

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

32nd Legislative Day

3/20/2003

Speaker Hannig: "The hour of 10 o'clock having arrived, the House will be in order. Will the Members please be in their seats. We will be led in prayer today by Pastor David Hyde of the Trimble Bible Church in Robinson. Pastor Hyde is the guest of Representative Roger Eddy. Guests in the gallery may wish to rise and join us for the invocation and for the Pre... Pledge of Allegiance."

Pastor Hyde: "Let's pray. Lord, we thank You for this day, for Your provision and for Your protection. And Lord, we pray that that might not only be ours today but we also remember those who wear our nation's and our state's uniform this day. Lord, that You might give them courage and that You might give them strength. Lord, also that You would be with their families, that they might have peace in their heart to know, Lord, that though they may be far away from us they are near to You and You to them. Lord, we also pray for those who are gathered here this morning in this place to do the people's business, to do Your work. Bless them too, Lord, we ask. Watch over them, give them wisdom, not the world's, but Yours. Speak to them and to their hearts. Bless them, we pray. And Lord, also we pray for our President, our leaders on the national level, as well as our Governor and on the state level. Lord, that during these times and during these hours, Lord, that You might lead them and guide them. And Lord, that they would rest in the assurance that Your will be done. In Jesus' name we pray, amen."

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Speaker Hannig: "And we'll be... will... we will be led in the Pledge today by Representative Jakobsson."

Jakobsson - 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 Hannig: "Roll Call for Attendance. Representative Bost, do you have any excused absences? Oh, Representative Watson. Representative Watson."

Watson: "Thank you, Mr. Speaker. Let the record indicate that Representative Daniels is excused."

Speaker Hannig: "The record will so indicate. And Representative Currie."

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

Speaker Hannig: "Thank you. Mr. Clerk, would you take the record. There are 116 Members reporting, a quorum is present. Mr. Clerk, Committee Reports."

Clerk Rossi: "Representative Delgado, Chairperson from the Committee on Human Services, to which the following measures were referred, action taken on Thursday, March 20, 2003, reported the same back with the following recommendations: recommends 'be adopted' Floor Amendment #1 to House Bill 215. Representative Hoffman, Chairperson from the Committee on Transportation & Motor Vehicles, to which the following measures were referred, action taken on Thursday, March 20, 2003, reported the same back with the following recommendations: recommends 'be adopted' Floor

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Amendment #1 to House Bill 1574. Representative Molaro, Chairperson from the Committee on Revenue, to which the following measures were referred, action taken on Thursday, March 20, 2003, reported the same back with the following recommendations: recommends 'be adopted' Floor Amendment #1 to House Bill 2660. Representative Scully, Chairperson from the Committee on Judiciary I-Civil Law, to which the following measures were referred, action taken on Thursday, March 20, 2003, reported the same back with the following recommendations: 'be adopted' Floor Amendment #1 to House Bill 2215."

Speaker Hannig: "Representative Cultra. Representative Cultra, are you prepared on House Bill 2980? Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 2980, a Bill for an Act... a Bill for an Act relating to sex offenders. Third Reading of this House Bill."

Speaker Hannig: "Representative Cultra."

Cultra: "House Bill 2980. It's referred to as the Sex Offender Residency Act. It creates effect... requires the Department of Corrections, and with consultation of the review board, to adopt rules establishing criteria to be considered in determining the permanent residence requirements of sex offenders released on mandatory supervised release. And I would entertain that this be adopted and I would answer any questions."

Speaker Hannig: "The Gentleman has moved for passage of House Bill 2980. And on that question, Representative Parke."

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Parke: "Good morning and thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Hannig: "He indicates he'll yield."

Parke: "Representative, what's the genesis of this Bill? Where'd it... where did it come from and do you have any relationship to this Bill?"

Cultra: "It came out of the Crime Package Bill."

Parke: "So, it's a crime... one of the Crime Package Bills. And you... is this the... have you targeted this as one of your most important Bill?"

Cultra: "Number one."

Parke: "This is the number one Bill that you've asked to be presented. And is this like the other Bills that you've presented to the Body so far?"

Cultra: "No."

Parke: "No, this is not like any of the other Bills you presented?"

Cultra: "No, nothing like any of the others."

Parke: "Okay. And how many other Bills have you presented to the Body today?"

Cultra: "None."

Parke: "How many have you presented at all?"

Cultra: "None."

Parke: "So, in essence, this is your first Bill?"

Cultra: "That is correct."

Parke: "Okay. Why do we need this?"

Cultra: "Would you repeat that? I didn't..."

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Parke: "Why do we need this Bill? What are we... what evil are we going to solve with this Bill?"

Cultra: "The problem we have is that when sex offenders are released into the communities they're not required just to register with the local State Police and the local communities in which they live really don't have any say in to... as to where they're gonna live."

Parke: "Okay. Are we finding that some sex offenders have moved into communities and not notified anybody?"

Cultra: "Well, I'm... there probably are. But this would give the local communities some input into where those sex offenders are gonna live. It would require the Department of Corrections and the review board to establish criteria as to where they're gonna live and one of 'em would be that they would not be allowed to live near a school or an area where children would be playing."

Parke: "Okay. That sounds... that sounds like a good idea. Has this been done anywhere else in the United States?"

Cultra: "It was modeled after a Bill in Oregon."

Parke: "From where?"

Cultra: "Oregon."

Parke: "Okay. Has anybody else taken the lead from this other than Oregon and now Illinois looking at it?"

Cultra: "Not that I'm aware of."

Parke: "Okay. So, this is sort of a cutting edge Bill that, Representative Cultra, you're introducing?"

Cultra: "Well, it might seem cutting edge, just common sense to me."

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Parke: "Common sense. And you pride yourself on commonsense legislation, isn't that right?"

Cultra: "I hope so."

Parke: "Well, we hope so, too. Well, this sounds like a good idea, Representative Cultra. It sounds like something that, you know, you're concerned about the residents in... in not only your legislative district but citizens all over the State of Illinois. And one of the worst things that is going on is pedophiles preying on our children. So, I think this is a great Bill to protect our children and to make sure that sex offenders are... are kept... their whereabouts are kept known by law enforcement. I think this is an outstanding Bill."

Speaker Hannig: "Representative Pankau."

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

Speaker Hannig: "He indicates he'll yield."

Pankau: "Now, Representative Cultra, you sit right next to me, right?"

Cultra: "Yes."

Pankau: "And you have never informed me about this very important Bill that you have here. You've..."

Cultra: "Well, you're always so very..."

Pankau: "You've never said a word."

Cultra: "You're always so very busy that I felt like it was too unimportant to bother you with."

Pankau: "And I notice that this is the first thing called this morning. Although, Mr. Speaker, did you actually ring the bell there? Did you ding, ding the Bill to say that, you

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know, this was a Third Reading? Oh, see, now I know that it's... it's Third Reading. And first thing in the morning and maybe the rest of the Body not only didn't realize that this was a Third Reading but this is my seatmate's first Bill."

Cultra: "I was hoping you wouldn't mention that."

Pankau: "Oh, you mean mention the fact that this is his first Bill. Now, do you realize that when you have your first Bill that other things go along with that? Like you have to buy popcorn for the row that day, if this were to pass. Of course, you know, who knows if it's gonna pass or not. Do you understand these general rules and traditions?"

Cultra: "You've been telling me about 'em all year."

Pankau: "And how much popcorn have you bought for this row?"

Cultra: "None."

Pankau: "None?"

Cultra: "None."

Pankau: "So, this doesn't indicate that you're really strongly in favor of this Bill because you haven't bought any popcorn for this row."

Cultra: "That's correct."

Pankau: "So, probably you're carrying this Bill just so everybody else isn't paying attention and they don't... 'course, maybe if you offered to buy popcorn for everybody they'd actually vote for your Bill. Do you think that's possible?"

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Cultra: "Considering the amount of the salt and butter that's put on popcorn, I think it would probably be detrimental to the health of this Body if we had done that."

Pankau: "Oh, so you're really into health Bills, huh? I mean like the Sex Offender Residency Act that you're talking about here would deal with the general health of the community. So, your thing, once you get down to this General Assembly, is health Bills. Is that what we should be looking forward to from you?"

Cultra: "Sometimes."

Pankau: "Sometimes? We're not really dedicated to this thought either?"

Cultra: "We're dedicated to many Bills that would help the people of Illinois."

Pankau: "And so what does this Bill do again? Because, of course, I'm confused."

Cultra: "It requires the Department of Corrections, along with the Prisoner Review Board, to set up some criteria on the release of sex offenders. One of those criteria would be that... there'd be a prohibition allowing them to live near schools or playgrounds."

Pankau: "How far do they have to live not... you know, from schools and playgrounds? Do we have a number of feet? Because, you know, we represent the entire State of Illinois. And in the City of Chicago, between schools could be a matter of blocks, actually. Whereas in other areas, like downstate, it could be a matter of, you know, several miles. So, were you specific in this Bill?"

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Cultra: "We're leaving that up to the Department of Corrections and the Pri... the Prisoner Review Board to come up with the exact distance."

Pankau: "Because you had no recommendation or what?"

Cultra: "Well, because, as you said, it varies from town in different parts of the state."

Pankau: "So, are they coming up with rules for things like... rules like buying popcorn for the row? That kind of a rule?"

Cultra: "I don't believe that will be in there, no."

Pankau: "Well, what kind of rules will there be in there then?"

Cultra: "There will be... the three rules that we're requiring if we pass this are that they can't live near a school or a playground and that the communities by which will be affected by these decisions of where they live will be notified before the sex offender is released."

Pankau: "So, this is a healthy, good community Bill. Sounds like a good one for you to carry. Thank you, Representative."

Cultra: "Thank you."

Speaker Hannig: "Representative Lang."

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

Speaker Hannig: "He indicates he'll yield."

Lang: "Representative, unfortunately I did not hear your entire explanation of this important Bill. Would you explain it again? A lot of Members were off the floor, as well. I'm sure they'd like the benefit of your counsel and advice."

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Cultra: "Thank you, Mr. Lang. I'd be happy to do that. This Bill requires the Department of Corrections, in consultation with the Prisoner Review Board, to establish criteria to be considered in determining the permanent residence of sex offenders. The de... there'll be three rules which will be required. And that's a general prohibition against the sex offender to reside in locations to where children are the primary occupant or users. Also, it allows for the communities which would be affected by the decision about the location of sex offender's residence to be informed to the decision making process before the offender is released. And thirdly, that if there are any exceptions to either of these two above rules that they be explained why."

Lang: "Thank you, Representative. Is the Department of Corrections on board on your Bill?"

Cultra: "I haven't heard anything from them, negative or... affirmative."

Lang: "Have you checked with them? Have you affirmatively gone to talk to them about a Bill that so much affects what they have to do?"

Cultra: "No, I haven't. I figured the boards are already established that this wouldn't be too much of an imposition."

Lang: "Now, your Bill talks about areas where children are primary occupants or users. Is that defined in your Bill?"

Cultra: "No, it's pretty well self-explanatory."

Lang: "We have..."

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Cultra: "Schools, playgrounds."

Lang: "But the Bill doesn't say what those places are?"

Cultra: "No."

Lang: "Well, could it be churches? Could it be..."

Cultra: "Churches could..."

Lang: "...daycare centers?"

Cultra: "Yes. Churches, daycare centers also. Yes."

Lang: "But you don't have any... don't you think you need some definition? Isn't this vague? Aren't you worried about some court saying this is vague and unconstitutional?"

Cultra: "Well, we'll deal that when the time comes."

Lang: "You also want the people in the offender's residence to be informed of the decision making process. How do you propose that they be informed?"

Cultra: "Well, currently, the only information they get is when the of... the offender moves into the area. He's supposed to be contacted by the... or, he's supposed to contact the local police chief or, if there is no police chief, he has to go to the county sheriff. This would require that those people would be notified ahead of his release."

Lang: "By who?"

Cultra: "By the Parole Board or Prisoner Review Board."

Lang: "Well, who... how would the mechanism work for doing this notification? Who would be responsible for making that determination? And who would be responsible for providing that notice and how would that notice be provided?"

Cultra: "That notice would be provided to the same people. It's the same mechanism that you're using only you're

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giving 'em advanced notice rather than when the resident decides to move into your community."

Lang: "Yes, but Representative, what's the mechanism? I mean, it all... it sounds great to say they'll be notified but how are they notified and by who are they notified? Are they notified by certified mail? Are they notified... is... is everyone within 300 feet of the potential residence of the sex offender going to have someone knock at their door and tell them orally? How will they get this notification?"

Cultra: "The Department of Corrections and Prison Review Board can determine that."

Lang: "By rule?"

Cultra: "Yes."

Lang: "And by... since you're a freshman Member I just... I wanna make sure you know how this rule-making process works. Can you... can you tell me how..."

Cultra: "I ap... I appreciate your thought... concern."

Lang: "Can you... can you tell us how rules are made by state agencies in the State of Illinois?"

Cultra: "Very carefully."

Lang: "Well, a... a good answer and perhaps, if you had been here more than 30 days, then we'd laugh, but we need to know that you know how rules are made. You want rules to be made regarding the notification of sex offenders. So, what mechanism does the Department of Corrections go through to create these rules?"

Cultra: "This Bill just requires the Prisoner Review Board and the Department of Corrections to adopt some rules. And it

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just... these are just three general rules, they can add more if they want."

Lang: "But... but you're not answering the question. So, they don't just sit in their office and write rules and implement them do they?"

Cultra: "It's by JCAR."

Lang: "Ah, by JCAR. By JCAR. My suggestion is, Representative, that since we pass a lot of Bills in this chamber that require rule-making that you get a really good handle on what JCAR does. But I thank you for answering my questions."

Cultra: "Thank you."

Speaker Hannig: "Representative Black."

Black: "Thank you very much, Mr. Speaker, and Ladies and Gentlemen of the House. I rise in strong support of the Gentleman's Bill. He represents a good portion of the district that I had the privilege of representing for ten years, before the new map changed... changed my district considerably. He rep... he has the privilege of representing some of the finest people in the State of Illinois, I can attest to that. I just want the record to be very clear and I want it to reflect very clearly that I've known Representative Cultra for a long time and I can assure you that his vote is never, has never, and will never be contingent on whether or not he buys popcorn for anybody, whether or not anybody buys popcorn for him, or any other emolument that he may be offered. That's a violation of the House ethics laws and to insinuate that on the floor of

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this House on a written transcript record is not a wise idea. And I want to make it very clear that Mr. Cultra, who I have known for many, many years, his integrity is above reproach and would never, under any circumstances, be involved in any scheme where he would trade his vote for anything. There is no quid pro quo with Representative Cultra. I stand in strong support of his Bill."

Speaker Hannig: "Representative Cultra to close."

Cultra: "I would ask for a 'yes' vote."

Speaker Hannig: "The question is, 'Shall House Bill 2980 pass?' Those in favor vote 'aye'; opposed 'nay'. 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 109 voting 'yes', 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Capparelli, are you ready on... on House Bill 2434? Mr. Clerk, would you read the Bill, please. Excuse me, Representative. Representative Osterman, for what reason do you rise?"

Osterman: "Just want to be recorded as a 'yes' vote on that last one. My switch was not workin'."

Speaker Hannig: "Okay, the... your intention will be reflected in the Journal. And Mr. Clerk, would you read the Bill."

Clerk Bolin: "House Bill 2434, a Bill for an Act in relation to public employee benefits. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

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Speaker Hannig: "Third Reading. Representative Howard, for what reason do you rise?"

Howard: "Mr. Speaker, I was away from my desk and thought that my switch would be dealt with but it was not. I would've voted 'yes' on 2980."

Speaker Hannig: "Okay, and... and the Journal will so reflect your intentions."

Howard: "Thank you."

Speaker Hannig: "Representative Munson, are you prepared on House Bill 2634? No? Out of the record. Representative Rose, do you wish us to move House Bill 3385? Yes. Mr. Clerk, would you read the Bill."

Clerk Bolin: "House Bill 3385, 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."

Speaker Hannig: "Third Reading. Representative Jakobsson, would you like to call House Bill 1530? Yes. Mr. Clerk, would you read the Bill."

Clerk Bolin: "House Bill 1530, a Bill for an Act in relation to public health. Third Reading of this House Bill."

Speaker Hannig: "Representative Jakobsson."

Jakobsson: "Thank you, Mr. Speaker and thank you Members of the House. I want to bring to you House Bill 1530 which creates the Mercury Fever Thermometer Prohibition Act. And it sets forth... it provides that on or after July 1, 2004 no person shall sell or distribute or give for any promotional purposes a mercury fever thermometer in this state, the

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State of Illinois. No hospital shall distribute a mercury fever thermometer in maternity or new baby gift packs. And it would also prohibit the distribution of other mercury containing materials."

Speaker Hannig: "The Lady has moved for passage of House Bill 1530. Is there any discussion? Representative Miller."

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

Speaker Hannig: "She indicates she'll yield."

Miller: "There clearly is a movement to remove mercury from heal... health care facilities, the use of mercury. Do you know of any other... do you know of any other studies that it involved with mercury removal in regards to health care facilities? For instance, in a... in a dental office we use silver fillings, which do contain a content of mercury. Does this legislation have any effect on that or does this deal with this in any way?"

Jakobsson: "I'm sorry, I didn't understand... studies on... on what other distribution?"

Miller: "For... for instance, there... as I... as your Bill indicates, at least in the analysis, saying that there's a... there is a... a movement to limit the use of mercury. I just want to make sure that this has no effect on the mercury that we use in a dental office..."

Jakobsson: "That's used..."

Miller: "...or in hospital setting."

Jakobsson: "No, it would not affect what hospitals do. But they wouldn't be able to distribute mercury fe... fever thermometers in, you know, gift packets or sell them."

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Miller: "And you're saying this is only deals with... with thermometers? It has nothing to do with anything else concerning mercury, correct?"

Jakobsson: "It would also... would prohibit mercury-added novelty products. There are some, you know, little pieces of jewelry that you can buy that would have mercury in them. And it would prohibit the sale of those, also."

Miller: "Okay, you had said mercury-added novelty products. Would... is there any studies that indicate any toxicity related to mercury, due to these novelty products?"

Jakobsson: "There certainly are studies indicating that mercury is... is very hazardous. It generates massive amounts of hazardous waste, municipal solid waste stream sewage treatment system. It would be a, you know..."

Miller: "Well, I'm not gonna into... into the specifics when you say that it generates lots of 'cause that's... that's getting... but I just wanted to be clear with the studies that you've said as far as related to novelty products that... that... let me reask the question. This... these studies have conclusively led to the fact that the mercury from these products have an effect on children or those around them?"

Jakobsson: "Well, exposure to mercury can do permanent damage to our central nervous system and other health problems. It can cause lung irritation, you know, vomiting, fevers, headaches, abdominal cramps and the Environmental Protection Agency cites mercury thermometers as the largest source of mercury in our municipal solid waste."

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Miller: "Okay. Thank you."

Speaker Hannig: "Representative Lang."

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

Speaker Hannig: "She indicates she'll yield."

Lang: "Representative."

Jakobsson: "Yes, Representative?"

Lang: "How are ya today?"

Jakobsson: "I'm good. How are you?"

Lang: "I'm just fine. Just fine. I just want to straighten one thing out. This is your first Bill, correct?"

Jakobsson: "It is."

Lang: "It is. You look so happy about it."

Jakobsson: "I knew I'd have this opportunity to have an exchange with you here on the floor."

Lang: "That's good, I like that. I like that very much. Right. Let me... let me gather myself now. I don't understand what the Bill does. I want you to explain it to me again."

Jakobsson: "The Bill would prohibit the sale or distribution of mercury thermometers in the State of Illinois. That... I mean, that really puts it in a nutshell. I don't know how else..."

Lang: "It... it also... what if there... you mean you can't have mercury in a nutshell either? What... this... doesn't this Bill also prohibits the sale of mer... of any other product with mercury in it, not just thermometers?"

Jakobsson: "Well, I wouldn't say just any other product but it would prohibit the sale of novelty items. It would exempt

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button-cell batteries. There are some batteries that, you know, we use in a lot of watches and thing... and clocks that there's not enough mercury in them to be dangerous."

Lang: "Now, are both the terms button-cell batteries and novelty products defined in your Bill?"

Jakobsson: "No, it... it just cites those."

Lang: "Well, unless we know what a novelty product is how are we to know what a novelty product is?"

Jakobsson: "Novelty products are, you know, toys, pieces of jewelry that might light up."

Lang: "Well, I think you and I would define it as that but the Bill doesn't have a definition?"

Jakobsson: "Well, we're not lit by mercury?"

Lang: "Would you consider putting a definition in, in the Senate, when it gets over there? 'Cause I'm gonna vote for your Bill, despite the fact that you don't have an answer to my question."

Jakobsson: "We'll try to get that definition."

Lang: "That's a very good plan. Was... is... so... is this here 'cause it's your high..."

Jakobsson: "If you don't..."

Lang: "Is this here 'cause it's your highest priority Bill? Is that why we're doing this Bill first?"

Jakobsson: "You know, the Bills that I've been working on I think have all such high priority. It was really hard to decide which one should be the highest. And this... this won out today."

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Lang: "This Bill also prohibits the manufacture of mercury thermometers in Illinois."

Jakobsson: "Right."

Lang: "Have you heard from the Manufacturers' Association on this?"

Jakobsson: "No, we haven't."

Lang: "So you've had..."

Jakobsson: "And we haven't been hiding this."

Lang: "And so they're... as far as you know there's no opponents to the Bill?"

Jakobsson: "As far as I know."

Lang: "Except about 117 of your colleagues here on the floor, other than that."

Jakobsson: "You already told me you're gonna vote 'yes'."

Lang: "Well, I said... okay, 116. Very good. But I'm voting for your Bill."

Jakobsson: "And I am, too."

Lang: "I wouldn't urge everyone else to but I will definitely vote for your Bill. Thank you, Representative."

Jakobsson: "Thank you."

Speaker Hannig: "Representative Black."

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

Speaker Hannig: "She indicates she'll yield."

Black: "Representative, this Bill has been around for a number of years and hospitals have testified on several occasions and I think I have the quote here. Yeah, here it is. Hospitals throughout the state have testified and expressed

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concern that substitute thermometers do not adequately measure temperature of less than 95 degrees. Some hospitals routinely deal with patients suffering from hypothermia and require that capability. Now, you... you say in the... in the Bill that hospitals can still use a mercury-based thermometer, correct?"

Jakobsson: "That's right."

Black: "All right. Tell me how they do that when your Bill also says that on or after July 1, 2004 no person shall manufacture a mercury fever thermometer in this state and that on or before... after July 1, 2004... that's novelty products, okay. So, the question is if you can't make a mercury thermometer after July 1, 2004, how is a hospital going to continue to be able to use them in legitimate medical protocol?"

Jakobsson: "It cannot be made in the State of Illinois."

Black: "Oh, in other words, it's okay if a hospital buys 10 dozen mercury thermometers that were made in New York or Florida or Bangladesh, but god forbid they'd wanna buy a mercury thermometer that was made by union working men and women in the State of Illinois. Why would you do that?"

Jakobsson: "Well, I just think it's good for us not to manufacture them here in the State of Illinois."

Black: "Well, that makes about as much sense as slapping me on the hind end and calling me Betty."

Jakobsson: "But I wouldn't do that."

Black: "And I know you'd like to."

Jakobsson: "No."

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Black: "But, Representative, stop and think what you just said. Hospitals can continue to buy mercury thermometers at... forever and ever for legitimate medi... medical protocol. But in little more than one year, if there is a company that makes mercury thermometers in Illinois they are put out of business. They can't make 'em. But the hospital can still buy cases of mercury thermometers that are made in Haiti, Mexico, Cuba, the Cameroons, the Virgin Islands, maybe, you know, on the planet of Mercury, for all I know. Why... why then are you putting... I don't know if there's a plant that makes 'em in Illinois, but why would you say Illinois... if... if there's a company that makes 'em, you go out of business. But hospitals can still buy them, just as long as they're not made in Illinois. That's good business for Illinois."

Jakobsson: "We're not asking them to go out of business, we're asking them... we're... the law says that they wouldn't manufacture mercury thermometers."

Black: "Well, that's what I'm talking about. I'm not talking about thermometers made out of Silly-Putty. It says in your Bill that hospitals can continue to use mercury-based thermometers. And hospitals have testified for years that that thermometer is the most accurate when trying to see the level of hypothermia that a patient may have. And if they don't get that accurate information that person can die. Now, your Bill says they can continue to use a mercury-based thermometer, and then goes on to say but an Illinois company can't make a mercury-based thermometer."

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So, all of the Illinois hospitals will have to buy their mercury-based thermometers from a plant made in another state or another country, correct?"

Jakobsson: "Correct."

Black: "And how is that supposed to help the business climate in Illinois?"

Jakobsson: "There are still opportunities to make other types of thermometers. We're now putting these..."

Black: "But Representative, I'm not... I don't care about other thermometers. For crying out loud, answer the question. Hospitals say they need a mercury-based thermometer for accurate readings for hypothermia. Right?"

Jakobsson: "And we're not prohibiting them from using them."

Black: "I understand that. You agree. You agree, they can continue to use it. They can continue to buy it. But then your Bill says, but no plant in Illinois, after July 1, 2004, can manufacture a mercury-based thermometer. So we have to buy 'em from another state or another country. Why do we want to penalize an Illinois business? You put them out of business and give business to another state or another company that's located in another state."

Jakobsson: "We haven't gotten any opposition from any manufacturers."

Black: "Well, I'm sure that all the manufacturers of mercury-based thermometers are aware of your Bill. I'm just sure of that. I think they will be at some point. Mr. Speaker, to the Bill."

Speaker Hannig: "To the Bill."

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Black: "First Bill or no, stop and think about what this Bill does and then stop and think about the Governor's State of the State Address a week ago. The Bill clearly says that a hospital can use a mercury-based thermometer and will be able to use them for the next hundred years or whatever. But then on the converse side says that no Illinois company can make a mercury-based thermometer for use by the hospitals. So, I would ask the Governor who wants jobs in Illinois, on the one hand you say you can buy all the mercury-based thermometers you want, hospitals, but if you're a business person in the State of Illinois making a mercury-based thermometer and only selling them to hospitals, you will be put out of business July 1, 2004. Now, if... if somebody else can see the sense in that, I'll stand corrected. But by golly, where I come from, where you put the hay down where the goats can eat it, that doesn't make any sense. Why should Illinois hospitals be forced to buy mercury-based thermometers from other states or other countries and export jobs somewhere else when the Governor said a week ago we want jobs in Illinois? First Bill or no, this doesn't make any difference. This Bill is poorly drafted. It makes no sense to say on the one hand you can use them and buy them, but on the other hand you can't make them in the State of Illinois so you'll have to go buy them from another state or a foreign country. I intend to vote 'no' and I don't intend to change my vote, come hell or high water."

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Speaker Hannig: "Representative Jakobsson to close. Representative Feigenholtz, did you wish to speak on this issue?"

Feigenholtz: "I do."

Speaker Hannig: "You need to turn your light on. Representative Feigenholtz."

Feigenholtz: "Thank you very much, Mr. Speaker. I'm sorry about that. I rise in strong support of this Bill. The... the prior speaker is obviously very concerned. The opening of the Cubs' season is very soon and he's wanting to know if Dusty Baker's gonna be able to take the Cubs all the way. And so, I think his comments were a little diverted. I have all the respect in the world for him, I just think it's a little early maybe. This is a Bill that is not opposed by anyone, except Bill Black. It is a Bill that environmental groups have been supporting for years. And as I stated earlier, there is no opposition to this Bill. I thank and applaud the Sponsor for picking up the mantel on this Bill. It is a courageous Bill. It's the right Bill. It's the right thing to do and we should all support it and vote 'aye'."

Speaker Hannig: "Representative Black, you spoke in debate, previously. For what reason do you rise?"

Black: "Well, Mr. Speaker, the previous speaker mentioned my name in debate. I'd like to respond."

Speaker Hannig: "Proceed, Representative."

Black: "Mr. Speaker and Ladies and Gentlemen of the House, I would vote for this Bill. I'm not opposed to the concept

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of doing away with mercury novelty items, mercury thermometers that may be sold at K-Mart or Wal-Mart. That... that Bill I would vote for. What I'm asking you... and you get up and defend somebody because it's their first Bill and you don't read the Bill. Read the Bill and then go home to your constituents and say how this makes sense. Hospitals can continue to use mercury-based thermometers for the next century. But if you are a company in Illinois that makes a mercury-based thermometer that you sell to hospitals you will be out of business in one year. So, all of the Illinois hospitals will have to buy their mercury-based thermometers from another state or another country. Now, if you can tell me how that's good for business, jobs, and working men and women in this state who will be put out of work but their friends and neighbors in other states or foreign countries will continue to work and continue to make these thermometers and continue to sell them to Illinois hospitals, that... that's just a little difficult to understand. And that's certainly not what I heard the Governor say here last week. And that's the reason I intend to vote 'no'."

Speaker Hannig: "Representative Mitchell."

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

Speaker Hannig: "She indicates she'll yield."

Mitchell, J.: "Representative, do you know... have you done any research at all, do you know where there are manufacturers

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in the State of Illinois that do produce mercury thermometers?"

Jakobsson: "I don't know how many there are but I do know that I haven't had any opposition from the manufacturers."

Mitchell, J.: "Well, you said that. That... that's not what I wa... asked. What I'm asking is do we have manufacturers in the State of Illinois that produce mercury thermometers?"

Jakobsson: "And what I answered is I don't know."

Mitchell, J.: "You don't know. Would you... would you maybe take the Bill out of the record and let us research that issue to see if we are putting manufacturers out of business?"

Jakobsson: "No."

Mitchell, J.: "No, you'd just soon go ahead and put 'em out of business."

Jakobsson: "I haven't heard from any opponents. I'm not taking it out."

Mitchell, J.: "Well, I understand that. But even though you haven't heard from 'em, if there's some small company that's struggling along and... and this is the way they can stay on their feet until such a time as they can come up with other products, you don't care?"

Jakobsson: "We should not be selling mercury thermometers in the State of Illinois and continue..."

Mitchell, J.: "Wait, if we... if you shouldn't sell them..."

Jakobsson: "...this hazardous..."

Mitchell, J.: "...then... then why are you allowing the hospitals to use them? I mean, you either should or shouldn't. There's really no..."

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Jakobsson: "Hos... personnel in hospitals know how to di... if they drop a mercury thermometer, they know how to clean it up and dispose of it."

Mitchell, J.: "Okay. But... but... but manufacturers that produce these thermometers don't know how to produce them without causing risk, is that what you're saying?"

Jakobsson: "They shouldn't be sold so that they are available to risk the health of the citizens of Illinois."

Mitchell, J.: "But, no... see what you're... you're saying they shouldn't be sold on one hand and then you're saying but hospitals can buy them because hospitals know how to use them. Or are you saying hospitals know how to use them but they shouldn't be sold to hospitals? I'm... I'm confused. Mr. Speaker, to the Bill."

Speaker Hannig: "To the Bill."

