you."

Speaker Turner: "The people of Vermilion know they have a great man in you, Representative Black. Representative Giles to close."

Giles: "Thank you, Mr. Speaker. Thank you, Representative Black, for that. And that's what we want to do is simply work together. I think it is a good piece of legislation. Once again, this legislation is permissible for the school districts. It doesn't mandate them to do so. And I think

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we're moving forward. This is long-time coming from the State of Illinois. So, I urge an 'aye' vote on this legislation."

Speaker Turner: "The question is, 'Shall House Bill 2332 pass?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 115 voting 'aye', 0 'noes', 0 'presents'. And this Bill, having received the requisite Majority, is hereby declared passed. The Gentleman from Champaign, Representative Rose, on House Bill 3386. Read the Bill, Mr. Clerk. Out of the record. The Gentleman from Cook, Representative McCarthy, on House Bill 2805. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 2805, a Bill for an Act concerning higher education. Third Reading of this House Bill."

Speaker Turner: "Representative McCarthy."

McCarthy: "Thank... thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 2805 is a... a Bill that would amend the Board of Higher Education Act. It basically says that today there's ten members that are appointed by the Governor, and this Bill would say that by July 1st of 2005 one of those ten members that the Governor appoints should be a faculty member at one of the Illinois public universities. We do have requirements on the 15-member board that one of them be a student. And the initiative of this Bill is to say at this time we should

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have one faculty member on there as well. They do have a faculty representative who has a microphone at each of the Board of Higher Education meetings, but is not given a vote at this time. And this Bill would correct that as of July of 2005. I'd appreciate your favorable consideration."

Speaker Turner: "The Gentleman from Wi... Will, Representative Meyer. For what reason do you rise?"

Meyer: "Thank you, Mr. Speaker. Representative, in committee you indicated you were going to hold this Bill on Second Reading for an Amendment. Is that... we don't see that that Amendment's been proposed."

McCarthy: "I... I don't think that's correct. The Bill passed 12-0-0, there was one person absent that day. There was no talk about that. We did say we'd look at the student part of it and, if necessary, maybe amend it in the Senate just to say... to match the student representative part, we assumed that it has to be a student at an Illinois public university. That was the only question that came up, but there was no consideration about holding it until then. I'm so... I... I would call on the minority spokesperson to clear that up, but if he thinks there was, I'd be happy to pull it."

Meyer: "Rep... Representative, could you just take the Bill out of the record and let us all get together and just clarify that and..."

McCarthy: "Mr. Speaker, please pull the Bill out of the record."

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Speaker Turner: "Out of the record. Representative Lyons on House Bill 1374. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 1374, a Bill for an Act in relation to criminal law. Third Reading of this House Bill."

Speaker Turner: "The Lady from Cook, Representative Lyons."

Lyons, E.: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 1374 is a Bill that has passed out of this House unanimously two years ago. This Bill responds to one of the main complaints the House Prosecutorial Misconduct Committee heard when it held hearings about unfair practices in criminal cases. The use of jailhouse informants, especially in capital cases, was criticized. The testimony is extremely unreliable. This Bill would put some safeguards in place before allowing this testimony before a jury. It may take longer on the front end to examine the testimony, but it saves time on the back end when a mistrial is declared or the case is reversed if the testimony is found unreliable. Again, this passed out of this chamber unanimously two years ago. And I would ask you to do the same again. Thank you."

Speaker Turner: "Seeing no questions, the question is, 'Shall House Bill 1374 pass?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk... Saviano. The Clerk shall take the record. House... this Bill, having received 110 'yeses', 4 'noes', and 0 'presents', and having received the Constitutional Majority, is hereby declared

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passed. All those... Representative McCarthy on House Bill 2805. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 2805, a Bill for an Act concerning higher education. Third Reading of this House Bill."

Speaker Turner: "Representative McCarthy."

McCarthy: "Thank you, Mr. Speaker. And thank you for getting right back to this. As we just previously explained, House Bill 2805 simply says that one of the ten members appointed by the Governor to the Board of Higher Education Act should be a faculty member at one of our public universities. As we explained earlier, we do have a student member who's a voting member. We have five other members that are assigned by statute. So, one out of the ten, by July 1, 2005, would be a faculty member per this legislation."

Speaker Turner: "The Gentleman from Will, Representative Meyer. For what reason do you rise?"

Meyer: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I'd like to thank Representative McCarthy for taking the Bill out of the record and letting us clarify. There was no commitment to hold the Bill. We do not have a problem with this Bill at this point. So, thank you."

Speaker Turner: "The question is, 'Shall House Bill 2805 pass?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 114 voting 'aye', 0 'noes', 0 'presents'. And this Bill, having received the re... required Majority, is hereby

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declared passed. The Gentleman from Cook, Representative Davis. For what reason do you rise?"

Davis, W.: "Mr. Speaker, in reference to House Bill 1516, which was just voted on a couple of Bills ago, I had a little problem with my switch and I'd like to go on record as recorded as a 'yes' on that Bill."

Speaker Turner: "The record will so reflect. We have House Bill 1358. Representative Kurtz. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 1358, a Bill for an Act in relation to vehicles. Third Reading of this House Bill."

Speaker Turner: "The Lady from McHenry, Representative Kurtz."

Kurtz: "Thank you from... here we are. Thank you, Mr. Speaker and Ladies and Gentlemen of the House. HB 1358 is the DUI Rehabilitation Program that one must take before getting back a driver's license. This Bill amends the Illinois Vehicle Code. It provides that a person convicted of or placed on supervision for DUI must, as a part of final sentencing, undergo the imposition of evaluation recommendations relating to the defendant's drug or alcohol abuse problem in accordance with rules adopted by the Department of Human Services. It provides that the imposition of treatment... that the defendant must pay the cost for the evaluation and treatment program subject to department rules and of rules governing in... indigents. It tightens up the current law by filling a gap in the law. Currently, the law requires evaluations and the defenders undergo the imposition of treatment as appropriate. This

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gap or this void contributes to a large percentage of offenders leaving their... these rehabilitation programs without adequately addressing their a... their alcohol or other drug programs. I would welcome any questions from the floor. I have a lot more to say, but I would welcome your questions first."

Speaker Turner: "There is one question. The Gentleman from McHenry, Representative Franks. For what reason do you rise?"

Franks: "Thank you, Mr. Speaker. I rise in support of this Bill. This is a Bill that we filed last year that Representative Kurtz and I had carried together, along with Senator Klemm. And this had gone to Conference Committee in the House and unfortunately we ran out of time in the Senate to get this passed. And it had passed unanimously and it's a very important Bill. And I just urge everyone to vote 'yes'. So, thank you."

Speaker Turner: "The question is, 'Shall House Bill 1358 pass?' All those in favor should vote 'aye'; those opposed vote 'no'. And the voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 114 voting 'aye', 0 'noes', 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. The Gentleman from Lake, Representative Mathias, on House Bill 2509. Read the Bill, Mr. Clerk."



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Clerk Bolin: "House Bill 2509, a Bill for an Act concerning the allocation of telephone numbers. Third Reading of this House Bill."

Speaker Turner: "The Gentleman from Lake, Representative Mathias."

Mathias: "Thank you, Mr. Speaker. House Bill 2509 provides that the Illinois Commerce Commission shall obtain and review the semiannual number resource utilization and forecast reports from NANPA, which is the North American Numbering Plan Administration. It further provides that they shall identify to NANPA any telecommunications carrier that is not in full compliance with the FCC's request threshold utilization requirement and all other FCC number utilization rules. It provides that the ICC shall request that NANPA audit any telecom carrier not in full compliance with the FCC's numbering resource rules or otherwise investigate instances of noncompliances prescribed by FCC rules. And it further provides that within six weeks of receiving the report from NANPA the ICC shall issue a public report containing the name of any company not in full compliance and the area code affected. This Amendment... or, this Bill, actually, was done as an initiative of CUB. And... and basically the reason for it is to try to lengthen the time where we will need, in the future, additional area codes. Unfortunately, for the 847 area, where I'm residing, it's too late, but I'm hoping that we can prevent this from happening in other area codes and to extend the time necessary as long as possible for

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new area codes to be needed. And I ask for your 'aye' vote."

Speaker Turner: "The question is, 'Shall House Bill 2509 pass?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 114 voting 'aye', 0 'noes', 0 'presents'. This Bill, having received the Constitutional Majority, is hereby declared passed. The Gentleman from Cook, Representative McAuliffe, on House Bill 3467."

Clerk Bolin: "House Bill 3467, a Bill for an Act in relation to vehicles. Third Reading of this House Bill."

Speaker Turner: "The Gentleman from Cook, Representative McAuliffe."

McAuliffe: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I have House Bill 3467, which would provide the issuance of an expected mother parking device to a pregnant woman whose mobility may be limited by her condition. This would be sub... subject to administrative rules to be adopted by the Secretary of State and would also prohibit the use of the space reserved for a person with an expected mother parking device by a person not having that device. Currently, some manu... some retail stores have parking that's only designated for pregnant women. However, since there's no... this Bill... at the time there's no statute for it, anyone can park there and it's not enforceable. And that's... my intention is to anyone that would want to do is

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voluntarily to be able to have a sign that said 'pregnant women only' parking and be observed. And I'd be happy to answer any questions anyone may have."

Speaker Turner: "The question is, 'Shall House Bill 3467 pass?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Come on, this shouldn't take nine months. Have all voted who wish? The Clerk shall take the record. On this question, there are 114 'ayes', 0 'noes', 0 'presents'. This Bill, having received the Constitutional Majority, is hereby declared passed. The Gentleman from Cook, Rep... the Gentleman from Will, Representative McGuire, on House Bill 2968. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 2968, a Bill for an Act in relation to criminal law. Third Reading of this House Bill."

Speaker Turner: "The Gentleman from Will, Representative McGuire. Proceed."

McGuire: "Thank you, Mr. Speaker. House Bill 3968... excuse me, 2968 amends the General Obligation Bond Act. What this obligation does, it authorizes the amount of \$20 million to be used by the Department of Commerce and Economic Opportunity, formerly DCCA, for grants to civic centers authorities for the maintenance repairs of the civic centers throughout the State of Illinois. For your information, there's about ten civic centers throughout the State of Illinois, including Joliet, Springfield, and many others. We have had this Bill before and we are certainly

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trying to pass this Bill again. What it would do, it would help the civic centers throughout the state, in more of the larger cities, to maintain the civic centers that were authorized by this Body so many years ago. I'll try to answer any questions you may have. And I'd appreciate your 'aye' vote. Thank you."

Speaker Turner: "The Gentleman from Cook, Representative Parke. For what reason do you rise?"

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

Speaker Turner: "He indicates he will."

Parke: "Thank you. Representative, do you know if these civic centers are successful? Are they making money?"

McGuire: "Are they making money, did you say, Representative?"

Parke: "I'm sorry, what?"

McGuire: "What did you say? Are they making any money, did you say?"

Parke: "Yeah. Are these civic centers making money? Are they... are they making profit for the communities in which they are?"

McGuire: "No, I... I would definitely say the one in Joliet. I don't believe they're profit-making ventures at all. But I would say definitely a 'no' about the one in Joliet, I would say 'no'."

Parke: "Thank you. To the Bill. Ladies and Gentlemen, this is certainly... for the Legislator who presents the legislation, this is important. He would like to get additional bonding authority to spend \$20 million more. We're in the process right now of looking at a \$10 billion bonding authority

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that will be effecting our pension systems in a time when we are in desperate need for cash. These civic centers are not successful. There's great hope for them. The need for them to be successful is paramount, but they're not. In fact, many times these are just losing... losing money hand over fist. Ladies and Gentlemen, we have a lot of places to put bonding money and I don't believe that this is one of. I respectfully rise in opposition."

Speaker Turner: "The Lady from Cook, Representative Mulligan. For what reason do you rise?"

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

Speaker Turner: "He indicates he will."

Mulligan: "Representative, I know this is... probably you think it's a good idea for your area. But do you have any idea what the total amount of debt a state can go into before your rating is changed? And the fact that we're looking at doing additional bonds and you're asking the state to cover an additional amount of debt in bonds. Do you have some idea at what point this help... hurts our overall rating?"

McGuire: "Representative, we're gonna take the Bill out of the record for the time being and we'll discuss it some more. Would that be all right at the present time?"

Mulligan: "Thank you. I would appreciate that. Because I think there's some questions about overall debt that..."

McGuire: "Thank you."

Mulligan: "...should be answered."

McGuire: "Thank you. Take the Bill out of the record, Speaker. Thank you."

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Speaker Turner: "All right. Take the Bill out of the record. We have House Bill 2790. Representative Mitchell. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 2790, a Bill for an Act regarding schools. Third Reading of this House Bill."

Speaker Turner: "The Gentleman from Whiteside, Representative Mitchell."

Mitchell, B.: "Macon. Macon County."

Speaker Turner: "I'm very sorry, Representative."

Mitchell, B.: "Thank you, Representative. House Bill 2790. It's a very simple Bill. It's a very timely Bill. It changes the general state aid payment schedule to 22 equal payments instead of the present 24. One of the things that I'd like to stress is this... this in no way reduces the payments made to our school districts, it just compresses them and makes them... requires them within the fiscal year that they've been appropriated."

Speaker Turner: "And the Gentleman from Whiteside, the other Mitchell, Jerry Mitchell."

Mitchell, J.: "Thank you, Mr. Speaker. I rise in strong support of this Bill. I've talked to superintendents across the state. There's always been a fear that the 23rd and 24th state aid payment will either be withheld or will not be accelerated into June, which is what we have become accustomed to. Normally, we are on a schedule of 24 state aid payments, basically 2 a month, July through July. The fiscal year ends in June. Therefore, the state board has always accommodated school districts by taking the last 2

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state aid payments and accelerate them into June so that each district gets their money before they close out their books. Back several years ago, I believe in the early '90s, the Governor at that time decided to withhold one of those payments in order to... to shore up the state budget. It left our districts in dire straights, many of them struggled just to stay afloat. This time and... they're doing the same thing. They're very, very concerned about those payments. We have urged the comptroller and the Governor to make sure those payments come through, but to avoid this my colleague has put a Bill in that simply says that districts will now get all of the money in the fiscal year that the money is appropriated for. With 22 payments they get the same amount of money, there is no change in the appropriation. They just get a little bigger check twice a month, 11 months rather than 12. It works out well for them. They're happy with it. And I urge an 'aye' vote. Thank you, Mr. Speaker."

Speaker Turner: "The Gentleman from Crawford, Representative Eddy."

Eddy: "Thank you, Mr. Speaker. I, too, rise in very strong support of this Bill. This is an outstanding piece of legislation, long overdue. As one who creates a budget every year for a school district, I can tell you it's absolutely essential to know how much revenue the school is going to get in the budget process. And this guarantees to the school district that 22 payments will be made in a timely fashion to the school and we don't have to go into

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the spring season every year wondering whether or not we're gonna receive one-twelfth of the general state aid that's been appropriated to our school district. It would be attuned to everyone taking a one-twelfth cut in their income after they had already prepared their family budget for the year. School districts face the same thing. It's outstanding legislation. And I strongly, strongly suggest an 'aye' vote."

Speaker Turner: "The Gentleman from Fulton, Representative Smith. For what reason do you rise?"

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

Speaker Turner: "He indicates he will."

Smith: "Representative Mitchell, sometimes we get so used to doing the thing... things the way we've always done them that maybe we don't ask the obvious questions. And that occurred to me as we've been debating it and hearing a lot about the 23rd and 24th payments. In your... in doing the research on this legislation, did you come across or did you ever ask the question why 24 payments? Why... why have we ever set up this system? I mean, why not monthly payments? Why not quarterly payments? Why not twice a year?"

Mitchell, B.: "Representative, that's a good question. And this is just a hypothesis on my part. It was just two payments every month. That's why 24 payments."

Smith: "I understand that. And I think... I fully support your legislation. I think it will be of... greatly welcomed by our local school districts. But I do think maybe we should



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ask the bigger question, why do we have them spread out like that? Is... is it a cash management situation on the part of the state? I asked the state superintendent last week and he didn't really have a good answer for me. But I think it's something that we need to pursue a little bit further. Thank you."

Speaker Turner: "The Gentleman from Macoupin, Representative Hannig. For what reason do you rise?"

Hannig: "Yes, thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Turner: "He indicates he will."

Hannig: "Yes, Representative, I just have a couple questions about the Bill. Is... is there any additional costs for the transition? In other words, when we go from a system where we overlapped into the next fiscal year into your proposal where we would pay all these within one?"

Mitchell, B.: "I don't believe so, Representative."

Hannig: "Okay. And... and what would happen if your Bill was law and we made a good faith estimate to... to estimate general state aid, for example, and we came up in error? And... would... would there be some requirement? Would this... would this compel the state to actually make a payment if we have not appropriated the correct amount of money?"

Mitchell, B.: "Representative, we still would appropriate the same amount of money."

Hannig: "Yeah. No, I understand. But let's say we appropriated a hundred dollars because we thought that was the right amount. Then as we go into the fiscal year we

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find out that the real amount is a hundred and ten. How do we... how do we find that extra ten bucks?"

Mitchell, B.: "We'd have to do a supplemental."

Hannig: "Okay. So thi... and this would not affect... this would not provide a mechanism to do that? Or would it?"

Mitchell, B.: "It does not."

Hannig: "Okay. You've clarified my... my questions and I thank you. I support your Bill."

Mitchell, B.: "Thank you."

Speaker Turner: "Representative... the Lady from Will, Representative Kosel."

Kosel: "Thank you, Mr. Speaker. Just to make this short and sweet and to the point. You know all those letters you're getting from all your superintendents worrying about those last two state aid payments, this will prevent that from ever happening again in the future. It's an absolutely excellent Bill, no cost to the state, and answers a question that we've had with our local schools for many, many years. I strongly support the legislation and would also ask you to."

Speaker Turner: "The Gentleman from Whiteside, Representative Jerry Mitchell, again."

Mitchell, J.: "Thank you, Mr. Speaker. I just want everybody to know that this basically was my Bill worked out with State Board of Education. And my colleague and little brother came to me and asked if he could have this Bill. I told him I would be more than happy to do that if he would share the spotlight with me. Lo and behold, I look on the

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board and I've been taken off the board. Now, how can I trust a down... a fellow downstater when he steals my Bill, number one, and makes false promises. I'm gonna have to think real hard about how I vote on this. Thank you, Mr. Speaker."

Speaker Turner: "The Gentleman from Effingham, Representative Hartke. For what reason do you rise?"

Hartke: "Thank you very much, Mr. Speaker. Would the Sponsor yield?"

Speaker Turner: "He indicates he will."

Hartke: "Mr. Mitchell, have you checked into the... the record of the State of Illinois on our payments? When is the last time that we failed to give schools what we committed to give to them in the budget?"

Mitchell, B.: "I believe it was '92, '93."

Hartke: "In 1992 and 1993, I do believe, we delayed the last two payments until the month of July in the preceding fiscal year, correct?"

Mitchell, B.: "I believe that, except with the codicil, that the one payment was never made."

Hartke: "I'm not... I'm not aware of that. But let me... let me ask you another question."

Mitchell, B.: "I believe that's the case."

Hartke: "How many school districts in the State of Illinois are on a cash basis in their accounting process?"

Mitchell, B.: "From what my staff says, we presume nearly over half of the... nearly 9 hundred school district."

Hartke: "So half of them are on the..."

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Mitchell, B.: "Nearly."

Hartke: "...accrual... are on the accrual basis then, is that correct?"

Mitchell, B.: "As of today, at least 3 hundred have been added to the financial watch list."

Hartke: "No, no, no. Don't answer that way."

Mitchell, B.: "Sorry."

Hartke: "They may be on the financial watch list because they're on a cash basis. However, they are gonna get their money. Is that correct? If they were on a accrual basis, the money that would be received during the month of June would be considered as accounts receivable, correct?"

Mitchell, B.: "Representative..."

Hartke: "And they would not have a crisis at the end of their fiscal year, which ends on June 30th."

Mitchell, B.: "Representative, we're hopeful..."

Hartke: "Is that correct?"

Mitchell, B.: "Representative, we're hopeful that the school districts will get their payment. There's no guarantee. We don't know what's going to happen, based on what the Governor will do."

Hartke: "Well, whether they got their money or didn't get their money, if, at the end of June when they close their books, if they were on an accrual accounting basis they would be in balance because they would have accounts receivable due them, and that is the 23rd and 24th payment. Is that correct?"

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Mitchell, B.: "That doesn't help them to pay their teachers, Representative."

Hartke: "But right now we are... we are looking at this and saying, 'oh my gosh'. We're... we're throwing our hands up and saying, we're broke, we're on a financial crisis basis for some 3 hundred school districts, as you just said, because they have not received their last payment. When in actuality, they may have cash that's still available. But looking at it from the books, from a cash basis... standpoint, yes, they are in deficit spending or cannot and do not have the cash there. However, if all school districts were on a... an accrual basis..."

Speaker Turner: "Proceed, Representative."

Hartke: "...that would not cause the State Board of Education to put them on a financial watch list. Is that correct?"

Mitchell, B.: "That is correct, Representative."

Hartke: "Okay. So now... and I don't disagree with what you're trying to do. Don't get me wrong. But I think it's just a little Band-Aid on what we're trying to do as far as determining whether schools are in a financial crisis or not. Not all school districts have a July 1st through June 30th fiscal year, is that correct?"

Mitchell, B.: "Could you repeat that, Representative?"

Hartke: "Not all school districts are on a fiscal year from July 1st through June 30th."

Mitchell, B.: "I pre... I think most are, but I can't answer your question for certain."

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Hartke: "What are... the Chicago School District is on what fiscal basis?"

Mitchell, B.: "I beg your pardon."

Hartke: "The Chicago School Districts 299."

Mitchell, B.: "I don't know."

Hartke: "Maybe Mr. Mitchell, Jerry Mitchell, can answer that question."

Speaker Turner: "That is the correct district number."