Mitchell, J.: "You know, usually when this kind of debate comes up I can see through my distinguished colleague, who used to be a student of mine, but this time he makes really good sense. You know, I am totally confused by this Bill. If there are no manufacturers in Illinois, then it's... then it's a moot point. But if there are manufacturers that need this business to survive at a time when the economy is so bad, I think we may be putting more jobs, more Illinoisans in jeopardy with this particular Bill. And I don't think I've ever voted 'no' on a first Bill before but I'm afraid I may have to stay with Representative Black on this one. Thank you, Sir."

Speaker Hannig: "Representative Burke."

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Burke: "Thank you, Mr. Speaker. I hate to be the one to belabor this issue. I, in fact, introduced this legislation in the last Session where it, in fact, passed the House. I can tell you that there was indeed no opposition to this legislation. I hadn't heard from one single entity that had a concern for this. Let's face it, Ladies and Gentlemen, mercury is a poison. We shouldn't have it in our society. It's not something that the hospitals had exhibited a concern for. In fact, any health organization... any health maintenance organization today does not use mercury thermometers, they use electronic thermometers. This is not the concern that many here have cited. I would encourage everyone to indeed support the Lady's legislation for the health and safety of our constituents throughout the entire state. Thank you very much, Mr. Speaker."

Speaker Hannig: "Representative Jakobsson to close."

Jakobsson: "Thank you very much, Members, for allowing me to bring this to you. Just a quick... Representative Lang, the language is in the Bill about what novelty items are. And I urge you to vote 'yes'."

Speaker Hannig: "The question is, 'Shall House Bill 1530 pass?' All those in favor vote 'aye'; opposed 'nay'. 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 87 voting 'yes', 24 voting 'no', and 3 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared

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passed. Representative Washington, for what reason do you rise?"

Washington: "Mr. Speaker, prior to this piece of legislation, House Bill 2980, if I had been in the room, I would've voted 'yes' for it but I was seeing someone out in the foyer."

Speaker Hannig: "Okay, the... the record will reflect your intention, Representative. And Representative Bailey, for what reason do you rise?"

Bailey: "Same thing, Speaker, 2980. I wa... wanted to vote 'yes' and I didn't have a chance. The switch was not working."

Speaker Hannig: "The Journal will reflect your intentions, Representative. And Representative... Representative Phelps, are you prepared on House Bill 1096? Mr. Clerk, would you read the Bill."

Clerk Rossi: "House Bill 1096, a Bill for an Act in relation to deer hunting. Third Reading of this House Bill."

Speaker Hannig: "Representative Phelps."

Phelps: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 1096 is a Bill that says that we would allow the use of handguns during the open deer season, which currently we can use shotguns. Since 1991 we have had a handgun season in this... in this state, with other states. And what this mainly says, it just gives the hunter a choice in open deer season whether to use a shotgun or a handgun. And I'll be glad to answer any questions there is."

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Speaker Hannig: "Is there any discussion? There being none, the question is... excuse me, Representative Black."

Black: "Representative, I'm gonna ask you a favor. Would you take this Bill out of the record until you and I can get together. I'm waiting for a cartridge that I think we need to dispel the... the misunderstanding of what a .50 caliber is. I... I've asked my uncle for a .50 caliber M2 round and I've asked someone to bring me a .50 caliber pistol round. I think a lot of people in this chamber are very concerned that the .50 caliber is the military machine gun round, which is not true. I hope to have those today."

Phelps: "Okay."

Black: "And I will vote for your Bill."

Phelps: "Sure."

Black: "But I... I... I want everybody to know what they're voting for. Because as I've discussed with you, I had that same concern when I first read your Bill."

Phelps: "Okay. Yeah, Representative Black, I'll go get that right now. And I'll be glad to take that out of the record and do it back this afternoon."

Black: "Thank you very much."

Speaker Hannig: "Well, Mr. Clerk, take this Bill out of the record at the request of the Sponsor. Representative... Representative Colvin, are you prepared on House Bill 3532? 3532. Mr. Clerk, would you read the Bill."

Clerk Bolin: "House Bill 3532, a Bill for an Act in relation to incarceration. Third Reading of this House Bill."

Speaker Hannig: "Representative Colvin."

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Colvin: "Thank you, Mr. Speaker. House Bill 3532 will provide an incentive into the... basically an incentive-based program for the State DOC to remove prisoners from county jails who have been sentenced to do time in county jails in a more time efficient fashion. Currently, in the State of Illinois, prisoners who've been sentenced by courts who sit in county jails 30, 60, 90, 120 days after they've already been sentenced and authorized transfer to state prisons, which incurs a tremendous cost to counties to house the individuals. Being a resident of Cook County, it's been a tremendous burden on the county jail system to hold so many prisoners in county jail for many days, for sometimes more than a hundred and twenty days, at a tremendous cost to taxpayers. What this program will do will... after a prisoner who's been sentenced to do time in a state prison, if the state does not promptly transfer those prisoners to state prisons the Department of Corrections must pay half the cost of incarcerating those prisoners in county jails."

Speaker Hannig: "The Gentleman has moved for passage of House Bill 3532. Is there any discussion? The Gentleman from Vermilion, Representative Black."

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

Speaker Hannig: "He indicates he'll yield."

Black: "Representative, on its face it's certainly a good idea because I know how expensive it is for counties to operate a... a detention center. In fact, Vermilion County is adding on to theirs as we speak, my home county, at considerable expense. And I know that because we're double-celled often

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we don't get to transfer those inmates to a DOC facility for a st... a long period of time. However, should your Bill become law and the department then has to reimburse the county for those daily costs, while it might make good sense, about how much money would it cost per year?"

Colvin: "It's a... it's difficult to determine what the actual cost would be. In Cook County, last year, it cost Cook County government almost \$15 million to house prisoners who actually should've been in state prisons for a... actual... when it comes into feeding and clothing, actual days spent in county jails, they cost the county roughly 20 to 25 million dollars in one year."

Black: "If... I may have misunderstood you. Did you say it cost Cook County alone \$15 million?"

Colvin: "Fifteen to twenty million."

Black: "Well, it... if, assuming that DOC would own... would owe Cook County 15 or 20 million dollars, then it would stand to... to reason that the other hundred and one counties... we would be talking some very serious money here."

Colvin: "I don't know..."

Black: "Thirty, forty, fifty million dollars."

Colvin: "I don't know what the severity of the problem is in counties outside of Cook, unfortunately. But the fact of the matter is, Cook County has had serious problems with overcrowding. For many years, Cook County was being fined 10 thousand a da... \$10 thousand a day as a result of the severe overcrowding, which leads to a lot of other problems, inmate violence, overcrowding, individuals

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sleeping on floors, and a lot of other humane conditions. This is simply... would offer the state a greater incentive to move those... remove those prisoners from county jails to state prison where they rightfully belong."

Black: "Representative, I think... I think you're probably right. I know my county has struggled with these costs. I had no idea that Cook County was incurring 15 to 20 million dollars in costs. That... that's the only figure that scares me because you add in the other hundred and one counties and we can be talking a great deal of money. I... I appreciate what you're trying to do and I thank you for your very honest answers. And Mr. Speaker, to the Bill."

Speaker Hannig: "To the Bill."

Black: "I think the Gentleman is on target. And I think it's something that the state has been very neglectful of for the last several years. But it's... it is part and parcel of the bigger budget problem in the state. We... we try to balance our budget by... by foisting costs off to the counties, to Medicaid providers, to small businessmen and women who... who give us goods and services, and we don't pay them on a regular basis. I think the Gentleman has... has... has focused on what is an ever-growing problem, and that is that the state tries to balance its budget on the backs of county governments and what's even worse, Medicaid providers and other small businessmen and women throughout the state. It's wrong, it's immoral, it's unethical. But I can't, in good conscience, vote for his Bill until I know what the budget is. Because if you take this money out of

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the Department of Corrections' budget we may be back in layoffs. I don't know how many facilities were closed last year. I know Sheridan was closed, IYC, Green County. I think two or three work camps were closed, hundreds of correctional officers were laid off. Now, the Governor has indicated he's gonna reopen Sheridan. I... I just need a road map. I... if... if the Governor is willing to work with the Gentleman and other counties to stop this practice, I will join the Gentleman and vote for this Bill in the blink of an eye because I think it's the right thing to do and it's a good idea. But until I can see the Governor's budget message, I feel I have to vote 'present'."

Speaker Hannig: "Representative Stephens."

Stephens: "Briefly, Mr. Speaker. To the Bill. The... our analysis provides that information is \$4.7 million fiscal impact. And we all have a different sp... take on this. My take is that without passage of this Bill... it's a poor... \$4.7 million fiscal impact to each and every county that provides much needed service. So, I know we're all headed in the same direction, hopefully with the budget, but I have to support the Gentleman's Bill today."

Speaker Hannig: "Representative Flider."

Flider: "Yes, thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Hannig: "He indicates he'll yield."

Flider: "Thank you. At least two counties in the legislative district which I serve are facing some financial difficulties with regard to jail costs. And a question for the Sponsor would be, has the Department of Corrections

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actually weighed in on this or have we discussed this with them?"

Colvin: "The Department of Corrections... earlier the Department of Corrections had not taken a position. They did come in and speak to me but they were not standing opposed to the Bill. And I think in our analysis it shows who the proponents and the opponents were. After I testified in committee, they did reach out to me and said that they would review the Bill and if they were opposed that they would get back to me, they never did. But I would also like to point out that in this Bill the cost would be shared by the county and the Department of Corrections. In the Amendment, that we adopted in committee, it took out the cost of the Bill and put... what would actually happen is that counties, along with the actual Department of Corrections, would share in the cost or the per day it cost to house that prisoner. So whatever that cost is in whatever county, the state would be responsible for half and the county would responsible for the other. So, the Department of Corrections would not assume the entire cost of housing that prisoner."

Flider: "Okay. One... one of the, I guess, the questions I would have or the concerns I would have is that, you know, if the Department of Corrections analyzes the... the cost that they're paying to a county jail they may say, 'hey, this is cheaper than us taking that prisoner... prisoner on', and they may permanently decide they like to leave those prisoners in there, and it... just depending on the cost in

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the county because it may be cheaper for them to do so rather than take those... take those prisoners in... into the system. But, what I would say also is that because our counties are facing difficult financial circumstances right now I think this is a step in the right direction and I intend to support it. But I think that's something we probably need to be cautious about and doesn't occur. Thank you."

Colvin: "I think it's also important to note that who we're talking about really hurting here. And in Cook County it's the taxpayer, the homeowner who has to foot the tremendous bill of housing so many prisoners who have been lawfully sentences... sentenced to state prisons but yet they sit in county jails, when at the same time those county jails have been filled in with new prisoners who have... who are still awaiting trial. So, we create a serious problem with so many different issues. I mean, many of us became privy to that when we saw the stories in the newspaper not too long ago and I think the problem in the Cook County jail, as it relates to overcrowding, have been known throughout the state for so long, particularly the fact that they were being fined for almost three years straight \$10 thousand a day because of the serious overcrowding problem. Cook County jail, in the last eight years, has added two divisions and they're still way behind. Prisoners sleep on the floors on a routine basis, prisoners who should be in beds in state prisons. And that's the problem this Bill is trying to correct. And I think it's the perfect incentive

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to the Department of Corrections to move more quickly and more diligently to make sure those prisoners who are supposed to be in state prisons get moved to state prisons in a timely fashion. We're asking them to do nothing but to follow the law here."

Flider: "Okay. Thank you."

Speaker Hannig: "Representative Colvin to close."

Colvin: "Clearly, we understand what the budget problem is in the State of Illinois. And this Bill is not to add on to the budget problem. The fact of the matter is we have laws, criminal laws in the State of Illinois and people violate those laws they are sentenced to do time in state prisons. We're simply asking with this legislation that they be sentenced... once they're sentenced to state prisons that they be moved to state prisons. Thus, they avoid any kind of fine whatsoever. I think it's a good piece of legislation. It's a perfect incentive that won't cost the state a dime if they move state prisoners who've been sentenced to state time in a timely fashion. So, I simply urge you to vote 'yes' for this Bill."

Speaker Hannig: "The que..."

Colvin: "Thank you."

Speaker Hannig: "The question is, 'Shall House Bill 3532 pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 85 voting 'yes', and 3 voting 'no', 26 voting 'present'. And this Bill, having received

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a Constitutional Majority, is hereby declared passed.
Representative Hartke, for what reason do you rise?"

Hartke: "Point of personal privilege."

Speaker Hannig: "State your point."

Hartke: "You look nice up there today, Gary."

Speaker Hannig: "Thank you, Representative."

Hartke: "It's my pleasure to introduce to the General Assembly a group of young people from Edwards County. These individuals belong to a... an organization known as SAIL, and that's Students In... In Leadership (sic-Students Active in Leadership). They've... they've won the Governor's Hometown Award for community participation in many programs in their community and represented Illinois in national competition. Please give them a warm welcome here to the General Assembly. They're back here in the..."

Speaker Hannig: "Welcome to Springfield. Mr. Clerk, would you read House Bill 205 for Representative Monique Davis."

Clerk Bolin: "House Bill 205, a Bill for an Act concerning schools. Third Reading of this House Bill."

Speaker Hannig: "The Lady from Cook, Representative Monique Davis."

Davis, M.: "Thank you, Mr. Speaker. House Bill 205 states that when a student is suspended from school the school board shall provide a list of community-based educational facilities that the school can send that child to during the term of that suspension when it's available. If a county or a school district does not have community-based organizations or facilities that offer educational programs

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during the day, then of course, they don't have to do what this Bill asks. I will answer questions."

Speaker Hannig: "Okay. On this question, Representative Kosel."

Kosel: "Representative Kosel. Yes, thank you, Mr. Speaker. Would the Sponsor yield?"

Speaker Hannig: "She indicates she'll yield."

Kosel: "When we discussed this Bill in committee you were kind enough to come back with an Amendment to it. The Amendment clarified some of the problems that we had because there's many areas that don't have community-based organizations. And so, this would create quite a problem. But there's one problem that we still have with it, I believe. And... and I'd like for you to clarify this. If a school district has community-based programs and they don't present a list to the parent, can the disciplinary action proceed?"

Davis, M.: "Well, I'm sure the disciplinary action could proceed but my question would be why would they not want to provide the list?"

Kosel: "The secretary who has 'em in her desk is home with a sick child. The... I mean, it isn't that it would be malicious, but according to the way I read the Bill, the disciplinary action with the child could not proceed unless that list was presented. And if there is some technical reason that that list can't be presented at that particular time, everything would have to stop."

Davis, M.: "Well, I'm sure the list would be already printed, you know, like the suspension form is a printed form

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usually. And the child's name... excuse me, the child's name is placed on the form, the act... the act of disobedience that causes the suspension is printed or written on a form that the principal or someone has to write out and sign. So, it wouldn't be a matter of the secretary having to stop and type a list. It would be a list that is current... that is available and she would merely have to hand it to the parent with the list that someone else did have to fill out, the form that did have to be filled out."

Kosel: "So, in other words, you're saying that it could be done with... with some kind of a specialty form. But that is not... that's not put in the... the Bill. That does not stipulate it in the Bill."

Davis, M.: "Well, it says that the list is provided by your local school board, not your school's dis... not your individual schools. It's provided by the school board. So, every school in that particular district would have that list."

Kosel: "That's exactly what the question that... that bothers me about the Bill. Because if... if the local school district does not present this list, they can't proceed with the disciplinary action."

Davis, M.: "If they don't present the sheet of paper, Representative Kosel, that tells why a student is being suspended that gives the principal or his designee's signature, the child... the suspension cannot proceed."

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Kosel: "But... but that isn't what the Bill addresses. The Bill... the Bill says that the student cannot be dis... cannot be suspended until this list is presented."

Davis, M.: "Well..."

Kosel: "That is problematic to me because it can't proceed if... if for some reason that list doesn't happen to be available at that time, then the action couldn't proceed."

Davis, M.: "The reason for that, Representative, is suspensions are not today what they used to be years ago. You know, years ago when a child was suspended parents, or at least one parent, was home, the family or the child was embarrassed, chores were given out for the child to do, and there was supervision. Today, when a child is suspended, he's usually suspended without any adult supervision at home 'cause mo... usually both parents are working, as opposed to the way suspensions used to be. Also, today, sometimes, when children are suspended they're going to the mall, they're finding older children to hang out with, they're getting into worse trouble. So what this Bill is attempting to do, Representative, is to have a list of alternatives that a parent can use when he or she has to go to work to say that child can attend this educational facility. When the clerk hands the parent the suspension slip, that list from your local school board, telling the parent what the options are should be available. And of course, as you asked me to put in as an Amendment, if there's no group or places available then the list would

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not even be provided and the suspension would certainly continue."

Kosel: "And I appreciate you putting that Amendment in. I still believe that there's a problem with the... the way this proceeds on through in your Bill that it can stop the whole process if that list isn't available at the appropriate time. And that's my only concern."

Davis, M.: "Representative, it says 'may not', not... it doesn't say 'shall not'. The Bill says 'may not'. And if the Bill says 'may not' that means it certainly would be up to the discretion of the local school officials. It doesn't say 'shall not', it said 'may not'."

Kosel: "'May not' means is not... to me, 'may not' does not... is not elective. They 'may not' suspend the student. They 'shall not', they 'may not'. It isn't... it... it's a definite. The Bill says that it definitely... the child cannot be suspended unless this list is provided."

Davis, M.: "It... Representative Kosel, it is not a definite. A definite would say the child 'shall not' be suspended without this list being provided. It says the child 'may not'. May, of course, in our legislative language means it has... someone has some discre... some digre... some discretion."

Kosel: "I appreciate your efforts in amending it. I still believe it does have a flaw. I appreciate it. I understand where you're going with the Bill. I understand that it addresses a need that may be in metropolitan areas but many places downstate may have problems with this Bill.

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And I am very concerned about the process being held up with this. So, thank you."

Speaker Hannig: "The Chair recognizes Representative Eddy."

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

Speaker Hannig: "The Lady will yield."

Eddy: "I understand the intent of this Bill also and I think the intent is very, very good. I take, as a school administrator, suspensions of students from school very seriously. It is just one action short of the most severe discipline that we can administer in a case where a student has misbehaved in a manner that... that may be dangerous to self, others, or violates some other school rule. And it should be taken as a very, very serious step."

Davis, M.: "Absolutely."

Eddy: "And I agree that we should, in those cases, attempt to have students placed in a safe environment, one that is nurturing and one that, in the best scenario, continues to educate the child in their absence from school. I do have, as a practicing administrator, one concern for those students who, in cases where they are suspended and are in an alternative setting, maybe would appreciate that setting better than the school setting. And I have worked with students before who do try to get away from school by incurring suspensions. And I have a concern that, if those students feel that their alternative setting may be better than being in the regular school, they may become suspended students to take advantage of that setting. Now, I agree that that is a rare case and... and that may be something

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that doesn't happen on a regular basis with parental support. But these are the very students you're talking about, the ones that don't have that parental support. I do think it's a good concept. I don't like the fact that students, especially younger students in many cases, are sent home with no supervision whatsoever. And I also agree that you've done a lot to make this much, much more permissive. I... I believe that with additional considerations on issues and... and circumstances that might occur, that are unintended by your legislation, that this could be good start toward a solution to the problem. But as it is written, I do have those concerns. And because I have those concerns I would like to see this come back with... with some of those concerns addressed."

Davis, M.: "Thank you, Representative Eddy. As you know, some students today like to be suspended because they know mom is at work and maybe dad is at work and they're going to the mall or they're going to just hang out at home. So today they do things, perhaps, just to be suspended so that they don't have to be in school. As you and I know, as an educators, suspensions should be considered extremely serious business. And especially today, with the environment that children live in. And we should all be looking for avenues to find protection and supervision, as well as education for those students. Representative, I have letters from... well, one is from the scho... the School Leadership Cooperative who very much supports this legislation. This cooperative believes that young children

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should learn from their mistakes, take responsibility for their action, but be given constructive learning experiences and supervised opportunities not to get in trouble. Today what we have in some cases is a student is suspended for five or six days, he comes back for a few days, he misbehaves, he's suspended again. So my... our intent is not to remove the... what shall we say, not to remove the child's desire to stay in school by giving him a better opportunity outside of school. That is not what our intent is. Our intent is to keep that child out of trouble with supervision and hopefully with a learning experience. If you remember..."

Eddy: "And I... I really do think that intent..."

Davis, M.: "If you remember what happened in Park Ridge. In Park Ridge a number of students were caught in a gambling scam. The principal wisely stated, 'we are going to use this as a teachable moment.' And they had counselors to explain to children what gambling can bring about, the... the statistics that show the risk of not winning. But in some other district, not Park Ridge, those students would've been suspended for ten days."

Eddy: "Representative..."

Davis, M.: "And ten days unsupervised, without a parent at home or anybody observing you, is a dangerous situation."

Eddy: "Representative, I... and as I stated, I believe your intent is to help children. And I am concerned..."

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Davis, M.: "Well, we can talk about this and maybe in the Senate, if there are some things you'd like to have changed, we can ask..."

Eddy: "And I... I'm concerned also about the fact that there are many, many safeguards in the suspension procedure already that school districts have to comply with. There are mandates that are... are required of school districts. And I... I'm not saying that those mandates solve this problem. But I'm saying to add a mandate for the school districts who, in a blanket way, in some cases downstate, don't have this same issue or problem, instead of letting the local board of education deal with the type of thing you're talking about on an individual basis. And making it something that they want to do, they want to buy into, that they're gonna support and they're going to really promote using this alternative setting, I think that... that we're missing the mark. And I know your intent is correct but I think the local control of school districts by local boards of education would... would beg the question why... why in every corner of the state and why in every school district do we want this to be the single solution when we may already have a better solution."

Davis, M.: "Representative Eddy, it's not the only solution. Some schools have inhouse suspensions. We're not touching that. They can continue to have inhouse suspensions. Some schools may decide that instead of having a suspension a child is not given recess. Some schools may have on

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Saturday detention. And this Bill, in no way, takes that away."

Eddy: "And I understand. And as you know, Representative, in a school setting there is a progressive discipline system where a Saturday school or an inhouse suspension or a taken-away recess, those are types of things that are done in a progressive manner. But as discipline increases in the problem and the intensity, sometimes, and this is my point earlier, suspensions are necessary part of school discipline. And only when they are necessary should they be invoked. And only locally are you going to change whether a student is suspended or not. And to me, that's the bigger question here, is making sure, at the local level, students aren't just turned out. Whether it's to these community-based programs or to the streets or... or to the home, where they're unsupervised, what we really need to do is locally cause a solution to this problem where, in the cases that you've described, it is a problem. This Bill creates a statewide solution for a problem that is only... or, excuse me, a statewide rule or mandate for a problem that may not be in all those cases. But I want you to know I do appreciate the intent of this. I just have some concerns with school districts, especially in parts that you're not intending, having to deal with a mandate that they may not be able to. Thank you."

Speaker Hannig: "Representative Lang."

Lang: "Thank you, Mr. Speaker. I rise in strong support of the Lady's legislation. I know she worked very hard on this

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piece of legislation to make it exactly what it ought to be. In fact, after she introduced her original legislation she put the brakes on it to make sure it was going to do everything that would be right, not only for the school districts involved but for the students as well. So, I just simply rise to applaud the Lady for her hard work and urge 'aye' votes."

Speaker Hannig: "Representative Jerry Mitchell. Representative Mitchell."

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

Speaker Hannig: "She indicates she'll yield."

Mitchell, J.: "Representative Davis, like everyone has already said to you, I fully understand that you're trying to do something for students that probably need some direction. I was in committee when you presented your... your earlier version and you worked very hard to amend this. I have a couple of concerns I need for you to just voice to make sure that... that it is on the record. First of all, the way the Bill reads it says they 'shall' create the list. Okay, that means that every district is going to have to create a list. If they have nothing in their area, they can simply state that and then the list doesn't need to be created. 'Cause you can't create something out of nothing. Correct?"

Davis, M.: "That is correct. Excuse me. Representative Kosel asked me to put in the words 'when available'. The list

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would be provided when those locations were available. And we did, that's Amendment #2, Representative."

Mitchell, J.: "Okay. Now, the second concern I have is that the suspension may not start without the list. Now, your intention with 'may' is there is... that it really shouldn't but if the local school board decides it should, then there's no harm done."

Davis, M.: "You said the local school board decides it should provide the list?"

Mitchell, J.: "No, the local school board doesn't have the list ready and someone does something that gets them suspended, they can go ahead and suspend that student with the word 'may' rather than 'shall'."

Davis, M.: "Then the list is not available, right?"

Mitchell, J.: "Okay. The third thing I have is a concern on liability. You know yourself there... there may be adults that create a program to make some money, hopefully none. But if they do that and are on that list and it turns out they're using youngsters for some activity that's not acceptable, would the school district then have some liability if the parents came back in suit, because what they said was an alternative suspension turned out to be something that was harmful to their child? Where's the liability rest?"

Davis, M.: "First of all, Representative... Representative, the reason we chose the local school board to develop the list is because your board would know what organizations are

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viable and credible in your community. That's... the local school board would have the option of..."

Mitchell, J.: "But, Representative, that's not necessarily true. Chicago is like a... a huge state. It's hard to know every... every..."

Davis, M.: "Wait a minute."

Mitchell, J.: "...various organization. The same in Rockford, the same in Elgin."

Davis, M.: "But it doesn't have to be every organization."

Mitchell, J.: "That's correct."

Davis, M.: "And it's also the parents' option. The parent is not mandated, Representative, to take the child. It is a parent's option. If you wish to take your child to one of the locations on this list, you have that option. Let me give you a case."

Mitchell, J.: "You know, I'm not arguing that."

Davis, M.: "Okay."

Mitchell, J.: "And I understand that. But let's just say I'm a very naïve parent that wants my child to have an alternative. I don't have the time, simply for the same reasons you explained, because I'm working and my wife's working and so I just go down this list and this looks really like a good organization for my child. I don't realize that they're gonna teach that child or use that child, maybe, to move drugs across the city. And... there's no way of knowing it. But... but their... their literature to the board is all legitimate. And quite frankly, there are people out there that could do that kind of thing, I'm not

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saying they would and I sure hope it wouldn't. But my concern is if that scenario happened, would the district then be liable in that situation?"

Davis, M.: "I think the location would be liable. The location would be liable. But that child is more likely to be encountered by a drug dealer to sell drugs unsupervised, on the street, in the mall. Probably more likely than if he or she were in an environment in which the community allows to exist. For example, in Chicago we may have the Urban League, we may have the NAACP. You may have a Boys and Girls Club, you may have a YWCA. And it's certainly up to your local board wi... who they put on the list or if they choose anyone to put on the list."

Mitchell, J.: "Okay. And I... and I'm not arguing with that point."

Davis, M.: "But, we just... we just think, Representative Mitchell, that child would be better served and protected and the parent, if the parent had an option of taking the child with the suspension slip to the location and not leaving that eight-, nine-, or ten-year-old home alone. We..."

Mitchell, J.: "As long as those are legitimate di... areas. And... and..."

Davis, M.: "Well, your local... your local board would make that decision. I'm not asking the state board to make that decision..."

Mitchell, J.: "And... and that's not..."

Davis, M.: "We're asking..."

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Mitchell, J.: "That's not my question."

Davis, M.: "Oh, okay."

Mitchell, J.: "That's not my que... the question is is once they make that decision and it turns out that... that this is not a legitimate organization, do they have liability in that situation or can we write something into this Bill in the Senate that would protect districts against the flim-flam man, for instance, that... that might... because they always go for the deep pockets, you know that, in... in a lawsuit that involves children."

Davis, M.: "Liability here would lie with the third party. If they misrepresented what they do or did... misrepresented what they say, they would be the party liable. Just as today if you take your child to a tutoring center. If you take your child to a tutoring center and anything happens to that child or they misrepresent what they do, that's who's liable."

Mitchell, J.: "Okay. Now, final question."

Davis, M.: "Yes, Sir."

Mitchell, J.: "Is... your Bill says that the... the local boards will create a list. Okay? That... that doesn't mean that they have to go out and solicit various organizations to be on that list. Isn't the responsibility with the organizations to let the school board know that they're available for..."

Davis, M.: "That they're available and willing to participate."

Mitchell, J.: "Okay."

Davis, M.: "You're absolutely correct."

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Mitchell, J.: "Okay. So the... so the onus is on the... the private sector to communicate with the boards of education so that the boards of education don't have to hire someone, for instance, to go out and check out all these various organizations that might be on the list."

Davis, M.: "That is correct, Representative."

Mitchell, J.: "Okay. So, your intention is not to cause any undue cost to a... to a local school district?"

Davis, M.: "No, I'm... that is... you're right, Representative. My intention is not to cause any harm or greater liability to any school district. My intention is merely to stop the practice of having so many children suspended unsupervised, home alone, at the mall, getting into trouble, being coerced by drug dealers to become involved in bad practices, becoming gang members. We can find better solutions to this. These educational programs can allow the child to do homework while he or she is sitting there. They can't come in if they're not suspended because they must bring the suspension slip."

Mitchell, J.: "Well, Representative, based upon your verbal intent for this... this Bill, and certainly understanding that... that you have no intention to cause a major liability for a local school district, that is not your intention, we may have to come back and revisit this program down the road if we find out that happens. But I'd certainly know now that that's not your intent. Mr. Speaker, to the Bill."

Speaker Hannig: "To the Bill."

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Mitchell, J.: "I think the Representative has... has really the hearts of children at the forefront. I think that what she's trying to do is to make education extend into the community, which is always a good idea. I still have a... a kind of a doubt, I guess maybe it's a doubt that my fellow man will always treat this program with the utmost espe... respect that the Representative has for it. And again, we may have to build in some protection for local school districts if, in fact, somebody tries to bring suit against them because of harm done to a children, which... which is no intent of this Bill. With that caveat, I certainly can support the Lady's recommendation. Thank you, Mr. Speaker."

Speaker Hannig: "The Gentleman from Macon, Representative Flider."

Flider: "Yes, thank you, Mr. Speaker. I rise in support of this legislation. And I commend the Representative for her work in this effort. I think that it may not be the perfect solution right now but it certainly is a step in the right direction. I... I long have believed that it sort of creates a perverse situation when a student is suspended from school and then suddenly if there is no program, in-school program or otherwise, they're just out there on the streets somewhere, they're not learning, they're getting behind. And they get back in school and they have a stigma that they have fallen behind and... and you know, it just kind of makes it easy to fall into a trap of continuing to get behind. And so, I think we need to do

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everything we can to ensure our kids that even though they may have done something wrong we're not giving up on them and we're trying to work with them and not abandoning them. So, I would just say that I think this is a step in the right direction. And if there are some things that we need to do, for example, I'm not sure in Decatur whether this list... I know of some very, very good programs. I know of some good after-school programs, I know of some good GED programs, I know of some good organizations. I'm not sure if they would qualify on this list but I definitely think this is a step in the right direction and I think we need to continue to... to move there. And I commend you for this legislation."

Speaker Hannig: "Representative Parke."

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

Speaker Hannig: "She indicates she'll yield."

Parke: "Representative, why is ED-RED, the... the conglomerate of northwest suburban and west suburban school districts, opposed to your legislation?"

Davis, M.: "I think that was before the two Amendments. The first Bill stated that the dollars would follow the child to the educational... I mean, to outside facility. So, we... the Amendment #1 took that out."

Parke: "Okay."

Davis, M.: "And Representative Kosel asked that I put another Amendment in to state when these facilities are available, when available, then the list should be provided. She explained that some communities don't have community-based

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organizations or outside educational facilities, so that's the second Amendment. So, I'm not sure they're still opposed with the two Amendments."

Parke: "But you don't know if they are in support of it either?"

Davis, M.: "No, I haven't heard from them since we added the Amendments."

Parke: "Either way, huh? Thank you for answering the question."

Davis, M.: "You're welcome. Thank you."

Speaker Hannig: "Representative Monique Davis to close."

Davis, M.: "Thank you very much, Mr. Speaker. I really want to thank Representative Lang for helping me with the language. He helped me to realize that in a day of schools having financial difficulty they certainly don't want anything that's gonna take dollars out of their local districts. So, we moved the... we removed the language stating that any dollars would be taken away from any school district. This Bill is revenue neutral. It allows every local school board to develop a list of school-based or community-based organizations that can provide some educational or supervised activity for children who are suspended. I think we would rather have this than have children who are coming to school after having been suspended and have... had learned worse behavior than what caused the in... the initial suspension. I'm very grateful to all the Sponsors we have, Mr. Speaker. And I would just ask for an 'aye' vote."

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Speaker Hannig: "The question is, 'Shall House Bill 205 pass?' All in favor vote 'aye'; opposed 'nay'. 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 80 voting 'yes', 30 voting 'no', and 3 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Howard, for what reason do you rise?"

Howard: "Thank you, Mr. Speaker. I'd like to ask my colleagues to recognize that in the balcony today we have the Developing Justices Coalition. Please help me to welcome them to Springfield."

Speaker Hannig: "Welcome to Springfield. And Representative Dunkin, for what reason do you rise?"

Dunkin: "Point of personal privilege."

Speaker Hannig: "Yes, state your point."

Dunkin: "I'd also like to recognize the Chicago Project for Proviolence... for Violence Prevention and with the CeaseFire group over on the Chicago's west side in the balcony, as well."

Speaker Hannig: "Welcome to Springfield. Representative Froehlich, are you prepared with House Bill 3075? Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 3075, a Bill for an Act in relation to criminal law. Third Reading of this House Bill."

Speaker Hannig: "Representative Froehlich."

Froehlich: "I present House Bill 3075. It's a simple measure. It would provide that there should be an additional \$500

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fine added to the sentence of convicted arsonists in order to reimburse the fire departments that responded to the... to the crime... to the fire. And there are several proponents, the DuPage County State's Attorneys Office, Association of Firefighters of Illinois, Illinois State Crime Commission, the Illinois State Fire Marshal. I know of no opponents to the Bill."

Speaker Hannig: "The Gentleman has moved for passage of House Bill 3075. And on that question, Representative Parke."

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

Speaker Hannig: "He indicates he will yield."

Parke: "Now, Representative, didn't you sort of say something about not wanting me to speak on this Bill or something like that? Some kind of a veiled understanding that you wanted to have? So, I'm... I'm speaking on it anyway because I think this is gonna be good for you. So, I just want to ask you, what happens if the arsonist is judgment proof?"

Froehlich: "If the arsonist is judgment proof, I guess you won't be able to collect anything from him."

Parke: "Do you want to put 'em in prison? Do you want to put 'em... will they keep 'em in prison until they come up with the money?"

Froehlich: "Right, there are alternatives open to the... to the judge, including extending prison time, if somebody cannot pay the fine that they're assessed."

Parke: "So, let's see. So, there are... what would... give me an example of what the judge might say."

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Froehlich: "Until you complete the... until you fulfill the requirements of this sentence, you will face additional time."

Parke: "Now, if you're gonna charge the \$500 and the person convicted of this crime doesn't have the money, then the judge can do... can make other arrangements. Can he give them community service?"

Froehlich: "My Bill wouldn't limit the judge's options here. It would simply require that a judge seek to recover some reimbursement to... so taxpayers aren't paying the full costs of responding to an arson."

Parke: "How do you take care of the courts while this is going on? I mean, you know, the courts collect... collect this. This is an extra amount of work that the court system's gotta do. The clerk's gotta do it, he's gotta collect additional money. How do we take care of the court system and the clerks that collect this money?"

Froehlich: "Good question. We allow the... the court clerk to retain 5 percent of the assessment to pay for their administrative costs."

Parke: "Have you talked to them? Is that enough to cover their costs or do they need 15 or 20 percent?"

Froehlich: "Well, they have and I... they have not opposed this Bill, so I'm assuming it's... they don't see this as something that's gonna cost them money."

Parke: "I see. And where did this Bill come from?"

Froehlich: "Caucus."

Parke: "From what?"

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Froehlich: "The... the... it's a caucus Bill."

Parke: "It's a caucus Bill?"

Froehlich: "House Republican Caucus."

Parke: "Well, I've never heard of a caucus Bill. Okay. Well, I... you mean this is a... this was a good idea brought to your attention by the House Republican staff?"

Froehlich: "Correct."

Parke: "I see. Okay. All right. Well, Representative, I guess it sounds like a good idea to make it more expensive to burn down things. What are we gonna use the \$500 for after the administrative costs? What are you gonna use it for? What's the... what is it gonna be used... how is it gonna be used?"

Froehlich: "It must be used to in... investigate... for equipment to purchase, to it... suppress fires or investigate fires."

Parke: "Okay. So, we're gonna use the money to make our law enforcement agencies more efficient by giving them tools in which to do a better job in..."

Froehlich: "That's correct."

Parke: "...catching these people."

Froehlich: "Correct."

Parke: "Okay. Thank you, Representative."

Speaker Hannig: "Is there any further discussion? There being none, Representative Froehlich to close."

Froehlich: "I'd ask for a 'yes' vote on this measure. This should alleviate some of the costs taxpayers bear today. Thank you."

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Speaker Hannig: "The question is, 'Shall House Bill 3075 pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 115 voting 'yes', and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, please read House Bill 2853."

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

Speaker Hannig: "Representative Lyons, for what reason do you rise?"

Lyons, E.: "Thank you, Mr. Speaker. I wish the record to reflect that on House Bill 205 that my vote would be a 'no', recorded as a 'no', please."

Speaker Hannig: "Okay. The record will show... will so reflect your intention. And now, Representative Collins on House Bill 2853."

Collins: "Yes. First of all, Mr. Speaker, on House Bill 205 I was not voted. I would like to vote a 'yes'."

Speaker Hannig: "Okay. On... again, the... the record will reflect your intention of wishing to vote 'yes'. And now on the Bill, Representative. House Bill 2853."

Collins: "Yes, Mr. Speaker. House Bill 25... 2853, it amends the Juvenile Court Act. It just changes the age from... that now that if you go into juvenile court from 17 to 18. And it also deals with the automatic transfer issue. I ask for an 'aye' vote."

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Speaker Hannig: "The Lady has moved for passage of House Bill 2853. And on that question, Representative Aguilar is recognized."

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

Speaker Hannig: "To the Bill."

Aguilar: "This just... there is an epidemic, especially in the urban areas in Illinois where you have... Chicago and the Chicagoland area where you have street gang members recruiting young children into gangs to do their dirty work. And this Bill... it just gives 'em a free ticket to prey on our children. So, you know, on behalf of our children's parents that are concerned of our youth and protect our children, I, you know, ask that we vote 'no' on this Bill. Thank you."

Speaker Hannig: "The Gentleman from Cook, Representative Parke."

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

Speaker Hannig: "She indicates she will yield."

Parke: "Representative, it's my understanding that your Bill will take anybody that's 18 years old, rather than 17 years of age, and let them be handled in juvenile courts. Is that correct?"

Collins: "That's correct."

Parke: "So, we're going to raise the age limit for who can be dealt with. Now, let me ask you this. In... in criminal courts, are those proceedings open to the general public?"

Collins: "Yes, in criminal court it is. But 38..."

Parke: "No, no, no. Adult court."

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Collins: "In adult court, yes, the proceedings are open."

Parke: "Now..."

Collins: "Thirty-eight other states, Representative Parke, allow juveniles to the age of 18. The state's attorneys don't have a problem with raising the age from 17 to 18. Now, in 30 other states in this country the children are tried until 18."

Parke: "Okay. But the problem, of course, is that the juvenile court system, those records are sealed, are they not?"

Collins: "That's correct."

Parke: "So, therefore, if someone's in a rape proceeding and is a sex offender at 16 or 17 and a court... a judge feels that a 15-year-old and the judge has the discretion in the juvenile court whether or not they're gonna send that juvenile to adult court or not, may simply say is that I'm gonna let that be taken care of in juvenile court. And we will not know because those records will be sealed, whether or not this is a habitual sex offender or that rape was involved or ever murder for that matter, if that judge chooses to keep it. Is that not true?"

Collins: "The judge has the discretion now to... whether they're gonna keep the case in juvenile court or send it over to adult court. They're gonna look at the seriousness of the alleged offenses, the minor's history of the delinquency, the age of the minor, the culpability of the minor in committing the alleged offense, whether the offense was committed in an aggressive preme... premeditative manner, whether the minor used or possessed a deadly weapon when

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committing the alleged offense, the minor's history of substance... so, they're gonna take into account all of those things before they make a decision whether they're gonna keep that kid there or transfer that kid to adult court. It's not gonna be automatic."

Parke: "Well, Ladies and Gentlemen, to the Bill. This is a... you all are gonna have to pay attention to this Bill because this is not a easy one. The Representative has worked very hard on this Bill, she's talked to a lot of you. But I have to tell ya that the Illinois State's Attorneys Association and the Cook County State's Attorneys Office feel that this is a... really is not good public policy. That this, in fact, is something that limits the ability of the court system to prosecute people who break the law. And so I would ask you to think hard and long of whether or not we want to make this change in our court system when we have the people, the very people who are representing our interests in the court system, the Attorney General's Offices, and says that they're opposed to this I don't think we should be voting for it. I... I would just ask that the Sponsor to take this back to the drawing board and work on... find a way that the attorneys general of this state, both Cook County and State of Illinois, can live with this. But currently, they are strongly in opposition to this legislation."

Speaker Hannig: "The Chair recognizes the Gentleman from Vermilion, Representative Black. Representative Bill Black, you're up."

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

Speaker Hannig: "She indicates she will yield."

Black: "Representative, it's... correct me if I'm... if I'm mistaken. It was my understanding that you had made... made an agreement to hold this Bill until you'd worked out some language with the state's attorney. Is that... is that incorrect information?"

Collins: "That's incorrect information. I spoke with the state's attorney. Actually, I called Dick Devine's office. What he said to me... the problem he had with the Bill was the supervisors and they were having a hard time talking to the families, explaining to them that a juvenile would not get the maximum amount of sentence as they would in adult court. But at the same time, the juveniles can get the same... the same offenses. The case is not automatically... you first must go to juvenile court, listen to the case in juvenile court, let all of the information about that particular individual hear the case. And they're gonna talk about everything in this child's history about what he did over the years. If he has been a really troubled kid, then the case would go back. The state's attorney also gave me information. Last year alone in the City of Chicago, which had the highest numbers, we only had 8 children who were tried as adults for murder. We only had 17 children that were tried for aggravated criminal sexual assault. So that is 25 children that the... that the courts would've had to deal with. Those 25 children would've gone

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before the juvenile court, listened to the case, heard all the information, and then that judge would've made a decision, we don't. Although we think there's a lot of crime out there that's committed by juveniles, it simply is not a lot of kids that we're talking about. So if our... if our communities, if our country cannot deal with 25 children then... I mean, it's shame on us, it's not shame on the children. We should be able to do something with these 25 children. It's not a bunch of kids that's out there killin'. We think it is because of all the news media and how they hyped it all up. But it's really... these are the state's attorneys numbers, not my numbers. They gave me these statistics."

Black: "All right. I assume that rather lengthy answer means that you didn't agree to hold the Bill. So, okay. That's fine. Representative, about, I don't know, three or four years ago, literally dozens of people were involved in a rewrite of the Juvenile Justice Act. Hundreds of hours were spent. The Bill was brought forward, it passed by substantial majorities in both the House and the Senate and signed into law. And this transfer provision and the age provision was in the juvenile justice rewrite. Now, what has transpired since people spent hundreds of hours negotiating the juvenile justice rewrite? What has transpired in the last three years that suddenly we're gonna come back and start to undo the reform Act that was just passed about three years ago?"

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Collins: "Well, first of all, when I talked to the state's attorney when he was at the table in committee when we asked him why didn't they deal with the age then, he said they didn't bring it up. So, if they did not bring it up in all those hours that they spent talking about it, then it should be brought up and addressed now. Thirty of... 38 of the states have it at 18. So, it's still not 18, it's 17. So, at 18 they're still gonna be tried as an adult, now it's 17. If they're 17 they're gonna be tried as an adult. So, it's really 16."

Black: "Representative..."

Collins: "The state's attorney... one other thing I told you, the state's attorney don't have a problem with changing the age from 17 to 18."

Black: "Representative, in... in talking with staff who was present during the juvenile justice rewrite, no one... the age matter was, in fact, brought up. And no one had much of a problem moving it from 17 to 18. What they have a problem with is the fact that you are putting back in a reverse transfer, almost literally an automatic reverse transfer. That the assumption is no matter how serious the crime the individual will be tried in a juvenile court rather than the assumption that they might be moved to adult court. And I think that's where the state's attorneys oppose your Bill. Not necessarily on the age limit, but that you are putting back into effect the automatic reverse transfer, which is the assumption that no

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matter what the offense the juvenile will be tried in a juvenile court."

Collins: "What... no, the case will be heard before the juvenile court. The juvenile judge, after hearing all of above evidence that I just told you, about the seriousness of the alleged offense, the minor's history of the delinquency, the age of the minor, the culpability of the minor committing the alleged offense, whether the offense was committed in an aggressive or premeditated manner, whether they use a... whether they used or possessed a deadly weapon when committing the alleged offense, the minor's history of services, including the minors willingness to participate in meaningful and available services, whether this was a child's first offense or not, the adequacy of the personal services available to the juvenile in the juvenile justice system. All of these things will be considered when they are hearing the case and then the judge will decide, after all of that, whether they should stay in juvenile court or whether that case should move to adult court. So, it's not automatically. It's... we're just asking that those 25 cases... now remember, there were only 25 of those cases last year in the City of Chicago. Those 25 kids would've stood before a juvenile judge and the juvenile judge would've made that decision whether that kid should stay here after dealing with the record or should that kid move to adult court. And so it's not automatic. And it's just not gonna assume... we're... we hired the... we elected these judges to do a job and so we expect that when that kid is standing

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before the judge, after hearing the evidence, that they will make a decision that will be fair and in the best interest of the child. And that's what we really want. We want it to be the interest of the child. If that child was 13 and committed a murder, at this time, that kid would automatically go to adult court, under the current law. And it's unfair."

Black: "Thank you, Representative. I think. Mr. Speaker, to the Bill."

Speaker Hannig: "To the Bill."

Black: "In all due respect to the Sponsor of the legislation, she indicated that in all of Cook County only eight transfers were made in the last year. I... I'm not sure I understand what the... what the problem is if only eight are transferred. I can guarantee you, in the two counties that I represent a 16-year-old convicted of cold... not convicted, accused and indicted of cold blooded murder will be transferred to adult court. No ifs, and, buts, or ors. Now, if there is a problem in Cook County where only eight such transfers were made, I fail to see... it would... it would appear that the Juvenile Justice Reform Act that we passed three years ago is working. It isn't failing, it's working. But, you know, here again we're... we're... we're... it reminds me of the first day I started teaching, long, long ago. You know, a major discipline problem then was somebody chewing gum or somebody putting their head down on their desk and going to sleep or somebody who might tell the teacher, 'I didn't do my homework and I'm not gonna do

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my homework.' Those were reg... in the early sixties, those were regarded as major discipline problems. You're talking about an entirely different world today, one that I wish didn't exist but it does. Gangs often have 16-year-olds pull the trigger and carry the gun because they figure the 16-year-old is gonna get off, more or less with probation or a small sentence... or a small sentence to be served in a juvenile detention facility. If a 16-year-old is old enough and takes the foolish responsibility to illegally obtain a firearm, to illegally use the firearm, and to kill a member of my family or to kill one of my children or, god forbid, kill one of my grandchildren... if you expect me to sit back and expect that 16-year-old to be trialed... be tried in a juvenile court for some kind of offense that would equate to spitting on the sidewalk, that's not realistic, that's not real life, that's not what we're faced with today. If you wanna do the crime, then you better be old enough and prepared to do the time and if you don't want to, then leave the gun at home. We're not talking about stealing candy from the neighborhood grocery store. We're not talking about shoplifting, we're not talking about taking hubcaps off of cars. We're talking about people who commit cold blooded vicious crimes: murder, rape, sexual assault, aggravated assault and battery with a weapon. Those people don't automatically belong in juvenile court. And I can't vote for the Bill."

Speaker Hannig: "Representative Sacia."

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

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Speaker Hannig: "She indicates she will."

Sacia: "Ladies and Gentlemen of the House, I have profound respect for the Sponsor of this Bill. I have the privilege of sitting on Criminal Law II... Judicial II-Criminal Law with her and I know her to be a deep and a profound thinker and I know she has all the right merits to bring this Bill to this House. Thirty years in law enforcement tells me this is a horrendous Bill. Older juveniles commit more heinous crimes. My esteemed colleague, Mr. Black, said it very, very well when he talked about the seriousness of crimes. And I don't want to be repetitive, so I won't. But this is a Bill that is not good legislation. Eighteen-year-olds are adults, seventeen-year-old and younger are minor. This is bad legislation and I think it needs to be defeated. Thank you."

Hannig: "Representative Mulligan."

Mulligan: "Thank you, Mr. Speaker. Our side requests a verification on this Bill, if it should pass."

Speaker Hannig: "Okay, thank you. It will be granted."

Mulligan: "Will the Sponsor yield?"

Speaker Hannig: "She indicates she'll yield."

Mulligan: "Representative, when you came to me, I told you I... I would try and support you on this Bill and I... I've talked to people from both sides of it. But I also told you that my father was murdered by five young men, three of whom were... two were 17 and one was 18, and they were all tried as adults. And the younger men were... turned state's evidence and got away free. And that was in 1967. I have

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some concern when you answered Representative Black in debate that only 17 have been transferred from juvenile court to adult court in the last year when we routinely see older teens, many of whom are not in school and they're out working to support themselves, committing crimes that are quite serious. And in community where the... people in the community are the victims of the crime, so that the families probably have no say in whether those young people are transferred or whether they commit a crime again. And I am concerned also by the fact that in gangs they routinely let the younger kids carry weapons and do things so that they get away with stuff. How... how does this equate with only 17 being moved from juvenile court to adult court?"

Collins: "The state's attorney gave me the list of crimes from Branch 66 in the City of Chicago. Eight murders... there were eight murders that were transferred to juvenile court last year. This is... these are the Cook County's State's Attorneys who gave me these numbers. There were 17 that was aggravated criminal sexual assault last year. Now, those are 25 cases... those are the two most serious cases... I mean, two charges."

Mulligan: "That were traveled from..."

Collins: "This was in..."

Mulligan: "...transferred from adult court to juvenile court or the other way?"

Collins: "No, no. These were transferred... they... these kids who were eligible to go to juvenile court but they did not

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because of the type of crime they committed they automatically went to adult court. So that was... we were talking about 25 kids last year in the City of Chicago, not all of Cook County, just in the City of Chicago. And from what the state's attorney said that these were the... Chicago has the highest numbers. So, it's... what we're saying now, if that would were... were to change, it wouldn't be automatic. These 25 kids would've gone before a juvenile judge that would've heard the case, everything that happened, the child's history, the type of crime it was, whether this was their first offense or not... or not, make... and then the judge would've said... the juvenile judge would say, no, you know what, your record is too bad, you need to go to juvenile court. Or they would've said, all right, this is the kid's first offense. Maybe somebody initiated him in a gang, they made him do it. I don't know what the circumstances could've been but whatever it is that judge might have said this case needs to stay in juvenile court because it wasn't serious enough. It is not automatic. It's at the judge's discretion. And we elect these judges to make those kind of decisions."

Mulligan: "One of the Representatives on our side of the aisle that serves on juvenile justice, when I asked her she said that one of the reasons this was recommended was because that younger offenders who are transferred or are tried in adult court do not have the adequate resources for attorneys and that poor people were rou... were routinely convicted where people that had money were not. That's

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been a concern all along in the Governor's reform... or, Governor Ryan's commission on the death penalty. And I find that to be unfortunate, too. Although, I am concerned about the other issue of victims of crimes in communities where gangs are pretty rampant and they use the ability of being younger to get... get away with doing things that have no logical justification in this world."

Collins: "But... but, Representative..."

Mulligan: "I think the Bill puts me at crosswords in whether I wanna support you or not."

Collins: "But the Bill doesn't let the children get away with anything. They're not getting away. They are still getting being puni... if you got a 13-year-old who committed murder. This child is 13 years old, at the beginning of their life. We're saying now that children can't vote, they can't... they can't do anything that... until they're 18. They can't get a license. We're even trying now to change the age for smoking now. So, we're saying that kids don't even know whether they should smoke or not 'til they get about 19 years old. We're saying that kids can't drive. They want to change the driving age now from at... from 16 to now they can only drive from... between the hours of 6 and 9 because we're saying that children cannot make adult decisions. So, now, if they commit a crime or if they were coerced or if they had a terrible life or if anything happened to that child, we're saying now they know what they're doing. But in any other situation they don't know what they're doing. If they had a terrible life or maybe

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they came from a great family and they just went astray. We don't know. But what we are saying that if that kid goes before the juvenile judge, hears it, let the judge make that decision because each individual case should be heard differently... should be handled differently. I don't know, maybe this is a terrible 16-year-old or a terrible 13-year-old. But maybe it's not. Maybe it was a one-time thing. Maybe this child was coerced. We don't know. All we're asking is that it would be at the judge's discretion. Maybe this kid didn't get a lawyer, maybe the police... things happen and we don't know. We're just asking that if... if it was only eight kids... we think in society that it's millions and millions of kids out here committing all these crimes because we see that. But in reality, from the... from the Chicago State's Attorneys Office, that's from Dick Devine's office, they're saying that they only have eight kids who was transferred last year. So we... we, as a society, should be able to do something about these 25 children. And if we can't, as a society, do something about 25 children what is that saying about us as a society? What is that saying about where we're spending our money and resources? What is that saying about what are we doing as parents that we're gonna say, sure, these kids can... should be punished. We're not saying that they should be... get off scot-free. And they will be punished, just... just according to their age."

Mulligan: "Representative, I understand you're very passionate about this. I'm very conflicted about doing the right

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thing. I feel that in decisions about whether you murder somebody or not, you should know that by a certain age that it's right or wrong to begin with. In the case of the young man... I sat through a murder trial. In the case of the young man that murdered my father, the 18-year-old was the bad actor in the group and the other people were there in a bad spot, although they maybe they could've stopped it. But two of them... in listening to the testimony, one was about to go in the Navy, probably would've straightened up his life. They weren't in school. I don't know if they could've changed the person... the person that actually shot... they all went to prison for the same length of time. Two were 17 and they were all tried as adults. I'm not sure because as sitting there it dawned on me that there was in... inequity in justice, although I've never not been for being tough on crime. And I understand your passion. I just don't understand the rationale between the people in this Body that represent communities that say this will give the gang bangers an extra edge, and the people that say there's an inequity here, and the court should be it... and the state's attorneys aren't for... for this. I would like to be fair but I would also like to say that I think that... that any... at any age, whether you're 13 or 18, you should know that murdering someone is wrong and that it's gonna be an offense that automatically you're gonna be tried with all the implications and not anything less. And I... I'm sorry. Thank you."

Speaker Hannig: "Representative McKeon."

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

Speaker Hannig: "To the Bill."

McKeon: "I've heard a number of my esteemed colleagues, some with law enforcement backgrounds, my... which I also have. I'm a... was a career police officer and administrator. Worked in two of the highest crime rates in this country in the barrio of East Los Angeles in the Watts Willowbrook area going back to the Watt riots and the turmoil of the... of the mid-sixties. And I worked homicide. And I arrested a lot of kids for serious offenses. And some of you may recall last... last Session I successfully passed out of... a Bill out of this House that created a rebuttable presumption of proof for one classification of violent offenders, rather serious offenders, where about 95 percent of those kids received probation, yet all of them had a felony crime record, could not go into the military, could not get college scholarships, could not get jobs, who had limited opportunities from the age of 17 until their death. I was in the military when we still had a draft. And I can tell you that, through the grace of God and luck, I didn't get one... you know, I... I didn't get rolled up into that category 'cause I didn't get caught. Some of us as adults have engaged in behavior and we haven't gotten caught, or at least we haven't gotten caught yet. And we know from yesterday's activities in Chicago that's always a potential, even in our profession. But what do we produce? As one speaker said, he served on Jud II. I... in my first term I served on Jud II and I swore I'd never do it again.

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And I worked on that Juvenile Justice Bill and I... I passed it. But it seems like what I have observed, and I mean this in all, you know, its best meaning and not pejoratively, that we are pressured at times and have been pressured in the last decade to have... every one of us has gotta have a damn 'lock 'em up, throw away the keys' Bill to have in a brochure. And it was absolutely ridiculous some of the things we saw going through Jud II. It's a waste of our time. You know, I remember that Juvenile Justice Act, a lot of good, well-intentioned people, Representative Johnson, Representative Dart, many others worked very hard on that Bill and I had to bite my lower lip because it continued this stupid issue of mandatory transfers to the adult court without some mechanism, and this Bill may not be it, but without some mechanism of a rebuttable presumption of proof. No one will argue with Bill Black, I won't, I have the world of respect for him, that somebody who cre... who commits a heinous murder... you know, I was in charge of security for the Manson family trials. I worked homicides where kids were dismembered, where their genitalia was cut off by a rapist. You know, I mean, there's nobody to question those people ought to go to jail for the rest of their life. Some of you would argue that they ought to be executed. And I don't think there's anyone in their right mind that would say a juvenile court judge that had... had a youthful offender that committed those acts is going to the adult court, no exceptions and if they did make those exceptions, they're

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not gonna get elected. I wouldn't vote for 'em. We complain about our budget. When I talk to my constituents... you know, we talk about health care drivin' our budget, welfare drivin' our budget crisis. What we don't tell 'em is that the other... the second most large area that is drivin' this state bankrupt is the over criminalization and the overbuilding of prisons in this state. We've put more of our kids, and predominantly about 95 percent of them are black and brown, in institutions with a felony record even when we slap them on the back of their hand. And we talk about, well, why don't these kids get a job. Most of these kids never recidivate. Most of them, as I learned in the army, in the infantry, these kids went in the service and it was a fundamental change in their life. The two single biggest predictors of nonrecidivism in the juvenile justice system is... was going into the military or having a wife and a child and taking on that responsibility. With the all volunteer army, we've denied that opportunity for citizenship. We've denied that opportunity whether you're white, brown, or black. I went through it and, as I said before, only through the grace of God did I not get in trouble for a serious offense when I was a kid. And it's about time we rethink this. That Juvenile Justice Act that we passed a few years ago was in part substantive developed by some very, very good people in this Body. And it is, with all policy, it was inherently political. Many of us wanted to vote for that Bill because it was a good reelection campaign blip. Many of us, at the same time,

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wanted to vote for that Bill because there were some good things in it, but it was inherently political. And we can talk about the problems in their inner cities, we can talk about the problems in downstate Illinois, we can talk about the problems in central Illinois. And when we look at what we have done, thinking we were doing the right thing, it was the trend that the whole country was going through, we created the most single expensive system outside of health care that we have to fund. It's the number two issue that's driving this state broke. We've withdrawn money from community treatments and community al... alternatives and we have over criminalized, particularly, our children as well as our adults for nonviolent offenses, which could be better dealt with cheaper in another areas with less human cost. I do not negate, in any way, the arguments of Representative Black about the heinous rapist, murderer, body dismemberer, whatever you want to call 'em. Those people should be locked up for the rest of their life whether they're 17 or they're 18 or they're 16 or they're 5... 59. But we've got to rethink this. It's... it's not in the best interest of our communities and our families. I can tell you as an ex-police officer, the people that raise the biggest hue and cry, the people that raise the biggest concerns about the injustice of this system was a cop whose son or daughter got arrested. And they were the first one at the door beating on the desk, demanding that their child have an attorney, demanding that their child was... was mistreated, demanding to be present at the interrogation,

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which we don't let anyone else do. It's about time we rethink this. We gotta rethink the entire system, this lock 'em up, knee jerk, throw away the keys. His time has got... has got to pass. We can't afford it, it's immoral. It is not the kind of society we want to live in. But when people commit heinous, culpable crimes they should be held accountable. I would support a measure... not... you know, I went on this Bill because it sends a message. We have made some serious mistakes and we need to go back and take a look at them very seriously. And I... you know, we... whether it's this Bill or the... the logic that I used in my Bill when we reversed one category in the mandatory transfer, we created a resov... a rebuttable presumption of proof. Let the judge... let the kid automatically be transferred but provide some mechanism that it can be argued before the adult court that this is not the best place for this person to be. But we don't do that, we lock the judge's hands. What do the judges do? Ninety-five percent of the kids, for some offenses, get probation. They get slapped on the back of the hand, but they carry with them, for the rest of their life, a felony conviction and this is nonsense. Maybe this Bill needs some work but I'm gonna vote for it. This Bill may or may not survive this chamber but I think it's about time that all of us, and I'll continue the fight, to put some common sense into the juvenile justice system of the State of Illinois. Thank you."

Speaker Hannig: "The Lady from Cook, Representative Men...
Mendoza."

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Mendoza: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. As much as I respect the Sponsor of this Bill, and I know for a fact that she has been working this very diligently, I have to rise in strong opposition to this Bill. I have a district that is plagued by gang violence. I've seen the result of gang violence and at many times these gang members who shoot and kill people aren't 13, 14, sometimes they are... they are young juveniles. But many times and very often they are, what I would call, adults. When an 18-year-old picks up a gun, tries to act like a big man, wants to shoot someone like he's a big man, even though many times the person shot is an innocent bystander, who is often an innocent child, when they act like a big man I think that they should be tried accordingly. Try standing in front of a casket with a grieving mother and explain to her why the 18-year-old who shot and killed her innocent child should be tried as a juvenile. I have a serious problem with that. We're sending a message with this Bill that at least the gangbangers in my district and anybody else who has them, and I would venture to say that those are people throughout the State of Illinois, we're giving them an extra year here where they can and maybe will be tried as juveniles for their actions. It's bad enough as it is. I see these people as urban terrorists, nothing less... nothing short of that. And I think that we need to send a strong signal to them and a strong message from this Body that we're not gonna tolerate their murderous actions or their violent crime. And what we're

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doing here today is considering telling them that, you know what, before, if you were 18 and you'd committed an adult crime, you were going to be charged as an adult. Now, maybe we'll consider giving you a break. Hey, well, let's switch it to 19 or 20 or why don't we bring it up to 21 for that matter? Kids need to know that if you're 18 and you shoot somebody you're not acting like a child. You are not a child and you shouldn't be treated as one. So, again, I would just urge this Body to think about the message that we're sending to gang members across the State of Illinois. They're gonna be happy if this passes. And I would... I would hope that judges, you know, God-fearing this does pass, would take a stance that anybody who comes before them who would be a murderer would be tried as an adult. And I would say, you know, if you're a 17-year-old who kills and shoots somebody... shoots and kills somebody that you should be tried as an adult. But here we're talking about... a portion of this Bill deals with 18-year-olds and 18-year-olds know what they're doing. Maybe they did have a bad life, maybe that led to take some actions, but you know what, a lot of people have had bad lives and there have been a lot of good kids who have had bad lives and they've managed to stay good kids. So, I would urge us to please vote 'no' on this and send a message to gangs that we're not okay with them killing people, we're not okay with them attacking people, and we're not okay with this Bill. Thank you."