Hartke: "Assistant to Mr. Mitchell."

Speaker Turner: "That is the number, Representative."

Hartke: "What was the answer? I missed it."

Mitchell, B.: "Representative Jerry Mitchell, very knowledgeable in this, says they're most all on the fiscal... same fiscal year."

Hartke: "Except for the Chicago School District."

Mitchell, B.: "And I'm not familiar with the Chicago Public Schools."

Hartke: "Right, they have their own fiscal program. I... I... He's not sure if he's gonna vote for it either, I just listened to him. No, I'm gonna vote for your Bill."

Mitchell, B.: "I... I have a hunch he will vote for it."

Hartke: "I'm gonna vote for your Bill, Representative. But... but I think we're... we're throwing out the smoke screen here when we're saying that, ya know, whoa, we're in trouble, we're not gonna get the money, and so forth. And I relate hate that because we have a lot of nursing homes in the State of Illinois, we have a lot of pharmacies, as a previous speaker had talked about, we have a lot of medical

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providers who are not receiving their cash immediately when it's due to them as well."

Mitchell, B.: "That's correct."

Hartke: "And... and under that scenario I look at what the Governor may or may not be doing to... to try to balance this budget out, but if he can chip money to the next fiscal year, not pay those Bills because we're short of cash, you're gonna get your money. I mean, the schools are gonna get their money, always have. And... and I may or may not disagree with someone who said, at one point in time, they did not get one of their payments."

Mitchell, B.: "In... in the early..."

Hartke: "But... but... but... I was just told they got it, but 10 years later. But anyway, I don't disagree with what you're trying to do but I think we oughta be honest. This may work, dividing it by 11 equal payments, or 22. Wouldn't it be just as easy to start the first 2 payments in July?"

Mitchell, B.: "No."

Hartke: "Why? If you started the 2 payments in July, 2 payments in August, September, October, November, you would only then owe 2 in June. Right now, we're owing 4 in June. It's the que... it's the question of cash flow. And the last time I looked at the economic and fiscal situation in the budget of the State of Illinois, it really is a cash flow problem. Where we can chip a quarter of a billion dollars, 130 million per payment..."

Mitchell, B.: "You know, Representative Hartke..."

Hartke: "...for the last 2 payments."

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Mitchell, B.: "Pardon me. Representative Hartke, this is not perfect legislation. So, I wanna be..."

Hartke: "Thank you."

Mitchell, B.: "...candid with the people of Illinois. However, two-thirds of the school districts in the State of Illinois are gonna be in deficit. That's an intolerable situation. What we cannot do is sit here and say, well, we've appropriated money for them and then say take that money away. So, that would make the problems much, much worse. We can't make the problems where the people of Illinois demand better."

Hartke: "So, are you telling your pharmacists and doctors and hospitals the same thing?"

Mitchell, B.: "Absolutely. They should get paid within a reasonable amount of time."

Hartke: "Thank you. Thank you very much. That's what I wanted to hear. I'm supporting your legislation, Representative."

Mitchell, B.: "Thank you, Representative."

Hartke: "But I still think it's a smoke screen."

Speaker Turner: "The Gentleman from Madison, Representative Stephens. For what reason do you rise?"

Stephens: "Fayette. Fayette."

Speaker Turner: "Fayette."

Stephens: "I move the previous question."

Speaker Turner: "Fayette?"

Stephens: "Fayette."

Speaker Turner: "Fayette, it is."

Stephens: "Fayette."



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Speaker Turner: "Fayette."

Stephens: "Previous question."

Speaker Turner: "Previous question."

Stephens: "Fayette."

Speaker Turner: "Which one of you Mitchells want to close? Go ahead, Bill."

Mitchell, B.: "I... I... thank you, Mr. Chairman. I would like to, I don't know... understand how Jerry Mitchell got took off the hyphenated. You'll be put back on. Jerry Mitchell has worked very, very hard on this Bill and he deserves the lion's credit. I certainly wouldn't take the credit from the very intellectual of the Mitchells, in the House of Representatives. Thank you."

Speaker Turner: "The question is, 'Shall House Bill 2790 pass?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this Bill, there are 114 voting 'aye', 0 'noes', 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Representative Fritchey on House Bill 1383. Read the Bill, Mr. Clerk. Out of the record. On the Order of Third Reading, we have House Bill 514. Representative Sacia. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 514, a Bill for an Act regarding schools. Third Reading of this House Bill."

Speaker Turner: "The Gentleman from Tazewell, Representative Sacia."

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Sacia: "Thank you. It's from Winnebago, Sir. Thank you."

Speaker Turner: "We're gonna have to talk to the Clerk about these locations here. Go ahead, proceed."

Sacia: "Thank you, Mr. Speaker. House Bill 514 deals with school counselors in the State of Illinois. Current law has it that Illinois school counselors must also be certified as teachers. This creates a specific problem, specifically in areas such as mine, northwest Illinois, wherein we're bordered by Iowa and Wisconsin, wherein we have a tremendous shortage of counselors. And what this Bill would do is change the requirement wherein you would not have to be certified as a teacher in order to be hired as a school counselor. It's a... it's good legislation. I would point out that there are 42 states that have already done away with this requirement. I would also point out that Illinois is 47th out of all 50 states in the ratio of school counselors to children. Illinois has 1 school counselor per 7 hundred children, the recommendation is 1 per 250. This is strongly supported by the teachers' unions and all of the counselor organizations in Illinois. I would gladly welcome any questions."

Speaker Turner: "The Gentleman from Jackson, Representative Bost."

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

Speaker Novak: "Yes, he will."

Bost: "Representative, is this your first Bill?"

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Sacia: "I... I thought perhaps by the lack of hair on my head and the look of age in my eyes somebody would've assumed that it was not, but yes, it is, in fact, my first Bill."

Bost: "Well, the thing is, regardless of the loss of hair on your head and... and the age, I know who you replaced, and you're quite a young man. And it says here that there was an Amendment to your Bill, is that correct?"

Sacia: "That is correct."

Bost: "The Amendment became the Bill, is that correct?"

Sacia: "That's correct, Mr. Bost."

Bost: "Well, what in the world did the Bill do before?"

Sacia: "I'm sorry, would you repeat the question?"

Bost: "What in the world did the Bill do before?"

Sacia: "It was a minor change, but with a complete rewrite it... it became the Bill."

Bost: "If it's a minor change, it can't be a complete rewrite, or it shouldn't be a complete rewrite. What... what was the minor change that then became a complete rewrite?"

Sacia: "Actually, what the change was, Mr. Bost, we initially had the Bill written wherein it would not be a requirement for the counselor to be working towards a teacher certificate. The language has now been changed to wherein it will be a requirement for the person hired as a counselor, that is certified in all the other areas, is working towards certification as a teacher."

Bost: "Now, as a counselor... now, Representative, when you were elected, you were... you replaced Representative Ron Lawfer, is that correct?"

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Sacia: "That would be correct. Yes, Sir."

Bost: "And you know, he was my seatmate for about eight years and he was quite a counselor himself. Would he qualify for this Bill, to be involved with this Bill?"

Sacia: "He would be very proud of this Bill? I... I went over it with him word for word."

Bost: "He actua... he... he would've sponsored this Bill is what you're saying."

Sacia: "I believe he certainly would've."

Bost: "And he can be a counselor as well, according to this Bill?"

Sacia: "I'm sorry, I didn't understand the question."

Bost: "Can he be a counselor as well, according to this Bill?"

Sacia: "No, that's not correct."

Bost: "He... he couldn't... he couldn't work to become a counselor?"

Sacia: "Well, certainly he could go back to school and... and do all of that, but it would take him some time."

Bost: "Well, as my seatmate he counseled me many times. I think he should probably be qualified under this Bill."

Sacia: "I... I would have to agree with that. He probably could qualify under life experience."

Bost: "Well, after looking your Bill over I... I think I may support it, but I'll listen to the rest of debate."

Speaker Turner: "The Gentleman from Vermilion, Representative Black. For what reason do you rise?"

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

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Speaker Turner: "He indicates he will."

Black: "Representative, what type of certificate does the counselor have? Is it a... what... what's the actual type certificate? These... these have a number and there are various numbers and depending on what type of certificate they have I think you can do what you want to do another way."

Sacia: "The requirement is to have a master's degree in counseling in Illinois. That's what the requirement is now, Mr. Black."

Black: "Yeah, but what... what's the certificate number? It's either... it's either a type 32, a type 41, or a type 75. What's the certificate you're trying to get waived so that they can teach?"

Sacia: "Representative Black, I am not aware of the... of the number."

Black: "Mr. Speaker."

Speaker Turner: "Yes, Representative?"

Black: "Take the Bill out of the record. The Gentleman does... there's three... there are three certificates involved here. If it's a type 75, K-12 cou... counseling certificate, he can do what he wants to with it. All you'd have to do would... would go back and, you know... I assume to get a type 75 certificate you've already had the basic education courses because that's specifically K-12, a school counselor certificate, and to get that you have to have a certain core educational curricula requirement. Now, about 10 or 12 years ago the type 75 pupil personnel certificate

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superseded all those others that are out there. So, I don't... I don't know what this Bill's all about. I have a type 75 certificate. So, what... I don't understand what the Gentleman's trying to do."

Sacia: "Representative Black... never let it be said that I would question Representative Black. However, if he would check he would notice that that is a type 73, not a type 75. And... and that is what this... what this does replace."

Black: "Well..."

Sacia: "Perhaps he's forgotten that over the years."

Black: "I'm not gonna... it's been a long time since I've had that certificate. I'm not gonna quibble over two numbers. Have you talked to your Senator about this Bill?"

Sacia: "I have not talked to Senator Sieben at length about the Bill."

Black: "Oh, my gosh. Would you look who's standing here at my desk. Ladies and Gentleman of the House, one of the courtesies that one learns here at a very early age... and I know, Representative Turner, you've been here a long time, as have I. One of the first things you learn is that if you're going to take a very controversial Bill that deals with education and certification and who we let into our classrooms and... and school rooms to teach or counsel, that Bill, if it originates in the House, it has to go to the Senate. And there used to be such a thing here as legislative courtesy, that you would check with your Senator before you got this Bill to Third Reading. Your Senator might want an Amendment, the Senator may not know

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that it's coming over, may not want the Bill in its present form. Senator Sieben is here simply to exercise his Senatorial courtesy in asking all of you to vote 'no' on this Bill because of the lack of common legislative courtesy that Representative Sacia, one of... one of my idols, a retired federal employee, not a bureaucrat, a retired member of the FBI. Now there... there's credibility there, there's integrity there, there's training there, there's education there. There's... I believe what these people tell me. And yet, here he's moving a Bill that his own Senator knows nothing about. That is a disturbing lack of legislative courtesy. I am shocked and appalled that... that a retired FBI agent would do something as underhanded as this and embarrass his own Senator. Shame, shame, shame."

Speaker Turner: "Oh, well."

Sacia: "There... there are two comments I'd like to make to what Mr. Black just said. Number one, this is not controversial legislation. And he indicated that if it were controversial you should discuss it with the Senator. The second part that I would like to comment on is I know and trust and have the highest regard for Senator Sieben. And I was unquestionably recognized that he would realize the importance of this good piece of legislation, knowing how desperately we need counselors in his legislative district. And he would strongly support it, as I would strongly support legislation of his."

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Speaker Turner: "The Gentleman from Cook County, Representative McKeon. For what reason do you rise?"

McKeon: "Will the Sponsor yield?"

Speaker Turner: "He indicates he will."

McKeon: "Representative, I'm very concerned about the implications for labor here. And there does seem to be a controversy. In... in our analysis it indicates that the Chicago Teachers Union, after the Amendment, was in favor of the Bill, but the Illinois Education Association is still indicated as being in opposition to the Bill. So my... my concern is what... the school teachers with the certification now are represented by a bargaining unit, will this Bill somehow decertify them, such that they're no longer represented by a collective bargaining unit? And what was the rationale for the I... IEA's opposition and does that opposition still exist?"

Sacia: "Thank you, Sir. Both... both teachers' unions strongly support it with the Amendment. And the Amendment initially... or prior to the Amendment, we did not have language in there that the newly hired counselor would be working towards teacher certification. It... it gives us... it gives the... the school district the opportunity to hire a counselor otherwise certified, if they are willing to work towards teacher certification."

McKeon: "Are those... are those new employees going to be represented by a bargaining unit?"

Sacia: "I don't know that answer, Sir."



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McKeon: "Well, we need to find that out because, as the chair of the Labor Committee, I don't want to vote for a Bill that decertifies a very important group within the Chicago Teachers Association. I... I think you should consider, you know, investigating and finding out what's the impact on the employees in... in terms of their representation."

Sacia: "I... I appreciate your comment, Sir. However, the teachers' unions do strongly support it, as do all of the counselor unions. So, if your analysis doesn't indicate that, I would point out that they have now... they are all... all on board."

McKeon: "But... but my analysis indicates that the teachers' union and the counselors' association are in favor, but IEA is opposed. So that you're telling me..."

Sacia: "IEA is... is in strong support of it, Sir."

McKeon: "They're supporting the Bill now?"

Sacia: "Yes."

McKeon: "How does the..."

Sacia: "In fact, this Amendment was their idea."

McKeon: "All right, thank you. That answers my questions.

And...

Sacia: "Thank you, Sir."

McKeon: "...and I'll support your Bill."

Sacia: "Thank you, Sir."

Speaker Turner: "The Gentleman from Knox, Representative Moffitt."

Moffitt: "Representative, I certainly approached this thinking I wanted to support your Bill and support you, as a

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freshman Legislator, but some of the things that I've heard here today have seemed to come in conflict with some information you'd given me earlier. Now, I believe we had a conversation yesterday if you'd had your first Bill yet. And I... you answered that. I... I think we were up on second floor of the Stratton and I brought up the subject. What... what was your response then?"

Sacia: "My recollection was that I told you that I already had my first Bill."

Moffitt: "I believe... yes. And now you're telling us what?"

Sacia: "I think where we were at is there was a little discussion as to whether that first Bill had been discussed in committee or on the House Floor."

Moffitt: "You were definitely led me to believe that you'd already had your first Bill on the House Floor. So, I'm really concerned about the information I was... was given. I was just sitting here, just down the row from ya, and they called your name and you were busy in a conversation on the telephone, not aware at all that your name had been called. Now is there any excuse, as a freshman, for... for not being ready when... when your Bill's called?"

Sacia: "No excuse, Mr. Moffitt."

Moffitt: "Do you think this will change in the future?"

Sacia: "Certainly work towards that."

Moffitt: "And what about the call you abruptly ended, slammed down the phone and jumped up? Are you gonna need an explanation to whoever it was? Was that the Governor on the... on the other end there, or who were you talking to?"

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Sacia: "It was my secretary."

Moffitt: "Do you think she's gonna understand the abruptness of ending that conversation?"

Sacia: "I certainly hope so, Representative Moffitt."

Moffitt: "And you do pledge to... to be ready next time?"

Sacia: "Absolutely. And I'm sure you'll call me on it if I'm not."

Moffitt: "Now, earlier in the discussion you said... told someone, in response to a question, that there were some minor changes in here. Now, is this a coal mining Bill?"

Sacia: "Is this what, Sir?"

Moffitt: "A coal mining Bill. You said it had minor changes in it."

Sacia: "That... no, it is not a coal mining Bill."

Moffitt: "Then why did you call it a minor... minor change? Change for the minors or what?"

Sacia: "It's a improper choice of words. I'll work harder on that in the future."

Moffitt: "And you... you also alluded to the fact that... that you replaced a long-time serving Representative, distinguished Legislator here, Mr. Ron Lawfer."

Sacia: "That is correct. I... I don't believe I said I... I replaced him. No one could replace him. I'm here as a newly elected Representative trying to fill his shoes."

Moffitt: "I think you're right, you didn't say that. Do you want to say it now?"

Sacia: "Absolutely."

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Moffitt: "Well, Representative Lawfer frequently had Bills dealing with a spotted cow. Does this have anything to do with spotted cows in here?"

Sacia: "No, but I have numerous other Bills that do... do have to deal with agriculture."

Moffitt: "Well, you seemed to have come forward now and... and responding more directly. I've kind of gone from opposing this to giving it serious consideration, assuming you will be ready next time you have a Bill called."

Sacia: "I will certainly try, Sir."

Moffitt: "And will not in any way attack or be negative about the spotted cow and will treat minors of this state with respect. If you'll do those things I'll give serious consideration to this Bill."

Sacia: "Absolutely."

Moffitt: "Thank you, Representative."

Speaker Turner: "The Gentleman from Cook, Representative Molaro, for what reason do you rise?"

Molaro: "Thank you. To comment to the Bill, Mr... Mr. Speaker."

Speaker Turner: "State... state your..."

Molaro: "Thank you, Ladies and Gentlemen of the House. In my self-appointed roll as dean of the freshmen, I think this is a great Bill. Secondly, the Gentleman from Vermilion County, with all due respect to Senator Seiben, if the Senators would like to know what their Representatives are doing, I suggest they check the Internet. This Bill has been po... posted, it's been here. If they wanna know what's going on, let 'em check the Internet. I was in the Senate

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ten years, none of my Representatives called me. The only thing my Representative ever asked me, one of which was Dan Burke, is where we're going to dinner and whether I would buy. You do not have to check with your Senator. This is a coequal branch of Governor... government. And the Representative from Vermilion County is dead wrong. It's a great Bill. You're doing a great job. Thank you."

Speaker Turner: "The Gentleman from Cook, Representative Lang, for what reason do you rise?"

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

Speaker Turner: "He indicates he will."

Lang: "Representative, are you having a fun time over there?"

Sacia: "I'm sorry, I... I didn't hear you, Representative Lang."

Lang: "I asked if you were having a fun time over there."

Sacia: "I truly am."

Lang: "It appears that there's quite a few people on your side of the aisle who have left. Is that some sort of a statement about your Bill?"

Sacia: "Perhaps."

Lang: "So, if I understand your Bill correctly, this lets school counselors be counselors even if they don't have teaching certificates. Is that correct?"

Sacia: "That is correct, as long as they're working towards one."

Lang: "Now, some of the school districts in Illinois that have teaching shortages, don't they use some of these counselors today to teach some classes?"

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Sacia: "Absolutely correct. But counselors are the second largest shortage in the education community in Illinois, only behind teachers."

Lang: "Well, that was such a good answer and I'm so tired, I'm done. Thank you."

Speaker Turner: "Seeing no further questions, Representative Sacia to close."

Sacia: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, this is excellent legislation. I would ask for your support in passing House Bill 514. Thank you."

Speaker Turner: "The question is, 'Shall House Bill 514 pass?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 114 'ayes', 0 'noes', 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Third Reading, we have House Bill 2352. Representative Mitchell. Jerry Mitchell. Out of the record. We have House Bill 3608. Representative Mulligan. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 3608, a Bill for an Act in relation to public aid."

Speaker Turner: "Out of the record, Mr. Clerk. Representative Munson, are you prepared for House Bill 2634? No? Out of the record. Representative Osmond on House Bill 1640. Read the Bill, Mr. Clerk."

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Clerk Rossi: "House Bill 1640, a Bill for an Act concerning the use of credit information in insurance. Third Reading of this House Bill."

Speaker Turner: "The Lady from Lake, Representative Osmond."

Osmond: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I come before you today with House Bill 1640. This Bill will prohibit the use of credit scoring as the sole reason for refusing to write or renew personal line insurance policies and provides limits on how credit can be used. This Bill was formed after a model Act regarding the use of credit information in a personal insurance passed by the National Conference of Insurance Legislators this past November. This Bill will allow us the opportunity for Illinois to protect consumers and support a free market. I know of no opposition and I, therefore, ask for a favorable vote."

Speaker Turner: "The Gentleman from Cook, Representative Lyons, for what reason do you rise?"

Lyons, J.: "To the Bill, Speaker. I just... I want to compliment you, JoAnn, for running this Bill. As you know, I had a Bill in earlier this Session that dealt with this very issue. I had a constituent that had a real problem on the use... or maybe more so the abuse of the credit rating on... on a homeowner's insurance policy. And knowing that you and Tim had started this process going at the national level as a model for what you're trying to do here in Illinois, I just rise in... in strong support of your... of your initiative

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here. And I'd ask all my Members, of course, to support you in this. Good piece of legislation."

Speaker Turner: "The Gentleman from Cook, Representative Parke, for what reason do you rise?"

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

Speaker Turner: "She indicates she will."

Parke: "Representative, what... why are we doing this? What is... what are we trying to solve here?"

Osmond: "We're trying to solve the use of credit scoring as the sole basis for cancellation or for the under... underlying... the underlying use of credit when they're writing an insurance policy."

Parke: "So this... does this affect homeowner's and automobile insurance?"

Osmond: "Yes, that's personal lines insurance."

Parke: "Okay. So we're doing this because in the past some insurance companies have used someone's credit as the sole reason to underwrite whether or not they'll accept a risk or write a policy for an individual?"

Osmond: "Yes, Sir."

Parke: "And this says that they cannot use credit as the only reason that a... that there has to be other reasons that they have to use to underwrite the insurance, is that correct?"

Osmond: "That's correct, Sir."

Parke: "And was there any opposition to this legislation?"

Osmond: "No, Sir."



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Parke: "Okay. Well, I understand there is one small group that is opposed to it. But overall, it's got large support from lots of groups. Okay, I rise in support of the Lady's legislation."

Speaker Turner: "The Gentleman from Vermilion, Representative Black. For what reason do you rise?"

Black: "Mr. Speaker, I don't have any idea what this Bill does. Does the Sponsor... will the Sponsor yield?"

Speaker Turner: "She indicates she will."

Black: "Representative, does this have anything to do with insurance companies able to sell my information, like an application on an insurance, the income that I put down, my Social Security number? Is that what you're trying to eliminate, the potential or possible sale to third parties of personal information that I have given to an insurance company?"

Osmond: "No, Sir. This Bill protects... it's a consumer protection type Bill."

Black: "Well, that... what I said would protect a consumer. Do... can insurance companies sell, currently, personal information they gather from my insurance application?"

Osmond: "No."

Black: "They can't?"

Osmond: "No, Sir."

Black: "I'm relieved to hear that. If there is no... if you cannot use credit history in the issuance of an insurance policy... let's... a hypothetical. Client A declares bankruptcy on Monday. Goes to the federal magistrate or

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referee in bankruptcy on Tuesday, and is, in fact, declared bankrupt. On Wednesday the individual goes to an insurance broker and asks for a \$1 million life insurance policy. Is that individual a good risk?"

Osmond: "You said life insurance, Sir?"

Black: "Yes."

Osmond: "This is property and casualty only."

Black: "You mean... you mean the life insurance company cannot get into my credit history and to find out I just... just declared bankruptcy, right?"

Osmond: "It's not under this Bill, Sir."

Black: "All right, under your Bill, give me a scenario where my credit history could not be used to deny my application for insurance."

Osmond: "Homeowner's insurance. If you have never had a loss, you have not been late on a payment, but you have bad credit, they cannot use that credit against you as the sole factor of the insurance."

Black: "Bear with me, now. If I've declared bankruptcy and I apply for renewal on my homeowner's insurance, how good of a risk am I gonna be to that insurance company?"

Osmond: "This is the only part that they would take into... into consideration on it."

Black: "They would consider bankruptcy?"

Osmond: "Yes."

Black: "Well, that's not..."

Osmond: "But they can't... they cannot use that exclusive."

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Black: "That's not fair. What... what if I'm just... what if I'm slow pay, kind of like the State of Illinois? Trust me, I'll pay you later. I mean, that's what the state's doing. We're... we're... we're bankrupting nursing homes, small pharmacies, whatever. We're just saying trust us, we'll pay ya sooner or later. If the State of Illinois applied for insurance under your Bill, shouldn't we deny the State of Illinois as a bad credit risk?"

Osmond: "Not on that basis only, Sir."

Black: "Oh my goodness. Well, on what basis could we deny them?"

Osmond: "Loss ratio."

Black: "So if... if..."

Osmond: "Late payments."

Black: "So, if the Stratton Building burnt down, I, on one hand, would declare a state holiday. But if the Stratton Building burnt down three times in ten years, couldn't the insurance company use that information to deny coverage to the new Stratton Building, which might be as beautiful as the old Stratton Building?"

Osmond: "That's a claim and that can be used."

Black: "Ah-ha. So if... if your home is... is burnt down or vandalized or you put in claims every two months for storm damage... I guess a storm blew over here today, someone said the capitol dome is now in Decatur, which could be an interesting fact if indeed that's true. But, so if you have a whole lot of losses, that could be used against you."

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Osmond: "That's the factor of... that's part of the underwriting for the insurance."

Black: "But if I have... if I have a great many losses then I'm poor, vis-a-vis, my credit history would be bad because I've lost so much money. And you're gonna force the insurance comp... you're gonna... you're gonna force an insurance company to cover me even though I'm a deadbeat?"

Osmond: "The underwriters would use more factors than just that."

Black: "I'm sorry, the underwriters?"

Osmond: "When... when the... the underwriters..."

Black: "What's an underwriter?"

Osmond: "They determine the risk factor of the policy to be written."

Black: "Do you mean when I talk with my personal insurance broker he's an underwriter? He's never told me that."

Osmond: "The company underwrites, not the agent."

Black: "I had an undertaker try to sell me a policy about two years ago and I didn't like the rates on that at all. Is... are they... would they be covered under this?"

Osmond: "No."

Black: "No?"

Osmond: "No."

Black: "Well, you... I... I really find this Bill... and I know your heart's in the right place, I really find this Bill so confusing. If... if I'm a deadbeat, I think that should be..."

Osmond: "But Rep... Representative Black, you're a cosponsor."

Black: "I am?"

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Osmond: "And I know that on this... on this floor..."

Black: "I am a cosponsor?"

Osmond: "...you would never sign onto a cosponsor unless you reviewed it."

Black: "Well, Representative, you could've saved a lot of my time if you'd told me that five minutes ago. Mr. Speaker, to the Bill."

Speaker Turner: "Proceed."

Black: "Upon reflection, it's obvious that the woman has a very fine Bill. I... I don't lend my name to Bills casually. But I will say on this floor, I still don't understand it. But if I'm a cosponsor it's beginning to come a little more... become a little more clear to me now. I just wish we'd gotten to that five minutes ago. All this talk about bankruptcy and debt and loss and underwriters. I'm thoroughly exhausted."

Speaker Turner: "May... maybe the vice chair of the Insurance Committee, Representative Yarbrough, could add some light on this Bill. The Lady from Cook, Representative Yarbrough."

Yarbrough: "Thank you, Mr. Speaker. Will the Lady yield?"

Speaker Turner: "She indicates she will."

Yarbrough: "Representative Osmond, is this your first Bill?"

Osmond: "Yes, Ma'am, it is."

Yarbrough: "Is that what all this nonsense is about? I just looked at the House Sponsors on this Bill and I don't want to it... to get it... you know, let's not play about this because this is a very important piece of legislation. And

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I want to commend the Sponsor and her husband, who used to be a Member of this Body, who worked very hard on this Bill. Now, it's important for you to know that credit scoring is something that insurance companies used in underwriting pur... by... for underwriting purposes. And this Bill was in the making so many years ago and they worked so very, very hard on it to make sure that people aren't discriminated against by whether they have credit or not. So, let's be sure that we're looking at what this Bill does and also that the Sponsor has worked very, very hard by reaching out to just about every person in this Body. Thank you."

Speaker Turner: "Seeing no further questions, the Lady from Lake, Representative Osmond to close."

Osmond: "I'd like to ask for a favorable vote, please."

Speaker Turner: "The question is, 'Shall House Bill 1640 pass?' All those in favor should vote 'aye'; all those opposed vote 'no'. And the voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 113 voting 'aye', 0 'noes', 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. The Gentleman from Champaign, Representative Rose, did you want... care to be recognized?"

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

Speaker Turner: "State your point, Representative."

Rose: "Mr. Speaker, I'd like to recognize some... some students from my home county, Champaign County, up here in the

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gallery. They're participating in the Chamber of Commerce high tech. Would everybody please recognize my... my friends from Champaign County here, to welcome them to Springfield. Thank you, Mr. Speaker."

Speaker Turner: "Welcome to Springfield. The Lady from Cook, Representative Mulligan, on House Bill 3608. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 3608, a Bill for an Act in relation to public aid. Third Reading of this House Bill."

Speaker Turner: "The Lady from Cook, Representative Mulligan."

Mulligan: "Thank you, Mr... Mr. Speaker, Ladies and Gentlemen of the House. House Bill 3608 amends the Illinois Public Aid Code. It requires the Department of Human Services and the Department of Public Aid to jointly establish an interagency committee to assist departments in making recommendations on incorporating healthcare advocates into education training and placement programs for TANF recipients, to develop more outreach and educar... educational materials to help TANF families make informed choices concerning health insurance and healthcare and develop methods to simplify the process of applying for Medicaid. I would ask for a favorable vote."

Speaker Turner: "The question is, 'Shall House Bill 3608 pass?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 114 voting 'aye', 0 'noes', 0 'presents'. And this

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Bill, having received the Constitutional Majority, is hereby declared passed. Representative Munson, 2634. Out of the record. Representative McKeon on House Bill... Senate Bill 19. The Gentleman from Cook, Representative McKeon. Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 19, a Bill for an Act concerning education, which may be referred to as the Chicago Education Reform Act of 2003. Third Reading of this Senate Bill."

Speaker Turner: "The Gentleman from Cook, Representative McKeon."

McKeon: "Thank you, Mr. Speaker. This is a Bill that we passed out of this chamber with a substantial majority during the Veto Session. And the President of the Senate, at that time, did not call the Bill and held it in rules. It's truly a... an historic agreement between the Chicago Teachers Union and the City of Chicago and the Chicago School Board. It's an agreed Bill. It's a... sets up a collaboration for the first time. A nonbinding collaboration but a formal structure for the Teachers Union to discuss issues of academic performance, teacher qualifications, and so forth. And if the board chooses, to subject those... or to put those discussions in... in a collective bargaining. It does not take any power away from the board. The board still can reject and act on its own behalf, as we passed in the original Bill, and... and refused to place those optional items or permissive items into collective bargaining. It also increases, for the City of Chicago only, the number of



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charter schools from 15 to 30 and establishes teacher certification requirements for those skill... those schools. I'd gladly answer any questions that Members of... of the Body have."

Speaker Turner: "The Lady from Will, Representative Kosel. For what reason do you rise? The Gentleman says he will yield."

Kosel: "Thank you very much, Mr. Speaker. A question for you. Does this Bill only affect the City of Chicago?"

McKeon: "I'm sorry, I can't hear you."

Kosel: "Does this Bill only affect the City of Chicago?"

McKeon: "That's correct."

Kosel: "So, the charter schools that would be formed would only be formed within the City of Chicago?"

McKeon: "Only for the City of Chicago. It has no impact on charter schools throughout the rest of the state."

Kosel: "When you testified in committee and brought some people from the City of Chicago, we talked about fiscal impact on the city... excuse me, on the state budget with this. Currently, in state code there is, and the... within the state budget, there are dollars that are allocated towards charter schools. Have you received... and I know I asked for this information. Have you received, as of this time, the answer to as whether this particular piece of legislation would increase that line item in the state budget or whether that line item will stay as it is?"

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McKeon: "Yes, can you hold for one second? Mr. Clerk, Representative Delgado should be indicated as the third Sponsor on this Bill. He submitted early this morning."

Speaker Turner: "The record will so reflect the change."

McKeon: "Thank you. I appreciate your question and coming to me personally. And we don't have final information, we have some preliminary information. They testified in committee, as you know, State Board of Education said they could work within their existing funding level. But I, too, am troubled, just as you are, that it looks like, and correct me if I'm wrong, that they have some... like \$500 million."

Kosel: "Well, I guess what troubles me is, yes, the state board did say that this particular piece of legislation would fall within their requested funding level, but their requesting funding level is \$500 million over last year, and... and we know that's not going to happen. So, what my concern is... and I support the legislation, the philosophy of the legislation, I just don't know that we have all the information yet. Is this going to be an increased cost to the state in the charter school grant or is the City of Chicago going to receive the same charter school monies that they did last year and they're going to expand their schools within that?"

McKeon: "We don't have an answer to that. But I... I think there's one provision that helps us out. If we authorize 15 additional charter schools, raising it to 30 for the City of Chicago, and a charter school organization or

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proposal is sent to the city, it cannot be approved by the school board until it is certified by the State Board of Education."

Kosel: "Okay."

McKeon: "And I... I think, you know, our... our method of dealing this, if they don't have the money for it, they're not gonna certify it. They should not certify it."

McKeon: "Well, actually the cost per pupil can be less in a charter school than it is in the public schools, so it'd actually end up being a cost savings. I guess what troubles me is that when we asked this question over a week ago, that we didn't get a reply from the City of Chicago. We asked it at that time, we didn't get a reply. We asked it again this morning and didn't get a reply. And... and so I think that's what troubles me. I... usually the courtesy of a reply, to those kinds of questions, is... and I appreciate you talking to me on the floor and saying, you know, we know we're gonna move this ahead without the... without... without that information. I intend to support your legislation. I am just very disappointed that I didn't get a reply to that so I could share that with the other Members of the House and wanted to..."

McKeon: "Representative, all I can tell you, in good faith, is the State Board of Education said the money would come out of the same pot."

Kosel: "Yeah."

McKeon: "They have for... not for... not only have they not answered your question, I've asked the same question."

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Kosel: "I know you have."

McKeon: "And we don't have that detail."

Kosel: "And... and Representative Eddy asked... asked some questions about some test scores and he hasn't received that information either. And it would be nice if they were a little bit more responsive to what our questions are. And hopefully they're listening to this and are hearing this and in the future will be more responsive. Thank you."

McKeon: "Thank you. I appreciate your concern and share those same..."

Speaker Turner: "The Gentleman from Vermilion, Representative Black. For reason do you rise?"

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. To the Bill. This Bill passed... in identical form, this Bill passed the House, during the November Veto Session unanimously. And at that time I asked the question does it do anything to diminish the Chicago School Reform effort. And the answer was 'no'. All of the Chicago groups that were instrumental in the Chicago School Reform Movement, which I think has become a model for big city school districts, are in agreement, the mayor, the Chicagoland Chamber of Commerce, I believe, Representative. All of those bodies who were so involved, as this General Assembly was, in the reform movement of the Chicago Public Schools are in agreement that this Bill does not dismantle it, does not begin the process of dismantling it. This has been bargained over the summer and is

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language that all parties to agreed to. And I... I don't... I wouldn't... I would not, in one second, vote for this Bill if I thought it did anything to diminish what many of us worked so hard to accomplish, that being the reform of the Chicago Public Schools. And I... and I submit to you now, as I did in November, that reform movement has worked and is working fro... from a school system that Secretary of Education, Bill Bennett, once called the worst in the country. Many consultants now come in and say one of the ten best large urban school districts in the country. So, I think the Representative is... is portrayed this Bill accurately. It does not start down a slippery slope to diminish, in any way, shape or form, the efforts that so many people have invested so many hours of work in reforming the Chicago Public Schools. This is simply a reasonable attempt at... you know, you start out tough and then you let up a little bit where you can and when you can. That Bill does this. It's a good Bill. I hope you vote 'aye'."

Speaker Turner: "Representative McKeon to close."

McKeon: "Mr. Speaker, I'd just like to inquire Representative Black. Representative Black, do I look any more handsome than I normally do with your binoculars than without your binoculars?"

Speaker Turner: "I thought the... Representative Black, turn him on. Turn him on, please."

Black: "Oh, well, thank you very much, Mr. Speaker. I like you too."

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McKeon: "Mrs. Black may have a... some concern about..."

Speaker Turner: "All right, fellas."

Black: "The only way she ever says anything nice about me is if she remembers to wear her glasses, but that's another story. Yes, Representative, you have changed. You look much younger and I love what you've done to your hair."

McKeon: "Thank you, Sir. I appreciate it. We're... we're both... as we both age, about the same age I think, we're looking better every day. I... I'd appreciate, Mr. Speaker, your vote on this Bill. It is an historic Bill in the sense that the Teachers Union and leadership and the mayor and the Chicago School Board are gonna sit at the table and con... consider those issues that they share in common, those issues about quality education, class size. It does not, however, reduce in any way the authority of the board, all of these areas of... of collective bargaining are permissive and the... the structure that's set up, the school board would have to agree to negotiate those issues. But it is historic in that we have teachers represented by a union and the administration that wants to come together to work on issues of quality education, academic performance, and quality instruction and facilities. I urge your 'aye' vote."

Speaker Turner: "The question is, 'Shall Senate Bill 19 pass?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there

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are 114 voting 'aye', 0 'noes', 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Representative Pankau on House Bill 2477. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 2477, a Bill for an Act concerning forest preserves. Third Reading of this House Bill."

Speaker Turner: "Representative... the Lady from DuPage, Representative Pankau."

Pankau: "Thank you. House Bill 2477 provides that for a Forest Preserve Commission to vacate a street, roadway, or driveway requires an affirmative vote of six-sevenths of the board. This only applies to DuPage County's forest preserve district because last year they separated from the county board. So, I ask for your favorable approval."

Speaker Turner: "The question is, 'Shall House Bill 2477 pass?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take... Representative Kurtz. The Clerk shall take the record. This Bill, having received 113 'ayes', 0 'noes', 1 'present' and having received the Constitutional Majority, will hereby declare passed. The Gentleman from Fayette, Representative Stephens, on House Bill 349. Read the Bill, Mr. Clerk. Fayette."

Clerk Bolin: "House Bill 349, a Bill for an Act concerning display of the American flag. Third Reading of this House Bill."

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Stephens: "You're a quick learner, Mr. Speaker. Thank you very much for the courtesy. House Bill 349 is a very simple Bill. It simply says that any building that is owned, operated, or leased by the state... or otherwise controlled by the State of Illinois, anyone who in a position of authority cannot prohibit the display of an Amer... of the American flag in that building. This... this Bill should be unnecessary in this land, but unfortunately it's necessary because in certain circles peoples have thought that the display of the American flag was somehow offensive to those of various ethnic background or nationality. Nothing, of course, could be further from the truth. But I would like... and I hope that the chamber will agree with me to put this in a statute, so we send a strong message both at here... here and abroad. I'd be glad to answer any questions."

Speaker Turner: "Seeing no questions, the question is, 'Shall House Bill 349 pass?' All those in favor should vote 'aye'; all those opposed vote 'no'. And the voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 114 'ayes', 0 'noes', 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. The Gentleman from Boone, Representative Wait, on House Bill 1548. Out of the record. The Gentleman from Sangamon, Representative Poe. Did you want to be recognized? Turn on Representative Sangamon... Representative Poe, please."



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Poe: "I'm just trying to figure out the alphabet. We keep... we just right on past Poe. So, I'm gonna stand up. I'm ready whenever you call it."

Speaker Turner: "Representative, you may be standing for a while. If you want to come down to the well, we'll talk about it. The Gentleman from Cook, Representative Miller, on House Bill 430. Four-three-zero. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 430, a Bill for an Act respecting schools. Third Reading of this... Third Reading of this House Bill."

Speaker Turner: "The Gentleman from Cook, Representative Miller."

Miller: "Thank you, Mr. Chairman and... Mr. Speaker and Members of the House. House Bill 430 amends the School Code in which supplemental general state aid is calculated for the year 2003-2004 and afterwards. Since this is information that is compiled every ten years it does not accurately reflect the number of children that are eligible for poverty grant. There is a clear difference between a number of children eligible as determined by the census and Department of Human Services verified count of children receiving public assistance as a low... a result of low-income guidelines. What House Bill 430 does was make a fair... fair and, as amended, makes it that the low concentration poverty count will consist of those who are eligible who receive Medicare, KidCare, TANF, or food stamps. I would ask for a favorable... favorable vote."

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Speaker Turner: "Representative Boland, for what reason do you rise?"

Boland: "Thank you, Mr. Speaker. I rise in strong support of this Bill. I, like many others... I know Representative Jerry Mitchell, in the past, and others have had great problems with depending just on the census count and sometimes mistakes being made. There were unbelievable entire towns being put in different districts and so forth. Along with what the Sponsor had pointed out as really being out of date, a lot of times the count changes greatly over a ten-year period, so that by the end of the time period, before the next census, there may have been a humungous increase in low-income children and families in a particular area. And so I think this is a much more accurate way of getting a count and will be much fairer in the long run. So, I applaud the Gentleman for coming up with a solution because otherwise what we're gonna be doing is every once in a while we're gonna be coming back to this chamber and having those problems of census miscounts and... and so forth. So, this is a far... a far better approach to it. And I hope that all of us will give it its strong support. Thank you."

Speaker Turner: "The Gentleman from Will, Representative Meyer. For what reason do you rise?"

Meyer: "Thank you, Mr. Speaker. Would the Sponsor yield?"

Speaker Turner: "He indicates he will."

Meyer: "Representative, my records indicate that you'd agreed... you had agreed to hold this Bill on Second Reading. One...

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one second. Representative, my records indicate that you had agreed to hold this Bill on Second Reading until the affect of each Member's school district could be calculated and distributed to us. So far, I haven't seen that data."

Miller: "Thank you for your question. What was requested of me, and I can definitely have the information here, was the fact that the ca... the committee council members wanted to know what was the affect on their particular districts. The State Board of Education had run... had run analysis on every House district in this... in this... for every Member here. And so my understanding was it was disseminated to the House Members in committee. And... and if they did not disseminate you... it to you if it's... I can either remove the Bill and just tell you what your numbers are gonna be, to recall it. But I can give it to you."

Meyer: "Well, Representative, what I'd appreciate if you'd do is just take the Bill out of the record, distribute those... that data to all of us so we can see what it is and so we have a knowledgeable way that we can vote on this Bill."

Miller: "Well, let me just make it one clear. The... the Minority chairman of the Education Committee was given this information. My understanding was... was that was to be disseminated to the Members in the committee itself. And so although... and that was done."

Meyer: "Well, Representative, this shouldn't only go to Members of the Education Committee. We all have schools in our school di... schools in our districts and we certainly should know. And without that, we don't know on... on our side of

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the aisle, and I... I can guarantee ya you don't know on your side of the aisle, the regular Member that may not be on that committee what the affect's gonna be on their schools. I don't understand how anybody could vote for this without knowing that."

Miller: "Well, let me... let me just repeat myself. And I don't have a problem with your request, but I am a little miffed by the fact that an entire packet of all school districts was sent to each Minority Caucus Member on... on... on this issue. And so it is not my responsibility, even though I'll take on that responsibility, to disseminate it. If you have a... if any Member in this chamber wishes to know the affects of House Bill 430 on their particular district, I'll be more than happy to give that to them. But at this time, with the... I will take this Bill out of... out of... out of the record."

Speaker Turner: "Take the Bill out of the record, Clerk. On the Order of Third Reading, we have House Bill 470. Representative Munson. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 470, a Bill for an Act relating to education. Third Reading of this House Bill."

Speaker Turner: "The Lady from Cook, Representative Munson."

Munson: "Thank you, Mr. Speaker and Ladies... Ladies and Gentlemen of the House. This is Doug Hoefft's Bill that I have the privilege of presenting here today. House Bill 470 addresses the use of school assessment test scores of children new to a school as a mechanism in determining whether school or district is placed on the early academic

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warning list or watch list. This Bill simply provides that only assessment scores of students enrolled on or before the last day in September be used in determining the status of schools. The date was selected because it corresponded with schools submitting the fall housing report. It is important to note that students will take tests but their scores will not be included in determining the academic standards of the school. It is the... it is simply a common sense... it is simply common sense that students who are new to a school or to a district do not reflect that school or district's academic and teaching standards and therefore should not be included in the reporting of scores. Schools should have a chance to educate a child before being held responsible for what that child knows. The issue of student mobility test results and the resulting impact on schools was an issue of high importance to the late Doug Hoeft and I am proud to present it here to you today. I'll take any questions."