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Speaker Hannig: "The Gentleman from Cook, Representative Molaro."

Molaro: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. What... what I find most interesting about this job that we have as lawmakers, and that's actually what we are, lawmakers, is how we can agree on the end result but we disagree on how to get there. While this Bill was being debated and I had my light on, I must have had two people from Republicans, conservative areas, rural areas come and say I should be against this Bill on how horrible it is. I also, while I was... had my light on, had two people who were Democrats, from the city from a very dense area from minorities, saying how this is a horrible Bill, I should be against it. Now, all of us agree and Representative McKeon so eloquently put, all of us agree what... about the end result, what we're trying to do here. But it makes sense to me, or at least some sense to me, that this Bill may not be the perfect Bill. And I was hoping that if it got out of here the people in the Senate would take the parts that some of us find objectionable and work with the Sponsor here about certain things. However, we can certainly say and use an example of a 17-year-old committing a horrible murder and being tried as a juvenile. Well, that's not gonna happen. No judge would probably allow that. We should probably not use the example of some 15-year-old who's recruited by gang members, who's 14, 15 years old, to go on school property and sell dope. He's being recruited, he's 15 years old. Doesn't even know what's life about yet

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but he sees this lure of the gang, becomes some... goes up to this guy... 'hey, here's what we want you to do, shorty. Go there, pass this dope out, get the money, and come back to us.' Or, 'go there, give 'em this gun, and come back to us.' Well, if he's 15 years old, Ladies and Gentlemen, under the law now he must be tried as an adult and if he's convicted it's a Class X felony and he could go to jail for 6, 10, 15, 20 years. If we do it this way, you can still go to jail for that. The judge can still send him to adult court. All this allows the judge to look at it and have the discretion of saying, wait, with all the circumstances involved I'm gonna try him as a juvenile and I'm gonna sentence him to juvenile detention until he's 21. But I cannot, in good conscience, send him up to court in a... in a criminal court and watch him go to jail for 20 years 'cause these rat gangbangers talked him into going, as a 15-year-old, and used him and make him go to jail 20 years. It's not right, it's not fair. When the Juvenile Justice Bill came, yes, I voted for it 'cause it was this thick and it contained about a hundred things that I was for. This was not one of them. I railed on the floor in the Senate then and I'm railing today that even though we all agree that we have to stop these gangs, even though we all agree that the General Assembly must send a message, as Representative Mendoza ably said, that we're not gonna take it, I still think we have to sit back and make sure that we're not gonna send 14-, 15-, and 16-year-olds that were taken advantage of by these gangbangers that are older and

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say, hey, at 14 and 15 you should've known better and you should've known the crime and you should've known you were gonna do 30 years. Well, they don't know that. Do they know it from murder? Of course they do. And no judge in their right mind is gonna have some kid who commits a heinous murder at 17 being tried as a juvenile. No one's gonna do that. But what we wanna take back to juvenile court, that if you're 14 or 15 and you sell dope on a playground and you didn't know or you're passing a gun and you were just told go ahead and did it, that we're gonna say to them, by the way, you're gonna spend 'til you're 50 or 60 years old in jail. That's just not right and it's not fair. So, I'm gonna vote 'yes', hoping that when we get to Sen... when we get to the Senate, we don't have these... falling through the crack are these 18-year-olds getting away with murder. So, I would urge an 'aye' vote and work with it. Thank you."

Speaker Hannig: "The Gentleman from Cook, Representative Dunkin."

Dunkin: "Mr. Speaker, I rise in support of this legislation. As a current social worker, or former social worker prior to me coming here to this distinguished Body, I worked for five years in the Robert Taylor Housing Development when those buildings were up and occupied. When young people, young black boys in particular, experienced some interaction with the criminal or the juvenile justice system... what this Bill does, in a nutshell, simply gives the discretion... the discretion to the judge. So, young

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folk, some of who are misguided, some who may be strong armed or extorted into doing the wrong thing, a minor offense, it gives the judge the discretion for them whether they're gonna be tried as an adult or not. It does not make it a presumptive transfer or an automatic transfer to juvenile... excuse me, to adult court. This is a good measure. It takes into consideration the nature of the crime, is not an automatic, permanent 'X' on someone's back. It doesn't impede them when they get our age, when we get to places like this and when we're applying for a job. It simply opens up a discretion of a judge on what they're gonna do, based on the crime, with that young person in their court right before them. I support Larry McKeon's... his comments, certainly the Bill's Sponsor, Annazette Collins, in making good, commonsense laws. We're in a new century right now. We can't continue to impede the progress of young folk who need our discretion, certainly here today, on doin' the right thing. And not putting people permely... permanently out of their ability to make a decent life for themselves five and ten years from now when their mindset has changed, when they have matured, and they're trying to do something a little bit more productive in life instead of putting a negative on their backs. There are a lot of people in my district, on the south side up to 64th Street in Cottage Grove, who are having major issues today with finding employment with basic city, county, and state jobs, let alone in the private industry where there is abject discrimination of

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individuals based on having a felony on some small, petty crime. So, this is a very, very serious measure. And if you're true Americans or true Illinoisans and you want to see this state prosper and kids, just like your own kids, who make mistakes, you'll support this measure. You'll do exactly what you would do for your 15-year-old, for your 16-year-old who makes a mistake, who needs a second chance, who fortunately would possibly be in front of a judge who could make a discretionary or a better decision on whether he stays in... at the juvenile level or the adult court. I urge an 'aye' vote on this measure. Thank you."

Speaker Hannig: "Representative Collins to close."

Collins: "Thank you, Mr. Speaker. Just wanted you all to know that as... when we make laws here we have to think about everyone. First of all, I wanted to say this. An 18-year-old would never be tried as an adult, the... the transfer is from 16 to 17. So now, right now, the law is 17. So once you get 17 you will be tried as an adult. So when we push it up to 18 that means once you'll hit your 18th birthday you are tried as an adult. The other thing is, when we make laws we gotta think about everyone. So it would include the kids the... the 13-, 14-, 15-, 16-, 17-year-old kids. So you can't just look at the bad in... on the really, really bad kids. You gotta think about everybody because the law encompasses the kids who made a mistake. It encompass the kids that are really, really bad, it encompass the kids that are in the middle, or, like Ken Dunkin said, those kids that are strong arm, those kids who

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made an honest mistake. And so, we're ask... we're not asking for those kids to be... to get off free, to get off scot-free. What are we saying? When you look at the state's attorneys numbers, the numbers are very low. So, we're not talking about a whole bunch of children, but we must protect our youth. These are our children for tomorrow. We're not saying... we don't have a lot of kids who co... who commit a lot of heinous crimes and who do a lot of bad things. We have kids who are mischievous, we have kids who get in trouble with the law, and those kids should be dealt with. Those kids should individually go before the juvenile judge, let the case be heard and from at that moment the judge will make a decision based on all the above things that we said before, on prior history, on the prior record of that child, on anything that would come into play, those things would happen. So, I urge an 'aye' vote. We live in America and our children are our most important access (sic-assets). And if we don't see that today, then we'll never get it. We're gonna be dead soon and someone has to be here to take over. Fifty-seven percent of our children... of our... of the people that's in the... in a correctional facility that's in... in the State of Illinois are from the North Lawndale. So, it doesn't... I just want us to take a look at those children and see that we're just asking... we're not asking for them to be set scot-free, we're just asking those kids to go before a juvenile judge and let the judge decide. I urge an 'aye' vote. Thank you."

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Speaker Hannig: "I'd re... I'd remind the Members that there's been a request for a verification so please vote your own switches only. Now, the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. 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 42 voting 'yes', 72 voting 'no'. And this will... Bill fails. Representative McGuire, are you prepared on House Bill 2968? Mr. Clerk, would you read the Bill?"

Clerk Bolin: "House Bill 2968, a Bill for an Act in relation to bonds. Third Reading of this House Bill."

Speaker Hannig: "Representative McGuire."

McGuire: "We discussed this Bill yesterday and I believe we took it out of the record. And I'd like to take it out of the record once more."

Speaker Hannig: "Okay. Out of the record, at the request of the..."

McGuire: "Thank you."

Speaker Hannig: "...Sponsor. Oh, excuse... Representative Dunkin, for what reason do you rise?"

Speaker Hartke: "Okay. Representative Hartke in the Chair. On page 48 on the Calendar, on Third Reading appears House Bill 2983, Representative Bost. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2983, a Bill for an Act concerning veterans. Third Reading of this House Bill."

Speaker Hartke: "Representative Bost."

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Bost: "Thank you, Mr. Speaker, Members of the House. This is a Bill that has come before us before and like many of the Bills that... that we've done, we voted out and moved over to the Senate and there dies. Hopefully, that's not gonna be the case this time. Years ago Anna Veterans Home was created and it was created under a situation where the private vendor would actually operate the home. There has been many problems that existed over the years, three vendors, constant worry of how the home is being operated. Basically, what this Bill does is it allows the state to take the home over themselves and operate it the same as all of the other veterans' homes in the state. And I'd be glad to answer any questions."

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."

Parke: "Representative, again, this is a good idea but how much is this gonna cost?"

Bost: "The... the fiscal notes... fiscal impact would be the difference in salaries... the previous estimates, according to... to our... our... according to the estimates the year before, but I think they were stacked, were... were a million dollars per year in difference. But I don't believe that that's the case. That is the total operations of home, which is already occurring. The actual difference would be the difference in wages paid in comparison to what we're

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paying with the contracts right now, and I don't have the actual numbers on those contracts."

Parke: "So, in essence, what you're trying to do is you're simply gonna take the same people that are working there and change 'em over to prevailing wage so the taxpayers will end up paying a million dollars more a year. Is that correct? Approximately."

Bost: "As... as I said, I don't believe the full amount is a million dollars a year. I think the cost right now..."

Parke: "Well, give or take a hundred thousand."

Bost: "It's the difference... it's the difference between them... the operation right now and that million dollars. Do I believe that we should take this over and operate it in a more efficient manner and that these people should receive the same wages as the people down the street working at... at Choate Mental Health and doing many of the services? Yes, I do. Do I believe and... in this particular Bill, if I didn't believe in it I wouldn't be carrying it."

Parke: "Well, to the Bill. Mr. Speaker..."

Speaker Hartke: "To the Bill."

Parke: "...Ladies and Gentlemen of the House, again, this is a well intended Bill. I think the Sponsor is certainly trying to represent what's good for his district and trying to help workers in a... in a veterans' home that all of us would re... want to help our veterans. But this is not that kind of a Bill. This Bill is simply changing the structure in which they're paid. I think maybe there would be a time in the future for us to do this but at a time when we are

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looking at a deficit budget... and we are, Ladies and Gentlemen, we are looking at a deficit budget. We're predicting that we will end the year, this fiscal year, more than \$3 hundred million in the hole. This is not the time to do this so I will... I will be voting 'present' and would ask the Body to consider that."

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

Phelps: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I am standing in strong support of this Bill, me and Representative Bost have talked about this. And this was... this is the problem, the only problem in the State of Illinois... of veterans' homes, Anna has the worst problem there. All we're doing and how important this is... and we can fund what's important. This is important because this makes sure that our veterans down in Anna get the same quality care that everywhere else in the state at the other veterans' homes. So, I very much encourage a 'yes' vote. Thank you."

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

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

Speaker Hartke: "Sponsor will yield."

Franks: "Representative Bost, I know this must be a very important issue for you and I'm sure it is for all of us. But I tell ya, I'm... I'm perplexed when a Republican files a Bill to take something away from private control and give it to the state. I've always been sort of a free market

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guy and I thought that private industry can usually do better than the state. I'm looking for... where are... there you are."

Bost: "Here I am, over here."

Franks: "I was looking over in the old... in your old seat."

Bost: "I'm also up on the big screen up there, too."

Franks: "Okay. Thank you. We're all concerned about the conditions there. Could we solve this problem in another way? Are there other providers and private industry down in your area who could take over this contract if we were ma... it sounds to me like the... like this private industry has breached their contract by not providing adequate services. Couldn't we throw the bums out and hire somebody else who could do it and not have this under state control?"

Bost: "Representative, that's a very good question. And I would say, yes, let's give it a try. But we are now on the third private company..."

Franks: "Okay."

Bost: "...that we've had since the creation of Anna Veterans Home. Every time we turn around either they've gone bankrupt, they decided they don't want to participate, they aren't getting enough... then, the problem that occurs is every time we turn around the people that are there... and understand, there's another side of this, too. The human side of this is the fact that those daycare givers that... that are there everyday with these veterans, who... they become very... you know, the worst possible time of our lives

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is when we're in this situation, where we have to depend on someone else..."

Franks: "Sure."

Bost: "...to take care of us. And the problem that can exist is, is because of the pay that's there and arso... also because of the switching companies all the time. The people that work there change. That can be a very disheartening situation that occurs to our veterans while they're there. You become used to someone, that person takes care of you, but for whatever per... reason that person has to leave. You... they see you at your worst possible part of life. You don't want somebody new in there. And that's a problem we've run into. The... the original question, and get back to that, three times now we've changed to new companies. And every time the staff goes through the pro... the fear of are they gonna lose their jobs and the veterans go through, who's gonna be taking care of me tomorrow."

Franks: "Is the state, right now, running any other veterans' homes?"

Bost: "No, they are not. This was done as an experiment. And... and, you know, one that... one that many people agreed with, and that's why it came to pass. But the experiment has failed. There are certain places where private industry does better, I... I agree with you. And I... and that's a Republican idea and I believe in that idea."

Franks: "I know, that's why I was..."

Bost: "But I know that there are times that we, as state, have to have a different motivating factor that we have for... for

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providing certain services. And this is one of those times and that's why I'm carrying the Bill."

Franks: "I knew it would have to be very severe for you to bring something like this, obviously. But let me ask you this. Let's assume that your Bill passes and the state takes over this facility. What's the state gonna do differently than private industry?"

Bost: "Two... two, maybe three, things. One is the residents know who the person is... or who... who the entity is that's providing the service."

Franks: "Okay."

Bost: "They also know that the Legislators, their local elected officials, have an input on how the facility is run, the same as we do with all of our other veterans' homes. The staff, themselves, have an opportunity to receive many benefits that are payable to them now, even in their day-to-day operation. And it is a secure job that they know will be there next week."

Franks: "Okay. Well, thank you. I'm gonna continue to listen to debate."

Bost: "Thank you."

Franks: "But thank you for bringing this forward."

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

Mautino: "Thank you, Mr. Speaker. Nice tie, I like that."

Speaker Hartke: "Thank you."

Mautino: "Oh, and Representative Slone likes the shirt. Thank you for acknowledging me on this legislation. I rise in

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support of it. I have one of the five veterans' homes within our area. It provides a tremendous service and there is a... a great waiting list. In LaSalle County, we've got 281 people on the waiting list. Most of the veterans on that list will be there 15 to 18 months before they get in. And the sorry part of that is many... many die on that list and never make it. In the case with Anna, which is done under private contract, I was just wondering from the Representative... because when we don't have enough bed spaces in our area what we... what we have had to do is rent bed spaces that were federally designated. Normally, it's about a hundred and seventy-three dollars a day we pay in LaSalle County and those others. When we go to a private vendor, we actually pay more. I think it was a hundred and ninety-three or a hundred and ninety-seven for those beds. So, in doing this, we may also potentially save state dollars that we're currently paying out and give some consistency. Would that... is that a possibility? Represen..."

Bost: "That is my understanding that we actually do, per resident, pay more in using the private vendor, and that's why I have problems with the fiscal note that we talked about."

Mautino: "Okay. Well, that's a... that's something that, you know, I would rise and support your... your legislation and Representative Phelps, I know you've been working on this. And in many cases we can provide necessary services for those who are in most in need of... and who have given their

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all for us. And in some cases, like this, potentially at a lower cost. Because we have seen in the bed spaces that we've had to rent up in the Chicago area we're paying 20 to 30 dollars more per day anyhow. Simply ask for 'aye' votes."

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

Novak: "Thank you, Speaker. Sponsor yield?"

Speaker Hartke: "Sponsor will yield."

Novak: "Mr. Bost, what's the price tag on this?"

Bost: "The... the fiscal note says 1 million. However, that... that... that was what the question was, that does not subtract off... subtract the amount that we're actually paying the vendor. I believe we're actually going to save money. But..."

Novak: "Okay. Well, I... I'm certain I'm gonna support the Bill. I think we should take care of many... as many veterans as we can. As Mr. Mautino indicated, the home that I represent in Manteno, there's a... there's a long waiting list, as well. Sometime it'll last... sometimes it goes longer... longer for a year. Have you spoke to anybody in the Department of... or the Bureau of the Budget about this initiative?"

Bost: "I have not."

Novak: "Do you think that might be a good idea to talk to somebody over there?"

Bost: "Well, I'm sure in time it would be. Sure."

Novak: "Okay. Well, to the Bill, Mr. Speaker."

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Speaker Hartke: "To the Bill."

Novak: "I'm gonna support this Bill but in the end when this budget is finally adopted for fiscal year 2004 I would hope that no funds are siphoned off from any current state funded facility to supplant what's going on down in southern Illinois. It's no... no regional discrimination here, Mr. Bost, but I think we should make sure that our beds up in the existing veterans' homes that are controlled by the state and funded by the state, they should have all those beds funded, as well. So, thank you."

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

Forby: "To the Bill."

Speaker Hartke: "To the Bill."

Forby: "I'm kind of like Frank, this place in Anna, Illinois, our veterans. If go down there and walk through it, you see the veterans in there. They're in wheelchairs, they have limbs, and there's a two-year waiting list down there. These guys have paid their dues. They need a place to stay. So, I stand in support of this Bill. Thank you."

Speaker Hartke: "Representative Bost to close."

Bost: "Thank you, Mr. Speaker, Members of the House. What we've got is, is... is we... we tried something with Anna Veterans Home and that was to... to see if private contractors could provide the service for a... a cost savings to the state. Actually, the numbers don't show that and... and... this is a case where the employees there will be state employees. They're already AFSMCE members. During the...

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there's a note, and I'll just read part of it, from AFSM... AFSMCE Council 31. It says, 'during Governor cour... Governor... da... during...', easy for me to say, 'during the gubernatorial campaign for Governor Blagojevich's pledge, he pledged that if elected he would ensure the State of Illinois would end the failed experiment with privatization at this particular facility.' You know, it's not anything against the private company. The reality is this is a service to our veterans. Every other veterans' home in the state is operated the way that we are now asking that Anna Veterans Home be operated. It's sensible, it's the right time, it needs to be done. And I would just ask for your 'aye' vote."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 2983?' 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 91 Members voting 'yes', 2 Members voting 'no', and 23 Members voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On page 45 of the Calendar appears House Bill 1543. Mr. Granberg. Out of the record. On page 45 on the Calendar appears House Bill 2188. Representative Nekritz. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 2188, a Bill for an Act in relation to criminal law. Third Reading of this House Bill."

Speaker Hartke: "Representative Nekritz."

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Nekritz: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 2188 addresses a concern that has been raised with regard to the growing crime of identity theft. This particular piece of legislation allows a victim of identity theft to go to court and have a determination of their innocence from crimes that are committed by the... by someone who has stolen their identity. They can then use that declaration in any manner that... that they need to. But it is a... a declaration of factual innocence. So, I think this is an important remedy that victims of identity theft need to be able to clear their name. And I would ask for your support."

Speaker Hartke: "Is there any discussion on House Bill 2188?
The Chair recognizes Representative Black."

Black: "Thank you very much, Mr. Speaker, and Ladies and Gentlemen of the House. For a freshman, this Representative has sponsored some outstanding legislation. I rise in strong support of the Bill and I... I, again, as I did with her previous Bill on identity theft... and Democrat staff has given me some information about the State of California trying to get the Federal Government off their back about constantly requiring Social Security numbers for hunting licenses, barber licenses, you name it. And... and that's the problem I think we have in Illinois. I commend Secretary White. While the law says he has to ask for your Social Security number when you go in to apply for a driver's license, at least Secretary White has taken the initiative to say, 'I will not put that Social Security

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number on your driver's license.' This... this Bill, and any others like it, I think, is increasingly important because it is one of the fastest-growing crimes that I have found, and not only in my district but statewide and the laws to combat it are rather weak. And a... when a... and eventually, as I said on her previous Bill, what we need to do is to convince Congress, and a Bill has been introduced in Congress, to stop the federal mandate on every single license, permit, application that you have with the State of Illinois must have your Social Security number on it. It was called to my attention, as I said earlier, by people who want a hunting license or a fishing license or a deer permit who may fill that application out at a place in a rural area and the application may sit there for two or three days before it's sent in. It's time to get the message out to federal... our federal authorities and to state authorities that our Social Security number, unless Congress changes the law, was never intended to be used as a national identity number. And, in fact, says on the card not to be used for identification purposes. And that is what is driving identity theft, is... is access to their Social Security number or your bank account number or whatever. I commend the Representative. I'd be honored to be a cosponsor of the Bill. And it's time that this Body spend a great deal... a great deal more time and energy and effort on this growing crime of identity theft. And if any of you have had any of friends, constituents, or relatives go through this, it is like beating your head against a

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brick wall to try and get this straightened out. Credit reporting agencies are somewhat slow to respond, banks are slow to respond, credit card companies are slow to respond. This is one of the key areas that I think we need to address. I commend the Sponsor. It's a... it's a good piece of legislation. And for a freshman, either you have an excellent staff or you have a grasp of the legislative process that belies your experience."

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

Froehlich: "Yeah, I'd like to echo Representative Black's comments. I'd also like to be added as a cosponsor, if that would be amenable to the Sponsor. And I'd be..."

Speaker Hartke: "Further discussion? Chair recognizes Representative Davis. Willy Davis."

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

Speaker Hartke: "The Sponsor will yield."

Davis, W.: "Point of clarification for you. In the... as I was reading the information and mandates that local law enforcement will conduct an investigation if someone reports an identity theft, in what manner... or can you kind of specify to me how a local... how the local law enforcement will conduct an investigation?"

Nekritz: "Representative, I think that would be in the same manner that they would conduct an investigation for any crime that is reported. I don't think that the... this legislation does not mandate how they go about that. It simply require... it simply... I think what it does is it

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expands the number of jurisdictions in which someone can report identity theft. It's very difficult to determine where your identity was stolen, whether it was stolen at the restaurant you were at last week and used your credit card or the other means that Representative Black has previously alluded to. And this just allows an additional reporting error... jurisdiction for reporting."

Davis, W.: "Okay. The reason I asked that question is having worked for the Federal Government in a congressional office, having dealt with Social Security matters, I often talked to individuals who felt they had been victim of identity theft. And often, as is illustrated, I believe, on the federal website where they identify several things that they can do if they've been a victim of identity theft for them to contact their local law enforcement. And... and several individuals indicated that they contacted their local law enforcement but they wouldn't do anything. So, I'm wondering if the legislation kinda addresses the inactivity, if you will, of local law enforcement, or is it just simply them filling out a police report and saying you filled out a police report and leaving it at that?"

Nekritz: "I believe it is the latter. That it would... it just allows an additional place for them to go and file a police report. This particular piece of legislation does not address the requi... does not impose any requirements on the police to actually investigate."

Davis, W.: "Thank you very much, Mr. Speaker."

Nekritz: "Thank you."

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

Nekritz: "Thank you very much. I... I hate to correct Representative Black but if this... identity theft is not one of... one of the fastest-growing crimes in America, is, in fact, the fastest-growing crime in America. House Bill 2188 addresses some concerns with regard to that. And I ask for your 'aye' vote."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 2188?' 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. Hannig. Mr. Clerk, take the record. On this question, there are 116 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Representative Black, for what reason do you seek recognition?"

Black: "Thank you very much, Mr. Speaker. Point of personal privilege."

Speaker Hartke: "State your point."

Black: "If I could have the attention of the Ladies and Gentlemen of the House. I was just back in my office, CNN is reporting that the First Marine Expeditionary Force has in fact invaded Iraq. As we sit here, heavy, heavy air raids are under way against the capital of Iraq in Baghdad. A rumor is that a special operations helicopter has been shot down and, evidently, we find ourselves at war. I

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would simply ask that we have a moment of silence and each in your own way, into your own God, ask that our young men and women be safe and may they return home as quickly as possible."

Speaker Hartke: "Thank you. On page 45 on the Calendar, on Third Reading appears House Bill 1586. Representative Beaubien."

Clerk Bolin: "House Bill 1586, a Bill for an Act concerning unincorporated areas. Third Reading of this House Bill."

Speaker Hartke: "Representative Beaubien."

Beaubien: "Thank you, Mr. Speaker. I'm bringing you House Bill 1586 which amends the Property Tax Code and makes two changes. It changes the date from January 1st '59 to January 1st '95 and the amount of miles road needed to qualify from two miles to one mile. The genesis of this is up in our area. There's many subdivisions and developments where the roads are essentially private, they don't belong to the county, the state, or the township. This gives these individuals the opportunity to go to the township and contract with them for the repair of the roads. Also gives them the ability to go to a special taxing district to... by applying to the court with a 51 percent vote. They're able to get their services at a tax-free basis. And it's an arm's length transaction between the township and the homeowner's development. And I... I urge its passage."

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

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Sullivan: "Thank you, Mr. Speaker. Due to a potential conflict of interest, I'll be voting 'present' on House Bill 1586. Thank you."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass House Bill 1586?' 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 McKeon. Kurtz. Representative Davis. Monique Davis. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 72 Members voting 'yes', 42 Members voting 'no', 2 Members voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On page 47 of the Calendar appears House Bill 2492. Representative Rita. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2492, a Bill for an Act creating the Southwest Suburban Railroad Redevelopment Authority. Third Reading of this House Bill."

Speaker Hartke: "Representative Rita."

Rita: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. This Bill creates a South Suburban Railroad Authority to address some issues that are in my district about setting up a commission. Okay.."

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

Molaro: "Will the Sponsor yield?"

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Speaker Hartke: "The Sponsor will yield."

Molaro: "Was this Senator O'Malley's Bill... when he was in the Senate?"

Rita: "It... it's similar to his, we changed it. Instead of... instead of being a 28-board member we changed it to 5, the appointments by the Governor."

Speaker Hartke: "Further discussion? Representative Black."

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

Speaker Hartke: "The Sponsor will yield."

Black: "Representative, the... the Amendment... Committee Amendment to the Bill expands the... the geography of the district, is that right or am I looking at this incorrectly?"

Rita: "What they... they changed it from cities to townships."

Black: "Okay. All right."

Rita: "And then... and then instead of having 28 members, someone from each city, they have 5 members from within the townships."

Black: "Okay. Let me ask you a question, it has to do with the rail crossing... Grade Crossing Protection Act and... and all of the things that... that many of us have been fighting here for years. I don't have any problem with your Bill but what I'd like to make sure of... I've been on a railroad for more than two years to remove an old, outdated overpass that, unfortunately, is the only entrance and exit to a major employer in my district that employs 900 people. And this... this overpass was built in 1903 and it's an abandoned track and the concrete falls down, the roadway floods. And

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in my district, 900 jobs simply... we can't afford to lose that. I have been absolutely dismayed by the railroad's complete lack of response or interest in addressing this. Now, if... if your development becomes successful, can I have reasonable assurance... and I know you have a much bigger population and traffic density than I do in my district. I just want to make certain that you would not be able to tap a vast majority of the Grade Protection Crossing Funds, which would... would leave many of the rest of us in the state without... without the means to try and force railroads to do with this. Because, see, if... if you're talking about relocating tracks and viaducts, one of your key areas of financing might be the Rail Crossing Protection Fund that's administered by the Illinois Commerce Commission."

Rita: "That's a statewide program and I... I believe that it would be..."

Black: "Okay."

Rita: "...distributed..."

Black: "And I appreciate your answering. Staff said you would be eligible for those funds but I would assume that the Com... the Commerce Commission would be judicious in the use of those funds. I... I commend you. If... if this works, I may come to you and find out how to do it... how to do it in my area because we're certainly not having any luck dealing with CSX Railroad, I can assure you of that. And if that overpass collapses, then that factory's probably gonna close and leave my community, 'cause there's no other way in or out. And I just fail to understand why the railroad

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industry is so unresponsive to the needs of your district and my district and to the working men and women of the State of Illinois. I'm a little bit disappointed, quite frankly, in the response... lack of response we've had on this issue from CSX. Sounds to me like you've got a good idea, one that I may borrow. Thank you."

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

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

Speaker Hartke: "Sponsor indicates he will yield."

Franks: "Representative, I'm... I'm reading what you're trying to do here. And I understand the safety issues and nonresponsiveness. What I don't understand is the mechanism in which this is put forward. You're talking about creating a separate board with five members, correct?"

Rita: "Yes."

Franks: "Okay. Now, would that be under the auspices of the State of Illinois?"

Rita: "Yes."

Franks: "Okay. Because I see... is it the Governor who would be appointing these five?"

Rita: "Yes."

Franks: "Okay. And I'm reading the Bill and it says that the members shall serve without compensation but may be reimbursed for actual expenses. I'm on... I'm on page 4, line... starting on line 18. But then it goes farther. On line 20 it says, 'however, any member of the board or

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serves as secretary or treasurer may receive compensation for services as that officer.' Is that your intention that the secretary and treasurer of this new... newly created board would receive compensation?"

Rita: "They could."

Franks: "And that's... that's what I'm a little worried about. Is there a fiscal note on this? Do we know what this is gonna cost the state?"

Rita: "No."

Franks: "'Cause Representative Hoffman has a Bill up in committee next Tuesday morning, House Bill 3511, where the Governor is trying to get rid of some of these boards and commissions and take away the payments. And I'm just wondering how this would jive with what the Governor's trying to do in streamlining government. And I don't know if you've talked to the Governor about this and what his thoughts are. Because it could be that this is one of the commissions that might get whacked right from the beginning."

Rita: "It could. I haven't spoke with anybody from the Governor's Office yet."

Franks: "Okay. And... and you have no idea what this is gonna cost?"

Rita: "No."

Franks: "Okay. Thank you."