Speaker Turner: "The Gentleman from Vermilion, Representative Black. For what reason do you rise?"

Black: "Well, thank you very much. First and foremost, Mr. Speaker, that's the longest Bill introduction I've ever heard in my life. Did she do that without taking a breath?"

Speaker Turner: "It sounded that way."

Black: "Holy... holy mackerel. Will the... will the Sponsor yield?"

Speaker Turner: "She indicates she will."

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Black: "Representative, that... that explanation went on so long that I... I'm in a state of confusion, which is not unusual for me. What does your Bill... in four or five words, what does the Bill do?"

Munson: "It provides that students who are not in a school district by... that are enrolled after September 1st, test scores are not included in assessing the academic standards of a school, whether or not it would be put on an academic warning or watch list."

Black: "Well, that was 33 words but it was close. Representative, I mean, that seems like a forgone conclusion to me. If the student isn't in school, they can't take the test anyway. So what... what is your Bill addressing?"

Munson: "It's addressing the mobility rates and whether or not schools should be held responsible for students who are not educated there."

Black: "I'm sorry, mortality rates?"

Munson: "Mobility."

Black: "More what? Morbidity?"

Munson: "Yeah. Mobility."

Black: "Mobility. I played basketball with him back in Danville High School. I don't know where Moe is today but he was a heck of a basketball player, I'll say that. So we're gonna prevent... now wait. We're not preventing the mobility of students."

Munson: "No, we're just not using test scores of those students."

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Black: "So if... if a student isn't enrolled in school from the first day of attendance, they don't take the ISAT test?"

Munson: "If they're enrolled before the last day... school day in September, they will take the test."

Black: "Before the last day of September?"

Munson: "Correct."

Black: "What about those students on a balanced calendar who get their break at the end of September? See, I... I have two schools in my district that go the year-round. They start in July and they take their two-week break at the end of September, the first of October. And they do very well on the tests, I might add."

Munson: "If they were registered before the first day of September."

Black: "Well, yeah, they would be. But... but your timeline, they're not in school. So I would assume that it's your intent then that this be worked out by rule."

Munson: "Yes."

Black: "And who's going to make those rules? The Department of Economic Commerce and Opportunity and Mitsubishi Motors or who?"

Munson: "Which rules?"

Black: "Who's going to make the rules?"

Munson: "Which rules?"

Speaker Turner: "Speak up young Lady, we can't hear you."

Black: "'Cause I... Representative, I... Mr. Speaker, if you would, thank you very much for your help. She's being

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either evasive or her microphone doesn't work, one of the two."

Speaker Turner: "She'll have to talk louder."

Black: "Yes. So, who's going to write the rules about on a balanced calendar school... and I'm... I'm serious. They start in July and they go the year-round. And it's like a quarter system, so they're not in school that last week of September. All right. So, your Bill says if they're not in school, they... they're not gonna be counted on the assessment test."

Munson: "It's the enrollment."

Black: "Okay, so it would be... it would go back to the enrollment date of a balanced calendar school. See, you're thinking that all schools are on a nine-month calendar and there's... they're not. So, who would make sure that the rules are interpreted to cover the school that's on the balanced twelve-month calendar. What agency?"

Munson: "I believe this... this Bill would cover that. The student just needs to be enrolled on that day."

Black: "Oh. Representative, are you a freshman?"

Munson: "Yes, Sir."

Black: "You're gonna find out that whatever Bill you pass here doesn't make any difference. You can pass a Bill that says all Legislators must drive pink cars. The only one that I know that does so is Terry Parke, but that's another story. By the time the rules are made it may come out that, no, the car will be white with pink wheels. The rule-making process here is, as you will discover much to your chagrin



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as I did, the rule-making process is far more important than any Bill you and I will ever pass on this floor. So, you can pass this Bill, but I'll guarantee you an agency will file 30 or 40 pages of rules to implement your Bill. Now, is it your intent to have the Department of Nuclear Safety write the rules? Who's going to write the rules?"

Munson: "The State Board of Education..."

Black: "Ah."

Munson: "...already has rules in place."

Black: "I should've thought of that."

Munson: "We're simply changing the date."

Black: "You're absolutely right. It has to do with education, so the State Board of Education would, I hope, write the rules. I don't... I should've thought of that. Thank you. And so what you're attempting to do then is if a student comes in, as often happens... I know my wife taught in a school for more than 20 years and then found out she could make more money on the roller derby circuit, but again, that's another story. If... if the student comes in, say, in October, leaves in November, comes back in December, and then leaves again in March, that student... if... if the student is there, do they have to take the test and it isn't counted or are they just excused from the test?"

Munson: "They... all students would have to take the test."

Black: "Okay, so they would have to take the test. But the student whose enrollment has been best spotty would not count on the... on the report card... the school report card."

Munson: "If the student was enrolled..."

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Black: "Okay."

Munson: "...by the last day of September."

Black: "But if the student wasn't enrolled... in other words, a high mobility student."

Munson: "Correct."

Black: "Now, what if the student is absent, enrolled but absent. Is... and I don't know how this works. Does it... do they take a make up test?"

Munson: "Yes."

Black: "Okay. Have you talked to the state board? Will this... do they have any concerns about this? Will this skew the test results? See, I went to graduate school and I've always wanted to use that word, 'skew'. Does it skew the test results? It's an old Latin term that means change, I think."

Munson: "Thank you. No, it would... it would provide that only students that were educated at that schools' test scores would... would count. So, it shouldn't skew them at all."

Black: "Now thi... this is a question of the federal No Child Left Behind Act. At what point... that high mobility student, and I know there are some, at what point are they evaluated under the new Federal Law to see if they're performing at grade level. I mean, if they... if they enroll in three or four different grade school in a school... excuse me, that's the old fashioned word... elementary school attendance centers during the course of a school year, at what point are they going to be evaluated under the new Federal Law?"

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Munson: "The students still take the tests and their scores are evaluated, they're just not counted as an assessment of the school's performance."

Black: "As that school and that district, correct?"

Munson: "Correct."

Black: "Okay. Now, is the state board okay with this?"

Munson: "Yes."

Black: "The testing experts don't think that this will skew the results one way or the other?"

Munson: "No."

Black: "Don't you love that word?"

Munson: "I love it."

Black: "I've always wanted to use it on the floor. Thank you very much, Representative. Mr. Speaker."

Speaker Turner: "Proceed."

Black: "Thank you. To the Bill. This is the most soft-spoken Representative I have ever encountered in my 18 years on the House Floor. It's very hard to become irate with someone who speaks so softly that one can hardly hear her. But I think if I were to go after this Bill she may turn out to be like Teddy Roosevelt, who speaks very quietly but might carry a big stick and would hit me with it, and it would hurt. So, since I have no desire to be struck by this quiet spoken woman, I simply will rise and say this, I still don't understand the Bill."

Speaker Turner: "Representative, the electrician has put an asterisk by her star. And as she speaks I think the volume will be turned up from this end. At this point,

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Representative from Cook, Representative Mulligan has a question. Representative."

Mulligan: "Thank you, Mr. Speaker. Although my... my seatmate is a freshman and this is her first Bill, I would not be so cruel as one of my other colleagues is to challenge her. But I stand up to commend her, even though it is her first Bill, because she made sure that the Bill she carried first was from my colleague and classmate, Representative Hoeft, who she replaces here. And this was a very important Bill for him. Not only was it an important Bill but I think it affects many of our school districts, particularly where teachers have the challenge of students who are transient and move in and out of that school district. And a teacher has the challenge not only of bringing them up to speed to what might have happened from children in their school district prior to this, but then to worry about how their test scores are going to impact a school that's doing a job and maybe challenging... particularly one of the schools in my district, does a great job of handling transient kids from all over the place. They have a school that has minority and speaks 78 languages and they do a great job. And it really is a challenge for teachers. So I think it's very appropriate that they have a little while to acclimate the child into that system before the score is totaled up in against the Bill. And I will tell a previous Representative that spoke that if he were to go after my seatmate I would help her find a big stick that we'll hide under the floor here and assist her, even though I am

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against domestic violence of any kind. I really feel it's very important for freshmen to assert themselves with certain Members within their own caucus."

Speaker Turner: "Representative, you're the only one that feels that way about freshmen. I'm certain Representative Morrow would have something different to say about what freshmen should be doing. Representative Monique Davis from Cook County, what do you have to say?"

Davis, M.: "Does the... will the speaker yield?"

Speaker Turner: "She indicates she will."

Davis, M.: "Representative, what is the opposition that the Chicago Teachers Union has against your Bill?"

Munson: "I don't know of any opposition."

Davis, M.: "Well, in our analysis..."

Munson: "I don't know why."

Davis, M.: "...in our analysis it states that the Chicago Teachers Union is an o... I'm sorry the Chicago Teachers Unit is an opponent of the Bill. So, they... even during your presentation in committee, they didn't say they were opposed?"

Munson: "No."

Davis, M.: "Can you hold on for a minute while I check with them because I'd like to know what their opposition may be. Do you think it... pardon? Do you think it might have been prior to the Amendment? I'm not sure."

Speaker Turner: "Representative, we have two other speakers. Maybe while we're waiting to hear from the other speakers..."

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Davis, M.: "Okay, that'll be fine. Go right ahead, Mr. Chairman... Mr. Speaker."

Speaker Turner: "... you still have an opportunity."

Munson: "I do wanna... I do wanna address that. Apparently there was a slip in committee in opposition but they didn't explain why."

Davis, M.: "Mr... Mr. Chairman, I will defer to the two other speakers if I may be allowed to continue when I get this information."

Speaker Turner: "Okay."

Davis, M.: "Thank you."

Speaker Turner: "The Gentleman from Whiteside, Representative Mitchell."

Mitchell, J.: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, the Bill that... that Representative Munson has is a Bill that falls in line with No Child Left Behind and the task force committee. I served on this committee all summer to work out all of the problems that we had to comply with the State Board of Educa... or, with the Federal Government with the new mandate from the Federal Government. There's a lot of... of federal money riding on the decisions that we make. And I will be bringing that Bill to you probably next week. But the Representative is carrying a Bill that Representative Hoeft and I have worked on in the past to make sure that, yes, students are tested within the calendar year but are not counted against a district unless they're there before a certain date so that the school district has enough time to ensure that that

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student understands how their curriculum is tied to the state standards and will move them toward the accomplishment of those state standards. It is not in... in conflict with NCLB, No Child Left Behind. It falls in line with that. Representative Hoeft spent a lot of time with this Bill. And I'm very proud to support this Bill. And I certainly appreciate the fact that Representative Munson has chosen this as her first Bill. It would've been a lot more fun to give her a rough time, but this is a Bill that we can all get behind and be proud of. Thank you, Mr. Speaker."

Speaker Turner: "The Lady from Cook, Representative Davis. For what reason do you rise?"

Davis, M.: "To... thank you, Mr. Speaker. We do have information, the very latest information, that the Chicago Teachers Union is no longer opposed. Thank you."

Speaker Turner: "The Lady from Cook, Representative Munson to close."

Munson: "Yes, thank you. I just want to ask for your 'aye' vote."

Speaker Turner: "Do you want to ask louder? The question is, 'Shall House Bill 470 pass?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 114 'ayes', 0 'noes', 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On the

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Order of Third Reading, we have House Bill 2582.  
Representative Mendoza. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 2582, a Bill for an Act in relation to  
criminal law, which may be referred to as the Robb Family  
Act. Third Reading of this House Bill."

Speaker Turner: "The Lady from Cook, Representative Mendoza."

Mendoza: "Thank you, Mr. Speaker, Ladies and Gentlemen of the  
House. House Bill 2582 is a very special Bill to me. I've  
been working on it for about three years now with the  
Realtors Association as well as with the victim... the  
brother of a victim in my district, and that's the genesis  
of this Bill. Three years ago, prior to my taking office,  
there was a woman and her two daughters who died from  
carbon monoxide poisoning in a building that had over 4  
hundred violations. And when the landlord found the bodies  
he allegedly went out, bought carbon monoxide detectors,  
installed them, and then notified the police. It was very  
sick and it should've been criminal, his actions. And that  
is why, after three years of working with the surviving  
twin brother of Anna Robb, we bring forth to you today the  
Robb Family Act. What this Bill does is it creates the  
penalty of aggravated criminal housing management. What  
that says is that a person commits the offense of  
aggravated criminal housing management, when he or she  
commits the offense of criminal housing management and the  
condition endangering the health or safety of a person is  
determined to be a contributing factor in the death of that  
person. And also, the second condition necessary would be



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that the person who was responsible for the neglect concealed or attempted to conceal the condition that endangered the health or safety of a person that is found to be the contributing factor in that person's death. This is a Bill, like I said, that comes with support of the realtors. And I think it sends a strong message to slum landlords that if they risk and they gamble on a person's life for the sake of a dollar, this Body will hold them accountable. The penalty would be a Class VI felony. And I ask for your support. Thank you."

Speaker Turner: "The question is, 'Shall House Bill 2582 pass?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 113 'ayes', 0 'noes', 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Representative Wirsing on House Bill 3050. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 3050, a Bill for an Act concerning grand juries. Third Reading of this House Bill."

Speaker Turner: "The Gentleman from DeKalb, Representative Wirsing."

Wirsing: "Thank you, Mr. Speaker. And that's Sycamore."

Speaker Turner: "Sycamore. Okay. The Clerk's taking all these..."

Wirsing: "Just... you know, as long as we're cleaning up the act this afternoon."

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Speaker Turner: "The Clerk's taking notes on all of these county changes. But I'm certain the people of Sycamore are very proud of you here today and we'd love to hear from you."

Wirsing: "Well, thank you very much. I certainly appreciate that. And it's... it's always an honor and a privilege to be in the chambers when you're in the Chair."

Speaker Turner: "Thank you, Representative."

Wirsing: "Any chair. So, thank you."

Speaker Turner: "Thank you, Representative. Touché."

Wirsing: "Ladies and Gentlemen of the House, House Bill 3050 is... is pretty simple. I had a... one of the county state's attorneys came to me and said that in our particular county the law allows for one... one county grand jury to be seated, and he said something... he said this has become problematic. This is such a long-term commitment by those people who serve on... on the grand jury. It's... it's a one year, no more than 18 months, that that individual has to, every time the grand jury meets, they have to take time off from their employment. And he suggested, and that's what House Bill 3050 is, to simply change the population requirements so that a county... those smaller counties would have the authority to have two grand juries, not simultaneously. But it would be... be... the grand juries would serve the same number of... of days throughout the year but it could be split up between two grand juries. So, an individual would serve on a grand jury, as an example, for six months rather than a full year. Another grand jury would be in place to

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pick up the other six months as well. So, it simply was a way to... to put less burden upon citizens, potentially make... expand the pool of people available to serve on grand juries. That's simply all this legislation does and that's the intent of it. And I would ask for your support."

Speaker Turner: "Are there any questions? Seeing none, the question is, 'Shall House Bill 3050 pass?' All those in favor should vote 'aye'; all those opposed vote 'no'. And the voting is now open. Have all voted who wish? Have... have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 114 voting 'aye', 0 'noes', 0 'presents'. And this Bill, having received a Constitutional Majority, is hereby declared passed. The Lady from Cook, Representative Davis. For what reason do you rise?"

Davis, M.: "Thank you... thank you, Mr. Speaker. Standing at my seat is a former Chicago alderman and a current sitting judge, Judge John Steele. Can we give him a warm Illinois welcome?"

Speaker Turner: "We wanna welcome Judge Steele to the chamber. On the Order of Third Reading, we have House Bill 3053. Representative Molaro. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 3053, a Bill for an Act concerning business practices. Third Reading of this House Bill."

Speaker Turner: "The Gentleman from Cook, Representative Molaro."

Molaro: "Thank you, Mr... Mr. Speaker. House Bill 3053, called a... this is misconduct by a corporate official. Basically,

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what it does... this is in response to... what was going on in America over the last year and a half, basically from the ENRON. It mirrors what's now the law in many of our neighboring states, most notably Missouri, parts of which are taken from the Federal Government. And all it says is in public policy of the State of Illinois that if you're a person guilty of this par... a corporate official of corporate misconduct, when you're a director of a corporation and you knowingly, with the purpose to defraud, you make dividends, you make out loans, you discount re... notes that would help the corporate officials at the expense of the... shareholders. It also talks about fraud in the insolvency. Where by as soon as you know that you are going into bankruptcy and you are a corporate official and you knowingly start shredding documents to the detriment of the shareholders, you will be found guilty of a crime. If the benefit derived from this violation in this Section is 500 thousand or more, it's a Class II felony. If it's less than 500 thousand, it's a Class III felony. And basically, that's what the Bill does. It just incorporates what our neighboring states and the Federal Government does and sends a message to Illinois corporations that if you are going to commit these crimes that cost, basically life savings of the shareholders, then you're gonna have to pay a price in Illinois. And I'd entertain any questions."

Speaker Turner: "The Gentleman from McHenry, Representative Franks, for what reason do you rise?"

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Franks: "To the Bill. Representative Molaro you should be commended for this Bill. It's... it's long overdue. With a climate in this country, with the Enrons and the Arthur Andersens of the world, unfortunately many people have lost a lot of faith in business, as they should. And this is one way to hold them accountable. And we've also filed a companion Bill... on the behest of our Comptroller, Dan Hynes, that would indicate that if someone is convicted of these types of crimes and the business is still going forward, that they'd be barred from doing any business with the State of Illinois for at least five years. And I think that's a strong companion to your Bill because yours compliments ours very well. So thank you for bringing this forward. And I believe this is one that should have a 118 votes. And I'd encourage everyone to please vote 'yes'."

Speaker Turner: "The Gentleman from Vermilion, Representative Black. Are you here... there? The Repres... the Lady from Cook, Representative Mendoza."

Mendoza: "Thank you, Mr. Speaker. I just wanted to take a moment and rise for point of personal privilege."

Speaker Turner: "Un poquito (just a little)."

Mendoza: "Yeah, thank you. I just wanted to recognize a former colleague of ours, Edgar Lopez, used to be Representative Edgar Lopez. Right now is the acting director of Financial Institutions. Can we all say hello?"

Speaker Turner: "Joe, welcome. The Lady from Cook, Representative Mulligan, for what reason do you rise?"

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Mulligan: "Mr. Speaker, on our computers we have... with this Bill number, a different Sponsor and a different Bill. And so, it's pretty hard to look at the analysis and look at the Bill with the wrong information up there. So, I really just need to ask the Sponsor a few questions. And if the Sponsor will yield I'd appreciate that."

Speaker Turner: "He indicates he will. Representative Molaro... or Representative Mulligan, proceed."

Mulligan: "Representative, was there any concern when you passed this Bill out of committee? Did any committee Members voice any concerns over what you were doing?"

Speaker Turner: "Representative Molaro."

Molaro: "Not to my recollection. And there was no opposition. Nobody filed a slip in opposition and... there were no concerns addressed that I can recall."

Mulligan: "My concern would be... ya know, I don't see why any... people would vote against it, particularly what's happening with corporations. My only concern is the layer and layers of law that we're putting into effect that sometimes don't have quite the impact that we thought it did. And so, my concern was that this Bill was worked out with state's attorneys and... constitutional officers that would have an impact on it. And since I can't look at the analysis here, I'm kind of going on good faith that that's what happened here. Do you want to respond to that or...?"

Molaro: "Well, yeah. I mean, as... as... as far as I know, the state's attorneys... the state's attorneys have no objection to this because a lot of times probably the one person that

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would be looking at this maybe even more than state's attorneys would be the attorney general of the state. Because usually when crimes of this nature take place, it's a Illinois public corporation that has far reaching statewide... type of things that would occur. So, they'd probably have the attorney general looking into these matters more than state's attorneys. But neither, no state's attorney in this county, nor the attorney general, had any... opposition to this Bill."

Mulligan: "It impacts any number of areas of State Law, the Illinois Pension Code, the Illinois Criminal Code..."

Molaro: "Oh no, I'm... you know what? I... I think maybe that's where you have confusion. That language has been amended out of the Bill. It has nothing to do with the Pension Code, nothing to do with foreign corporations. That was a mistake when it was filed. That since has been amended out. It strictly deals with wrongdoing by corporate officials, has nothing whatsoever to do with... foreign corporations, and that was amended out. So, if it still shows that in your Bill, I would apologize. That's all been amended out. That's what Amendment #1 did to the Bill."

Mulligan: "All right. So, I guess we're working under tough circumstances here because... could you just take the Bill out of the record for just a short while while we update the computers and figure out exactly what's in this Bill?"

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Molaro: "Well... we can just take a 30-second pause here, Ms... I have no more material to u... use, I used it up this morning. So if we could just take a..."

Speaker Turner: "We'll take a pause for the cause."

Molaro: "...a minute here."

Speaker Turner: "We'll take a pause for the cause. If the Republican side of the aisle would go to House Bill 3209. The actual Bill number is 3053, but on your side it's 3209. It's the analysis for 3053 and I dare not try to explain how that happened. But just for keeping up, it's 3902 on your side. And I realize that being here for a while that we do get our numbers confused sometimes, you know, it's like budget deficit numbers. 3209... 3209 on the Republican side. So, 3209 on the Republican analysis is House Bill 3053 that we're discussing at this moment. Are there any further questions on the Bill? Representative Molaro to close."

Molaro: "Mr... Mr. Speaker, I just ask for a favorable Roll Call. Or... or wait, what..."

Speaker Turner: "The Gentleman from Vermilion, Representative Black, for what reason do you rise?"