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

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

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

Mulligan: "Representative, is there any funding involved in this?"

Rita: "No."

Mulligan: "So, what do you hope to accomplish? I mean, I represent a community that has probably the most railroad crossings in the state, plus it has a bridge on the 'S' curve that, much as I say Representative Black is worried about blocking the entrance to a business, ours is just plain falling down on the people that drive under it on Northwest Highway. And although I represent the community, it used to be Representative Krause's and now it's Representative Nekritz's bridge, which will cost millions of dollars to replace and we can't seem to do that. Plus, all the railroad crossings in our area and all the problems that we're having and the unusual configuration. So, I would not want to vote for your Bill if this takes funding away generally from the whole pot of money. And if you're just creating an authority to do some work, I'd like to know that. But if the funding is gonna go there rather than to all across the state where there are multiple problems, I'd be interested in knowing that."

Rita: "All... all them projects go on the... what's it... the ICC five-year plan."

Mulligan: "I'm sorry. What is it going to do?"

Rita: "It's go... yeah, I... I don't know about your project. I'm not familiar with what you have going on. But what this

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would do is create... create so that we could look at the problems and help solve some of the problems that are within my district with railroads and crossings and grades."

Mulligan: "Well, we've been looking at 'em for a while in our area and there is a problem with both the funding, at all levels, and whether it's to change the road or the configuration or the bridge or what the railroads are doing, unusual configuration. I'd be more than happy to support something that statewide worked on this, but I certainly wouldn't want to take funding from individual areas that have problems to fund just one area."

Rita: "But it... it's not... it's not gonna do that, take funding from any other areas."

Mulligan: "As... if you're treated as a rail carrier, what... where does that put you in relationship to the local railroads or to Metra or... what edge does that give you to be treated as a rail carrier? In our area, Metra has expanded commuter service over lines that are multiple in a configuration of one of the most unusual in the state. Would that put you on the par with Metra as a rail carrier or with Union Pacific or with whoever owns Wisconsin Central now, 'cause it was sold to some Canadian outfit?"

Rita: "No, I don't believe so. It wouldn't do that."

Mulligan: "Then what does... what... what does the Bill give you is what I'm trying to figure out."

Rita: "What... basically, is an advisory board made up in the townships that it would be... that are named in here, I think

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it's five townships. It would put all the communities together and set up a priority list on the things that... the crossings and the addressings that needed to be addressed within that area that it specified within them townships."

Mulligan: "But... but it is eligible to receive funds from the ICC for protection?"

Rita: "Yes."

Mulligan: "So..."

Rita: "It would be eligible."

Mulligan: "So, why wouldn't we all want to do this for our local communities instead of just you doing it?"

Rita: "You may... you may want to."

Mulligan: "Because you thought of it first?"

Rita: "You may want to."

Mulligan: "I mean, you know, more power to you that you thought of it first. But that doesn't necessarily mean that because you thought of it first we're not all gonna hop on the bandwagon and make sure that we get an equal part before you pass this, you know."

Rita: "You... you may wanna create one."

Mulligan: "Right, we might. But I... if it does change the position of everybody else and makes you equal for funds over above other areas that equally have problems, then it seems to be to be a small problem. Thank you for your questions. Good luck with your idea."

Rita: "Thank you."

Speaker Hartke: "Further discussion? The Chair recognizes Representative Hamos for some brief remarks."

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Hamos: "Thank you. Ladies and Gentlemen, in following up on the last set of... this last dialogue, I think that if this Bill was just creating an advisory council to work with five townships it would be one thing, but actually this Bill is creating a whole separate unit of local government. I mean, it really says that right in the beginning. 'There is created a body politic and corporate, a unit of local government, named the Southwest Suburban Railroad Redevelopment.' This local government we would be creating under this Bill has the power to acquire property. And its... I guess its mission is, and you can sort of find it hidden in here kind of, is the relocation of railroad tracks and roadways and the grade separation of railroads from the right-of-way and at-grade crossing closures within the southwest suburban area. Now, the problem with this Bill is it may be a good idea to do this, again, as an advisory council to some communities, but really the State of Illinois is woefully remiss in doing any kind of planning around this. What we really need is, in fact, a broader, regional agenda about freight rail transportation. We are a very important place... we have a very important place in the country in terms of freight rail transportation. This is exactly what the Illinois Department of Transportation should be doing. Some of us had a hearing on this last year because there were many proposals coming before us about how the state could be doing better... better planning. This is an example of a very disjointed approach to a very significant problem for

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the State of Illinois. And at a time when we would be creating... when we have a very major budget deficit, we are also creating a whole new unit of local government with the authority to buy land. And I really think this is a big idea that we shouldn't pass on so easily. And I would urge us not to vote for this at this time and certainly to lay this at the doorsteps of our very competent new IDOT dire... secretary to see if we could, in fact, take a broader, more regional approach. Thank you."

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

Davis, M.: "Thank you, Mr. Speaker. I really appreciate this opportunity. I want to commend the Sponsor of this legislation because he has met with the south suburban mayors and managers who are supporting this issue because it is so... it is... it has such a great impact and such a great effect upon the district that he represents and many others. This board is advisory. There are so many problems in reference to the railroads. Different entities have had different meetings, but coming together to solve the problem will be much more meaningful. Sometimes the railroads are fined because of their behavior. With this legislation it will reduce the need to fine them because they will be attempting to meet the interests of the... the south suburban managers and the south suburban mayors. I commend you for bringing this group together and I know that all of us in this Body realize that the south suburban

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mayors are only interested in solving a problem, a problem that has existed for a very long time and as the advisory nature... because it's of an advisory nature it is not at all removing authority from the Department of Transportation and Tim Martin. I think Tim Martin will be very happy to have the interest of these gentlemen and not have to attend all those meetings he's invited to. He's invited to a meeting here, he's invited... but with this advisory board, with all of these groups coming together, it will limit the... the need for Tim Martin to come to all of these different board meetings. Representative Rita, it's an excellent piece of legislation and I urge an 'aye' vote."

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

Joyce: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. I would ech... echo Representative Davis' comments. And to address Representative Hamos' comments, this is an issue that does address the entire region. But it is a local issue also because of the high traffic volume that I know Representative Rita sees in his district, and those mayors see. And this is not only affecting the grade cross... or the... the bridges and the horns, the whistles, the traffic, the volume, the number of trains. As industry grows and the... and the traffic increases it does affect people in highly populated areas where there is trains. To address the concerns of Representative Mulligan on moneys being taken away from the Grade Cross Protection Fund, that is on a five-year list that the ICC has that goes in order.

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I don't think that one community is gonna lose out because of another community because of this advisory panel being formed. I believe that we need to push this argument forward and to bring the railroads to the table to address these concerns. And I think that this legislation begins to do that. I urge an 'aye' vote."

Speaker Hartke: "Representative Rita to close."

Rita: "We... this... this piece of legislation doesn't take away from anyone else. We need this level of consolidation of these township... this advisory board with these townships in the southland to address the needs that were stated by Representative Davis and Representative Joyce. And I urge an 'aye' vote."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 2492?' 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 78 Members voting 'yes', 33 Members voting 'no', 4 Members voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On page 45 on the Calendar, on the Order of Third Reading, appears House Bill 1630, Representative Soto. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1630, a Bill for an Act in relation to human needs. Third Reading of this House Bill."

Speaker Hartke: "Representative Soto."

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Soto: "Yes, thank you, Chair. I'm sorry, thank you, Speaker. I'm sorry, forgive me. Members of the House, today I bring before you House Bill 1630 that amends the Department of Human Services Act, authorizes the department to establish a Hispanic/Latino teen pregnancy prevention, an intervention initiative program. As a part of the program, authorizes the department to award a grant to a qualified entity for the purpose of conducting research, education, and prevention activities to reduce pregnancy among the Hispanic teen... teenagers. Amends the Illinois Public Aid Code and provides for Medicaid coverage of family planning services for persons whose income is less than 200 percent of the federal poverty level. If anyone has quest..."

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."

Parke: "Representative, is this a... this is a new program, right?"

Soto: "Yes, it is."

Parke: "And what... and what do you think it's gonna cost the taxpayers to do this program?"

Soto: "I don't have anything stating what it would cost, but this came out of a House Resolution that I introduced in the first Gen... in the 92nd General Assembly, in my first term. It was a report compiled from a statewide task force."

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Parke: "Is this Bill to... to lower the pregnancy among Hispanic teenagers? Is that correct?"

Soto: "Correct, yes it is."

Parke: "What's wrong with doing this with all teenagers?"

Soto: "Well, right now... what happ... the highest... the highest numbers come from the Latino community. There was a nationwide study done out of the Federal Government where it showed that the Latino community has the highest rate when it comes to Latina teen pregnancy."

Parke: "So, is this gonna encourage Hispanic teenagers to get abortions?"

Soto: "No, it doesn't."

Parke: "It doesn't?"

Soto: "No, it educates them."

Parke: "How come Planned Parenthood wants this?"

Soto: "I don't know, I didn't even..."

Parke: "Isn't this a Planned Parenthood Bill?"

Soto: "It supports family planning."

Parke: "Says here the Planned Parenthood suggested that this Bill pass."

Soto: "This... this... no, this Bill did not come from Planned Parenthood, this came out of my teen pregnancy task force."

Parke: "All right, well, I have some... this says here the Planned Parenthood Council amended it, proposed the Bill, they support it, and Planned Parenthood is a strong supporter of abortion. So Ladies and Gentlemen, to the Bill."

Speaker Hartke: "To the Bill."

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Parke: "I understand what the Sponsor's trying to do. It is a issue that... that needs to be addressed not only by Hispanics, and I would agree, but all teenagers to try to... but there is nothing in here that we're talking about abstinence, that this is a program that's gonna cost the taxpayers of this state more money and we don't have the money. And I respectfully rise in opposition to this until the state has the fiscal resources of which to provide a new program for the State of Illinois. We do not have the money at this time, and also anything that Planned Parenthood is involved in bothers me. So, Ladies and Gentlemen, I will oppose this legislation."

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

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

Speaker Hartke: "The Sponsor will yield."

Delgado: "Representative, isn't it true that the flam... family planning portion of that Bill doesn't exist anymore? Is that true?"

Soto: "Correct... correct."

Delgado: "And in addition, while the previous speaker asked the question about the teen birthrate in Hispanics, we want to inform the chamber that the Hispanic teen rate for pregnancy is almost twice that rate for the total population, and this resolves any number of negative social, economic, and medical consequences for the Hispanic population of the people of Illinois. This Bill was borne, if you will, out of a task force that Representative Soto

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put together, and I was very fortunate to be able to serve on that particular task force. No particular interest group has... has motivated this legislation. It's motivated by the dynamics in what's happening in our country. The Latinos are the youngest population in this country, and of course, we want to have adequate family planning and to give an opportunity to do this. Now, as the chairman for Human Services Committee, we have been talking to the director and informing that the fact that the previous speaker had asked the question, regarding the dollars. Well, this is a year of reprioritization, and that budget isn't out yet, and I've laid certain approp Bills at her desk and she will be able, Director Adams, will be able to make decisions as to what dollars will be spent on what. And we believe that this particular project will go to the top of the list at her discretion, and we are very proud to have Director Adams as a very strong woman director. So, we feel that as she looks at her budget as to what she wants to drop at the Governor's desk, will include dollars sufficient to create the grant programs within her existing budget for the next fiscal year. With that, to the Bill, Mr. Speaker. I would ask that you look at this particular population, and it's not about just Latinos, this is about everybody. But this particular population is exploding and we think that this is a wonderful... a way of addressing it, and I commend the Sponsor."

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

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Mulligan: "Thank you, Mr. Speaker. I rise in support of this legislation. One of the previous speakers mentioned a group that supported this Bill. I do not think it's derogatory that one group or another supports a Bill that is obviously needed in a community. As Representative Soto pointed out, there is a high rise in teen pregnancy. The object here is to work hard to make this not happen. One of the counselors at my... one of my high schools came to me with this problem seven... several years ago, as a sponsor to the Hispanic Girls Club, and wanted help both in community speakers and women to support them in the issue of explaining why this would help them if they did not become pregnant, how they could further their lives, how they could get an education. It has nothing to do with any of the services around it, except that it's certainly an education program for a group that is blossoming into an area that, particularly people in the Hispanic community, would rather stem. And I think that there is money for family planning, there's money in the federal budget, there's money in the state budget. Where we put it is interesting according to the need of what would be the best for planning and making people aware and stemming teen pregnancy, which we know costs the state a lot of money, costs families a lot of heartache, allows women to plan better for their future lives. It has nothing to do with any other services, probably, except the education and the planning, and there's nothing wrong with planning and going into a community and providing education, which impacts my

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community, it impacts a lot of communities around the state. I strongly support the Representative's initiative. Her task force was a good idea, I supported that, and this came out of the task force, if I'm not mistaken. So, I would strongly support this Bill, and encourage other people to do the same."

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

Aguilar: "Thank you, Mr. Speaker. I just wanted... is this to the Bill?"

Speaker Hartke: "To the Bill."

Aguilar: "This is just to express my support for this Bill. Teen pregnancy is a very serious problem in any Hispanic community, and it's been proven a fact that education has helped and enhanced to decrease the number of teen pregnancies. So, I commend the... Representative Soto in sponsoring this Bill, and I'd like to ask her to add me on as... as a cosponsor, as well. I think it's important that, ya know, we should take a priority in addressing this issue, ya know, in the House Assembly. Thank you very much."

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

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

Speaker Hartke: "Sponsor will yield."

Franks: "Representative Soto, I understand what you're trying to do here, I just have a couple of questions on this Bill. And I understand the importance of this, as well. I'm

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looking here and it talks about Department of Public Aid to get federal approval... can you hear me?"

Soto: "Can you... no, I couldn't."

Franks: "Okay. You're talking about the Department of Public Aid getting... it's... I'm told by... by Representative Currie that the family planning aspect is out of the Bill?"

Soto: "Yes."

Franks: "Okay, so there's no federal guidelines. Thank you, that cleared up a big question there. Thank you very much."

Speaker Hartke: "Representative Soto to close."

Soto: "Thank you Members of the House. This is a very important Bill. It is a Bill that probably affects most of us in all of our districts. The Latino community is a growing population, this a very sensitive issue. And I really need your support, I would really appreciate it. I also want to mention that I have a House Resolution that I will also be introducing it in the future, and if you would like to be part of that Resolution I would welcome you. And if I get an invitation to go out into your community, feel free to invite me and we can have a hearing in your district. Again, I urge you to vote for this piece of legislation. It is important to me, and I know that in the future it will be important to you, if it isn't today. But thank you so much. Again, thank you for your support."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 1630?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all

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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 102 Members voting 'yes', 0 voting 'no', and 14 Members voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, what is the status of House Bill 3396?"

Clerk Bolin: "House Bill 3396 is on the Order of House Bills-Third Reading."

Speaker Hartke: "Bring that Bill back to the Order of Second Reading for the purpose of an Amendment at the request of... request of the Sponsor. On page 48 on the Calendar appears House Bill 3466. Representative Dunn. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 3466, a Bill for an Act in relation to criminal law. Third Reading of this House Bill."

Speaker Hartke: "Representative Dunn."

Dunn: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 3466 eliminates the distinction in sentencing family members and nonfamily members of those who have been convicted of criminal sexual assault or criminal sexual abuse. Currently, in Illinois law, those that are convicted of abusing their own child are let off on a much lesser sentence than those who commit these crimes against an unrelated victim. The law, as it stands, defines a family member as anybody who lives in the house with the victim for more than a year. So boyfriends,

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girlfriends, aunts, uncles, steps, cousins all qualify for lesser sentencing. I ask for your 'aye' vote."

Speaker Hartke: "Is there any discussion on House Bill 3466?

Chair recognizes Representative Mendoza."

Mendoza: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I just wanted to rise in full support of this Bill. I think it's a great piece of legislation. I talked to the Sponsor about it before and I think that when we're talking about sexual abuse that goes on, it's bad enough when it happens outside of your family, when it's a stranger who does it to someone, but when you have that violation of trust happen within your own home, which should be your sanctuary, I think that we can't tolerate that. So, I think this is a wonderful piece of legislation. I commend the Sponsor and would also encourage everyone to vote 'aye'."

Speaker Hartke: "Further discussion? Chair recognizes Representative Chapa LaVia."

Chapa LaVia: "Thank you, Speaker. Joe, you did a fantastic job with this. I am in full support of this."

Speaker Hartke: "Representative Black, further discussion."

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

Speaker Hartke: "The Sponsor will yield."

Black: "Representative, do you have a background in sexual assault?"

Dunn: "I... I do not have a background related to this Bill. I am a CPA by background."

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Black: "You're a CPA?"

Dunn: "Correct."

Black: "CPAs have stolen more money with their pen and briefcase than all the bank robbers in the State of Illinois, but that's another story. What... what prompted this Bill?"

Dunn: "This Bill was prompted by articles in both Newsweek and Parade Magazine that myself..."

Black: "In what... what? Newsweek and what?"

Dunn: "Parade Magazine."

Black: "Parade Magazine."

Dunn: "That both had..."

Black: "I commend you on your subscriptions, Representative. Do you also get the Wall Street Journal?"

Dunn: "That I do."

Black: "What... what articles... what were the articles about? I mean, obviously they were about sexual assault. And that... that obviously got your attention. And I assume there were no pictures, so you read the article. So, what... what did the article say?"

Dunn: "The articles say that most states, either intentionally or unintentionally, have this loophole in the law. And there is currently an organization formed in North Carolina that is trying to change this law throughout the country. To sub... having read about... having read these articles, I brought the idea of the Bill to an organization called the Naperville Exchange Club, whose members are... dedicate their time to fighting child abuse. They, in turn, investigated,

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brought a lot of information to us, got a lot of support from other social organizations. And we also brought in the organization Protect, from North Carolina, to review our current legislation here in Illinois. This Bill got a lot of support from the different social organizations, from the state's attorney, from the Illinois attorney general."

Black: "Did it... did it get the support of the editorial board of Parade Magazine?"

Dunn: "You know, I never did talk to them about the Bill."

Black: "You really should. It's... it's widely distributed. What... what about the case of a single-parent household where the mother is the sole provider for children and the mother is accused by DCFS of sexual assault or... or sexual abuse of... of a child, does that automatically mean that those children are going to be taken out of the home and put in foster care?"

Dunn: "If that mother is indeed sentenced or is indeed found guilty, that mother would no longer be eligible for parole and counseling as she currently is. She would be subject to sentencing similar to that of all that are convicted under this criminal statute. And she would be subject to either a Class 1 or Class 2 felony sentencing guidelines."

Black: "All right. So, it would not necessarily have to be a charge against her own children, it could be a charge against a child in the neighborhood. This has no relation to the family relationship, even if she's charged with

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aggravated sexual abuse of a child, not one of her biological children, the law still triggers, correct?"

Dunn: "Correct. This... my Bill makes no change in that situation."

Black: "All right. God forbid if she were accused of... of the crime against one of her own children, then the law still is triggered and she could lose parental rights and be sentenced, rather than the current law. If I understand it, what you're trying to correct is that judges often say, 'well, I'm gonna make an exception because you're the sole support of the children. I don't want you to do that again but... but I'm gonna sentence you to electronic home detention. But go back home and take care of your children.'"

Dunn: "Twenty years ago we intentionally put in an alternate sentence for those family members that are convicted of sexual assault. Judges feel the obligation to follow that alternate sentence since we did provide it to them. This Bill simply removes that alternate sentence and says that family members should be sentenced the same as nonrelated."

Black: "Okay, fine. Thank you, Representative. Mr. Speaker, if I might, to the Bill."

Speaker Hartke: "To the Bill."

Black: "I think the Gentleman is to be commended. I... I know that when I wanna sponsor legislation the first place I go to the Internet is Parade Magazine. It is an indispensable reference tool. I... I just would ask a rhetorical question, Mr. Speaker. This is a good Bill, it's been well drafted.

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It unfortunately... I wish it wasn't necessary, but unfortunately it is. But, Mr. Speaker, you and I have been here a long time. Whatever happened to the good old days when freshmen sponsored really important legislation, like the official state dance or the official state mammal or the official state flower? I mean, those were... those were key freshmen Bills when you and I came here. I'm not going there."

Speaker Hartke: "Coward."

Black: "But whatever, Mr. Speaker. This... this freshman class, I just... I tip my hat to them. I... they are just so intelligent, so well-read, and sponsor such good legislation. I would just simply ask that staff on your side of the aisle and staff on my side of the aisle let some of us old-timers sponsor some of this legislation instead of the stuff they bring us. I intend to vote 'aye'."

Speaker Hartke: "Further discussion? Chair recognizes Representative Monique Davis."

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

Speaker Hartke: "The Sponsor will yield."

Davis, M.: "Representative Dunn, I have to ask this question. According to the current law, it says if criminal sexual abuse occurs to a defendant... I'm sorry, to a victim by a family member who at the time of the offense... in other words, it appears that the defendant would be willing to undergo a court approved counseling, the defendant participates in a plan for limited contact with the victim.

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And I imagine that's when the courts were trying to keep families intact, that's what I imagine. When the person could be... the offender could be removed from the household and restricted any contact and when the person agrees to continually financially support that family. So, I won't go on with all these things that you're removing from current law. But is... is your intent to have full prosecution... I mean, is that what you're saying? You're removing all of these conditions that..."

Dunn: "That..."

Davis, M.: "...that had been put in place by former Legislators in this Body, or in some body, to prevent the breakup of a family. Is that what you're preventing?"

Dunn: "That is correct. We are..."

Davis, M.: "You're saying..."

Dunn: "We are..."

Davis, M.: "You're saying that if that father, who definitely should not abuse his children, sexually or otherwise, but if for some reason that father, through dementia or some illness, starts to sexually abuse some children in that family, that he now becomes a... what... what happens to him?"

Dunn: "He becomes just as bad as anybody else who commits this crime, related or unrelated."

Davis, M.: "But what happens to him, Representative?"

Dunn: "If... if convicted of criminal sexual assault, which is a Class 1 felony, he will be subject to four to fifteen years in prison. If he is convicted of criminal sexual abuse he will be subject to Class 2 felony sentencing, which is..."

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Davis, M.: "Do we have..."

Dunn: "...three to seven."

Davis, M.: "Do we have a lot of those cases in the State of Illinois where family members are abusing other family members? Do you have documentation?"

Dunn: "Yes, I do. And currently, the stranger danger attacks only occur in about four percent of criminal sexual abuse against kids. The overwhelming majority are either family members or well known by the family. The exact percentage was just shy of 50 percent of... of sexual assault that occurs against children, occurs by a family member."

Davis, M.: "So, the current legislation says that the victim can receive counseling and the counseling can be paid for by the perpetrator. Is your Bill removing all of that?"

Dunn: "Yes, it does. Over the last 20 years we... we enacted this alternate sentence for family members in 1983. Since 1983 we've learned an awful lot about pedophiles and the danger that they pose to both their family and to the neighbors. We've learned that it is no longer beneficial... or that keeping a family together is not beneficial to either the family or to the neighbors because of the danger that these people propose..."

Davis, M.: "So, you're saying statistically it's proven that it's of no value to keep this family together."

Dunn: "That is correct."

Davis, M.: "If it's a brother who is accused of incest... having sex with a relative, a sister or something, that it's of no value to give that person counseling, it's no value to give

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the victim counseling, and it's no value to keep that victim... that... I'm sorry, that family intact. You're saying that it's better for society if we incarcerate this person for as long as we can and that nobody gets counseling, we just keep 'em in prison. Is that right?"

Dunn: "I am saying that it is better for the family and for society to send this person to prison because counseling has proven to be very ineffective. That these people are not rehabilitated, that they recommit the same crimes against their family members, against their neighbors. Counseling is ineffective and, yes, indeed, we are better putting these people in jail, especially the physical and emotional well-being of the children that live within their house and within their neighborhood."

Davis, M.: "What kind of work did you do, Representative?"

Dunn: "I don't have a background in this area. I have a..."

Davis, M.: "No, I'm just wondering..."

Dunn: "...background in finance."

Davis, M.: "...what kind of work did you do?"

Dunn: "I run an investment fund. I'm an accountant by background."

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

Dunn: "I run an investment fund. I'm an accountant by background."

Davis, M.: "You run an investment firm?"

Dunn: "That's correct."

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Davis, M.: "So, where did you get your documentation of all of these abuse cases of incest and so forth in these families?"

Dunn: "We did a lot of work for this Bill, mainly or largely in part because I don't have a background in it and wanted to be more familiar with it. Besides going to social organizations that have a lot of information about this, I also went to our... Will County/DuPage County state's attorneys and also to Lisa Madigan's office, our attorney general. We had a public hearing in Naperville that was well publicized and open for comment. We had approximately 25 attendees, many of which provided oral testimony. There in... we received testimony from both victims and counselors who work with victims."

Davis, M.: "Representative Dunn, does this Bill in any way touch on religious leaders?"

Dunn: "I don't believe so, no."

Davis, M.: "No, just family members."

Dunn: "Correct."

Davis, M.: "Okay. Okay, I think it's a good Bill. I believe we're going to have a lot more criminals... a lot more people will be in prison because rather than dealing with the situation through a counselor or through family therapy, we'll now deal with it by going to the state's attorney and letting the state's attorney prosecute and also increase the rate of those who are incarcerated. Maybe that's what we want to do. I will vote 'yes' on your Bill."

Dunn: "Well, thank you for your support."

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Speaker Hartke: "Further discussion? Representative Winters, the last speaker."

Winters: "Thank you, Mr. Speaker. Will the Sponsor yield? I assume that he does, so I'll just go ahead. First, I've actually read this Bill, Joe. It's a very good Bill but I want to call your attention on the computer to page 15. If you... if you draw up or do you have a paper copy of page 15, I'd like to have you explain how, as a freshman, you have the audacity to come in here, write in new language. It says, 'blank', and then the rest of the page is all crossed out. What are you trying to do? You trying to restrict the amount of state statutes that we have to print every year? What's the idea of this?"

Dunn: "Well, perhaps we do have too many statutes and we should..."

Winters: "Well, you know, I... I've read through this Bill."

Dunn: "But that wasn't my intention here."

Winters: "I've read through this Bill and it's about 20 pages long. I can find three instances where you actually wrote anything. And the rest of it is line after line after line where you're removing language from the Criminal Code. So, all I can do is commend you. Every Bill that you sponsor, as long as you have a 10-1 ratio of removed language to new language, I think I can support it."

Dunn: "I'm not..."

Speaker Hartke: "Representative Dunn to close. Representative Dunn to close."

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Dunn: "This is a good Bill, it protects the children in our communities. I would ask for your 'aye' vote."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 3466?' 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 the Constitutional Majority, is hereby declared passed. The Chair recognizes Representative Brady. For what reason do you seek recognition?"

Brady: "Thank you, Mr. Speaker. For an announcement for the Republican Caucus."

Speaker Hartke: "Make the announcement, please."

Brady: "Upon our recess here, all Republicans are asked to go to Room 118 for a caucus immediately upon our recess. Room 118 for the Republican Caucus. Thank you, Mr. Chairman."

Speaker Hartke: "Mr. Brady, how long do you plan on being in caucus?"

Brady: "'Til 3 o'clock, Mr. Speaker."

Speaker Hartke: "The House will be in recess until 3 o'clock. And the Republicans should immediately go to Room 118. And the Democrats can take a break. And the Clerk will be in Perfunctory Session during the recess."

Clerk Rossi: "House Perfunctory Session will come to order. House Bills Second Reading that will be read on Second

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Reading and held on that Order. House Bill 47, a Bill for an Act require... requiring disclosure by state appointees. Second Reading of this House Bill. House Bill 59, a Bill for an Act for concerning daycare homes. Second Reading of this House Bill. House Bill 62, a Bill for an Act in relation to property. Second Reading of this House Bill. House Bill 117, a Bill for an Act concerning taxes. Second Reading of this House Bill. House Bill 183, a Bill for an Act concerning quick-take proceedings. Second Reading of this House Bill. House Bill 494, a Bill for an Act concerning plats. Second Reading of this House Bill. House Bill 515, a Bill for an Act in relation to criminal law. Second Reading of this House Bill. House Bill 847, a Bill for an Act in relation to local governments. Second Reading of this House Bill. House Bill 1107, a Bill for an Act concerning taxes. Second Reading of this House Bill. House Bill 1194, a Bill for an Act in relation to firefighters. Second Reading of this House Bill. House Bill 1196, a Bill for an Act in relation to aging. House Bill 1237, a Bill for an Act in relation to vehicles. House Bill 1350, a Bill for an Act in relation to criminal law. House Bill 1359, a Bill for an Act in relation to crime victims. House Bill 1448, a Bill for an Act regarding higher education. House Bill 1452, a Bill for an Act in relation to public utilities. House Bill 1456, a Bill for an Act concerning administrative hearings. House Bill 1486, a Bill for an Act in relation to criminal law. House Bill 1490, a Bill for an Act concerning taxes. House

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Bill 1532, a Bill for an Act concerning transportation. House Bill 15... 1535, a Bill for an Act concerning domestic violence. House Bill 2165, a Bill for an Act in relation to foreign trade zones. House Bill 2191, a Bill for an Act with regard to schools. House Bill 2250, a Bill for an Act concerning criminal law. House Bill 2291, a Bill for an Act concerning taxes. House Bill 2301, a Bill for an Act in relation to highways. House Bill 2302, a Bill for an Act in relation to vehicles. House Bill 2348, a Bill for an Act concerning occupational therapy. House Bill 2375, a Bill for an Act concerning financially troubled schools. House Bill 2403, a Bill for an Act concerning local improvements. House Bill 2411, a Bill for an Act in relation to criminal law. House Bill 2446, a Bill for an Act in relation to criminal law. House Bill 2473, a Bill for an Act in relation to criminal law. House Bill 2493, a Bill for an Act concerning bonds. House Bill 2502, a Bill for an Act in relation to public aid. House Bill 2504, a Bill for an Act concerning fees. House Bill 2510, a Bill for an Act in relation to municipalities. House Bill 2515, a... a Bill for an Act in relation to minors. House Bill 2523, a Bill for an Act concerning child support. House Bill 2524, a Bill for an Act in relation to dome... to domestic violence. House Bill 2529, a Bill for an Act in relation to streetgangs. House Bill 2550, a Bill for an Act concerning mortgages. House Bill 2653, a Bill for an Act in relation to criminal law. House Bill 2798, a Bill for an Act in relation to criminal law. House Bill 2799, a

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Bill for an Act concerning video conferencing. House Bill 2836, a Bill for an Act concerning schools. House Bill 2841, a Bill for an Act in relation to criminal law. House Bill 2842, a Bill for an Act in rela... relation to criminal law. House Bill 2844, a Bill for an Act in relation to criminal law. House Bill 2855, a Bill for an Act concerning taxes. House Bill 2864, a Bill for an Act concerning speech-language pathology. House Bill 2889, a Bill for an Act in relation to agriculture. House Bill 2895, a Bill for an Act in relation to child support. House Bill 2902, a Bill for an Act in rela... in relation to children. House Bill 2905, a Bill for an Act concerning taxes. House Bill 2910, a Bill for an Act regarding schools. House Bill 2918, a Bill for an Act concerning wildlife. House Bill 29... 2926, a Bill for an Act in relation to criminal law. House Bill 2927, a Bill for an Act in relation to criminal law. House Bill 2931, a Bill for an Act in relation to criminal law. House Bill 2932, a Bill for an Act in relation to criminal law. House Bill 2949, a Bill for an Act concerning the regulation of professions. House Bill 2950, a Bill for an Act concerning state parks. House Bill 2952, a Bill for an Act in relation to the transfer of certain real property. House Bill 2954, a Bill for an Act in relation to alcoholic liquor. House Bill 2966, a Bill for an Act concerning sex offenders. House Bill 2977, a Bill for an Act in relation to criminal law. House Bill 2979, a Bill for an Act in relation to criminal law. House Bill 29... 2990... 2985, a

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Bill for an Act concerning construction contracts. House Bill 3020, a Bill for an Act in relation to civil procedure. House Bill 2997, a Bill for an Act concerning the American flag. House Bill 3038, a Bill for an Act concerning community... community development. House Bill 3045, a Bill for an Act concerning community revitalization. House Bill 3049, a Bill for an Act concerning taxes. House Bill 3066, a Bill for an Act in relation to criminal law. House Bill 3079, a Bill for an Act in relation to taxes. House Bill 3080, a Bill for an Act concerning assessor's compensation. House Bill 3085, a Bill for an Act in relation to criminal law. House Bill 3091, a Bill for an Act in relation to criminal matters. House Bill 3100, a Bill for an Act concerning counties. House Bill 3114, a Bill for an Act in relation to criminal law. House Bill 3134, a Bill for an Act concerning the Illinois Poison Control System. House Bill 3197, a Bill for an Act in relation to health. House Bill 3209, a Bill for an Act concerning State Government. House Bill 3210, a Bill for an Act in relation to the operation of motor vehicles. House Bill 3395, a Bill for an Act in relation to municipalities. House Bill 3489, a Bill for an Act in relation to state finance. House Bill 3501, a Bill for an Act in relation to domestic violence. House Bill 3506, a Bill for an Act in relation to environmental protection. House Bill 3507, a Bill for an Act concerning environmental protection. House Bill 3508, a Bill for an Act in relation to environmental matters. House Bill 3517, a Bill for an

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Act concerning tobacco. House Bill 3526, a Bill for an Act concerning civil procedure. House Bill 3528, a Bill for an Act in relation to drug and alcohol impairment. House Bill 3540, a Bill for an Act concerning the executive branch. House Bill 3556, a Bill for an Act in relation to sex offenders. House Bill 3586, a Bill for an Act in relation to health care. House Bill 3610, a Bill for an Act in relation to criminal law. House Bill 3612, a Bill for an Act concerning taxes. House Bill 3663, a Bill for an Act concerning financial institutions. Second Reading of these House Bills to be held on the Order of House Bills-Second Reading. There being no further business, the House Perfunctory Session will stand adjourned."

Speaker Hartke: "The House will come to order. On page 5 on the Calendar, on Second Reading appears House Bill 360. Representative Novak. Out of the record. On page 3 on the Calendar, on Second Reading appears House Bill 9089. Representative Lang. Out of the record. On page 10 on the Calendar, on Second Reading appears House Bill 1415. Representative Kelly. Out of the record. Mr. Clerk, what is the status of House Bill 2486?"

Clerk Rossi: "House Bill 2486 is on the Order of House Bills-Third Reading."

Speaker Hartke: "Move that Bill back to the Order of Second Reading for purpose of an Amendment at the request to the Sponsor. On page 44 on the Calendar, on Third Reading appears House Bill 1096. Representative Phelps. Members

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should recall this Bill was taken out of the record at the request of Representative Black. Mr. Phelps."

Phelps: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. House Bill 1096 is something we've had going on in... for the last 10 years, since 1991. For the deer hunting season, the open deer season, this amends the Wildlife Code that says that during the shotgun open deer season that the hunter could have a choice of a specific type of handgun or shotgun for the... for the deer season. Lot of people are gonna misconstrue this Bill as... as a handgun Bill. We've already been doing it in this state. This is just a pro hunting Bill that allows the hunter the option of between a shotgun and a handgun. And I'd be... any questions you have, I'll be available."

Speaker Hartke: "Representative Black."

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

Speaker Hartke: "The Sponsor will yield."

Black: "Representative, I appreciate you taking this out of the record earlier. I wanted to get some material that I had. When I first heard about this Bill, having been on a firing range many years ago and firing a... a M2 machinegun, .50 caliber machinegun... this is a .50 caliber cartridge. Now that's military cartridge machinegun. And... and when I first read your Bill I thought, good Lord."

Phelps: "Yeah."

Black: "This has a kill range of, I don't know, three and half, four miles."

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Phelps: "Right."

Black: "And I thought, you can't be serious about putting somebody out in the woods, hunting deer with a .50 caliber cartridge. Thanks to you and others who work with me... the .50 caliber cartridge that will go in the handgun is like this, which is approximately the same as the current .44 magnum or .357 magnum, no bigger, no more powerful. In fact, I got a ballistics sheet that shows that the muzzle velocity of a 12 gauge shotgun with a lead deer slug has a greater velocity and a greater killing power than the .50 caliber handgun."

Phelps: "Correct."

Black: "So, I'm glad that you worked with me because at first I was really concerned that the cartridge was what I remembered on an M2 machinegun, and that's not the case at all. So, I... I do appreciate that. The only other question I have, under current law, if... if the county's deer population falls below what the wildlife managers think is appropriate, you cannot use a... they don't have a handgun season in that county."

Phelps: "Correct."

Black: "But your law doesn't change that, do they?"

Phelps: "No."

Black: "All right."

Phelps: "No, no. No."

Black: "And if at any time... the only fear that I have, and the only thing that makes me feel good is I have a hunch I know who's gonna run the Department of Natural Resources here

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shortly and I have a lot of trust and confidence in him. The only concern I have... address... address what's been called into my office. The muzzle... the black powder hunter, the bow hunter, the shotgun hunter, and the handgun hunter are beginning to choose up sides and say, 'wait a minute, there's only so many deer. I oughta have a weekend to myself, the bow hunters oughta have a weekend for themselves, the shotgun season and then the handgun season.' And as I understand it, you're putting the handgun in just the shotgun season or the entire season?"

Phelps: "Yeah. No, Representative, the... the handgun would be during the open deer season, during the shotgun season, correct."

Black: "Would not be during... 'cause isn't there a weekend for just archery?"

Phelps: "Yeah, and that would be earlier than what the open deer season is."

Black: "And then when... when's the black powder season?"

Phelps: "Black powder's right after the shotgun and then the handgun comes sometime in January."

Black: "All right. So, we're not gonna have all four groups competing for a space on the same weekend?"

Phelps: "No. No. No."

Black: "All right."

Phelps: "No."

Black: "You're not expanding the number of counties in which you can use a handgun to hunt deer. That is still

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regulated by the deer population, the population of the county, and DNR regulations, right?"

Phelps: "Now, but, Representative Bl... Representative Black, the way I understand the Bill, and... and maybe I can get some help on this, the way I understand the Bill, it's for 98 counties that can, during the open deer season, can use the choice of a handgun during those 98... in those 98 counties during that specific shotgun season."

Black: "All right. And... and now, that... that obviously excludes the metropolitan counties."

Phelps: "Absolutely. Representative, it... it excludes the counties of Cook, DuPage, Kane, and Lake."

Black: "All right. If... if a county encounters... did you say Will?"

Phelps: "No..."

Black: "All right. Will County, for example, I think, I read somewhere, is one of the fastest growing counties in the State of Illinois. If the Will County officials were to go to DNR and say, because of the sheer growth and population we would prefer not to have a shotgun or a handgun hunting season, is that available to the D... to DNR?"

Phelps: "That would be at the discretion of the director, yes."

Black: "Okay, fine. Thank you very much. I appreciate... I appreciate your indulgence because when this first came up I... you could've knocked me over with a feather. I... I... I had the wrong cartridge altogether and I appreciate you working with me."

Phelps: "Thank you, Representative Black."

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

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

Speaker Hartke: "The Sponsor will yield."

Osterman: "Representative Phelps, if you could help clarify for me, based on some of the previous comments with the previous speaker, there's gonna be a separate handgun season?"

Phelps: "No. No, Representative Osterman, it is during the shotgun season, which we already have available, the hunter would be able to use a shotgun or handgun during this season. Currently, it's just a shotgun."

Osterman: "Okay. So, during that season, though, in a county there would be people using shotguns and handguns at the same time?"

Phelps: "It'd be their choice of which one they would want to use."

Osterman: "Okay."

Phelps: "Yeah, they could use either."

Osterman: "They could use both at the same time. So, if I'm a bad shot with a shotgun and then I, you know, reach for the handgun and go for that."

Phelps: "Yeah, you know, a lot of... a lot of people think right now more than what... what's being misconstrued about this is that the handgun, the velocity on the foot pounds are gonna go further, the bullet is. Act... actually, right now, the shotgun, with the .50 caliber on the shotguns, the slugs go

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farther... a lot farther than what the handgun usually would be."

Osterman: "And I would... okay. I have no further questions."

Phelps: "Thank you."

Speaker Hartke: "Representative Phelps to close."

Phelps: "I would... I really appreciate the opportunity of having this Bill on the floor. It is a pro hunter Bill. I don't want anybody to be misconstrued about this. This is a... at a time where a lot of the gun initiatives are in there this would be something that'd be very friendly to the hunter and to the sportsman and to the gun owner. And I urge a 'aye' vote."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 1096?' 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 92 Members voting 'yes', 15 Members voting 'no', 6 Members voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On page 12 of the Calendar... Calendar, on Second Reading appears House Bill 1548. Representative Wait. Mr. Wait. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1548, a Bill for an Act concerning minors. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments approved for consideration."

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Speaker Hartke: "Third Reading. On Second Reading, on page 31 appears House Bill 4... 3009. Representative Brauer. Out of the record. On page 18, on Second Reading appears House Bill 2413. Mr. Forby. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 2413, a Bill for an Act in relation to aging. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments approved for consideration."

Speaker Hartke: "Third Reading. On page 4 on the Calendar, on Second Reading appears House Bill 209. Mr. Franks. Out of the record. On page 32, on Second Reading appears House Bill 3061. Representative Ryg. Out of the record. On page 45 of the Calendar, on Third Reading appears House Bill 1383. Representative Fritchey. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1383, a Bill for an Act concerning persons under age. Third Reading of this House Bill."

Speaker Hartke: "Representative Fritchey."

Fritchey: "Thank you, Speaker. Those of you that know me know this is a very important Bill to me. What I'd like to do is to try to logically lay this out for people is first tell you what this Bill does. The Bill does four very simple things. It raises the age for legal sale of tobacco products in the State of Illinois from 18 to 19. In deference to the time we find ourselves in, it provides an exemption for 18-year-olds in the U.S. military. It would correct Illinois driver's licenses to reflect the new age limitation. And because the intention of the Bill is to

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keep kids from smoking, not to punish store owners, it provides a one-year grace period for retailers who mistakingly sell to 18-year-olds. That's one of the reasons why the Illinois Retail Merchants' Association is neutral on the Bill. I'd like you to understand, please, people, what the purpose of this Bill is and what the underlying issue is. More than 80 percent of all adult smokers become regular smokers before the age of 18. The addiction rate associated with tobacco use, people, is higher than that of marijuana, it's higher than that of alcohol, it's higher than that of to... of cocaine. More than one-third of all children who ever try a cigarette will become regular daily smokers. One-third of the kids today who are regular smokers will die as a result of their smoking. Speaker, can I get some quiet, please? Speaker. Speaker, can I get some quiet, please?"

Speaker Hartke: "Shh."

Fritchey: "Thank you. Ladies and Gentlemen, 34 thousand children in Illinois will become regular smokers this year. Of all the kids in Illinois, 18 and under, who are alive today in this state, 300 thousand of them will die from smoking-related illness. To put in economic terms, we all hear about the budget situation we are in, Illinois spends \$8.7 million a day in tobacco-related health care costs. That's an annual tax burden of \$560 per household. How the Bill works to take on this problem is very simple. By raising the age one year, from 18 to 19, you effectively take the ability away from any high schooler to legally

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obtain tobacco products. They can't obtain tobacco products for themselves or for their younger classmates, 17-year-olds, 16-, 15-, 14-year-olds. And because so much of this smoking problem come... becomes from peer pressure, when you have fewer kids smoking you have fewer kids acting as a role model for other kids. What the Bill does not do is create any new offenses, it does not create any new penalties. I request your favorable consideration. I'd be happy to answer any questions."

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

Froehlich: "Would the Sponsor yield..."

Speaker Hartke: "Sponsor will yield."

Froehlich: "...for a question. Who are the proponents and opponents on this Bill, Representative?"

Fritchey: "The proponents of the Bill are as follows: the Illinois State Medical Society, the Illinois Coalition Against Tobacco, the Illinois State Crime Commission, the Illinois Drug Educational Alliance, the American Cancer Society, the American Lung Association, the American Heart Association, the Illinois Academy of Family Physicians, and the Illinois Society for Respiratory Care. The Illinois Retail Merchants Association are neutral. Phillip Morris, officially, is neutral on the Bill. The opponents of the Bill, in their entirety, are: R.J. Reynolds, U.S. Tobacco, Lorillard and the tobacco distributors. There are no other opponents to this Bill than the people that make their money directly from selling cigarettes."

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Froehlich: "To the Bill."

Speaker Hartke: "To the Bill."

Froehlich: "If the drinking age were 18, we know that would make alcohol a lot more accessible in high school. What this Bill's gonna do by raising the age one year is cut down accessibility to high school kids. And I urge a 'yes' vote."

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

Black: "Thank you very much, Mr. Speaker, and Ladies and Gentlemen of the House. I not only have the highest respect for the Sponsor, I consider him a friend. And I know he's sincere and I know he's worked hard on the issue. But like everything we do here, there's two sides to every issue. The previous speaker said it would make tobacco less accessible. Maybe he's older than I am but I can tell you if a kid wants to get a pack of cigarettes, he's gonna get a pack of cigarettes. Doesn't make any difference whether the age is 19, 29, or 6. Ladies and Gentlemen of the House, what this... what this Body has done over the years is a shame. There's a cartoon that was in the Kankakee Daily Journal, December 5, 1997. It's a package... it's a package of cigarettes. And on the warning label it says, 'State Legislature's Warning: Quitting smoking now may endanger your child's education.' That was right after we raised the cigarette tax and the proceeds of the cigarette tax went to education. Isn't it a delightful way that we fund education in this state, the lottery, the

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cigarette tax, the riverboat tax? All of these things we do, for the children. You should all be familiar with the Illinois Tax Handbook for Legislators. Open the book to page 19. Nine million dollars per month from the increase enacted in 1985 of the cigarette tax goes to the Common School Fund. Nine million dollars a month. All additional revenue from the increase of 14 cents per pack in 1997 goes to the Common School Fund. Sixteen million dollars of the cigarette tax goes to the General Revenue Fund. We've created this monster and we rely on that funding for education and any number of other items in the General Revenue Fund. Now, for those of you who think that this is just strictly a matter of tobacco and it bears no relation to the cost of government, Economic and Fiscal Commission prepared the following statement. How much total revenue would be lost to Illinois from both state sales and state cigarette excise taxes in the first two years if this law takes effect, raising the legal age from 18 to 19? The answer from Economic and Fiscal, respected by both sides of the aisle, \$38.6 million, \$38.6 million. And I know the Sponsor will counter my argument, and I'd think less of him if he didn't, that it's worth it. That the long-term cost of smoking are small compared to what we lose in revenue. Well, let me just tell you something, the easiest vote for me to make would be to vote for this Bill. I do not smoke, I do not choose to be around people who do. I have a personal reason for that. My mother was a heavy smoker from the age of 14 until the day she died on June 20, 1968.

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She was 56 years old, 56 years old. A positively beautiful woman and I miss her every day. She didn't even live to see any of her grandchildren. And she died of lung cancer and she died of emphysema. And it wasn't a pleasant thing to watch. And she was on oxygen the last year of her life. This was an intelligent woman. She would turn off the oxygen tank, walk to the other side of the room, and light up a cigarette. I know how addictive tobacco can be. I've experienced it firsthand. But this General Assembly has created this monster. We rely on the cigarette tax as revenue, we rely on it for education, we rely on it for the General Revenue Fund. And the 14 cent tax increase in 1997 designated every penny of that tax increase to the Common School Fund. It's... I said at the time, it's a pretty crappy way to fund education. But that's what we did. That's what we did. And you can't turn your back on it now. Thank God fewer and fewer people are smoking every year. The message is getting out. The Tobacco Settlement Funds are being reduced every year that we receive. And we will never see the \$9 billion we expected to get because the profits of the cigarette companies are falling. And nobody could be happier than that than I am. But unfortunately, until this General Assembly changes the way we fund education, you cannot take \$38 million out of the Common School Fund unless you're willing to stand up and vote, as I have, to fundamentally change how we fund education. So, while I would like to support the Bill and I... a part of me understands the Bill better than most, I

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can't, in good conscience, get up here and say it's okay to unravel what this General Assembly did. We can't take the \$38 million hit, not unless we fundamentally change how we fund education and the Governor has made it clear he does not intend to address that in this fiscal year. So, it's with a heavy heart that I intend to vote 'no' on this loss of revenue, from a godforsaken source of revenue. But we did it, we created it in this chamber. And we cannot now give up revenue to the Common School Fund. I'm sorry that I have to vote 'no' but the fiscal position of the state leaves me no choice. And Mr. Speaker, should this Bill pass by the requisite number of votes, I'll seek a verification."

Speaker Hartke: "Representative Fritchey to close."

Fritchey: "As much respect as the previous speaker may have for me, I assure everybody in this Body that mine for his is tenfold, and he knows that and that's personally as much as professionally. When it comes down to the fiscal argument, he's wrong. And I've never heard the Representative from Vermilion be so wrong as he is about this point. He talks about \$36 million a year... or, a month in loss funding. We are spending \$8.7 million a day in tobacco-related health care cost. That's direct tobacco related health care cost a day. You've all been pulled out, almost all of you, by tobacco companies and they've given you various reasons about why you should vote against this Bill. I want you to know why they're opposed to this Bill and I want, out of fairness... I want you to know why the opponents are against

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this Bill and I want to tell you in their own words. From R.J. Reynolds Tobacco Company, and I quote, 'We don't smoke that stuff, we just sell it. We reserve the right to smoke for the young, the poor, the black, and stupid.' From R.J. Reynolds again, 'Young adult smokers are the only source of replacement smokers. If younger adults turn away from smoking, the industry must decline, just as a population that does not give birth will eventually dwindle.' Our friends at U.S. Tobacco, 'Cherry Skoal is for somebody who likes the taste of candy, if you know what I'm saying.' And let me sum up their opposition to this Bill from the fine people at Lorillard. 'The base of our business is the high school student.' That's what this Bill is about. Using our lost money, using our funding education. You want to fund education on the bodies of kids, do it. Ladies and Gentlemen, we know that smoking kills kids. Over the last couple of years alone we have chosen to spend tens of millions of dollars from a tobacco settlement and from other sources to try to reduce youth smoking. We're in a budget crisis. We're under a lot of pressure to do more with less. We're being told that we have to come up with education or with legislation that saves money, that doesn't cost money. This Bill prevents us... presents us with a very real opportunity to change our small part of the world as we know it. Without a price tag that we can save Illinois tens of millions of dollars every year. We're not talking about costing money, we're talking about saving tens of millions of dollars every year. We're

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talking about saving tens of thousands of lives of children every year. I want you to think back about what I told you earlier. Almost 300 thousand of the children that are alive in Illinois today will die directly from smoking. I've spoken with almost everybody on this floor about the import of this Bill. And many of you, including the Representative from Vermilion, told me of loved ones that you've lost to smoking. You've told me of parents that you lost, you told me of spouses that you lost to cancer from smoking. I've watched it impact the life of somebody very dear to me. I've seen it ruin my mother's life. And by the grace of God, she's alive today as a cancer survivor. Representative Black wasn't as fortunate, I am. I have a seven-year-old daughter. She was less than a month old when I was first elected. Since I've been down here I've watched many of you become parents. None of us, nobody in this chamber, nobody in this state, should ever lose a child, should watch a child die because they become addicted to a product which when used correctly will kill them. That's what we're dealing with. You gonna vote for... against this Bill for education funding? You gonna say that you can go back to your district and say that you were against this because you wanted to fund education on the lives of the kids that were dumb enough to smoke? There are 12 million people in this state. There are a hundred and eighteen of them that are in a position to do something about this issue right here and right now, and that's us. My colleagues, I've never worked a Bill as hard as I've

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worked this one. I've talked to all of you. This Bill presents a very clear choice of priorities, people. Don't be fooled by misdirection. This is not the time to do a favor for a friend. This is not the time to do a favor for a friend's kid. This is not the time to help out a pal. This Bill is about saving the lives of children. We raise the smoking age one year, we will save the lives of children. The national smoking rate among kids is 28 percent, in Illinois it's 34 percent. We're 30 (sic-6) percent higher than the national average. Utah has a smoking age of 19. Their teen smoking rate is 8 percent. Alabama has a smoking age of 19. Their teen smoking rate is below the national average. Pennsylvania has a smoking age of 21. Their smoking rate is below the national average. The proposition works. This is not hypothetical, this is not theory, this is not a test. We can cast the vote right here and right now to save children right now. God forbid anyone of our kids dies from smoking because we didn't do something to keep it out of their hands. Please vote 'aye'. Thank you."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 1383?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 80 Members voting 'yes', 32 Members voting 'no', 4 Members voting 'present'. And this Bill, having received the... Mr. Black withdraws his request.

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There are 80 Members voting 'yes', 32 Members voting 'no', and 4 Members voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On page 43 on the Calendar, on the Order of Third Reading, appears House Bill 277. Mr. Washington. Mr. Washington. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 277, a Bill for an Act concerning the deposit of state moneys. Third Reading of this House Bill."

Speaker Hartke: "Representative Washington."

Washington: "Mr. Chairman, I'd like to return the Bill to Second for purpose of an Amendment, please."

Speaker Hartke: "Mr. Clerk, put this Bill on the Order of Second Reading for the purposes of an Amendment. Is Mr. Mitchell in the chamber? Jerry Mitchell. Mr. Jerry Mitchell in the chamber? Ladies and Gentlemen, we're gonna switch gears here a little bit. We're going to go... could I have your attention, please. Could I have your attention, please. It's the Chair's intention to move Bills from Second to Third so tomorrow we will have Bills in position to pass on your second priority. So, I intend to call those Bills that you have indicated as your second priority that are on Third Reading... or on Second Reading to Third Reading. And we'll be going alphabetically. On page 33 on the Calendar, on the Order of Second Reading, appears House Bill 3101. Representative Beaubien. Representative Beaubien. Mr. Clerk, read the Bill."

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Clerk Bolin: "House Bill 3101, a Bill for an Act concerning taxes. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. On page 7 of the Calendar, on Second Reading appears House Bill 1116. Representative Kosel. Out of the record. On page 10 on the Calendar, on Second Reading appears House Bill 1359. Representative Kurtz. Representative Kurtz. Out of the record. Let's go back to that number. On page 10, on Second Reading appears House Bill 1359. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1359, the Bill's been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. On page 2 on the Calendar, on Second Reading appears House Bill 9. Representative Capparelli. Out of the record. On page 15 of the Calendar, on Second Reading appears House Bill 2265. Representative Steve Davis. You don't wanna move that Bill to Third Reading? Out of the record. On page 27 on the Calendar, on the Order of Second Reading, appears House Bill 2772. Representative Saviano. Representative Saviano. Out of the record. On page 9 on the Calendar, on the Order of Second Reading, appears House Bill 1256, Representative Giles. Representative Giles. Out of the record. On page 9 on the Calendar, on the Order of Second Reading, appears House Bill 1272, Representative Hoffman. Mr. Hoffman. Out of the record. On page 6 on the Calendar, on the Order of Second Reading, appears House

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Bill 465, Representative Jakobsson. Naomi Jakobsson. Out of the record. On page 29 on the Calendar, on Second Reading appears House Bill 2863. Representative McCarthy. Out of the record. On page 12 on the Calendar, on Second Reading appears House Bill 1547. Representative Wait. Out of the record. On page 20 on the Calendar, on Second Reading appears House Bill 2537. Representative Winters. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2537, a Bill for an Act in relation to juvenile detention centers. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. On page 6 on the Calendar, on Second Reading appears House Bill 520. Representative Miller. Out of the record. On page 22, on Second Reading appears House Bill 2648. Representative Molaro. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2648, a Bill for an Act concerning taxes. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. On page 6 on the Calendar, on Second Reading appears House Bill 370. Representative Novak. On Second Reading. Mr. Novak, you want to move it to Third? Mr. Clerk, read the Bill. Out of the record. What do ya want, Mr. Novak?"

Novak: "Microphone wasn't on."

Speaker Hartke: "Okay."

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Novak: "Thank you so much. Has an Amendment been filed to that Bill?"

Speaker Hartke: "Mr. Clerk. Yes."

Novak: "Okay. Can we pursue the Amendment?"

Speaker Hartke: "It's not been approved yet."

Novak: "Okay, then leave it on Second Reading."

Speaker Hartke: "Out of the record. On page 29, on Second Reading appears House Bill 2866. Representative Reitz. Out of the record. On page 32, on Second Reading appears House Bill 3060. Representative Ryg. Representative Ryg. Out of the record. On page 12 of the Calendar, on Second Reading appears House Bill 1547. Representative Wait. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1547, 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."

Speaker Hartke: "Third Reading. On page 4 on the Calendar, on Second Reading appears House Bill 220. Representative Slone. Out of the record. On page 30, on the Order of Second Reading, appears House Bill 2955. Mr. Smith. Mike Smith. Mr. Smith in the chamber? Out of the record. On page 7 on the Calendar, on Second Reading appears House Bill 524. Representative Turner. Mr. Turner. Out of the record. On page 30, on the Order of Second Reading, appears House Bill 2951, Representative Reitz. Representative Reitz. Mr. Clerk, read the Bill."

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Clerk Bolin: "House Bill 2951, a Bill for an Act concerning wildlife. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. On page 30 on the Calendar, on the Order of Second Reading, appears House Bill 2955, Representative Smith. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2955, a Bill for an Act concerning state employees. Second Reading of this House Bill. There were no Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. For what reason does Representative Feigenholtz seek recognition?"

Feigenholtz: "Thank you, Mr. Speaker. I do have a question about the Agreed Bill List. Can the parliamentarian or somebody tell us what the status is so we can move forward on..."

Speaker Hartke: "Yes."

Feigenholtz: "...enumerating our priorities."

Speaker Hartke: "Representative Feigenholtz, as we speak, Agreed Bill List #1 is being prepared and should be on your desk within an hour."

Feigenholtz: "Within an hour?"

Speaker Hartke: "Within an hour."

Feigenholtz: "Thank you."

Speaker Hartke: "And if your Bill is not on that list, as you had wished, we are also in the process of preparing a

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second Agreed Bill List. So, you should inform the chief of staff of your desires. Representative Morrow."

Morrow: "Yes, thank you, Mr. Speaker. Point of inquiry. Where is there a mechanism to knock Bills off the Agreed Bill List? Is there a process in which we can kn... remove a Bill from the Agreed Bill List?"

Speaker Hartke: "Yes, there will be."

Morrow: "When?"

Speaker Hartke: "Mr. Morrow, if you have a problem with one of the Bills that are on the Agreed Bill List I would suggest that you approach the podium with your... with the Bill number that you have a problem with. On page 20, on the Order of Second Reading, appears House Bill 2527, Representative Osterman. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2527, a Bill for an Act concerning libraries. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Osterman, has been approved for consideration."

Speaker Hartke: "Representative Osterman."

Osterman: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. House... Amendment #1 to House Bill 2527 allows the state librarian to address state public library systems that are failing. Gives them a mechanism to do so. I'd ask the Amendment's adopted."

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

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2527?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment is adopted. Further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. On page 16 on the Calendar, on Second Reading appears House Bill 2345. Representative Hamos. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2345, a Bill for an Act in relation to housing. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. On page 3 on the Calendar, on Second Reading appears House Bill 136. Representative Soto. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 136, a Bill for an Act in relation to vehicles. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Soto, has been approved for consideration."

Speaker Hartke: "Third Reading. You have an Amendment? Representative Soto, you have an Amendment? Representative Soto on the Floor Amendment #1."

Soto: "Yes, House Amendment #1. House Amendment #1 amends the Illinois Vehicle Code and it becomes the Bill. Basically, it concerns the sale of police vehicles to the entities that are not law enforcement agencies."

Speaker Hartke: "Is there any discussion on Floor Amendment #1? Since no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #1 to House Bill 136?' All those in favor signify by saying 'aye'; opposed

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'no'. In the opinion of the Chair, the 'ayes' have it.
And the Amendment is adopted. Further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. Mr. Clerk, what is the status
of House Bill 2345?"

Clerk Bolin: "House Bill 2345 is on the Order of House Bills-
Third Reading."

Speaker Hartke: "Move that Bill back to the Order of Second
Reading for the purpose of an Amendment at the request of
the Sponsor. Representative Saviano in the chamber? House
Bill 2772 on the Order of Second Reading. Would you like
to move that to Third? Hold that Bill of Second Reading.
Mr. Clerk, House Bill 2772. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2772, a Bill for an Act concerning
insurance. Second Reading of this House Bill. Amendment
#1 was adopted in committee. No Floor Amendments. No
Motions filed."

Speaker Hartke: "Leave that Bill on the Order of Second
Reading. Representative Jerry Mitchell in the chamber?
We'll be starting on second priorities on Third Reading,
doing it alphabetically. On page 48 on the Calendar, on
Third Reading appears House Bill 3106. Representative
Bassi, 3106. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 3106, a Bill for an Act in relation to
vehicles. Third Reading of this House Bill."

Speaker Hartke: "Representative Bassi."

Bassi: "Thank you, Mr. Speaker, Ladies and Gentlemen of the
House. This particular Bill actually was brought to me

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both by a constituent who had been in a car accident... a constituent who had been in a car accident and who's... the front end of the car was smashed. And we have what's called the VIN number, the vehicle identification numbers on the front end of the car. It turns out that when their car has been in an accident and the... and it has to be excha... the front end has to be moved, only person... the only person that can move the VIN number from the smashed part of the car to the new part of the car is the State Police. Needless to say, given the shortage of personnel we're dealing with right now, there is a long backlog for the st... the State Police to be able to come and change this VIN number. My constituent came to me and said, 'can't you expedite this situation?' The State Police said the thing to do is for the Legislature to change the law and allow the repair shop to be able to move the VIN number from the smashed car to the new car and then notify the Secretary of State's Office. I know of no opposition and I request an 'aye' vote."