Black: "Mr. Speaker, the applicable House Rule clearly states that we cannot act on a Bill that isn't on the system. Now, this Bill is not on our system. That may not be the fault of the Clerk, it may be the fault of our staff. But until we get it straightened out, I would ask the... the Speaker to rule that the Rule... that the Rules of the House clearly state that we may not go forward on a Bill that is



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not on the electronic system. And it is not on our electronic system."

Speaker Turner: "Representative, House Bill 3053 is on your system. That's the Bill that were discussing at this point."

Black: "I cannot get House Bill 3053 to come up on this stupid system. Back when we used to do it on paper, I could find the paper."

Speaker Turner: "You can't get the analysis to come up on this system?"

Black: "Oh, my god, now it's up and they ought to take the Bill out of the record. You gonna... you gonna let him close on this?"

Speaker Turner: "I'm not gonna even let him close. I'm gonna do this. The question is, 'Shall House Bill 3053 pass?' All those in favor should vote 'aye'; all those opposed vote 'no'. And the voting is now open. All those in favor should vote 'aye'; those opposed vote 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 110 'ayes', 0 'noes', no... 3 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Third Reading, we have House Bill 360. Representative Novak. Out of the record. The Lady from Cook, Representative Mulligan, for what reason do you rise?"

Mulligan: "Mr. Speaker, normally I find you to be a very fair man. But that last Bill, although we could pull it up

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under another number, I don't think that our side, accurately, could assess what was in that Bill. Now, it may be a very good Bill, and certainly on the face of it from what was printed on the board everyone would have to vote 'yes', because otherwise it turns out to be a mail campaign piece against you that you're not for accountability for corporations in a time when that's very important. But I do think you could've given us a moment to actually access the Bill, take a look at it, and figure out if we wanted to vote for it. Many times this happens where we vote for bad Bills and then the press holds us accountable. And I think what just happened was not correct and it was unconscionable."

Speaker Turner: "I apologize for the confusion, Representative. There were 110 people that voted 'yes' for the Bill. And I'm not certain who was left out on it but there were 110 people that, at some point, realized what this Bill said. The Gentleman from Vermilion, Representative Black."

Black: "Mr. Speaker, in all due respect, I don't care if 117 people voted 'yes' and I voted 'present'. The fact is, and the point that I tried to make yesterday, all of us have the right to have our questions addressed and the concerns of our constituents addressed in this chamber. And the fact that our system was incorrect has no bearing on... on your ability or your... your need to advance a Bill that we did not have on our electronic system. I maintain you violated the rules of the House and I... yesterday I more or less heard it's my bat, it's my ball, if you wanna play you

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play by my rules. Well, by God, that's not the way I was raised and I don't think it's the way you were raised. It wouldn't have hurt you, it wouldn't have hurt the Sponsor to take that Bill out of the record for five minutes and let our staff indicate to us whether or not we were usurping Federal Law. And I don't care if the direct mail get it out today, send it certified mail to everybody in my district. I will not stand on this floor and let you railroad me again. Now, \*REVIEW\*, you know better than that. And I'm ashamed that you'd even be a part of it. And for the Gentleman from the Senate, by God, you may have done it in the Senate, but you'll play hell doing it in the House."

Speaker Turner: "The Gentleman from Effingham... On Third Reading, we have Repr... House Bill 1195. Representative O'Brien. Out of the record. On Third Reading we have House Bill 3229. Representative Osterman. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 3229, a Bill for an Act concerning environmental protection. Third Reading of this House Bill."

Speaker Turner: "The Gentleman from Cook, Representative Osterman."

Osterman: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I first want to make sure that everybody's got this on their computer system. House Bill 3229 establishes a Lead-Safe Housing Advisory Council, which will work with and advise the Department of Public Health on lead paint

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prevention programs. Each year in our state 18 thousand children from around the state are found to have high levels of lead in their blood, the negative health effects which stay with them throughout their lives. House Bill 3229 looks to bring individuals in the field of lead-poisoning prevention together to work with the Illinois Department of Public Health to address this important issue. There are no known opponents to this legislation. And I ask for an 'aye' vote."

Speaker Turner: "Are there any questions? The Gentleman from Will, Representative Meyers, for what reason do you rise?"

Meyer: "Yes, Mr. Speaker, a question of the Sponsor."

Speaker Turner: "He indicates he will."

Meyer: "Representative, what is the cost of this program?"

Osterman: "The cost... there's not been an established cost. Basically, the advisory council would meet and would be staffed by the Department of Public Health. So, there'd be a report that would be forthcoming to the Legislature as well as to the Governor. So, I would expect the cost would be minimal. As we pass this out, though, if you want me to try to get a cost to quantify it, I'd like to do that. But I would suspect that it would be a minimal cost."

Meyer: "One of my concerns is when they meet, are they receiving some type of remuneration for those meetings? Are they receiving mileage? Is their staff assigned to them? Have we increased the number of employees we have in the state with this legislation? Those are the types of concerns."

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Osterman: "No, it's a non... non-paid advisory council. And the only staff there would be there would be from the Department of Public Health. So, I would expect when they have meetings, the Department of Public Health would have some of their staff there. I wouldn't think that there'd be additional staff hired for this advisory council."

Meyer: "The Department of Public Health, have they been hit excessively with early retirements, do you know?"

Osterman: "Yes, they have. They've been hit at every level with early retirements. And that's an issue that hopefully the new Governor, when he hires and appoints the new director of Public Health, we can begin to address."

Meyer: "Well, one... one of my concerns is before that is addressed, if we keep piling more and more responsibilities on them that they either don't do it right or don't do it at all."

Osterman: "Well, actually, the goal of this advisory council is to bring people that have experience with lead paint poi... poisoning prevention together in an advisory role to work with the Department of Public Health. People that are volunteers, doctors, people that are in the profession of abating and mitigating lead paint poisoning, they would be advisors to the Department of Public Health. So, I would think that this would be a cost saving mechanism for the state."

Meyer: "Well, what exactly will this advisory group be responsible for achieving?"

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Osterman: "Basically, to look at Illinois' practices, look at what other states are doing in the area of lead paint poisoning prevention, and bring recommendations to the Department of Public Health, to the General Assembly, and the Governor on things that Illinois can be doing better in that area."

Meyer: "At the point that... what... what is the timeframe for this report?"

Osterman: "Nine months after its formation."

Meyer: "Will we receive a copy of that report?"

Osterman: "Yes."

Meyer: "The mechanism that you have in place, how are they going to be doing their job? Are they meeting constant... continually? Or what is the..."

Osterman: "Who would be... if you could... who would be doing the job? Tryin' to help. The people that work for Public Health?"

Meyer: "Well, the advisory committee will be meeting at some point. How often will they be meeting and... and..."

Osterman: "I would expect that they would have several meetings between now and that nine month period to come up with some ideas. How many meetings? I don't know. That would be decided by the chairman of the advisory council."

Meyer: "And who is the chairman?"

Osterman: "The chairman would be the director of Public Health, or a designee, and the director of... or, the chairman of the Illinois Housing Advisory Task Force."

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Meyer: "My... my analysis indicates that the advisory council shall develop a handbooks for property owners and tenants explaining the standards and the state and federal requirements for legislative hou... legislative housing. How do we identify property owners in... in this state and who is all gonna be included? Are we all gonna get one of these booklets?"

Osterman: "Actually, the Illinois Department of Public Health and many municipalities around the state have booklets already. This task force and it... this advisory council would look at those. If they have additional booklets that they'd want to try to suggest Public Health print, they could do that. But I would suggest that that's probably one of the few things that they would do, not as much a priority, is to look at issues that other states and how other states are dealing with the lead paint poisoning issue. I mean, the whole country is dealing with this. Eighteen thousand kids in Illinois are found to have lead paint poisoning every year. So, I would suggest that they're gonna look at how things are done in Maryland, Massachusetts, California, that has programs on trying to deal with lead paint abatement and mitigation to reduce the amount of kids in Illinois that are found to have lead paint poisoning."

Meyer: "Are there certain areas of the state that are more affected than others with problems with lead paint poisoning?"

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Osterman: "It's throughout the state. I'll get you a copy of this but this is the breakdown from the Department of Public Health on counties and zip codes that are high risk concentrations of lead paint poisoning. And I would suggest that it's every corner of the State of Illinois. And, you know, it may have some of your... some of your zip codes in it as well. But I'd be happy to produce this and give it to you."

Meyer: "Are there... I would assume that most lead... lead poisonings come from older paints that were placed on... on... in or on a structure prior to a certain date. Can you tell me, are there any instances of new construction with lead point issue... lead paint issues?"

Osterman: "I don't know of any specific new construction areas. I think Federal and State Law over the years has made sure that a lot of new construction is lead-safe. A lot of the problems deal with dust that comes from old lead paint that are in homes, whether they're apartments or single family homes. So, I don't... I would think that Public Health would probably tell you that most of the problems deal with older homes."

Meyer: "All right. Thank you for your answers."

Speaker Turner: "Representative Osterman to close."

Osterman: "Just ask for an 'aye' vote. Thank you."

Speaker Turner: "The question is, 'Shall House Bill 3229 pass?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish?"



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The Clerk shall take the record. On this question, there are 95 'ayes', 1 'no', 16 voting 'present'. And this Bill, having receive... having received the Constitutional Majority, is hereby declared passed. Mr. Clerk. On the Order of Motions to reconsider, we have House Bill 3053. Read the Bill, Mr... read the Motion, Mr. Clerk. Read the Motion, Mr. Clerk."

Clerk Bolin: "Motion by Representative McKeon. Pursuant to Rule 61, having voted on the prevailing side, a move to re... reconsider the vote by which House Bill 3053 passed."

Speaker Turner: "The question is, by voice vote, whether we should reconsider... We will check with the parliamentarian. We will take a record vote. Mr. Clerk, we will take a Roll... the Roll Call will be open for House Bill 3053 on a motion to reconsider. All those in favor of the Motion should vote 'aye'; all those opposed should vote 'no'. The Clerk shall take the record... take... open the record. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the roll. On this Motion, there are 112 voting 'aye', 1 voting 'no', and 0 'presents'. And this Bill... this Motion, having received the requisite vote, the Mo... the vote will be reconsidered. Representative Molaro on House Bill 3053. Read the Bill, Mr. Clerk. It's already been read. Representative Molaro."

Molaro: "Thank you. Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Not too often that you get to do this twice, but I certainly think this Bill is worth doing

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twice. We... we are... we have said this, hopefully they have looked at parts of the Bill and the analysis of the Bill. It still remains the same. I hope there was no problem with that Amendment that took out that stuff about foreign pension funds. That was put in there by mistake, we cleared that out. So, this strictly talks about misconduct by a corporate official. So with that, I would certainly answer any questions that any of my colleagues may have on this Bill."

Speaker Turner: "The Gentleman from Vermilion, Representative Black."

Black: "Thank you very much, Mr. Speaker. I regret that we sometimes have to go through all this nonsense just to do what we should've done in the first place. I appreciate your indulgence and I appreciate that of the Sponsor. Representative, will you yield for questions?"

Speaker Turner: "He indicates he will."

Black: "It is the belief of some of our staff that you are taking Federal Law and now making it a state offense. Is that the way you interpret the Bill?"

Molaro: "As... as I said... well, that's a... it's a difficult question to answer. We're not taking word-for-word State Law but, as you do know, murder can be both a federal crime and a state crime, so could aggravated battery, so can fraud. So the answer is, if someone commits this particular offense, yes, he can be charged with a federal crime and he could also be charged with a state crime. So

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there are... if... if you'd like me to answer that question, the answer is 'yes'."

Black: "By... you know, I understand what you're... what you're saying and, in fact, I think in a recent highly publicized case the Federal Government has bowed out of the case in Utah because State Law is more strict and the punishment more strict than Federal Law. But in this Bill, the way staff reads it, you are not making the law... it's my understanding that if you usurp Federal Law, your State Law must be more restrictive than the Federal Law. And I'm not sure that you're doing that in the case of, say, a misapplied stock dividend. Now, what... can you give me the legal authority that the State of Illinois has to charge someone, a corporate officer, with misuse of stock dividends? To me, that's a federal issue ruled, first of all... ruled upon, first of all, by the Securities and Exchange Commission and then most likely would be filed... legal charges would be filed by the United States Attorney and the case would be held in Federal Court. Now, what gives the State of Illinois a preemptive right to say that no, a misuse of a stock dividend in any way, shape, or form becomes a State Law issue?"

Molaro: "Well, to answer that question, Illinois has the Business Practice Act... Accepted... Accepted Business Practice Act, which talks about what, by law, how you can get dividends, what you can do with certain things. As far as... as far as that is concerned, if you break that law... I mean, obviously, we have the law that you have to follow. Also,

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as you can see from this Bill, just like when you cited Utah, or whatever state you cited, the action would have to take place in the State of Illinois. You're right, we have no authority if the action takes place in New York. But if the action takes place here in the State of Illinois, our state's attorney and our attorney general can go out and prosecute the case now, where prior to this Bill they couldn't and they would have to wait for a federal prosecutor to decide if they had the time and the manpower to take the case. There would be nowhere for a citizen of the State of Illinois to turn to because neither our state's attorney nor our attorney general had the authority to prosecute this case. Now, with this Act, they do have that authority, if the act take place in the State of Illinois."

Black: "All right. But that act... that act could be a dividend check from a company incorporated in Delaware that does not have nexus in the State of Illinois who sends out dividend checks to shareholders who live in the State of Illinois, and the dividend check is a result of fraudulent action. Where does Illinois come into that equation?"

Molaro: "They... they probably wouldn't, and that's the point. In other words, there are Federal Laws that cover certain action. This would cover certain actions that take place in this state, just like the action that you cited that took place in one of the state of the unions where they went there because that activity took place in that state."

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Black: "I... I fail to understand what the difference is. Whether it's an Illinois corporation where they... with nexus in Illinois, meaning a facility in Illinois, if they put out a fraudulent dividend, what makes it less of a federal issue than a New York manufacturing firm incorporated in the State of Delaware sending out fraudulent dividend checks..."

Molaro: "It's... no"

Black: "...to shareholders who live in Illinois?"

Molaro: "It doesn't, that's why you're confused. You think that it does and it doesn't. It's just like what's going on with the... the Maryland Sniper case. They... some of... what their arguing about is jurisdiction. Whether they're gonna file charges in Maryland and State Law or whether they charge a federal... federal charges. The act can be charged either way. There are many, many, many, many criminal acts that, when you commit the act, you can be charged by a state's attorney, you can be charged by the attorney general, or you can be charged by the U.S. Attorney. That's what's happening in this case. You can always be charged by a U.S. Attorney for these acts. This allows our state's attorneys and our attorney generals to take up the cost, if they so feel."

Black: "How many 'manys' did you say? Many, many, many?"

Molaro: "It's... it's not as many as 'I knows' in that Bill Wither's song. So, I... it's a little shorter than that."

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Black: "All right. Then, if I understand what you're attempting to do, you're... you're giving... I don't know what the legal term is, help me out... dual jurisdiction."

Molaro: "I'll give you that as a fair statement."

Black: "Well, I used to know the Latin term for it but I forgot."

Molaro: "Yeah, so do I."

Black: "Now, well, let me give you a hypothetical then. Say something goes haywire with an Illinois corporation, with nexus or a manufacturing facility in Illinois, and they get into trouble, and that has happened. You know the corporation as well as I do. If the state's attorney... where... where would the... what county... what county state's attorney would file the crime or file the charges, in the county where the plant is located or where the county of somebody said I... I gotta... this check can't be right."

Molaro: "Well, where... where any... just like anything else that takes place over a period of counties, where any part of the crime took place that state's attorney does have jurisdiction."

Black: "Even if it's done by United States mail, then you're saying a state's attorney can go up against a... a... a foreign corporation who has violated some law and that the State of Illinois is going to have jurisdiction?"

Molaro: "Yes. Now, if the owners of the corporation are the ones that are responsible, I guess live in France, there's not much we can do about that. But the same would be said

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if they broke, you know, the United States code. It'd be very difficult for us to go get them."

Black: "Representative, you know that there was an executive order signed. You're not supposed to use that country's name."

Molaro: "Oh, you're right. I apologize."

Black: "All right. All right. Thank you. Next thing I know you'll want... blank prize. I... Representative, I think what confuses staff... and I don't... I don't speak for staff. I have a great respect for staff on both sides of the aisle. I think what... what we're confused about, and I'll... I'll defer to your legal expertise, is the state's attorney could probably file, but if the U.S. Attorney says, 'I beg your pardon, this is my jurisdiction and I'll file it', then the state's attorney has to bow out?"

Molaro: "In most cases, they would bow out. However, I think ya have state's attorneys on that side of the aisle, former state's attorneys, they... they don't have to. As I said, I keep wanting to use the example out in Maryland 'cause it's the most recent one. They're still arguing whether the Federal Government should bring the charge versus West Virginia because I think one state has a moratorium on the death penalty and one doesn't. So, they're all getting together so they don't have to do two trials at the same time. It's not the jurisdictional question that's a problem, it's a question of doing two trials at the same time for the same offense."

Black: "All right."

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Molaro: "That's the problem that could occur. But... but that's a problem that's in, as many 'manys' as you want me to say, in many laws that exist today. That's the problem they're having in Maryland, that's the problem that they have all over this country. That what they normally will do to do to get together is the state's attorney, attorney general, and the U.S. Attorney will normally sit down and say okay, who would like to take this, and they agree on which way to proceed to go out and get the wrongdoer. What this allows, if the U.S. Attorney doesn't have the time or the money, and they have budget cuts, especially now with FBI agents doing all kinds of other things, they might defer to the state's attorney or the Attorney General's Office and say, 'Hey, you prosecute this. Here's our file, it's a great case. We just don't have the wherewithal to do it. Go out there and get these wrongdoers.' And that's what we'd like to do with this bill."

Black: "All right. So, what you're doing then is to put the applicable federal violations into State Law... state... codify them in the state statute so that the state's attorney can then proceed with prosecution in the cases you've outlined in the Amendment?"

Molaro: "Well, very... very close to their Federal Law. It doesn't mirror it because, as you well know, the criminal sanctions, and when you get to the sentencing part, the Federal Law is very convoluted."

Black: "Right."



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Molaro: "You need to be a federal lawyer to look at 'em. Where we have Class III felonies, Class II felonies, and nothing really fits directly."

Black: "All right. And now, Representative, is this only in the Criminal Code or does this also apply to the Civil Code? If I'm seeking a judgment against a corporation for a fraudulent activity, I... I can file my civil case in State Court or do I have to go to Federal Court?"

Molaro: "No, that... that could be right here in civil... that could be part of the penalties, if you're found guilty of either one of these crimes."

Black: "Okay, all right. And... and, my last question, now what... there is no danger... that's a dumb question, but I'll ask it anyway."

Molaro: "Sure."

Black: "Some of us were wondering if you would put a corporation in... in what we would... we non-lawyers would call double jeopardy, where they might be on trial in the Federal Court and might also be tried in a State Court... Circuit Court in Sangamon County. That can't happen, can it?"

Molaro: "No, it... there is double jeopardy. Except, of course, if the Federal Government can find a different type of law that has nothing to do with what you were charged in with in State... State Law."

Black: "Okay. All right."

Molaro: "So, I don't think they can."

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Black: "Representative, you and I go back a long way and I think you're a man of your word. And I appreciate the fact that you did not fight the Motion to reconsider. These are some very legitimate questions that we had because of an error on our electronic system. We were looking at the wrong Bill. I think you've made it certainly much more clear to me as to what you're attempting to do. And I want you to know that I appreciate the courtesy you extended. You probably did not have to, being in the Majority. But I appreciate that. And if I may ever return the favor, Sir, I will do so."

Molaro: "Thank you, Representative."

Speaker Turner: "The Lady from Cook, Representative Mulligan, for what reason do you rise?"

Mulligan: "Thank you, Mr. Speaker. Representative Molaro, I'd like to second what Representative Black said about thank you for calling the Bill back again. I'm just wondering if your Bill still contains the corporate fund."

Molaro: "Yes, it... yes, Ma'am. As it exists today... I mean, as the form of the Bill now, the cor... corporate fund, Section 29A-4, still exists in the Bill. The Corporate Crime Fund."

Mulligan: "So if... in order for us to fine someone that has been guilty of this and make restitution to Illinois residents, we would have to have the venue, the court be in Illinois."

Molaro: "Yes. Yes."

Mulligan: "And it would have to be under Illinois jurisdictions."

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Molaro: "Yes."

Mulligan: "So, then it would be to our benefit, perhaps, to try and control that suit so that our residents can have restitution for losses."

Molaro: "Yes. As... as you read the Bill, it basically says that it goes to a Corporate Crime Fund that, obviously, Illinois would administer. But you don't really need to be an Illinois resident to go to that Corporate Crime Fund because, obviously, if you were wrong, you were wrong. And from what I'm told, there are some, and I don't know the exact wording too... obviously, the Federal Government could go out after it. And there are class action lawsuits, as you can imagine. I think there were over... over about 175 class action lawsuits filed by ENRON that have now been combined to, I think that last count, there's ten of 'em for corporate losses."

Mulligan: "All right. So, I won't go there now, but I'm just wondering how a law such as this would have impacted, say, a tobacco settlement. It would be something to discuss on another day."

Molaro: "Sure."

Mulligan: "But I think this is an interesting Bill and I'd be happy to support it again."

Molaro: "Thank you."

Speaker Turner: "The Gentleman from Cook, Representative Molaro to close."

Molaro: "Thank you, Mr. Speaker and Ladies and Gentlemen. I'm... I'm glad we had time to discuss this. We would certainly

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hope that it would pass out of here. It is going to the Senate and if there are any concerns, someone can talk to me, I'll talk to whatever colleague picks it up. See if there are problems and we work it out. I don't see any as of now but certainly we would take a look at it. And I would ask for a favorable Roll Call today."

Speaker Turner: "The question is, 'Shall House Bill 3053 pass?; All those in favor vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, 113 voting 'aye', 0 'noes', 0 'presents'. And this Bill, having received a Constitutional Majority again, will declared passed. On the Order of Third Reading, we have House Bill 3... Bill 1458. Representative O'Brien. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1458, a Bill for an Act concerning agriculture. Third Reading of this House Bill."