Speaker Hartke: "Is there any discussion on House Bill 3106? Seeing that no one is seeking recognition, the question is, 'Shall the House pass House Bill 3106?' 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 were 116 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received the

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Constitutional Majority, is hereby declared passed. On page 48 on the Calendar, on Third Reading appears House Bill 3486. Representative Bailey. Out of the record. On page 48 on the Calendar, on Third Reading appears House Bill 3504. Representative Bradley. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 3504, a Bill for an Act in relation to criminal law. Third Reading of this House Bill."

Speaker Hartke: "Mr. Bradley."

Bradley: "Thank you, Mr. Speaker. 3504 provides that the courts shall not order a bail bond deposited by... by or on behalf of a defendant in one case to be used to satisfy financial obligations of that same defendant in a different case until the bail bond is first used to satisfy any unpaid child support obligations, as well as court costs and attorneys' fees, in the case in which the bond has been originally deposited."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is... Representative Molaro has a question."

Molaro: "Thank you. Would the Sponsor yield for a question, Mr. Speaker?"

Speaker Hartke: "The Sponsor will yield."

Molaro: "To the Bill. I'm trying to read the analysis, it came up pretty quick. What about attorneys' fees? Did you talk about that when it's..."

Bradley: "Yes, Mr. Molaro, you will be paid."

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Molaro: "Okay. Well, I just wanted to make sure. And... and one la... one other question. When you say 'to another case', could you give me, like, an example of what you're talking about because..."

Bradley: "Well, if the defendant has another case, I mean, they'll try to transfer those funds over. And... and we want to make sure that the original deposit and all the incurred costs, the restitution as co... court costs, are all paid before anything is transferred. And then it becomes kind of a shell game of, ya know, when he owes what."

Molaro: "Okay. But I... what I... I guess what I'm getting at is if there's a fine or a restitution in that particular case, the bond could go to that. You're talking about if there's anything left over, before it goes back to him, he pays his child support?"

Bradley: "Exactly."

Molaro: "Oh, that makes sense. Thank you."

Speaker Hartke: "Further discussion? Since no one is seeking recognition, Representative Bradley to close. The question is, 'Shall the House pass House Bill 3504?' 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 116 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, what is the status of House Bill 3486?"

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Clerk Bolin: "House Bill 3486 is on the Order of House Bills-
Third Reading."

Speaker Hartke: "Move that Bill back to the Order of Second
Reading for purpose of an Amendment and at the request of
the Sponsor. House Bill 3522. Representative Burke. Mr.
Clerk, read the Bill."

Clerk Bolin: "House Bill 3522, a Bill for an Act concerning
insurance. Third Reading of this House Bill."

Speaker Hartke: "Mr. Burke."

Burke: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the
House. House Bill 3522 very simply prohibits individuals
from using false addresses when making application for
automobile insurance and provides for a fine of not less
than a thousand dollars or more than 12 hundred if, in
fact, they are discovered to be using a phony address on
their automobile insurance. Be happy to answer any
questions."

Speaker Hartke: "Is there any discussion? Since no one is
seeking recognition, the question is, 'Shall the House pass
House Bill 3522?' 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... Mr. Clerk, take the
record. On this question, there are 116 Members voting
'yes', 1 person voting 'no', and 0 voting 'present'. And
this Bill, having received the Constitutional Majority, is
hereby declared passed. On page 46 on the Calendar, on the
Order of Third Reading, appears House Bill 2447,

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Representative Bellock. Patti Bellock. Mr. Clerk...
Representative Bellock. Clerk, read the Bill."

Clerk Bolin: "House Bill 2447, a Bill for an Act in relation to
mental health. Third Reading of this House Bill."

Speaker Hartke: "Representative Bellock."

Bellock: "Thank you very much, Mr. Speaker. What this Bill
does is to allow for a charitable trust... affordable housing
for people that are mentally ill to be set up. It is not
just in DuPage County that's up there, that was amended
from the Bill. And this is a unique opportunity for a
charitable trust to own a home for mentally ill child that
would be kept under the CILA law. It would contract with a
community provider for services and it also is in
conjunction with HUD, so it would provide affordable
housing for mentally ill people, also."

Speaker Hartke: "Is there any discussion? Seeing that no one
is seeking recognition, the question is, 'Shall the House
pass House Bill 2447?' 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. Turner and Mr. Mitchell. Have all
voted who wish? Mr. Clerk, take the record. On this
question, there are 117 Members voting 'yes', 0 voting
'no', and 0 voting 'present'. And this Bill, having
received the Constitutional Majority, is hereby declared
passed. On page 46 on the Calendar, on Third Reading
appears House Bill 2442. Representative Chapa LaVia, 2442.
Mr. Clerk, read the Bill."

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Clerk Bolin: "House Bill 2442, a Bill for an Act in relation to criminal law. Third Reading of this House Bill."

Speaker Hartke: "Representative Chapa LaVia."

Chapa LaVia: "Thank you, Speaker. This House Bill has to do with... the Bill amends the Criminal Code Act of 1961 by changing the age of persons who can commit the crime of contributing to the criminal delinquency of a juvenile for 21 years of age and up to 18 years of age and up. Open for discussion."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt House Bill 2442?' 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? Representative Colvin. Have all voted who wish? Mr. Clerk, take the record. On this question, there are 117 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On page 47 on the Calendar appears House Bill 2848. Rep... Representative Coulson. Mr. Clerk, read the Bill. Take that Bill out of the record. On page 48 on the Calendar, on the Order of Third Reading, appears House Bill 3090. Representative Dunn. Representative Dunn, 3090. Out of the record. On page 44 of the Calendar, on the Order of Third Reading, appears House Bill 1182. Representative Collins, 1182. Out of the record. On page 45 of the

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Calendar appears House Bill 2186. Representative Currie. Barbara Currie. Out of the record. On page 45 on the Calendar appears House Bill 2186. Representative Currie. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2186, a Bill for an Act concerning taxes. Third Reading of this House Bill."

Speaker Hartke: "Representative Currie."

Currie: "Thank you, Speaker and Members of the House. As amended, House Bill 2186 does two things. First, it extends the life of the earned income tax credit which otherwise would expire this July 1. Second, it establishes for that credit, not for current budget year but for fiscal year '05, that the credit will be refundable. This is a very important program to help people at the lowest end of the earning spectrum. When President Reagan signed an expansion of the federal earned income tax credit he called it the most family-friendly piece of legislation he'd ever been asked by the Congress to support. I would be happy to answer your questions and I would certainly appreciate your support for this measure."

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."

Parke: "Representative, this is the Bill we talked about last couple days?"

Currie: "Yes."

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Parke: "Okay, I still have a problem with the fiscal impact and the '04 budget still looks like it's \$45 million. And that in '08 it's up to \$284 million. I know that the... the concept here is a great idea but do we have the money?"

Currie: "The fiscal note does not reflect the Bill as amended, Representative. If you look at your analysis, you'll see the Bill was amended. The \$45 million cost is the current cost of the earned income tax credit. This Bill would extend it so that the 45 million we spent last year we will spend this year, too."

Parke: "Okay. Well, thank you for pointing that out. Yes, it is a little bit less. But it's still \$47 million, even with your Amendment."

Currie: "Representative, that's current spending."

Parke: "Yeah. Our analysis says that's still correct, \$47 million."

Currie: "That's what we are..."

Parke: "Well, you know..."

Currie: "...spending today, Representative. And if we do not extend the credit we will take away from these low income parents a program of tax credit that has helped them move from poverty into something a little better than that."

Parke: "Yes, but you could... you could amend this Bill and extend... and keep the sunset... delete the sunset. You could still do that."

Currie: "That's what I've done, Representative."

Parke: "Yeah, but you don't have to put in all this other stuff. You expand the program..."

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Currie: "No, the program..."

Parke: "...from 5 percent to 10 percent."

Currie: "No, that's wrong. There was an Amendment and the Amendment extends the life of the program, removes the sunset, and in our next fiscal year would make the credit refundable, which is the way the federal credit operates and which is the way most of the state earned income tax credits operate, as well."

Parke: "Well, our analysis says this is a significantly increase in the budget appropriations. And you may be looking at it one way, our people are looking at it another way. So, Mr. Speaker, to the Bill."

Speaker Hartke: "To the Bill."

Parke: "The... there's... seems to be a discrepancy of what impact this'll have on the budget. It sounds like there's an awful lot of people that this affects. The Sponsor's given me the courtesy of talking to me for over the last couple of days about this and its importance to people. But I think this program, if she were to simply extend... to do away with the sunset, this program would continue the way it is in terms of its impact. And we would not be worried about at the increased hit that it will have on the budget for this next fiscal year and the fiscal years beyond it. Until the time comes when we have additional revenue, I think we could then revisit it. So, I will be voting 'present' because I think the Sponsor has the... conceptually has a good idea but we cannot afford to do this at this time."

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

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

Speaker Hartke: "The Sponsor will yield."

Lindner: "Representative, just to get this straight, this involves no new money for this year, right?"

Currie: "That's absolutely right."

Lindner: "It stays at the exact same level that it has been in the budget."

Currie: "That's right."

Lindner: "And it also... the earned income tax credit remains at 5 percent."

Currie: "That's right. And this Bill does not change that in this year or in any future year."

Lindner: "Right. And so it... it remains at 5 percent until the General Assembly would change that."

Currie: "That's right. Although it does create the refundable provision for the next fiscal year."

Lindner: "Thank you. To the Bill."

Speaker Hartke: "To the Bill."

Lindner: "This is a great Republican initiative. In 1975 this was presented by President Nixon and in the Ford administration it was greatly expanded. President Ronald Reagan called this the best antipoverty, the best pro family, and the best job creation measure to come out of Congress. So, this was such a successful federal program that we started the state earned incaps... in... earned incaps... earned income tax credit in 1999. We've helped about 584

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thousand people, low-income people. And this was also an integral part of the Welfare to Work Program that we initiated here. Most people spend this not frivi... frivolously but on payments, on bills, on house payments. I'm looking at approximately 11 different Republican districts here and the number of EITC federal claims range from 5 thousand to 10 or 11 thousand in people's districts. So, this is something that really affects Republican districts. It's been a good state program, we've helped people. And I would urge an 'aye' vote."

Speaker Hartke: "Representative Currie to close."

Currie: "Thank you, Speaker. I appreciate your 'aye' votes."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 2186?' 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 102 Members voting 'yes', 1 Member voting 'no', and 14 Members voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Ladies and Gentlemen, you might have noticed that we've had distributed all of the voting sheets for the Agreed Bill List, as well as a... a booklet giving the analysis of all of the Bills on the Agreed Bill List. It is suggested that you read the cover on the Agreed Bill List. As in the past and for freshmen who... who are... are not aware, you are only asked to vote 'no' or 'present' on those Bills where you want to vote 'no' or indicate if you

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would rather not vote on those Bills. If you do nothing, it will be recorded as a 'yes' vote. The vote will be taken sometime tomorrow. We would request that you, before you leave this evening, bring these sheets back to the Clerk signed, or immediately upon coming to the floor tomorrow morning. Are there any questions? Representative Bellock. Everyone should have one yellow copy of the voting sheet. If you do not have one, please, let us know. Thank you. On page 46 on the Calendar, on the Order of Third Reading, appears House Bill 2379. Representative Steve Davis. Representative Davis. Oh, excuse me, Monique Davis. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2379, a Bill for an Act concerning insurers. Third Reading of this House Bill."

Speaker Hartke: "Representative Monique Davis."

Davis, M.: "Thank you, Mr. Speaker. House Bill 2379 amends the Illinois Insurance Code and requires the Department of Insurance to request and obtain information from insurers doing business in Illinois of records of slaveholder insurance policies issued by any predecessor corporation during the slave era, in which policies provided coverage to slaveholders for damage or death of slaves. Insurers must research and report on those policies. The Bill requires the department to make this information available to the public and the General Assembly. Descendants of slaves are entitled to this information for archival or family reunions and family trees. And we are ready to answer questions."

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Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass House Bill 2379?' 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 117 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On page 47 of the Calendar, on Third Reading appears House Bill 2797. Representative Eddy. Mr. Eddy. Out of the record. On page 5 on the Calendar, on the Order of Third Reading, appears House Bill 337. Mr. Davis. Mr. Will Davis. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 337, a Bill for an Act concerning schools. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. On page 48 of the Calendar, on Third Reading appears House Bill 3115. Representative Hultgren. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill..."

Speaker Hartke: "Hold it, hold it."

Clerk Bolin: "...3115..."

Speaker Hartke: "Out of the record. Out of the record. On page 48 on the Calendar, on Third Reading appears House Bill 3072. Mr. Clerk, read the Bill. Mr. Delgado."

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Clerk Bolin: "House Bill 3072, a Bill for an Act in relation to criminal offenses. Third Reading of this House Bill."

Speaker Hartke: "Representative Delgado."

Delgado: "Thank you, Mr. Speaker and Members of the General Assembly. House Bill 3072 will create the Class 1 felony offense for the use of a dangerous place for the commission of a controlled substance or a cannabis offense. And it provides that a person commits the offense if: 1) the person knowingly exercises control over a place with the intent to commit a specified controlled substance or cannabis offense; 2) places... the place presents a substantial risk of injury from fire, explosion or exposure to toxic chemicals or gas. Basically what this Bill does, it protects our guys in blue, it protects our paramedics, it protects anyone who's gonna be going to that home to... on an emergency basis. We have drug dealers out there who are cooking up things in these homes and are creating booby traps. And these booby traps can be hot irons on the door handle, they could be shotguns tied to the door and once it's broken into... unbeknownst to a fireman who sees a fire and hits that door with an axe, that will blow up. So therefore, we tryin' to give a little bit more safeguards to many of our guys that are out there answering all of these calls. And I would ask for a favorable vote."

Speaker Hartke: "Is there any discussion on House Bill 3072? Seeing that no one is seeking recognition, the question is, 'Shall the House pass House Bill 3072?' All in favor signify by voting 'yes'; those opposed vote 'no'. The

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voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk... Have all voted who wish? Have all voted who wish? Mr. Cler... Mr. Clerk, take the record. On this question, there are 117 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On page 46 on the Calendar, on the Order of Third Reading, appears House Bill 2246. Representative Krause. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2246, a Bill for an Act concerning taxes. Third Reading of this House Bill."

Speaker Hartke: "Representative Krause."

Krause: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. I present House Bill 2246 which creates the Housing Area Abatement Program. This legislation does seek to address the issue of providing affordable housing in areas of high job growth. Entry level jobs pay between eight and ten dollars and rents are often over a thousand dollars in those areas where the jobs are located. The distance between the areas where the employee will... currently lives and where their jobs are involves over two hours on public transportation. This Bill creates the affordable housing opportunity and it provides for a voucher program whereby the voucher is used to pay the landlord the difference between what the tenant can afford and what, in fact, the market rate is. The incentive to the landlord is through the property... the local property

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tax system. The legislation creates an abatement that results in a reduction of the equalized assessed value of the property. Tenants usually pay about 30 percent of their income toward the rent with the government paying the difference. The landlord then receives, through the abatement, about 500 to 900 dollars of savings per year on each unit. I would be pleased to answer any questions and then ask for your support."

Speaker Hartke: "Is there any discussion on House Bill 2246?
The Chair recognizes Representative Meyer."

Meyer: "Thank you, Mr. Speaker. Would the..."

Speaker Hartke: "The Sponsor will yield."

Meyer: "...Sponsor yield? Representative, this is opposed by the
DuPage mayors and managers. Have you had conversation with
them..."

Krause: "Yes, and they did move... remove that."

Meyer: "They... they have removed that?"

Krause: "They removed that by..."

Meyer: "Did..."

Krause: "I have her card, Michelle. She came... I'm sorry.
Michelle Kemp came to see me and removed that."

Meyer: "Is there any other opposition to this?"

Krause: "There was no other opposition and no one else filed,
in committee, any other slips."

Meyer: "Okay. Thank you, Representative."

Speaker Hartke: "Further discussion? Since no one is seeking
recognition, the question is, 'Shall the House pass House
Bill 2246?' All those in favor signify by voting 'aye';

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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, take the record. On this question, there are 115 Members voting 'yes', 0 voting 'no', and 2 Members voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On page 47 on the Calendar, on Third Reading appears House Bill 2858. Representative Mathias. Mr. Mathias. Out of the record on the Agreed Bill List. On page 46 on the Calendar, on Third Reading appears House Bill 2311. Representative Feigenholtz. Representative Feigenholtz. Out of the record. On page 48 on the Calendar, on Third Reading appears House Bill 3285. Representative McAuliffe. Mr. Clerk... 3285. 3285. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 3285, a Bill for an Act to create the Gender-Neutral Statutes Commission. Third Reading of this House Bill."

Speaker Hartke: "Representative McAuliffe."

McAuliffe: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I have House Bill 3285 which would create the Gender-Neutral Statutes Commission Act. What we want to do is have a study to see what the cost would be if we wanted to change... and there'd be a com... comprehensive changing to the Illinois Compiled Statutes, so it would fact in be gender-neutral. And I would be happy to answer any questions that anyone would have."

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

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

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

Parke: "Representative, what... what are you trying to accomplish here? I... I... what's happening? Give me the example of what's happening that this is necessary."

McAuliffe: "Well, currently, our new Supreme Court justice is a female, Justice McMorrow, we have a new attorney general who's also a female. So, I thought with law enforcement officials and these women, in being such high esteem, that maybe we should take a look and see what the cost would be to change the statutes so it wouldn't just always say... refer to a male figure or 'he'. So, at times it could be a 'he' or a 'she'. I'm not sure what the cost is and that's why it would report back to the General Assembly next January of what the cost would be. And then, upon looking at that, then I would look to see if... if this is something that's necessary to do it."

Parke: "So, that would require us to go in and look at all of the... the House statutes, the legislative statutes, the judicial statutes to review every one of 'em to make sure that they're gender-neutral. Is that what you're saying?"

McAuliffe: "That's correct."

Parke: "Don't you think that'll take a lot of energy and time? Cost a lot of money?"

McAuliffe: "I think it'll take a lot of energy and time, maybe not as much on the research, but at least to have an idea

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of it. That's why I didn't... that's why I'm presenting this Bill to do it this way. And then let's see what the cost is and we'll see where we are next year."

Parke: "And... so this is a study?"

McAuliffe: "Yes. Yes."

Parke: "This is a study with a recommendation."

McAuliffe: "Yes. I believe it would be the Speaker of the House, the Minority Leader, the Senate President, and Minority Senate Leader would be able to put someone on the committee."

Parke: "Would we... would you have a... hire staff to do this?"

McAuliffe: "I believe that... I don't think you'd have to hire any additional staff. I'm not sure on that part."

Parke: "Will the people be paid a salary or will they be paid travel expense?"

McAuliffe: "As I recall, there would be no salary at all."

Parke: "Will there be travel expense? Expense to... to live somewhere... I mean, to stay overnight somewhere if it's downstate?"

McAuliffe: "I believe so."

Parke: "You believe so. So, do you know how much money this... this'll cost the taxpayers? Got an estimate?"

McAuliffe: "No, I do not."

Speaker Hartke: "Further... Are you finished, Mr. Parke?"

Parke: "To the Bill."

Speaker Hartke: "To the Bill."

Parke: "Ladies and Gentlemen, again, this seems to be a worthwhile objective. But you know, I think... I think we'll

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get along just fine in this state for this fiscal... fiscal year coming up, '04, that we don't do this. This is gonna cost us some money and just remember, every time we pass something that costs money and we don't have money to pay for it that means we're gonna have to shift the money from disabled, for the elderly, for our schools to pay for these programs. And I will remind the Body that we're estimating, this fiscal year, to end the year over \$300 million in the hole. Again, I can't fault the Sponsor for this. I think it's something probably we ought to be doing. But, again, we don't have money to do this. So, I respectfully rise and will be voting 'present' on this legislation."

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

McAuliffe: "I'd just ask for a favorable Roll Call."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 3285?' 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? Have all voted who wish? Mr. Capparelli. Mr. Scully. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 112 Members voting 'yes', 1 person voting 'no', 3 Members voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On page 47 on the Calendar, on Third Reading appears House

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Bill 2845. Representative Brady. Mr. Brady. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2845, a Bill for an Act in relation to criminal law. Third Reading of this House Bill."

Speaker Hartke: "Mr. Brady."

Brady: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 2845 has... is another piece in the methamphetamine package, primarily for the Illinois Chiefs of Police Association and other law enforcement. It amends the Controlled Substance Act and removes the elements of intent. Changes the law from possession of a scheduled chemical with intent to manufacture to mere possession of a scheduled chemical used in the manufacture in the methamphetamines. As I indicated, this is an initiative of the Illinois Chiefs of Police and I'd be happy to answer any questions."

Speaker Hartke: "Is there any discussion on House Bill 2845? Seeing that no one is seeking recognition, the question is, 'Shall the House pass House Bill 2845?' 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... Have all voted who wish? Mr. Mitchell. Mr. Wirsing. Have all voted who wish? Mr. Clerk, take the record. On this question, there are 116 Members voting 'yes', 0 voting 'no', 0 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On

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page 47 of the Calendar appears House Bill 2797. Mr. Eddy.
Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2797, a Bill for an Act regarding
schools. Third Reading of this House Bill."

Speaker Hartke: "Representative Eddy."

Eddy: "Thank you, Mr. Speaker, Ladies and Gentlemen of the
House. This Bill allows and provides that school districts
may contract speech and language pathologist services. It
requires school districts that, prior to the contracting of
the speech and language pathology services, that they make
a reasonable effort to fill the position on a full-time
basis in their school district by placing an ad in a... in a
local newspaper for three days and also place it in the
listing of a placement bulletin at a college where there is
a speech language program. And they need to post the
information on the Illinois Asso... Illinois Association of
School Administrators Job Placement Service. This Bill
will help school districts serve children with speech and
language deficiencies. And I would request your support
and an 'aye' vote."

Speaker Hartke: "Is there any discussion on House Bill 2797?
Seeing that no one is seeking recognition, the question is,
'Shall the House pass House Bill 2797?' 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 116 Members voting

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'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, what is the status of House Bill 2660?"

Clerk Bolin: "House Bill 2660 is on the Order of House Bills-Third Reading."

Speaker Hartke: "Move that Bill back to the Order of Second Reading for the purposes of an Amendment. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2660, the Bill's been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Hannig, has been approved for consideration."

Speaker Hartke: "Representative Hannig on Floor Amendment #1."

Hannig: "Yes, thank you, Mr. Speaker and Members of the House. The underlying Floor Amendment..."

Speaker Hartke: "Shh."

Hannig: "The underlying Floor Amendment is the Governor's proposal on pension obligation bonds. I would ask the Chair if we could adopt the Amendment, which requires a simple Majority and then when we debate the Bill on Third Reading, this is a Bill that requires 71 votes. I'd be happy to answer any questions at that time. So, if that would be acceptable, we could save some time, but if not..."

Speaker Hartke: "The question is, 'Shall the House adopt Floor Amendment #1 to House Bill 2660?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of

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the Chair, the 'ayes' have it. And the Amendment is adopted. Further Amendments?"

Clerk Bolin: "No further Amendments."

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

Clerk Bolin: "House Bill 2660, a Bill for an Act concerning bonds. Third Reading of this House Bill."

Speaker Hartke: "Representative Hannig."

Hannig: "Yes. Thank you, Mr. Speaker and Members of the House. Even today, in the twenty-first century, our lives still move to the rhythms and cycles of nature. And that's true as well with our economy. We have a business cycle, for those of you who have been here in the past, we've had some great years where we've had a lot of revenues and times have been good and we've had some bad years as the economy has changed and we're on the bottom part of that cycle now and we struggle to get our revenue estimates correct and we struggle to get our spending estimates correct. But if there's a silver lining to all the bad things that we faced on the bottom part of this economic cycle, it's that we see interest rates at a historic low. We see interest rates today lower than they've been since Eisenhower was President. So, we have at least an opportunity to use the silver lining that this recession has presented us to save some of the costs of doing business here in the State of Illinois. Governor Blagojevich has presented us with an... with a innovative program to refinance our pension obligations, an opportunity to find lower rated.. lower interest rate bonds in order to fund those obligations that

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we owe and an opportunity to save the taxpayers of the State of Illinois money. This proposal would amend the State Finance Act and create the Pension Contribution Fund. It amends the General Obligation Bond Act and increases by ten billion the amount of money that would be authorized to be borrowed by the State of Illinois and it amends the Illinois Pension Code to reflect the impact of the additional bonding on the authority. So, I think we've all been briefed in our respective caucuses on some of the more detailed parts of the Bill. So, I'd be happy to answer any questions and I'd ask for your 'yes' vote."

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

Parke: "Thank you, Mr. Speaker. I have some questions about this legislation. What happens in '05 if we cannot make the amount of money that was estimated to be made on that fiscal year?"

Hannig: "Representative, I'm not quite certain that I understand the question that you're trying to ask. Could you rephrase it?"

Parke: "Okay, if... if we run short, let's say we're... our projection that you're trying to get is 8½ percent, let's say that we only got 6 percent and we're short the amount of money going in. How do we make up that shortfall?"

Hannig: "Representative, the pension systems and the 8 percent that they have or the 8½ percent is based on a long-term kind of estimate. Now, in the last two years the pension systems have lost money, but if you look at the last 15

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years the rate of returns actually exceed the 8½ percent margin that they anticipate that they would earn. So, these are marks that are set by the pension systems of 8½ percent that they have historically been able to recognize on their investments. So, that's what the 8½ percent is."

Parke: "Well, I appreciate that, but that's not my point, so I'll try to be clearer. If we run short in '05 in the amount of money that we're supposed to be putting into the pension system, are we gonna have to take money out of the General Revenue Fund to make up the difference?"

Hannig: "No, Representative."

Parke: "And the reason we're not going to have to do that is what?"

Hannig: "Because there's a hold harmless in the statute in this proposal."

Parke: "Hold harmless and that hold harmless says what?"

Hannig: "We established in this proposal that the contribution to the debt ser... the contribution to the pension system would be calculated as the... the... by the pension systems had we not made the contribution at no more than an amount had we not made the contribution less the debt service. So, we set out..."

Parke: "But eventually... but eventually we'd have to get that money in?"

Hannig: "Well, Representative, if we don't hit the 8½ percent mark over time, we have to come up with the money anyway. So, if your view is that the 8½ percent benchmark is not

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attainable by the pension systems over long periods of time, then we really need to change that benchmark."

Parke: "All right. What I'm... all right, then let me just say this. It is my contention that with the hold harmless provision that was shared with us in our caucus today that eventually, yes, we won't have to put the money in, in '05 or '06, but eventually that money's gonna have to go in there so that we have a 90 percent funding program in 30 years. Excuse me, Representatives, Gentlemen, could you move, please. Thank you, I appreciate that. We then will have to make it up sometime in the 30 years. That means that if we don't make the amount of money that we're predicting we're gonna do in '05, '06, '07, 'cause if the rates don't change much, eventually, you have to make that up to meet the spirit of the... of the repayment schedule of 90 percent. In essence what that means, Ladies and Gentlemen, it means that we are hocking the future of our children and grandchildren to have to make up the shortfall if, in fact, that happens. Now, the Sponsor says that we have a history of making over 8½ over the last ten years and that's great, but the problem, isn't it, we are 30 years... Now, it is a 30-year bonding, isn't it? It's not 25, it's 30?"

Hannig: "It's 30 years and the bench... the benchmark systems for the pensions are set on those long-term goals, Representative, they don't reflect just one year."

Parke: "I know that, but if you're short, eventually somebody has to pay the piper."

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Hannig: "If you're arguing that the benchmarks in the pension systems are too high, then maybe we need to change those benchmarks, because regardless of whether we pass this Bill we would then have to pay. But we believe, that based on historic documents, that those benchmarks are attainable and in fact, in the last 15 years our pension systems have exceeded those benchmarks."

Parke: "Well, let me share with you, Sir, that in New Jersey, which borrowed at a larger, higher rate and I'll give you that, they borrowed at a higher rate, they now have to come up with almost over a billion dollars in income this year that they weren't planning. They thought that they were doing what yo... we're trying to do today and they didn't do it and they ended up having to come up with a billion dollars of cash on top of all of the other obligations they have to their pension systems. So, it can come back, now, they didn't have a hold harmless in."

Hannig: "Representative, it can come... even if we don't do this, if we do nothing today and we fail to make the 8½ percent rate of returns in our pension systems, we will have to make up that difference. So, ya know, the pension systems have a benchmark that they've established based on historic performance over the long-term."

Parke: "Well, I..."

Hannig: "If they don't meet that, you're right, we do have to make up the difference, but that's not because of this Bill that's just because we have an obligation to the annuitant. The other point I wanna make is and reiterate is, as I

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said, we're looking at some very historic low interest rates. They haven't been this low since the '50s. So now is the time to borrow if we're going to borrow to refinance these... these obligations. It's..."

Parke: "Well, let me just say this, yes, you have to pay it in, but I will contend that if we don't do this right or if the investments do not come in at a long-term base that we have, the impact to the taxpayers of the state will be horrendous. We will have to pass tax increases just to pay for the pension system. Now, yes, you can keep arguing that eventually you're gonna have to pay it anyway, but not on the degree that if we don't hit those thresholds of 8½ over 30 years. I mean, the amount of narrow presumptions that we're having to make here are unbelievable. Now, are we gonna give \$8½ billion to our pension systems to invest?"

Hannig: "Could you repeat the question? I couldn't hear you."

Parke: "Thank you, Representative. Mr. Speaker, this is a pretty important Bill for us. This is the cornerstone of the Governor's budget solution and I think we all ought to pay attention to it."

Speaker Hartke: "Ladies and Gentlemen, this is a very, very important piece of legislation. Would you all please give the speakers your intention(sic-attention)."

Parke: "You were saying, Sir."

Hannig: "Representative, I couldn't hear your question, could you repeat it, please?"

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Parke: "I said, in essence, yes, we still have to pay in the pension system whether we do this or not, but I'm saying over 30 years if we don't hit the projections of 8½ percent, over 30 years, that's a... that's a tremendous amount of time. I mean it's \$10 billion, Sir, \$10 billion. So that's... I believe that that's greater bonding authority we're giving to this new Governor than we gave in the last decade to three Governors."

Hannig: "Representative, I think Build Illinois was... that we gave to Governor Ryan, was like 12 billion, wasn't it?"

Parke: "I don't think so, not bonding authority. I don't believe so. And this is... so this is... this is huge, I mean this is a tremendous amount. And we don't have to move this fast. Why don't we wait until we hear the Governor's budget message and let's hear what he says he wants to do on behalf of the taxpayers and citizens of this state? I don't think we have to rush because it is my understanding that the Senate is not going to act on this until after the budget message. Have you heard that, Sir?"

Hannig: "I'm not aware of that, Representative, and the only point I'm trying to make is that, ya know, we need to do this now. These rates are not locked in forever, ya know, they haven't been this low in 50 years, they may not come back to this point for another 50 years, so that's why the rush is to try to get this authorized today so that we can move forward."

Parke: "Yeah, I don't believe that 14 days is gonna make a difference between living or dying and whether or not if

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the Senate is gonna take any action until the budget message, why do we need to take the action? I'd rather listen to what the Governor has to say and then help him. I mean, we all want the Governor to be successful on this budget."