Speaker Turner: "The Lady from Grundy, Representative O'Brien."

O'Brien: "...and Ladies and Gentlemen of the House. House Bill 1458 is a shell Bill that we are trying to move over to the Senate. We are dealing with a rewrite of many portions of the Grain Code. And there are negotiations ongoing right now to change procedures at the Department of Agriculture to pr... change the procedure of the funding mechanism of the Grain Insurance Fund. And all I can tell you at this point is that we are still undergoing negotiations with the grain and feed dealers, with the Farm Bureau, with the bankers, with all producers' organizations, corn growers, soy bean

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people. And I'd be happy to answer any questions if I could."

Speaker Turner: "The Gentleman from Effingham, Representative Hartke. For what reason do you rise?"

Hartke: "I stand in full support of the shell Bill. This is a very important piece of legislation that the State of Illinois and the department must address this spring. And we need just a little more time. And I would encourage a 'yes' vote."

Speaker Turner: "The Gentleman from Vermilion, Representative Black. For what reason do you rise?"

Black: "Thank you very much, Mr. Speaker. I think Representative Hartke addressed most of my concerns. But will the Sponsor yield, very quickly?"

Speaker Turner: "She indicates she will."

Black: "Representative, I think... I have the greatest respect for Representative Hartke and... and I look to him for... for guidance on agricultural issues. And you know, you... you're in some of the best farm country in the... in the world, in northern Iroquois County."

O'Brien: "That's right."

Black: "There is no more complicated nor vital issue in this Session than a rewrite of the Grain Code. Can you give me reasonable assurance... I don't like to vote for shell Bills on Third Reading 'cause I never know what they're gonna come back as. I assume if it comes back, you'll still have control of the Bill?"

O'Brien: "Yes."

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Black: "All right. I know... I've worked with you for years, I know you're a Lady of your word. I'm not gonna put you on the spot. But, Representative, it's... it's far too important to let this Bill come back in any form but an Agreed Bill between all the folks that you mentioned. The very future of rural Illinois and many, many, many farmers and grain producers hinge on the rewrite of this Bill. And I have great confidence in you and I know that... and I hope Representative Hartke will have a key role to play in this rewrite as we move through the process. But, the only reason that I'm gonna vote for this shell Bill is that Representative Hartke has indicated negotiations will go on, you have indicated that negotiations will go on, and I know that you are a... a person whose word is her bond and you will not let this come back in any frivolous form, it's too important. So, I... I trust you. And that's one of the few... one of the few shell Bills on Third Reading I'll vote for."

O'Brien: "I appreciate that, Representative. Thank you."

Speaker Turner: "The Lady from Will, Representative Kosel. For what reason do you rise?"

Kosel: "Thank you, Mr. Speaker. Will the Lady yield? I also want to reiterate what Representative Black said. I don't vote for shell Bills on Third Reading, never do. I will vote for this one because I know the... the Tywalk situation which happened and affected your district as well as many people in my district, is... is something that needs to be addressed. It needs to be redone. But, again, would

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reiterate that this does not come back on any kind of Agreed List, that we can debate the content of the Bill when it returns, and would look for your word on that."

Speaker Turner: "The Lady from Grundy, Representative O'Brien, to close."

O'Brien: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Again, this is a very critical issue to every Member here, not just Members from rural districts, because this affects our largest industry in the State of Illinois. It does affect the banking community, it affects grain producers, it affects warehousemen, it affects chemical and fertilizer dealers. And we are certainly moving forward for an agreement and we've put a lot of work into this, but work still continues. And I would appreciate your support in an 'aye' vote. Thank you."

Speaker Turner: "The question is, 'Shall House Bill 1458 pass?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk... shall take... Have all voted who wish? Representative Flowers. The Clerk shall take the record. On this question, there are 89 voting 'aye', 22 voting 'no', 1 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Representative Novak in the Chair."

Speaker Novak: "On page 45 of the Calendar, House Bill 1096. Representative Phelps. Mr. Phelps. Clerk, read the Bill, please. House Bill 1096. Clerk, read the Bill, please."

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Clerk Bolin: "House Bill 1096, a Bill for an Act in relation to deer hunting. Third Reading of this House Bill."

Speaker Novak: "Mr. Phelps. Take it out of the record, Mr. Clerk. Thank you. On page 45 of the Calendar... the Gentleman from Randolph, Representative Reitz, on House Bill 1186. Clerk, read the Bill, please."

Clerk Bolin: "House Bill 1186, a Bill for an Act concerning vehicles. Third Reading of this House Bill."

Speaker Novak: "Mr. Reitz."

Reitz: "Thank you, Mr. Speaker. Is this your first Bill? Oh, I'm sorry."

Speaker Novak: "It just might be, Mr. Reitz. Thank you."

Reitz: "Well, good to see you up there. You look good up there."

Speaker Novak: "Thank you."

Reitz: "House Bill 1186 creates the Uniform Speed Limit Bill for Illinois. It... it allows trucks to drive in rural interstates 65 miles an hour, but basically the main thing is it creates a uniform speed limit on rural interstates, which I think improves the safety of our roads. We have a system right now with split... split speed limits. I think it's much safer for us to... everyone, irregardless of what the speed limit is, to drive the same speed limit. The... for the people from the urban areas, they are exempt. Anything in the urban area is exempt. So, basically everything in Cook, most of the collar counties, some of St. Clair, some of Madison are exempt from this Bill. This just allows us in places that are designated by IDOT to



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allow the... the trucks to move and everyone to move the same speed, which would be a safe speed. IDOT and the State Police had previously been opposed to this Bill. We've discussed it with them. They are, currently, have no position on this Bill. And we'd be happy to answer any questions on this Bill. Thank you."

Speaker Novak: "Thank you, Mr. Reitz. On... and on that question, the Gentleman from Vermilion, Representative Black."

Black: "Thank you very much, Mr. Speaker. I have waited almost 17 years for this."

Speaker Novak: "Well..."

Black: "You look... you look good there, Sir."

Speaker Novak: "Well, thank you very much, Mr. Black. I've waited a long time too."

Black: "And it doesn't make any difference how good you are in the Chair, what's important is that you look good in the Chair."

Speaker Novak: "Thank you so much. You're so kind."

Black: "And we'll see how you do later."

Speaker Novak: "Ye... yes."

Black: "But..."

Speaker Novak: "I've been waiting... I'm waiting with bated breath."

Black: "You look a lot like your younger brother, Representative Granberg. I can't get over the resemblance."

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Speaker Novak: "Thank you. I don't associate with that guy as my brother. Thank you."

Black: "Representative, will you... would you yield for some questions?"

Speaker Novak: "The Gentleman will yield."

Black: "Thank you. I think you said in your opening remarks 40 states have adopted this uniform speed limit, correct?"

Reitz: "Correct."

Black: "The Illinois State Police and the Illinois Department of Transportation have, after years of us trying, said, in effect I guess, we think it's time that Illinois adopt the rural interstate highway uniform speed law."

Reitz: "That's correct."

Black: "Ah, thank you. We've worked years for that. Ladies and Gentlemen of the House, I've been a Sponsor... a cosponsor of this Bill for, I don't know, nine or ten years. Let me make it very clear to my suburban colleagues, who always vote against this, and... and many of the colleagues from Chicago, it does not affect you. I think the Representative handed out a map clearly showing that the Dan Ryan, the Kennedy, the Tri-State, all of the roads in your metro area are not impacted by this. A tractor-trailer will still go 55 miles an hour on a nonrural interstate. What they can do in my rural area on I... Interstate 74, the semi-trailer trucks can go 65 and the car can go 65. Now, Iowa has done this for years and we can't get any evidence of any increase in accidents. In fact, there are some states that say there's a decrease

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because you don't come upon a slower moving vehicle at a high rate of speed. Wisconsin does it, they haven't reported any great increase. All I would ask, and I think all any of us in downstate would ask of our suburban colleagues on a Bill like this, it... if you can't vote for it, I understand that. And... and your 'no' vote, that's fine, you're entitled to that. But maybe you could just vote 'present' or... or give some of us a break. We're trying to move goods to your area, where the bulk of the population lives, in the most efficient manner possible. And most everything you eat or drink or wear comes into the Chicago Metro area by truck. And under ICC rules, the further downstate the truck is, he may have to make it a two-day trip rather than a one-day trip. Now, the minute he hits the urbanized area of Chicago, and I believe, Representative, correct me if I'm wrong, Metro-East would be the same way, and I... I think if you go through Peoria, it's the same way, it'd be 55."

Reitz: "That's correct."

Black: "You can't go through any town of any size at 65 miles an hour. Urbanized interstate speed limits will stay at 55 miles an hour, but out in the country, where I live, where you can see down that interstate for 15 miles, that truck can then go at the same speed as an automobile. Most safety groups have... have endorsed this for years. We've always had a problem in that somehow, somebody thinks that a semi-trailer truck will now be able to go 65 miles an hour on Lake Shore Drive. They can't, not even automobiles

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can go 65 miles an hour on Lake Shore Drive. So, it... it's something we've worked on for years. I'm very pleased that IDOT and the State Police have now said they have removed their opposition. And, again, I can't make it anymore clear than to say... and Representative, I think you probably have the map with you that you could show any of our suburban or Chicago colleagues, it just does not impact you. They cannot, and it's not to say that they don't, but they are not legally authorized to go 65 miles an hour on any urbanized interstate. And that would be, I'm sure, the same through Bloomington, I think it's Peoria, I'm not even sure if the Urbana-Champaign area is not classified as urbanized now. But in rural areas they can go 65. And it's a matter of economic survival to trucking firms that deliver most everything you use on a daily basis. I just hope you can give us a 'yes' vote after many years of trying."

Reitz: "Thank you."

Speaker Novak: "Thank you, Mr. Black. The Gentleman from Effingham County, Representative Hartke."

Hartke: "Thank you very much, Mr. Speaker. I think you look that good up there too."

Speaker Novak: "I got a little bit more hair."

Hartke: "Yeah. I'm not... you're not follicly impaired. I want to..."

Speaker Novak: "Mr. Hartke from Effingham."

Hartke: "I stand in support House Bill 1185... or, 1186. Like the previous speaker, I've cosponsored this Bill a number

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of years... sponsored a number of years, trying to convince everyone that I really think this is a safety... safety Bill. When all the traffic is traveling at the same speed on our interstates, there's less interaction between vehicles and less accidents are going to happen. So, I stand in support of this Bill and congratulate Representative Reitz on getting you to this position. I hope that it passes out of here overwhelming and our colleagues in the Senate pick up that sentiment and bring fairness not only to the truckers in the mid... those that travel on our... our interstates. The time has come. As our past colleague, Al Ronan, used to say, it's time. Thank you."

Speaker Novak: "Thank you, Mr. Hartke. The Gentleman from Jackson, Representative Bost."

Bost: "Thank you, Mr. Speaker. Just let me say, you do look great up there. It's just fantastic..."

Speaker Novak: "Thank you."

Bost: "...to see you. Ladies and Gentlemen of the House, on this particular Bill, and some of you may know this, some may not, I probably have more experience on understanding this issue than anyone on this floor. My family has been involved in the trucking business since 1933, I ran that business for ten years. I haven't been involved with it for last ten years. But an important thing to know and understand when you're rolling down the interstate, and... and I understand this, you have to be looking in all directions at all times. This actually gives a relief to the driver of that tractor-trailer because he's not as

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concerned about someone running underneath the back of his truck while he's driving down the road. It's a major concern. It does affect only downstate, this does not affect the collars of Chicago. If you could give us your vote on this, I think it would be a very wise thing. As the Sponsor said, 40 other states, is that correct, Dan? Forty..."

Speaker Novak: "Mr. Reitz."

Bost: "Forty other states?"

Reitz: "Yes, 40 other states, currently."

Bost: "If... if 40 other states have a uniform... uniform speed limit, that's a safety issue. I would argue that it is actually reduces accidents that occur rather than increase 'em. Matter of fact, I don't think any state has shown an increase if they do this. Folks, it's time for this Bill. I've carried or been part of or a Spar... a Sponsor of this Bill every time it's come up for the last eight years. If I... we can get your vote, I think it's a proper time for it and we'd appreciate it. Thank you."

Speaker Novak: "Thank you, Mr. Bost. The Gentleman from Cook, Representative Osterman."

Osterman: "Will he yield?"

Speaker Novak: "He yields."

Osterman: "Representative Reitz, now, people that live in the City of Chicago or in the surrounding suburbs, they'd be affected by this, right?"

Reitz: "Everyone in the state would be affected by this as far as the speed limit. But it... immediate impact, no. There..."

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everyone in the City of Chicago or in Cook County, the speed limit would remain the same."

Osterman: "'Cause legally we're allowed to drive all over the State of Illinois, rural roads, interstates, the whole nine yards. So, we're not..."

Reitz: "At the pre... at the present time. Yeah, we're working on that area."

Osterman: "You're working on that. Is I-55 or I-57 included in this legislation?"

Reitz: "Yes."

Osterman: "Okay, so people that are driving up from the city or the suburbs would be driving with trucks that would be bearing down at 65 miles an hour. Is that correct?"

Reitz: "Yes, they would."

Osterman: "Eight thousand pound trucks?"

Reitz: "Yes."

Osterman: "Let me ask you this. This Bill's been defeated pretty regularly, hasn't it?"

Reitz: "Different Sponsors."

Osterman: "So, you're kinda guaranteeing this Bill's gonna fly out of here?"

Reitz: "Oh no, no... no guarantees. But it's a..."

Osterman: "Let me ask this. In pra... in past years, the Illinois State Police and the Illinois Department of Transportation has been opposed to this Bill. Has this Bill been changed or amended from previous incarnations to get their support to drop or is there something else that's at play?"

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Reitz: "I... I don't believe... I don't believe it's changed much. I believe they've just taken a look, we have a different administration, as you're well aware. The new directors and the people there have taken a fresh look at this. And I think they've also looked at the studies. The AAA has had studies that show that uniform speed limits, irregar... it said irregardless of whatever speed it is, if everyone is driving the same speed, it's safer than staggered speed limits."

Osterman: "The new director of State Police has looked at this?"

Reitz: "Well, he... no. Unless... unless he's looking today."

Osterman: "I'll only ask a serious question though, and that is the braking radius or the braking range for an eight thousand pound trailer-truck, that's a lot further, I would assume, than a regular SUV, a regular car."

Reitz: "Yes. Yeah, I'm sure. It depends on the weight and..."

Osterman: "So, it's gonna take longer for a vehicle going 65 miles an hour, eight thousand pounds... no, it's a redundant question, but..."

Reitz: "Right."

Osterman: "I... I would think that that would play into... as I remember from years past, that was a safety concern with the Department of Transportation, with the State Police, that there was a fear that if you increase the speed limits and those vehicles had to stop, that they would not have the... the braking time to do that, which could cause more accidents. Is that a fair assessment?"



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Reitz: "I... I don't remember exactly what... it does take longer for... for larger vehicles, no matter what type of vehicles, to stop than smaller ones, I would think, because of the inertia. But... but the studies that I've seen haven't really shown that it's... that there's a negative impact on safety, even taking that into consideration."

Osterman: "To the Bill, Mr. Speaker."

Speaker Novak: "To the Bill."

Osterman: "And I'm not gonna challenge what the Sponsor's trying to do with this. I know that this has been defeated in the past and some of the safety issues that are concerned with the vehicle... tractor-trailer going 65 miles an hour is gonna affect people that are on our roads in the State of Illinois. So, I would ask people to strongly take a look at this vote and vote 'present' or 'no', as people in the past have voted for when this Bill is comin' out. Thank you."

Speaker Novak: "Thank you, Mr. Osterman. The Gentleman... excuse me, the gentle Lady from Cook, Representative Mulligan."

Mulligan: "Thank you, Mr. Speaker. I'd like to echo what the last Representative said. When we're traveling back and forth on the roads down here, I've gotta tell you, what truck goes 55 miles an hour? They're all going faster than that. If you come... are traveling back and forth in the rain, have you tried to pass a truck in the rain? They spit the water back at you so you have to get around them. Then you try to get around them. Have you ever been next to a truck when a truck is... is coming onto the 50... onto 55

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and that truck moves over in front of you, particularly in bad weather? I don't know how we can enforce laws any better here in Illinois. And I certainly have sympathy for those that are moving cargo across the state. And I would certainly like to support it but not at the expense of the people that travel on our heavily congested roads. And I would say even out of urban areas they're heavily congested. I think the rate of speed at 65 miles an hour, in order to pass or in order for them to stop, particularly if someone in front of them cuts them off and you're traveling near by them, causes a hazard. I think 55 is a reasonable amount, I think 65 is too much. And I don't think this is a good thing to pass."

Speaker Novak: "Thank you, Representative. The Gentleman from Cook, Representative Lyons. Joe Lyons."

Lyons, J.: "Thank you, Speaker Novak. Nice to see you in the Chair, you look... you look... you look distinguished up there, Speaker, and we're glad to see you."

Speaker Novak: "Thank you, Mr. Lyons."

Lyons, J.: "To the Bill. I have been on the House Transportation Committee every time this Bill has ever come before us and I think I voted 'yes' for it on each occasion just to get it out of committee. 'Cause I do think there is some merit to the... to the... to the issue here that Danny's running now and other's before you, Dan, have run this thing. And I don't want to reiterate what Harry said too much but my issue... I can support this Bill 'cause it does talk about the rural highways out of the metropolitan

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area Chicago. But I have some real issues, and I mentioned this to Don Schafer and other people involved with this Bill, about traffic in the City of Chicago with the existing lower speed limit of 55 miles an hour for most of those... those... those traffic areas. And in downtown Chicago going through the loop, 45 miles an hour. I have seen, in fact, it was last Saturday night, I had a truck... a couple of trucks going in the left lanes going through downtown Chicago that were going every bit of 60, 65 miles an hour in the left lane. And so what it comes down to is a matter of enforcement at the state level on this thing. If we're gonna allow trucks to go 65 on the rural highways, we're just authorizing what they've been doing for as long as I've been coming down here for seven years. They're going 65 miles an hour anyways. But there better be some real commitment of enforcement, Danny, on this whole thing at a statewide level, and especially in the City of Chicago. Too many times I have seen trucks doing every bit of 65 or 70 miles an hour. And for all the times all of us driving on the different interstates coming down here from whatever part of the state, we do see police cars... State Police cars, and sometimes groups of them, pulling over drivers on different occasions. We need some real enforcement in the City of Chicago on trucks who are massively abusing the privilege of left lane and speed limits on not on occasional basis, but on a continual basis. So, to bring this to conclusion, I'm gonna support you, Dan, on this 'cause I... I think we're just authorizing what already

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legitimately goes on... or illegitimately goes on, we're legitimizing it. But there's got to be a commitment by the state to really crack down on those who exceed this rurally, and especially in the City of Chicago. Thank you, Speaker."

Speaker Novak: "Thank you, Mr. Lyons. The Gentleman from Adams, Representative Tenhouse."

Tenhouse: "Thank you, Mr. Speaker. You look marvelous. In fact, I thought it was Richard Gere when I first looked up there. I thought it was Chicago or something. Ladies and Gentlemen of the House, I rise in support of this Bill. Certainly it... I think it's been talked about enough as far as the whole issue of the upstate/downstate, as far as the rural issues, but I think one of the issues that needs to be discussed is that of economics. What's happening are trucks are simply avoiding Illinois and not including it as part of their route. Because of the situation, we're losing significant amounts of motor fuel tax dollars. Allocated routes, portioned routes... what happens is motor fuel taxes are allocated based on the miles that are driven in Illinois by each of these major carriers, and being one of those ten states that's not part of the uniform speed limit law is costing us significant dollars. So, not only the fact that common sense moves into this too... because it's exactly like Representative Lyons said, they're driving the speed limit... or barbing 65 anyway. Enforcement is one issue we can talk about because that's one thing to look at. But I think as far as economics, we certainly

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have to be concerned in terms of being able to continue to see revenue come into this great state to be able to maintain these highways that we need so much. So, I'd certainly would urge support of this Motion by Representative Reitz."

Speaker Novak: "Thank you, Mr. Tenhouse. The Gentleman from Franklin, Representative Forby. Gary Forby."

Forby: "You do look good up there. To the Bill."

Speaker Novak: "What... what did you say?"

Forby: "I said you do look good up there."

Speaker Novak: "Thank you."

Forby: "You want me to say it one more time?"

Speaker Novak: "No, that's okay, Representative. Proceed."

Forby: "To the Bill. I think this is a very good Bill. I have CDL license plates myself and I've drove trucks many a miles, I still own trucks. And it is a good Bill. And truck drivers are worried about people dodging in and around 'em that's runnin' down the road. If you're can run with a cro... with the cars and the pickup trucks up on the road, it's a lot safer. So, I think this is a very good Bill. Thank you."

Speaker Novak: "Thank you, Mr. Forby. The Gentleman from Cook, Representative Froehlich."

Froehlich: "To the Bill."

Speaker Novak: "Proceed."

Froehlich: "The 65 mile an hour limit for cars actually means a defacto limit of 75 to 80 miles an hour. We all see that every time we drive here. Illinois is not like Wisconsin

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when it comes to enforcing the speed limit. Anybody who's driven in Wisconsin knows you've got to be pretty close to that limit or you get a ticket. In Illinois there's a defacto limit, at least 10 or 15 over. Do we want the big rigs with the double trailers going not 65, but going 75 and 80 on our highways? I submit, Illinois is not like the other states. Representative Lyons, I share your desire for greater enforcement, I just don't believe we're gonna see it. And consequently, we're gonna have increased safety problems if this Bill passes."

Speaker Novak: "Thank you, Mr. Froehlich. The La... the gentle Lady from Cook, Representative Feigenholtz. Sara Feigenholtz."

Feigenholtz: "Did you just call me Gentleman?"

Speaker Novak: "Gentle Lady."

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

Speaker Novak: "The Sponsor yields. No, Mr. Reitz said he doesn't want to yield. What do you want, Mr. Reitz?"

Reitz: "...gentle Lady. Sometimes Sara's not a gentle Lady. If she promises to be a gentle Lady, I'll... I'll... I'll yield."

Feigenholtz: "He's afraid."

Speaker Novak: "Is that a... is that a deal? Sponsor yields."

Feigenholtz: "Representative Reitz, a lot of my colleagues who've just spoken, especially the ones from the City of Chicago and suburban areas, have brought up some points. And because the sound is so bad in this room, I have a

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couple of questions for you. Does the City of Chicago have a position on this Bill?"

Reitz: "No, not that I've seen. I don't remember... nothing in committee. And no one from the city has contacted me."

Feigenholtz: "But historically they have been opposed to this Bill, is that correct?"

Reitz: "I... I don't... I don't know and I wouldn't know why. They're not... the City of Chicago is not affected by this Bill."

Feigenholtz: "I'm sorry, what?"

Reitz: "The City of Chicago, the city proper, is not affected by this Bill. So, I wouldn't know why they'd have a position."

Feigenholtz: "And the county didn't file in committee on this Bill?"

Reitz: "No."

Feigenholtz: "And... but it's the same Bill that this... it's only a different Sponsor, as you said earlier, and a different administration."

Reitz: "Virtually the same Bill, yes."

Feigenholtz: "Okay. So, I have a couple of questions about the difference between ur... an urban and a rural district. Can you explain to me how that is delineated?"

Reitz: "My understanding is it's basically by population. If there's a... and I apologize for... It's set basically by... by IDOT, but if there's a popu... a certain density of population around that area then it's designated an urban

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area and it would fall into the 55 mile an hour speed limit."

Feigenholtz: "So when a... a truck is moving north on I-80, into the City of Chicago, how do they know what county they're in and what the population is?"

Reitz: "How do the drivers know?"

Feigenholtz: "Right."

Reitz: "The... it would be just like it is now, the speed limit will be posted. It'd be no different than when you enter a city..."

Feigenholtz: "Okay."

Reitz: "...and the speed limit's posted to be 25."

Feigenholtz: "Okay."

Reitz: "The speed limit will be posted."

Feigenholtz: "All right. Now, so what you're saying is is that it's gonna be posted, which means the signage in the State of Illinois is gonna have to change, is that correct?"

Reitz: "No. Well, not... yes, but not necessarily. In... in the cities it won't change, the signs will stay the same."

Feigenholtz: "Okay."

Reitz: "In the rural areas it will... the signage change will be that they'll just take down the sign that says 55 for trucks."

Feigenholtz: "So every sign on I-55 and on every rural road in the State of Illinois is going to have signage change from 55 to 65?"

Reitz: "No."

Feigenholtz: "So that..."



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Reitz: "No. No, it will... there's a 65 mile an hour speed limit and then posted below it is 55 for certain classification of vehicles. All they will have to do is take down the 55 mile an hour signs."

Feigenholtz: "And they will not put up..."

Reitz: "It's already posted 65."

Feigenholtz: "...any signs? So there will be no signs about what the speed limit is in rural areas in Illinois?"

Reitz: "It will be 65."

Feigenholtz: "They'll say 65. Do you have any idea what it's gonna cost the State of Illinois to change the signs that you're just describing to me?"

Reitz: "Be very minimal. It be... it's just normal maintenance. They'll just take down the signs. There's... there's no additional signs, there's no... we don't have any cost of making signs. It will just, on rural areas where it's posted, they'll take down the sign on the bottom that says 55 for trucks and various other vehicles."

Feigenholtz: "Ladies and Gentlemen, to the Bill. Thank you, Representative. I hope I was not unkind, yet. To the Bill. You know, every time I hear this Bill I just think about trucks that are... and... and with all due respect, I understand the frustration of driving 55 miles an hour. And as the esteemed Representative Froehlich just said, it's... it's an issue, it's hardly enforced, and we're talking about some very, very dangerous driving, especially in inclement weather situations where some of these haulers are in a big hurry. How they determine whether they're in

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or out of a populous area while they're going at this clip is very hard to determine and the answer that the sponsor just gave me about the signage makes it even more confusing as far as who's going to adhere to what and how to enforce it. So, with all due respect to the Sponsor and all due respect to the new administration, I really encourage my colleagues who have taken the trek on I-55 in rough weather, with some of the history of what has happened in this state with trucks, to be very, very careful if they are considering voting for this Bill. I certainly do not plan on voting for it because I wanna sleep at night. Thank you."

Speaker Novak: "Thank you, Representative. The Gentleman from Winnebago, Representative Sacia."

Sacia: "Thank you, Mr. Speaker. In deference to the gentle Lady from Cook that just spoke, and as a CDL operator and the owner of two 80 thousand pound trucks, she is wrong. It is far, far safer, as Representative Bost stated and Representative Forby, 80 thousand pound trucks need to have the ability to run on the interstates at the same speed as automobiles. It is far, far safer. Talk in... talk to any of your CDL operators in here and talk to anybody in the 40 states that have already passed this Bill. This is important legislation, it will increase the safety of your highways. And I stand in strong support of this Bill. It is excellent legislation and we need to pass it. Thank you."

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Speaker Novak: "Thank you, Representative. The Gentleman from Sangamon, Representative Brauer."

Brauer: "Thank you, Mr. Speaker. And I must say, from this angle you're striking."

Speaker Novak: "Striking, thanks. My mother tells me that, thank you."

Brauer: "Will the Sponsor yield?"

Speaker Novak: "I think the Sponsor will yield."

Brauer: "I... I have... have a couple comments. I, too, have a CDL and I think this is a very good Bill. You know, the... the truth in the pudding is a question, have any of these states that's had the standard speed limit, have any of them gone back to the old way of the dual speed limit?"

Reitz: "No, none of them have. And none of them have really shown where they've had safety problems in any form or fashion."

Brauer: "If this was a safety problem, you would expect that those states do... move those trucks up would've moved 'em back down just as quickly. I think this is a good Bill and I spro... support it strongly. Thank you."

Speaker Novak: "Thank you, Mr. Brauer. The Gentleman from Cook, Representative McKeon."

McKeon: "Thank you, Mr. Speaker. To the Bill, please."

Speaker Novak: "To the Bill, Mr. McKeon."

McKeon: "You know, I... I've voted consistently on the last six years against this Bill and I've had to give it serious consideration and rethink my position. And I'm gonna vote for this Bill. I think it's a good Bill. My experience as

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a police officer in an urban area sort of made me somewhat bias towards the Bill. But the Bill clearly exempts urbanized areas, City of Chicago, Cook County, even Springfield, and... and other urbanized areas through the state. I... in... in a... the previous speaker made a comment about someone driving in a snow storm or in the rain at 65 miles an hour with an 18-wheeler. It doesn't matter what the speed limit is, if you're in a snow storm and it's only safe to go 30 miles an hour and you're doing 40, you can get a ticket. And I've written those tickets. They have to drive within the limitations of the conditions at the time. The speed limit may be 65 but if it's only safe to do 20, 30, or 40 because of the conditions, you're speeding and you're subject to get a ticket under existing laws in the state. I urge an 'aye' vote on this Bill."

Speaker Novak: "Thank you, Mr... thank you, Mr. McKeon. The Gentleman from Bureau, Mr. Mautino. Frank Mautino."

Mautino: "Love the tie. You look great up there."

Speaker Novak: "Thank you, Frank."

Mautino: "Thank you. And a lot of... just like to echo the points of a lot of our colleagues, Representative Bost and Sacia. I commend the Sponsor for his work on this Bill, and it is necessary. I... I also have had a CDL, I've driven trucks between 50 and 80 thousand pound trucks in Illinois, Indiana, Wisconsin for many years. The uniform law is a lot safer, especially in the... just to echo one of the things that Representative Bost said. One of the concerns that I would have, and especially in driving up in the

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city, is someone driving along going at a higher speed limit, talking on their cell phone, and running up under the ass end of my truck. I mean, in all seriousness, that is a concern that we who actually have experience in doing this stuff worry about. So, to us in the... you know, for those of you coming down on Route 55 in the rural areas, a uniform speed limit does have an impact on safety. As one who has spent a lot of years doing that, this is one of the things that will not impact us. Representative Mitchell has just reminded me it's the rear-end of the truck, it's a technical term. Thank you. But I'd appreciate 'aye' votes on... on this Bill, it's well intentioned. And for the first time, IDOT agrees, as do the State Police. And they've seen the reports, they understand the safety factor. Good work, Representative."

Reitz: "Thank you."

Speaker Novak: "Thank you, Mr. Mautino. The Gentleman from Champaign, Mr. Rose. Chapin Rose."

Rose: "Thank you, Mr... thank you, Mr. Speaker. And on behalf of the freshman class, you look wonderful today."

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

Rose: "As the former lead traffic prosecutor for Champaign County, I'd like to let my colleagues know that it's the speed differential that kills. It's the difference between the vehicle ahead of you and the vehicle behind you. It's the speed differential. In every study that I've every seen is, when you get more than 10 miles per hour above the vehicle behind you and the vehicle in front of you, that's

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when people get hurt. Ten miles per hour and above. This Bill is in the best interest and the safety of people on our motorways in the State of Illinois. And I would urge my colleagues to support it. Thank you very much, Mr. Speaker."

Speaker Novak: "You're welcome. Thank you, Mr. Rose. Mr. Reitz to close."

Reitz: "Thank you, Mr. Speaker. I... I appreciate the comments. I think this is a safety Bill. As Representative McKeon said, if someone does... if the conditions are bad there are already laws there for driving past the conditions that are safe to go on. One of the things that I failed to mention is that in the last two years, according to our staff, 17 states have implemented this. We have not seen anyone have a problem with the safety issues. We... this is... this is a very good Bill, we appreciate your support. And I'm wondering, you know, if it's just... I know Representative Novak looks very good in the Chair, but apparently he looks so good that the cameras went out. We don't have a screen anymore and he's... he's... I think Representative Brauer was right, he's so striking that the cameras went out. But I'd appreciate your vote on that, it's time to move this forward. This is an economic Bill for the State of Illinois to make sure that our truckers can stay in business and move our products to and from the market. Thank you."

Speaker Novak: "Thank you, Mr. Reitz. And the question is, 'Shall House Bill 1186 pass?' All those in favor vote

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'aye'; all those opposed vote 'no'. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Clerk, take the record. On this question, there are 86 voting 'aye', 18... 18 voting 'no', 7 voting 'present'. And the Bill, having received the Constitutional requirement, is hereby declared passed. Ladies and Gentlemen, we're going back to Second Reading just to... on House Bill... on page 22 of the Calendar, House Bill 2660. Clerk, please read the Bill."

Clerk Bolin: "House Bill 2660, a Bill for an Act concerning bonds. Second Reading of this House Bill. No Committee Amendments. No floor Amendments. No Motions filed."

Speaker Novak: "Third Readings. On page 19 of the Calendar, Rep... House Bill 2492. The Gentleman from Cook, Representative Rita. Robert Rita. Out of the record. Okay. On page 32 of the Calendar, on House Bill 3061. The Lady from Lake, Representative Ryg. Kathy Ryg. Representative Ryg, do you wish to move your Bill to Third Reading? No, hold the Bill on Second. Okay. On page 45 of the Calendar, House Bill 129... 1250. The Lady from Peoria, Representative Slone. Ricca Slone. It's Third Reading."

Clerk Bolin: "House Bill..."

Speaker Novak: "Representative Slone. Clerk, read the Bill, please."

Clerk Bolin: "House Bill 1250, a Bill for an Act relating to facility planning areas. Third Reading of this House Bi... House Bill."

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Speaker Novak: "Representative Slone."

Slone: "Thank you, Mr. Speaker, Ladies and Gentlemen. I'm very pleased to have the opportunity to present this Bill on Representative Novak's watch as Speaker. This is a... the latest version of the facility planning area debate. Facility planning areas are areas that are designated for growth in... basically in... in sewer and water systems. It is under the U.S. EPA and the state EPA. Over the years there has been some question as to whether the state EPA would like to continue this program. What the Bill would do is to have EPA work with all of the stakeholders, which they've already begun to do, and to adopt rules that would make the program operate better for everyone, and they would have about a year to do that. And the Bill would sunset at the beginning of 2007 to allow them enough time to adopt the rules. And I would appreciate an 'aye' vote. I'd be happy to answer any questions."

Speaker Novak: "Yes, thank you. Are there any questions? Hearing none, then the question is, 'Shall House Bill 1250 pass?' All those in vo... excuse me, I'm sorry. The Gentleman from Vermilion, the esteemed Representative, William Black."

Black: "Thank you very much, Mr. Speaker. Did the television camera get hit by lightening?"

Speaker Novak: "You know, I was wondering. It must be that new broadband problem we have."

Black: "Is it... is it safe for us to be in here?"

Speaker Novak: "I think it's safe for us."



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Black: "Well, I'll tell you what..."

Speaker Novak: "This... this building's been around a long time."

Black: "This would... this Bill would be a good one to adjourn on, but I don't think we will. Will the Sponsor yield? Representative, what is a... what is the... let me find it here. All these big words that you use. Something about a stakeholder. Where'd I... oh, yes. What... what is a facility planning area stakeholder group?"

Slone: "That's a good question, Representative Black. The facility planning areas are these things that have been established long since under the Federal Clean Water Act. A stakeholder group are all the people who are interested in seeing to it that the program is made to operate better. That includes industry groups, environmentalists, and the EPA itself."

Black: "But... but who makes up the stakeholder group?"

Slone: "I believe there are representatives from... from industry, from the environmental groups. And it is convened by Renee Cipriano, the director of the EPA."

Black: "And... and where would these groups have jurisdiction?"

Slone: "They don't have any jurisdiction at all. They're simply working with the department... with the agency to develop new rules for this program so it will run better. It has been contentious over the years because it has not been a very efficiently operated program."

Black: "I noticed that one of the... one of the areas that... God, I'm repeating myself. I sound like the Governor. One of the areas that's in this analysis is construction site

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runoff. Now, I was always under the impression that the unit of government in which the construction was taking place had the authority to monitor and regulate the construction site. It... it... am I laboring under a misconception?"

Slone: "No, I think that's right, Representative Black. These are just some issues that... the... the list that we have in our analysis, and I hope it's a similar list on yours, is just a set of issues and considerations that the stakeholder group is supposed to consider in working with the EPA to improve the program. It doesn't change the jurisdiction over construction sites."

Black: "Has there been any problem with the Abraham Lincoln Museum and Presidential Library? It's been a big construction site right downtown here. Has there been any problem with the runoff from that construction site?"

Slone: "Not to my knowledge, Representative Black."

Black: "Okay, then why do we need this Bill? Evidently the City of Springfield handled this fairly well, major construction project."

Slone: "I'm sorry, Mr. Black. Could you... I couldn't hear that last part. Could you repeat that, please."

Black: "Well, if... if a major construction project in the capital City of Springfield can be managed very efficiently, evidently, by the City of Springfield, then... then why do we need to create yet another group or another study or another agency?"

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Slone: "Okay. We're not creating another agency, we're not even actually creating another study. All we're doing is asking the EPA... or directing the EPA to adopt new rules and to take some of these issues into consideration because they do affect streams and so on usually outside the already established urban areas, like Springfield."

Black: "Well, in your Bill you're creating the Facility Planning Area Rules Act, so that's a new section of law, right?"

Slone: "Yes, although it will sunset in a few years after the new rules are adopted."

Black: "What's the sunset date, July 1, 2003?"

Slone: "No, I don't..."

Black: "Oh."

Slone: "No, that can't be right."

Black: "I didn't think I'd be that lucky."

Slone: "No, it's... I believe it's January 1, 2007."

Black: "Ah. So, in other words, if... if something... if a major construction project would happen to come to my district, largely a rural district, then notwithstanding all of the local agencies that have to sign off, notwithstanding the archeological impact study, which is just a... a real dandy to go through, and notwithstanding the environmental impact study, which can also be a delightful process. All of those studies, from the state, from the county, from the city, now we've created a Facility Planning Act. So, who else jumps into the ballgame now? We've... we've done the archeological impact study, we've done the environmental

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impact study. We've gone to the zoning commission, we've gone to the county zoning commission, we've gone to prayer meetings. Now, what does the Facility Planning Act do after all these meetings have been held?"

Slone: "Nothing, it has nothing to do with any of that, Representative Black."

Black: "Well, now, for crying out loud. Thank you very much, Representative. Mr. Speaker, she has made my case. This Facility Planning Act does absolutely nothing, which is a definition of practically every bureaucracy we create in this chamber. If it does absolutely nothing then why in the world should it be put in statute? You have ample protection now. If you've never gone through those studies... the archeological impact study, they found the foundation of a barn in my district that was built... the farmer knew. The farmer that's selling the land said that barn was built in 1929. This young whippersnapper who came out from the Illinois Historic Preservation Agency said he thought it was left over from the Tribe of Illini. Oh, for crying out loud. The one thing we don't need, more regulation, more agencies, more Acts. We wanna be a business friendly state. Well, one of the ways to be a business friendly state is not to vote for the Facility Planning Act that the Sponsor of the legislation says does absolutely nothing. I intend to vote 'no'."

Speaker Novak: "Thank you, Mr. Black. The Gentleman from McLean, Mr. Brady."

Brady: "Thank you very much, Mr. Speaker."

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Speaker Novak: "Mr. Dan Brady."

Brady: "And I, too, want to say how... well, lifelike you look up there. Just wonderful."

Speaker Novak: "It's good to be alive. Thanks."

Brady: "Don't get too excited."

Speaker Novak: "Oh, no."

Brady: "That's coming from an undertaker's opinion, though."

Speaker Novak: "That's right. I watch B... HBO every Sunday night."

Brady: "Would the Sponsor yield?"

Speaker Novak: "The Sponsor will yield."

Brady: "Representative, I was just kind of going through the analysis here. And creating the Facility Planning Rules Act, there's no cost impact anywhere that anyone can come up with there?"

Slone: "I'm sorry, I didn't hear you. What?"

Brady: "I said in creating this, the Facility Planning Rules Act, which is what the intent of the Bill is, correct? There is no financial impact anywhere that anyone's come across in doing this?"

Slone: "No, EPA and the... and its stakeholder group were already beginning these negotiations to make these new rules. There should be no fiscal impact."

Brady: "And in listening to Representative Black's questioning, is this going to create more studies that one's gonna have to go through in order to comply with whatever the Act comes up with?"

Slone: "No."

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Brady: "No. Thank you very much, Mr. Speaker. Thank you, Representative."

Speaker Novak: "Thank you. Any further questions? Hearing none, the question is, 'Shall House Bill 1250 pass?' Excuse me, Representative Slone to close. I'm sorry."

Slone: "Thank you. Ladies and Gentlemen of the House. I would..."

Speaker Novak: "Excuse me, Representative Slone. I overlooked Representative Lindner. The Lady from Kane, Representative Lindner."

Lindner: "Thank you, Mr. Speaker."

Speaker Novak: "You're welcome."

Lindner: "Isn't it true that facility planning areas have been an operation within the Environmental Protection Agency for a few years?"

Slone: "The clean... they were created by the Clean Water Act in the early 1970s. The facility planning areas have been in effect for 30 years, yes."

Lindner: "And the Environmental Protection Agency was doing this but it just wasn't codified, is that correct? The EPA was doing this but it just wasn't codified."

Slone: "They... they have been conducting these studies and the EPA has been overseeing this program for many years, yes."

Lindner: "To the Bill, Mr. Speaker. I remember a couple years ago when the EPA was going to do away with the facility planning areas. I got a lot of calls from my counties. My county, Kane County, and I'm sure that surrounding counties would feel the same way in the developing areas. This was

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very important to the planning process and I would urge an 'aye' vote."

Speaker Novak: "Thank you, Representative. Further questions? Seeing none, Representative Slone to close."

Slone: "Thank you, Mr. Speaker and Ladies and Gentlemen. The Bill would not supercede any existing local construction laws. The program itself has been in place for many years and the sole purpose of the Bill is to allow and encourage EPA to convene a group to make the program work better. I would ask for your support."

Speaker Novak: "Thank you, Representative Slone. Hearing no further questions, the question is, 'Shall House Bill 1250 pass?' All those vote fa... all those in favor vote 'aye'; all those opposed vote 'noy'... 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Clerk, take the record. On this question, there are 85 voting 'aye', 27 voting 'no', 0 voting 'present'. And the Bill, having received the required Constitutional Majority, is hereby... hereby declared passed. On page 49 of the Calendar there is House Bill 430. Representative Miller, the Gentleman from Cook. Representative Miller. Clerk, read the Bill."

Clerk Bolin: "House Bill 430, a Bill for an Act respecting schools. Third Reading of this House Bill."

Speaker Novak: "Mr. Miller."

Miller: "Thank you, Mr. Speaker and Members of the House. This is the House Bill 430, which I brought up earlier. Due to some concerns that Members did not, particularly on the

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other side of the aisle, did not understand the implications of... if this Bill's passed to their individual district... districts. This Bill, essentially, uses for a low concentration count TANF, Kid... KidCare, food stamps, things like that, in determining low concen... concentration count for their in particular school districts. I would ask for a favorable... favorable vote."

Speaker Novak: "Thank you, Mr. Miller. Any questions? The... the Gentleman from Will, Mr. Meyer."

Meyer: "Thank you, Mr. Speaker. Would the Sponsor yield for questions?"

Speaker Novak: "Sponsor will yield."

Meyer: "Representative, first of all, I'd like to thank you for taking the Bill out of the record and making a very good effort... outstanding effort on getting us the individual school districts passed out to our side of the aisle so that Members would have that information available when they're making their decision. However, what is the cost of... the calculated cost of this Bill?"

Miller: "I do not have... nor did I total up the... the entire cost of this package. But I guarantee... I did look at the... the Republican analysis and I believe it was like 700 million."

Meyer: "And where is that \$700 million going to come from in this tight budget year?"

Miller: "Well, I... honestly... yeah, I think... yeah, I think... first off, I cannot answer that question. When we talk about educational funding... As we all know that many of our school districts are... are underfunded with... Hazel Crest



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School District 152, that I have in my district, and others across the state are... are starting to feel that affect. When we talk about this, we've gotta look at the real picture and how much it costs to educate our children. And so to... to bluntly answer the question, I do not know where the funds will come from. However, if we all look, individually look, at these... your districts and say... and say if this... if... if House Bill 430 is passed, then we can at least reflect on some realistic numbers, as opposed to arbitrary figures."

Meyer: "Well, Representative, is it true that the funding that you're looking for is state-provided funding and is not federal funded?"

Miller: "I'm sorry, I didn't hear the question."

Meyer: "The funding that you were... that would be used for this, that would be state funding as opposed to federal funding, correct?"

Miller: "Yes."

Meyer: "So the money... the 7... up to \$700 million, my point is, is going to come from the state... from the state coffers and not a pass through from the federal government."

Miller: "That's correct."

Meyer: "Okay. Well, how does this fit in with the Governor's... what he's been stating in the newspapers that he's got a 4 or 5 billion dollar deficit. Is this another \$700 million on top of that then?"

Miller: "Well, I don't know what hi... what his figures... he might have had this included in the \$5 billion deficit. However,

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once again, this deals with... when we're talking about educational funding and trying to adequately fund our schools, which this state has neglected over the years in good times, I think this is the proper time in which to address this issue because it does set a priority of the General Assembly."

Miller: "What will happen if, in fact, we pass this legislation and then later on no additional money is provided for... in the budget because you did not provide an economic stream for it, if I'm correct? What... what's going to happen with the chunk of money that's in the budget today if it's being split further and further with additional students?"

Miller: "Could you restate that?"

Meyer: "Yes. Today there's a... a pot of money in the budget for the purpose that you're addressing here. You're not providing an income stream to provide more money, and so that we're going to be dealing with that same pot of money, only that we're going to be adding additional students into the... into the overall identified poverty-level students. And what do you foresee happening to that existing pot of money with more students there?"

Miller: "Well, I think what this does is address the fact that there is a need for more, as you put it, more pot of money. You know, once again, we fund many programs here in the State of Illinois that we all know, some we feel may be worthwhile, some we... we may not. But what this does is force the question in saying that we in the State of Illinois, we in the General Assembly care about our

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children and wish that they receive the proper amount of funding here in Illinois. And so, you know, that's how I look at this."

Meyer: "Well, one of my main concerns is the fact that when... if there isn't additional money gonna be provided that that pot of money just is further diluted by additional number of students. And, therefore, those of us that have districts that may have fairly reported the number of poverty-level... level students that we currently have, will be diluted from that. Now, I... I looked at the figures for... for the school districts that I represent and I see no way that we're going to do anything but give up some of the funding that is already coming to us. And I... certainly without the guarantee that there'd be additional money provided for this purpose in the budget, I find it very, very hard to support this legislation at this time, at least, because to me it looks like my school districts are gonna come out on the bottom end of it."

Miller: "Well, I can understand. But with the change in our population, whether you represent Danville, represent... represent Mount Zion, there has been, as most of you have seen in the... the analysis that is... that I've passed out, there is an increase when we really consider what our... what our... our low concentration of children and where they are. And so, when we look at this I think it, once again, forces the equation or forces the issue on saying what... what are we... what is needed to properly fund this sta... the schools in the State of Illinois."

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Meyer: "I didn't understand how you calculate that there's an increase because if you haven't guaranteed that there's gonna be an additional pot of money and you've accounted for more students, obviously, that means that somebody's gonna have a decrease. And with... with the report that was generated from the State Board of Education, through no fault of yours, I'm sure, but with their report it doesn't give us the answer for that. So, we really are still voting blind, even though we have a piece of paper in front of us that says our school district won't be affected, so and so. We really don't know because that pot of money hasn't been provided for... for an increase of it, and with the decrease, we don't know what their decision's going to be."

Miller: "Well, try..."

Meyer: "Are they going to... are they going to proportionally, with new figures, proportionally provide for this funding out to the individual school districts? In which case, my school districts will lose money."

Miller: "Well, that's not what this legislation addresses. Prior to this, they were using 1990 census. And so, at... at... as of 2001. And so, was that... was that fair to other school districts? Absolutely not. Is this fair to your school district? Absolutely not. So, if we don't ask for the proper dollars that is needed then we'll never get them. But if we don't sit and at least address the equation of equi... equity in educational funding, regardless of where we live across the state, it will never be

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addressed here. It wasn't addressed when we had a surplus of money, it wasn't... it should be at least talked about and addressed at this time because it does state a priority of where we're coming from."

Meyer: "Well, certainly, Representative, I... I believe that then you should provide, somewhere, a piece of legi... appropriation legislation that will provide for the additional \$700 million 'cause right now we don't know if that's part of the Governor's hole or not. We don't know if he's gonna provide for it in the budget or not. All we have is a whole... what we're voting on today, Ladies and Gentlemen of the House, is a whole lot of different theories of how we oughta be distributing this money, more fairly, more equitably. That might be so but we don't know where the money's coming from. We don't know if it's gonna be \$700 million additional or if it's part of what the Governor's already provided for in the budget that we haven't seen yet. And those things are extremely important issues that we should be... have available to us, those answers, before we reach a conclusion on this. I find it hard to support this. In theory, I... I totally agree with what you're attempting to do, but until I really know how it's going to affect my school districts that I represent, I think I'm probably gonna end up having to vote 'present' on this."

Speaker Novak: "Thank you, Mr. Meyer. Ladies and Gentlemen, we have seven... seven people wishing to speak on this Bill. And it's 6 o'clock so, please, when you're called upon to

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speaking, please keep your remarks as brief as you can. The Gentleman from Crawford, Representative Eddy. Roger Eddy."

Eddy: "Thank you very much, Mr. Speaker. I strongly support the concept of this Bill because it changes the way we count for the poverty count for the State Poverty Grant. It changes it to a more accurate, a more reliable, and a more timely count of those students. The concern I have is the effect on the total number of students that we'll identify as poverty students. Because it's more accurate, because it's more reliable, because it's more timely, we're gonna have a large number of additional poverty students chasing the same amount, if we're fortunate, dollars appropriated for the poverty grant. My concern with this Bill is the fact that that could shift the amount of poverty money, because of the way it might be prorated, to those schools that have the largest count of poverty. And that could hurt the amount of money that's distributed to downstate schools. That's my concern with this. It is a more accurate and more reliable way, much more reliable and accurate and timely than the ten-year-old census count that we use currently or the new census count, which many people did not take the time to fill out, especially in those districts that have the highest poverty rate. My concern, again, is where the money will come from, \$700 million to fully fund this, and the affect it will have on downstate schools that don't have the population to put into that new formula. Thank you."

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Speaker Novak: "Thank you, Mr. Eddy. The... the Gentleman from Whiteside, Representative Jerry Mitchell. Mr. Mitchell."

Mitchell, J.: "Thank you, Mr. Speaker. Like my colleague before me, I rise in strong support of this Bill, mainly because of the accurate reflection of what happened statewide. Let's... let's, for instance, take a look at Danville. Now Danville, a few years ago, had a wonderful plant called General Motors. If, in fact, we went with the census count and in 1970 that count was a certain number, in 1971 the GM plant closed. Now, the Representative from that area of the state could not get the change in the poverty count for another nine years, even though living in Danville, as I did, I know that there were a lot more people in poverty than what the count showed. The second part of this is... is even more important, is that our Title I federal funds are based upon this same count. Until the State of Illinois comes up with a better way that they can accurately portray the poverty in our state and show the state... the Federal Government that we are more accurate than a census count, we're never going to convince them to change the amount of federal dollars that we receive. It will always be based upon that ten-year census count. Now, whether your... your poverty goes up or down really doesn't matter, what matters is that it's a fair way to the children of the State of Illinois. And certainly checking the count every year is much more accurate than every ten years. Ladies and Gentlemen, our federal funding is based upon that ten-year number. Our state count for poverty is

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based on that number. Now, you... folks in flat grant districts, if we drop the poverty level to zero you're going to get some money. Doesn't make any difference... it's not gonna affect you because you're gonna get the same amount of money per student anyway, \$220. So, it has little affect on you unless you're a formula district in south suburban Cook or downstate. We also know that the pot of the money that's gonna... the pot of money's gonna be the stame... same, if the number of dollars rises, it will be prorated until we can afford it. But once we can afford it, it will be a much fairer way to determine the amount of money each district gets. It's an issue of fairness and an issue of accuracy. It's also of issue... an issue of showing the Federal Government that we have an accurate way of counting poverty so that we can maybe... maybe, in the future, increase the number of federal dollars that are received by this state because we are, sadly, under appropriated when it comes to poverty in this state as far as the Federal Government and Title I funds are incurred. I rise in strong support of the Gentleman, the only problem is... is here's another Bill of mine that somebody stole. Representative Miller, I certainly support you. Thank you."

Speaker Novak: "Thank you, Representative Mitchell. The Lady from Cook, Representative Bassi."

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

Speaker Novak: "The Sponsor yields."



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Bassi: "Okay. Representative Miller, the concept of this particular Bill is absolutely right on target. And this is what we ought to be doing, is to change the poverty counts so that it more accurately reflects the number of students that we have in our district that are from poverty level. My concern this year is the fact that we did not have the dollar figure, the estimate from the State Board of Education, as to what the cost would be if we implemented this fully. And in this particular budget year, I'm... I'm extremely concerned about the additional amount. If Rep... if the previous speaker was correct in saying that the amount would be prorated or if you're comfortable with that prorating or can somehow include that in the legislation so that it's prorated, then I think this is an idea whose time has come. My concern, again, this year is the budgetary concern and the fact that we did not see in committee the cost of this particular item. So I... I guess what I'm asking you is would you consider amending it to say that it could... we could take the pot of money that we have this year and prorate it for those kids who are in the appropriate schools, or something along those lines?"

Miller: "I'm... I'm sorry, Representative. I didn't hear any part of your question."

Bassi: "Okay."

Miller: "I heard... I heard the, would I consider prorating or as an Amendment..."

Bassi: "Or make it... or somehow, for legislative intent, saying that... that we understand in a budgetary crisis year that it

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may need to be prorated rather than the full amount that the State Board of Education has estimated here."

Miller: "Actually, I can live with that. You said as far as prorating it..."

Bassi: "We would change the poverty count, as your Bill directs us. But it would... would need to be prorated with the amount that we currently have in the line item for the budget, which I understand this year is \$388 million, for this year at any rate. And... and we're looking at changing the poverty count. Are you following me?"

Miller: "Yeah, sort of."

Bassi: "Okay, what I'm saying is we've got a pot of money. We've got \$388 million, or whatever the amount is for this year. That may be all the money we've got for this year. We should be doing the right thing in changing the poverty count, as you have directed with this legislation. My concern is we don't have \$733 million in the budget for next year. Could we take, somehow, for legislative intent, say we will take the amount that has been available and prorate it until we are in a position to up that amount?"

Miller: "Yeah. Actually, yeah, I can... I can... I can support that, for legislative intent."

Bassi: "Okay, for legislative intent. Then we could... okay. Is there some way... I don't know if we need an amendment for that or... as long as it's... as long as you and I are both saying that for legislative intent we can prorate it, then I think we're... we're covered. Do we have staff's concurrence on that somewhere?"

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Speaker Novak: "Mr. Miller."

Miller: "I'm sorry, was there a question?"

Bassi: "I wanna be sure that your staff is comfortable with that too?"

Miller: "You said as far as prorating?"

Bassi: "Right."

Miller: "Okay. Yes."

Bassi: "We're saying that we're gonna... that we're willing to live with the... with the amount that we've got in the budget, we'll prorate it and change the number the... the count. And I'm not sure that the Bill says that, but I think for legislative intent, what we're saying here is it's time to change that count so it accurately reflects the poverty kids that we have in our districts. But we've... we've got a single pot of money."

Miller: "I think we're... yeah, I think we're on the same... if I'm hearing you correctly, I think we're on the same page."

Bassi: "Yeah."

Miller: "I don't think we need an Amendment, but as far as... as far as legislative... I understand what the impact that's legislation... piece of... if this passes, what it will impact on us right now. Yes, I do understand that. And as far as prorating it, I would accept that."

Bassi: "So, we're both... Okay."

Miller: "Yeah, we're on the same page."

Bassi: "Thank you very much, Representative. Thank you, Mr. Speaker."

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Speaker Novak: "Thank you. The Lady from Cook, Representative Mulligan."

Mulligan: "Thank you, Mr. Speaker. I rise in support of this measure. Although we may be looking... not looking at the dollars to fund it, it points out a very important concept. For suburban districts that had high rates of immigrant students, they've always been underfunded for the way and the amount of effort they have to put in additionally to support those students. But the other issue that this begs, which I think is very important to our state, is it points out how the census undercounts, particularly, states with poverty or immigrants. And when we go to look at Medicaid funding, the wealth of our state predicates what we get for Medicaid. And when you point out how under... much the census undercounts poor people in our state, which would change the total wealth and can be used as an argument in order to raise Medicaid funding or the issue of why the State of Illinois should have a prior F-map. I think Representative Miller certainly begs this as far as districts that have high populations of people who are normally undercounted in the census. And it also, from what other Representatives have said, makes it a fair way to educate our children and give money to our school districts. But I do think that the issue, as far as Medicaid and how we undercount, is extremely important. And what this Bill begs is something that needs to be looked at, at what the census does and does not do to our state in federal funding."

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Speaker Novak: "Thank you, Representative Mulligan. The Gentleman from Knox, Representative Moffitt. It's the last speaker on this Bill."

Moffitt: "Thank you, Mr. Speaker."

Speaker Novak: "Mr. Moffitt."

Moffitt: "Will the Sponsor yield?"

Speaker Novak: "The Sponsor yields."

Moffitt: "Quick question. I don't believe this... just to make sure, it's my understanding, I want you to verify it, that a school district gets to use either the census or the low income... the other factors. Is that correct? Whichever one would be most favorable for their district?"

Miller: "Yes."

Moffitt: "That is correct?"

Miller: "Yes."

Moffitt: "Now there's no provision in here that provides, in effect, hold harmless for poverty is it? It's gonna be... if both of those went down, they're gonna get less."

Miller: "Yes, if it... right."

Moffitt: "Okay."

Miller: "Right. Then they don't deserve it."

Moffitt: "But they choose the one that's most advantageous. Thank you. Thank you, Mr. Speaker."

Speaker Novak: "Thank you, Mr. Moffitt. Any further questions? Hearing none, Representative Miller to close."

Miller: "Thank you, Mr. Speaker, Members of the House. I would like to commend the questioning that is going on. This is a very important Bill, very important issue dealing with

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educational funding. I realize that we have a \$5 billion budget crisis, however, if we don't put educational funding first... and all of us ran on our election saying that we care about the children and we care about education, well, this is where you put your vote where your... your mouth is. And everybody's district across Illinois is affected in a positive way. And I think it accurately determines in where we need to go in the State of Illinois. I would ask for a favorable vote."

Speaker Novak: "Thank you, Mr. Miller. And on that question, 'Shall House Bill 430 pass?' All in favor vote 'aye'; all opposed vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Clerk, take a rec... take the record. On this question, there are 103 votes voting 'aye', 0 votes voting 'no', 10 votes voting 'present'. And this Bill, having received the required Constitutional Majority, is hereby... hereby declared passed. On... Mr. Clerk, on Representative Rita's Bill, 2491. It's on Second... Second Reading. Please, read the Bill. House Bill 2491."

Clerk Rossi: "House Bill 2491, a Bill for an Act concerning schools. Second Reading of this House Bill. No Committee Amendments. No floor Amendments. No Motions filed."

Speaker Novak: "Third Reading. Mr. Rita on House Bill 2492. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 2492, a Bill for an Act creating the Southwest Suburban Railroad Redevelopment Authority. Second Reading of this House Bill. Amendment #1 was

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adopted in committee. No Motions have been filed. No Floor Amendments approved for consideration."

Speaker Novak: "Third Reading. Representative Slone for the purpose of an announcement. Representative Slone, the Lady from Peoria."

Slone: "Thank you, Mr. Speaker. Just to remind the Members of the Higher Education Appropriations Committee that we will be meeting at 8 o'clock tomorrow morning for subject matter hearing on House Bill 1263. Thank you."

Speaker Novak: "The Gentleman from Cook, Mr. Parke. What reason do you rise, Sir?"

Parke: "Thank you. A point of personal privilege."

Speaker Novak: "Go ahead, state your point."

Parke: "I would like to announce to the Body that the Economic and Fiscal Commission scheduled for 9 tomorrow morning has been moved to 212. Room 212 tomorrow, 9 a.m., Economic and Fiscal Commission. Thank you."

Speaker Novak: "Thank you, Mr. Parke. House Committee schedules are now being circulated. Clerk, please read the announcement."

Clerk Rossi: "The following committees will meet tomorrow morning. At 8 a.m. in Room 118 the Appropriations Higher Education Committee. The Appropriations Human Services Committee in Room 114. The Computer Technology Committee in Room D-1. The Human Services Committee in Room 122-B. The Revenue Committee in Room 115. The Transportation & Motor Vehicles Committee in Room C-1. And the Judiciary I-Civil Law Committee in Room C-1."

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Speaker Novak: "Thank you, Mr. Clerk. Everyone should have these on their desk. The Lady from Cook, Representative Medoza... Mendoza for a special announcement."

Mendoza: "Thank you, Mr. Speaker. I just wanted to remind all the Members that we will be anxiously awaiting a good time tonight with all of you at the Pasfield House. I know we're running a little late. We were supposed to be going by five to seven, but we'll just move the party back. So, we still expect you all there. Please show up, even if it's just to have a cocktail with the girls. We'll expect all our girlfriends there and all our boy toys too. So... and clothing is mandatory, once again. Okay, thank you."

Speaker Novak: "What was that last statement about clothing? Just to clear up any confusion, Ladies and Gentlemen, there will be Session Friday."

Mendoza: "Clothing is mandatory, Sir. But it is, once again... once again, it is at the Pasfield House, which, for those of you who don't know, it's Tony Leon's place. So, we'll see you there or be square."

Speaker Novak: "Thank you, Representative. As I indicated, just to clear up any confusion, there will be Session Friday at a time yet to be determined. Hearing no further business before the House... whoops, excuse me. Representative Black."

Black: "Mr. Speaker, the... the young Representative on your side of the aisle, I believe, was referring to me in language that I wouldn't use in the family outhouse."

Speaker Novak: "Mr. Black, I... I didn't hear anything."



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Black: "I haven't been called... Sir, I have not been called a boy toy in more than 43 years. But let me just say this, if that delightful young Lady is gonna chase me around the chamber, I've got a bad knee and can't run very fast, so bring it on."

Speaker Novak: "Thank you, Mr. Black. Representative Mendoza."

Mendoza: "Just, once again, I'd like to remind everyone that clothing is mandatory."

Speaker Novak: "Thank you. Representative Giles."

Giles: "Thank you, Mr. Speaker."

Speaker Novak: "For what reason do you rise?"

Giles: "I just want... Thank you, Mr. Speaker. I want the Members of the Black Caucus to know that we are meeting immediately after adjournment in Room 122-B. Immediately after adjournment."

Speaker Novak: "Thank you. Representative Molaro, for what reason do you rise, Sir?"

Molaro: "For purposes of an announcement."

Speaker Novak: "For purpose of an announcement."

Molaro: "The Revenue Committee will be meeting at 9 a.m. tomorrow morning in Room 115. Nine a.m., Room 115."

Speaker Novak: "Revenue..."

Molaro: "On a... on a long anticipated Bill, I'm told."

Speaker Novak: "Thank you, Mr. Molaro. Hearing no further business before... whoops, excuse me. Mr. Lyons, I'm sorry. The Gentleman from Cook."

Lyons, J: "Quick personal privilege, Mr. Speaker."

Speaker Novak: "Yes, state your point."

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Lyons, J: "On behalf of all the Members, Democrats and Republicans, everybody has their first day in the chair. And we all want to congratulate you on a job well done."

Speaker Novak: "Thank you. Now... now, hearing no further business in the House, Representative Currie moves adjourn and... to the hour of 10 a... 10 a.m., Thursday, March 20. Thank you. Allowing perfunctory time for the Clerk. All in favor say 'aye'. The 'ayes' have it and the Motion carries."

Clerk Rossi: "House Perfunctory Session will come to order. Introduction of Resolutions. House Resolution 114, assigned to... is assigned to the Rules Committee. House Resolution 115, House Resolution 121, House Resolution 122, House Resolution 128, House Joint Resolution 26 are also assigned to the Rules Committee. Introduction and First Reading of Senate Bills. Senate Bill 43, offered by Representative Delgado, a Bill for an Act concerning criminal law. Senate Bill 59, offered by Representative Hamos, a Bill for an Act concerning hospitals. Senate Bill 76, offered by Representative Soto, a Bill for an Act in relation to health and nutrition. Senate Bill 153, offered by Representative Molaro, a Bill for an Act in... in relation to local government. Senate Bill 154, offered by Representative Beaubien, a Bill for an Act concerning county taxes. Senate Bill 170, offered by Representative Ryg, a Bill for an Act in relation to local government. Senate Bill 171, offered by Representative Ryg, a Bill for an Act in relation to local government. Senate Bill 245,

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offered by Representative Ryg, a Bill for an Act in relation to highways. Senate Bill 277, offered by Representative Brady, a Bill for an Act concerning executions. Senate Bill 407, offered by Representative Feigenholtz, a Bill for an Act in relation to criminal law. Introduction and First Reading of these Senate Bills. There being no further business, the House Perfunctory Session will stand adjourned."