Hannig: "Representative, if you wanna help the Governor, this is his proposal and I think it makes a lot of sense."

Parke: "This may be a short-term solution, Sir, but it could be a long-term nail in a.. in a coffin that could make this state insolvent. And I don't want to see that happen and on top of that I don't wanna have my grandchildren be saddled with a pension burden that might be insurmountable. Ladies and Gentlemen, to the Bill. The Sponsor certainly is convinced that this is the right answer and for all we know 30 years from now our grandchildren will be standing on the floor of this House saying what a great idea it was that we did this, but I'm saying that I think this needs a lot more research. We've only looked at this for... for about three or four weeks in earnest and then... and finally have gotten some facts together. I'm sure this is gonna be... have to be fine-tuned, I don't think it's in the form ultimately that it'll be passed. So, I don't think we need to do this at this time. I certainly am one that as the Republican Party is to work with our Governor to help him formulate a budget that the taxpayers and citizens of this state can live with, that provides essential human services to the truly needy and to get state services out. But this is something that needs to be looked at, I mean, we just

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got the final package on how this Bill is gonna be structured in the last 24 hours and I'm... and I'll bet you that this is not the form that it's gonna finally be passed, if it is. So, Ladies and Gentlemen, I would rise in opposition to this at this time until we have more time to really sit down, scrutinize this, take a look at the Governor's overall budget and let's see what he wants to do on behalf of the citizens and then we can move forward. I don't believe the Senate Republicans are going to go along with this until the budget message and I don't see why we have to move so quickly."

Speaker Hartke: "Chair recognizes, Representative Tenhouse, the Gentleman from Adams."

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

Speaker Hartke: "To the Bill."

Tenhouse: "If you believe in the Tooth Fairy, the Easter Bunny, and Santa Claus, you're gonna love this Bill, because anyone who believes that by borrowing \$10 billion, investing \$7½ billion, and making it up with the interest differential, which is arbitrage, has to be living in another world. In effect, what the State of Illinois has done... we're not talking about Enron, we're talking about the savings and loan scandal, because what you're doing here is obligating the State of Illinois to a \$10 billion pension obligation or general obligation debt and you're only gonna invest \$7½ billion to pay it off. So, you're betting that you're gonna make 211 basis points.

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That's...each basis point is a hundredth of a percent. So you're saying we're gonna make 2.11 percent on our investment over what we're paying over a 35-year time horizon. Warren Buffet would tell you you're crazy, but yet here we are standing here on the floor of the House 20 days before we're going to have a budget presented to us, acting on this Bill. Ladies and Gentlemen, this makes no sense at all at this time and anyone who believes that we can make this much over a 35-year time horizon when we have a fixed obligation that we're gonna be forced to pay and you're assuming that you can make 8 percent over 20 years, I don't know where you're coming from, but you certainly aren't in the world of reality. I strongly oppose this Bill and I stand in opposition and if it receives the requisite number of votes, I would ask that we have a Verification of the Roll Call."

Speaker Hartke: "Your request will be granted. Further discussion? The Chair recognizes Representative Granberg."

Granberg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Let me briefly make two points. First of all, for the edification of the new Members, in this state we have a tremendous unfunded liability obligation for our pension systems. We have to pay those funds. We have a provision in our state constitution that says we guarantee the pensions of the downstate teachers, state employees, university retirement system, and others. We have to do this. We've had this problem in this state since the '80s. In 1994 and 1995 we passed legislation to automatically

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fund those pension systems, automatic, off the top because we acknowledged the kind of hole we were gonna put our people in. That is one of the reasons today we had that money coming off the top paying for our pension obligations, because we would have deferred that obligation to future generations. We are on track because of statute to pay those funds into the pension system. We worked on a bipartisan basis, we came up with a compromise, I was Chairman of the Pension Committee then, and we worked to resolve that issue, because it was a long-term issue. Today, with this proposal, we will still meet our obligation to fund those pension systems and we will meet that. Let there be no doubt, this is not going to jeopardize those pension systems. We have to meet that obligation and we will. Secondly, if you are not prepared to vote for this legislation today, then be prepared to make up for that revenue somewhere else. If you do not provide the Governor with this flexibility to make these payments and to do this borrowing on the bond proposal, which will not jeopardize our pension systems one iota, then be prepared to make up for that revenue. Be prepared to vote for taxes, be prepared to take away tax exemptions for farm equipment and machinery, be prepared to take away tax breaks for large corporations and small businesses. You can't have it both ways. Don't say you can't vote for this and then say well, I'm not gonna vote for taxes or any other way to balance our budget. That's political dishonesty, it's just not honest with the public. So, I

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would urge you, vote for this Bill. Let's work together, we have a long way to go and together we can resolve this issue."

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

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

Speaker Hartke: "Sponsor will yield."

Mulligan: "Representative Hannig, I'm not totally opposed to the idea of the bonds, I'm just opposed to the timing, quite frankly. My issue is why is the timing now rather than when we normally do it as part of the Budget Implementation Act?"

Hannig: "Representative, the... the bond interest rates are at these historic low levels, ya know, buy low, sell high. We've gotta buy low first and these are as low as the interest rates have been and we need to take advantage of them before this opportunity slips away. So, we can debate these Bills for another six months and then say, gee whiz, it's too bad. But right now is the time to seize this opportunity. The interest rates are as low as they've been in 50 years."

Mulligan: "My understanding is that the RFP has already been written and let, is that not true?"

Hannig: "I'm sorry, could you repeat that?"

Mulligan: "My understanding is that the RFP has already been written and let out, for the bond purchase."

Hannig: "Yes, Representative, that is correct."

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Mulligan: "Is the RFP in substance the same as the previous RFP that the state has used to go to issue bonds?"

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

Mulligan: "Is the current RFP the same in substance as the RFP that we have used for the past bonds that we have issued?"

Speaker Hartke: "Shhh."

Hannig: "We've asked for some... it's different in the sense that we've asked for some special negotiated rates on some special bonds to be let."

Mulligan: "When I asked the Director of the Bureau of the Budget, he told me that the RFP was the same as the RFP that they had used before, now you're telling me it is not?"

Hannig: "Some very... I'm trying to be very honest with you and tell you there's some... some minor differences."

Mulligan: "And what would the minor differences be?"

Hannig: "We're... The qualifications are the same as they've always been, okay, but we're asked for different price considerations. We're trying to get the best deal."

Mulligan: "All right. In the proposal..."

Hannig: "Which is..."

Mulligan: "...you're proposing to issue full \$10 billion worth of bonds in several series over six to twelve months and the negotiations even though you're not going to issue the bonds in series over a period of six to twelve months, will you lock in the same interest rate for the whole \$10 billion worth of bonds and do you think the market will hold those?"

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Hannig: "Well, Representative, we will try to issue these bonds in as big a blocks as we feel that the market can absorb them. But truthfully, the market will rise and fall and we can't lock in the rates for the whole 10 billion on the first day. But it's important that we get started while the interest rates are the lowest."

Mulligan: "All right. So, if you're saying that we must do this in order to get the rate, but then you're not going to issue the bonds all at one time, you're going to issue them in a series from six to twelve months, you won't have the same rate."

Hannig: "But I'm saying we need to start the process as soon as possible because the rates are as low as they can... or they have been in a very long, long time and it at least gets us started in the process when the rates are low. Now, we hope that the rates stay low. I hope the rates stay this low for five years, but we don't know that. But we need to start the process as soon as possible."

Mulligan: "So, what do you assume or what is your knowledge of what the first issuance would be? What total amount are you going to issue in the first group?"

Hannig: "It... it... Representative, ya know, if we could sell the whole 10 billion on the first go-round we would, but I don't think that we can, the markets won't absorb that amount of money. But we will try to put out there, based on conversations with the bond houses, what we think they can absorb."

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Mulligan: "All right. Don't you need to sell first some of it right now to cover the pension payment that's due for FY03?"

Hannig: "No, Representative, the traditional method of paying the pensions would still be in place, but this would reimburse GRF when the money became available."

Mulligan: "All right. So, you'll pay it out of GRF and then you'll issue the bonds and then you'll issue them in a series of so many, which you haven't determined what the first issuance is going to be and you're hoping to get a good interest rate now for that first issuance. But of the 10 billion, the issue... the interest rate may vary over the next six to twelve months, so you're not locking in a rate with any particular group at this point."

Hannig: "Well, we wish that we could lock in the interest rate now for the whole 10 billion and we will try to do that, but we have to begin the process as quickly as possible in order to capture this interest rate and then we have to work to try to sell as many bonds as quickly as we can at this low interest rate until we've sold the entire 10 billion."

Mulligan: "No appropriation currently is expected for the issuance of the cost. Existing law allows you to take 5 percent of the proceeds of the issuance to be spent by the bureau out of the cost of the issuance, which would approximately be \$50 million. When I asked the director of the Bureau of the Budget, what he thought this would cost he gave me a figure of approximately \$30 million. That's

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20 million difference than 50 million, which you could do. And if you are going to go to RFP, who... are you going to divide that up between different houses according to what interest rates you could get at the time you issued them? And will you take the 50 million out of the first proceeds up front to pay off the people that get the proceeds?"

Hannig: "Representative, I think the current law that you speak of is a cap, the 50 million would be a cap and so, obviously, if we can get it negotiated lower than that, that's better. Representative, the bureau will try to negotiate the best deals that we can with the bond houses for the best prices and for the largest amounts in blocks of these bonds."

Mulligan: "I'm sorry, could you repeat that?"

Hannig: "Representative, the first part of your question where you talked about the 50 million, that is actually a cap, a maximum that we could..."

Mulligan: "Right."

Hannig: "...and then I think the bureau is telling you that we anticipate we can do it for less than that, so that's good news for the state. The other part of your question was that we would... or the other answer to the part of your question is that we'll try to sell these things in as big a blocks and negotiate the best rates that we can with the bond houses out there, Representative."

Mulligan: "So, would you pay the costs for each separate issuance out of that issuance and not take the money up front out of all of them? And are you planning on using an

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RFP that would go for each separate issuance so that you would get the best rate and not lock in any particular company?"

Hannig: "Yeah, the bond sale costs, I'm told, will be spread over the entire issuance, Representative."

Mulligan: "So, you're not locked into any one company or any one legal counsel that will handle the issuance of these bonds?"

Hannig: "Yes, that's correct, Representative, we are not locked into any company."

Mulligan: "And the RFP is already out there?"

Hannig: "The RFP is there, yes, but we have not selected..."

Mulligan: "And what's the... what's the date of the return for the RFP?"

Hannig: "I'm told that some have come back, I'm not certain what the... what the date is that they have to be in by, Representative."

Mulligan: "And what will be the consideration? Will the consideration be just the interest rate or will the consideration be the charge?"

Hannig: "It's... it's gonna be multiple factors and I think that we'll need to negotiate that, I mean this is a big issuance and so we're gonna try to use that leverage to get the best deal for the state that's possible."

Mulligan: "Ya know, although this sounds like a good deal, it does not plug the total hole in the budget and the devil is always in the details and the details happen to be part of who gets the contracts for the bonds, who makes the money

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on them, how much does it cost us to issue them, and will it cover the hole in the budget? The obvious answer is, no, it doesn't cover the whole hole in the budget and so when we go to hear the Governor's presentation on the budget we have allowed you to move forward on the issuance of something that we hope will solve some of the state's problems now and later, but we will not have the full picture. Although, I agree that all of us should be responsible for the solution to the problem and not pass the problem off just to the Majority Party. I do, in my heart, think that the timing of this is not the way we normally do business here. It's better to see the whole picture and to find out where everything's going and have the details actually printed out to us. I thank you for answering my questions and I hope that what we're going forward with here today, which I assume will pass, is going to be productive in solving the problems of the State of Illinois, although the problems have only grown as we found out from the Economic and Fiscal Commission today."

Speaker Hartke: "Further discussion? Ladies and Gentlemen, there are five people seeking recognition. In order to avoid repetition if we would please be in our seats and listen to the debate. Representative Lang."

Lang: "Thank you, Mr. Speaker. I rise in strong support of this Bill. Ya know, I've heard some comments from those who are concerned about taking on a new debt, this is not a new debt. Oh, it may officially be a new debt, we don't... we haven't borrowed this money before, we're not

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refinancing debt in the traditional way that you would refinance your mortgage, but the truth of the matter is that we passed a law that requires us to pay the pension money. So, the fact that we didn't borrow it previously or the fact that we don't have an official debt on the books is irrelevant. The fact is, this is a debt. It's a debt we owe to the taxpayers of the State of Illinois. And I would submit to you, that even if we didn't have a \$5 billion hole in our budget that we ought to be doing this. Here's an opportunity to take a debt that we owe and to borrow money to pay it off when it's cheaper. To wait would be irresponsible, to wait would be foolhardy, to wait would be cheating the taxpayers of the State of Illinois. So, we should do this fiscal crisis or not, but add to it a \$5 billion hole in our budget and I don't know how any responsible Legislator can be opposed to this measure. We owe the money, plus we'll save \$1.9 billion on a 5 billion hole in our budget. Unless some of you are prepared to step forward with another way to fill in this gap, a responsible way, then I suggest that you do the right thing and vote for a Bill that will fill in the gap. There's gonna be other measures we're going to have to fill in gaps. We're gonna be talking about a budget where there'll be cuts we won't like. We're gonna be talking perhaps about some changes in our gaming laws. We're gonna be talking about all sorts of things on this floor to fill in a \$5 billion budget, but none of them will be as much of a no-brainer as this one. This is a no-brainer because this

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is money we already owe. It's a no-brainer because we can borrow the money cheaper now than at some point in the future and it's a no-brainer because no one on this floor wants to cut \$5 billion out of our budget. This is a way to help with that process. For all these reasons this is a strong 'yes' vote."

Speaker Hartke: "Further discussion? Chair rec... Chair like to represent... Representative Miller."

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

Speaker Hartke: "Sponsor will yield."

Miller: "I just had... Gary, I just have a few simple questions here. How will this affect the bond rating for this... for our state with the issuance of the \$10 billion?"

Hannig: "Well, Rep... Representative, I think Representative Lang made a very good point, we already owe this money. We owe it to the pension systems, the pension systems owe it to the annuitants, the bond houses know that, they've taken that into account. So, I think the point is that this really should have no affect on our bond rating. What's most important is that we pass a balanced budget so that we can show to the bond houses that we can pay our bills."

Miller: "Okay and as far as the issuance of it would be between the next four to six months in increments of... how would that be broken down or decided, by the Bureau of the Budget?"

Hannig: "We will try to sell them in the biggest increments that we feel the market can absorb. I mean, clearly, if they could take 10 billion in one bite we would do that,

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but we don't believe that that's probably likely. But we will try to sell 'em as quickly and as... in as big of blocks that we feel the market can absorb."

Miller: "So the first bite may be, let's say 3 to 4 mil... billion depending on..."

Hannig: "They'll sell those as soon as they can."

Miller: "Okay. I have one last question though, in regards to repayment 'cause I've heard a lot of that. You got a list of... at least in our analysis different agencies that the money will go back to once the bonds are repaid, is there any priority in which that will occur?"

Hannig: "You mean which bond... which of the pension systems?"

Miller: "Correct."

Hannig: "Yeah, the money will be divided amongst the pension systems based on their ratio of unfunded liability. So, if the total unfunded liability for the state is obviously a hundred percent and its pension system accounts for 30 percent of that unfunded liability, they'll get 30 percent of the money."

Miller: "So based on, I guess, your opinion... Go ahead."

Hannig: "It's based on a ratio, their proportion of the unfunded liability."

Miller: "Based on... which ones will be funded first based on what is going on now?"

Hannig: "Well, Representative, it'll be spread out amongst the five systems, but some will get more because they have a bigger unfunded liability."

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Miller: "But for ins... using a simple analogy, let's say, ya know, a million dollars come in then each one will be funded back based on the ratio."

Hannig: "So, if a million was available, TRS might get 500 of it, and then another system, the employees, would get maybe 300 and it would be divided up. Every time money comes in will be divided up proportionally."

Miller: "Thank you."

Speaker Hartke: "Further discussion? Chair recognizes the Gentleman from Madison, Mr. Hoffman."

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. If I might just briefly address some of the issues that were brought up by the previous speakers. What happens if we don't do this and why do we have to do it now? I think, Representative Hannig, the Sponsor of the Bill, was very clear. The reason we have to do it now is to take advantage of historically low interest rates. What if we don't do this? If we don't do this, we essentially have a \$2 billion shortfall and a \$5 billion deficit that already exists. We wouldn't be able to pay the pension systems. We'd have a \$2 billion hole and we'd have to look at raising taxes, income and sales taxes. Who wants to do that? We'd have to look at cuts in education, cuts in health care, cuts in public safety. Where I'm from, downstate, I hear over, over, and over again from my health care providers, they're not getting paid for bills that they actually incurred in November. This is gonna free up \$2 billion to potentially begin to pay them. Somebody

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earlier talked about the Tooth Fairy, Santa Claus, the Easter Bunny, well let's just talk about who's in favor of this. The Chamber of Commerce, do you think they believe in the Tooth Fairy? They're in favor of this. The Illinois Manufacturers' Association, they must believe in Santa Claus, they're in favor of this. The Retail Merchants Association, they must believe in the Easter Bunny, they're in favor of this. The retired teachers, Illinois Education Association, Illinois Federation of Teachers, the Hospital Association, the nursing homes, the pharmacies, why are they in favor of this, because it makes sound economic sense taking advantage of historically low interest rates to help solve our problems. Vote 'aye'."

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

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

Speaker Hartke: "The Gentleman will yield."

Leitch: "On 10 billion, why in the world are these negotiated instead of bid?"

Hannig: "Representative, we're trying to get the best deal that we can."

Leitch: "Well, you get the best deal on 10 billion by bidding and not negotiating."

Hannig: "Representative..."

Leitch: "You don't agree with that?"

Hannig: "...I don't agree with that, but I guess you and I can disagree."

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Leitch: "Well, yeah, I would very strongly agree... disagree if you're under the impression that this should be negotiated instead of bid..."

Hannig: "Well, Representative, we may..."

Leitch: "...especially, by those who suggest that we're doing a new era and so forth and..."

Hannig: "We may need to deal with more than one firm, perhaps."

Leitch: "...eliminating corruption and all the rest. Well, I would say that that is a very significant flaw in the Bill and that should absolutely be bid and not negotiated."

Hannig: "Representative, that's not in the Bill, that's current law."

Leitch: "Well, then, it could easily be put into the Bill. The other issue I would have, what did Moody's say about this when you went and asked them? And what did Standard & Poor's... what did they say?"

Hannig: "Representative, they've all been negotiated for many, many years and that... this is..."

Leitch: "No, I'm asking about what did Standard & Poor's and the rating agencies, Moody's, say when you asked about this concept as to its impact on our... on our bond rating and whether they thought it was a good idea or not?"

Hannig: "Well, Representative, the rating agencies are a little bit like the courts, they don't... they don't respond on, ya know, what could be's or what ifs, so once we get to a point and we can say this is the package, they'll give us a response, but they don't respond to pieces of legislation that we introduce. That's just their policy."

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Leitch: "Have you talked to the bond rating agencies?"

Hannig: "Yes, we have."

Leitch: "And what did they say?"

Hannig: "They say that when we have a finished product that we can put it in front of them and say this is how it will work, they will tell us their view of it."

Leitch: "Well, I would say that that is somewhat surprising because I think agencies opine all the time and peop... states and businesses go to the agencies all the time to ask them for their advice. I would say that one of my other great concerns is we don't know what problem it is we're solving for here yet. We don't know in the case of the pension liability. One of the unfortunate things in our pension system was the change in the Gadsby Rules that required us to value those pension funds at market. I understand we used to have to do it at cost, but both are very distorted measurements. In business you do a high, low, improbable and..."

Hannig: "Representative, I don't think the cost is distorted, that's what they're worth on any given day."

Leitch: "But the point of the matter is, we don't know what the pension liabilities are gonna be by June 30, because we don't know what the markets are gonna do. And so..."

Hannig: "Representative, we have actuaries that calculate these things and they try to give us the best... the best calculations."

Leitch: "So, we are...?"

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Hannig: "Do they make errors? Yes, I will grant you there are some small errors that they make."

Leitch: "So, we're prematurely solving for a problem when we don't know what the problem is as well as the budget problem. We don't know what our budget problem is. This is something that should be considered at the very last end of Session when we have more information available to us, because I think as a CPA you would know if no one else in the chamber knew that the worst thing you can do in any business protocol or practice is to borrow long-term for short-term expenses. That is a cardinal rule that should never be done except under the most dire of circumstances."

Hannig: "Representative, but the pension system is a long-term obligation and that's where the money's going."

Leitch: "Well, 7½ of it's going there. The other point I would get to is that the... in our conference, the numbers that we were presented showed a 9.4 percent increase in the... not increase, performance in the pension funds over the period that was shown. The problem with that number is the period that was reflected was inside the largest bull market in the history of the United States. It was in a period that was from 1982 until the bull market ended in March of the year 2000. And so of course, those performance numbers were up, of course, they were ahead of scale..."

Hannig: "But Repre..."

Leitch: "...but any economist will tell you that as the rates move to the regression in the mean, what is the longer

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period of time? They moved to the regression in the mean, what is the 30-year performance?"

Hannig: "I've got a 15-year performance that starts with '87, which was a crash, that has 2001 and 2002, which were negative years, and we still have the state universities at a return of 9.9, the teachers' retirement at 9.4 and the state employees at 9.2. Now..."

Leitch: "My point exactly. That period of time is occurring within the greatest bull market in the history of the United States."

Hannig: "No... and the two worst losses that we've seen in recent history and one of the biggest sell offs in the 1987 crash."

Leitch: "I'm looking..."

Hannig: "So, we've had some good years in there, but we also had some bad years in there."

Leitch: "The fact remains those numbers are from the greatest bull market in the history of the United States."

Hannig: "If you don't think that the..."

Leitch: "I'm simply suggesting, Sir, that it takes a much longer period of time on which to evaluate these assumptions. What was it for the last 30 years?"

Hannig: "Representative, that's what the benchmark or that the pension systems are based on, their long-term performance. Ya know, I haven't heard a soul in this chamber complain about those benchmarks last year or the year before or the year before that. We accepted them, we said that they're fine. They've made those benchmarks on the long haul, but

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now suddenly we're saying that those benchmarks are incorrect. Well, I don't think that's true, I think those benchmarks are accurate, they're fair, we've met them in the past."

Leitch: "Well, those are... you're answering a different issue than the one I'm raising, but nevertheless, before we should even consider doing something as drastic as is proposed here, we owe it to ourselves and to our constituents to understand the problems that... the problem that we are actually trying to solve for and have a context, a perspective into how this piece would fit within it. Because it is very irresponsible, in my opinion, to do something this drastic, with this much tremendous financial risk in it, coming out of the box before you even know what the problem is that we're solving for. This is a terrible idea on its face and it's even worse because we are shorting ourselves of the very important information that is necessary to even consider this matter to begin with. So, I would strongly urge the chamber to defeat this matter today and postpone this issue until we get into the... closer to the end of Session, we know what the problems are we're trying to solve for and we know much, much more clearly the scope of the financial issues that we're dealing with and the implications of those decisions. Thank you."

Speaker Hartke: "Further discussion? Last person to seek recognition, Representative Molaro."

Molaro: "Thank you, Mr. Speaker. Thank you, Ladies and Gentlemen of the House. Well, I know, this doesn't seem to

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be rocket science. When you first look at this and anybody ever sees numbers, ya know, you go, oh god, it's bonding, I don't wanna even look at it. So you get three-quarters of the chambers don't even wanna listen or look at it because we're talking about numbers. But this is pretty simple to me. When we talk about why now, let's make this as simple as we can. We obviously know the Governor got up here less than two weeks ago and said we're facing nearly 5 billion. We all know that there was a deficit. We all know that it's 3, 4, 5 billion dollars. Now, what we're proposing today and why we say now is that if we wait any longer, if we wait 'til the Governor comes up here as proposed by some of my colleagues and we wait 'til after April 9, well then, we know we're gonna be waiting until May 30, to put it all together. Then it's gonna be June before we can sell these bonds. Now, we're all hoping in this chamber that this war that we're in is over rather quickly. Once this war is over, we have no idea where the stock market's going. We have no idea where interest rates are going. So, the interest rates that we see today may not be here and I would venture to say you can look at this speech two months from now, we'll not be here in June or July. We will miss this opportunity if we wait until the end of May, this opportunity that's here now to get a low rate on non tax-exempt bonds will not be here then. We will lose it and this tool to help balance this budget may be lost forever. That's why we're doing it now, so we can be able to lock in this interest rate. If somehow at the end of

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May we don't have the 5 billion shortfall, it's only 3 billion, 3½, well, so what? Then we solved the \$2 billion of it, then it's easier to solve this. So, all I can tell you is this, remember that this is an obligation of the state not of the pension funds. This is the first time in history that nonexempt interest rate is exactly where exempt interest rates are. We would be foolish not to take advantage of it and we'd be foolish not to do it now because it may not be here at the end of May. One thing that was not stated and its... we're almost near the end, the IFT, AFSCME, and NFIB support this, but one last thing, when we get this 8 billion... when we get this \$10 billion and we pay off 2 billion now, the other 8 billion will go to the pension funds. And when they get it, it's like prepaying a mortgage. We will owe less as years go on, not more as some said, it will be readjusted. So, this not only is a win situation where we can borrow money at very little interest rate, not only is it a win situation that we won't have to raise taxes and cut where we shouldn't have to cut, it's also a win situation where the pension funds will even see a windfall. So, this is a win, win, win proposition and I urge an 'aye' vote."

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

Hannig: "Yes, thank you, Mr. Speaker and Members of the House. Ya know, we're all here today because we had the good sense to seize an opportunity that came along, an opportunity to run for State Representative and there's probably some

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people that told us that wasn't a good idea and you ought to forget about it or you can't win. But we didn't... we didn't listen to that, we analyzed the situation and we took a risk and we looked at the timing and said this is my chance to run. And we all know of opportunities that we've lost in life that have gotten away from us because we didn't take the time to seize that moment. We need to seize this moment in time when interest rates are as low as they've been in 50 years and we need to take this opportunity to lock in these interest rates and save the taxpayers of the State of Illinois \$2 billion. Let me also point out that business groups have signed onto this program, conservative business groups around the State of Illinois, people who have looked at this proposal who every day work with numbers in their own businesses, they've analyzed it and they've said that this is a good proposal. It makes good sense. It's something that honestly we ought to be doing even if we didn't have a budget deficit. It's a good proposal and we should do it even if times were good. And lastly, let's look at our pension systems, we're a distant 49th of the 50 states in the funding of our pension systems. This is an opportunity to put some additional money in those systems and take a step forward in insuring our annuitants that the cash will be there. So, in conclusion, this is a Bill that simply cannot wait. We need to seize this opportunity today, now. I urge your... I urge your 'yes' vote."

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Speaker Hartke: "The question is, 'Shall the House pass House Bill 2660?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. This measure requires 71 votes. There has been a request for a verification, please vote your own switches. Have all voted who wish? Have all voted who wish? Mr. Mitchell. Have all voted who wish? Mr. Clerk, take the record. On this question, there are 79 Members voting 'yes', 18 Members voting 'no', 18 Members voting 'present'. Mr. Tenhouse. Mr. Tenhouse declines verification. And this Bill, receiving a Constitutional Majority, is hereby declared passed. On page 43 on the Calendar, on the Order of Third Reading, appears House Bill 374. Representative Mitchell. Bill Mitchell. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 374, a Bill for an Act in relation to vehicles. Third Reading of this House Bill."

Speaker Hartke: "Representative Mitchell."

Mitchell, B.: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 374 is quite simply says that... provides that Illinois driver's license 'shall' include a photograph of the driver. And right now the... the present law states they 'may'. So, it's changed from 'shall'... from 'may' to 'shall'."

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

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

Speaker Hartke: "To the Bill."

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Sommer: "Ladies and Gentlemen, I'd like to explain what we're addressing here. It may seem like a simple Bill. You should know that not only do I oppose it, the Secretary of State opposes this, other people oppose this. Let me tell what this is all about. Currently, the Secretary of State has the option of issuing certain driver's licenses without a photo ID. And one of the exceptions... religious objections are one. And I have to tell you, in the districts of some of the Members of this House are religious organizations whose beliefs do not allow them to have their photographs taken. That exists in my district and I've already spoken to some of the Members of the House who have members of the Amish Mennonite faith in their districts. This faith does not believe in having their photographs taken. And in the 25 to 30 years that the Secretary of State has issued these types of licenses the Secretary of State has said he agrees and has given them the exemption. This legislation will tell these religious groups that their beliefs don't matter. Now, quite often in legislation we have caveats that address religious concerns. For some reason this doesn't apply here. So, on religious principles, I oppose this legislation. Let me cite something else. There is a provision that the Secretary of State follows, a decision he has made, that should servicemen and servicewomen on active duty throughout this country, who are Illinois residents, lose or have stolen their driver's licenses, if this law pass, the Secretary of State says he will not issue a replacement

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because there is no provision for having the photo added to it. Currently, the Secretary of State would say this is an acceptable exemp... exception. And therefore, I will issue the license to these individuals. All I'm saying is that Jessie White, the Secretary of State, and I have their paper here saying they want the current practice to continue, that exemptions can be made. Has anyone said that Jessie White has not done a good job? No. I think the practice of letting Jessie White make the decision should continue, so that religious affiliations, who do not believe in having their picture taken, are not forced to have that forced upon them. And our citizens who are in our military services can, in fact, have their licenses replaced. I... I respect the Representative who offered the legislation. This topic came up 30 years ago when the legislation was initially introduced. And the Legislature at that time had the wisdom to say that, yes, the Secretary of State, by rule, may do this. That's all we're asking. I've talked to the bishes... the two bishops of these churches and they have asked, please consider them. These are humble and meek people, they won't come down here in droves and picket. As I spoke to them they were quiet and said just do your best and pray for us. Thank you."

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

Leitch: "Thank you, Mr. Speaker. I would like to add my word of opposition, as well. There's nothing more fundamental to our system than respecting the religious convictions of

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others. And this Bill, as my colleague very eloquently described, would take away and require a religious group to comply with a State Law with which their religious tenets prohibit. I think everyone in this chamber should be rising in opposition and everyone in this chamber should require that this Bill be held until it can be appropriately amended to respect the religious convictions of people in my district, Keith's district, and perhaps other districts in downstate. And in addition, to correct the very important correction that needs to be made with respect to the military license plates. So I would strongly urge a 'no' vote or better yet, ask the Sponsor to take this thing out of the record and fix the Bill."

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

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

Speaker Hartke: "The Sponsor will yield."

Davis, M.: "Representative, can you tell me what is the opposition that the Secretary of State has with this Bill?"

Mitchell, B.: "They haven't contacted me so I'm... I'm unaware of any opposition. And they did not speak... this Bill got out of committee unanimously. The Secretary of State's Office did not speak on this Bill. I might add that the State Police support this Bill."

Davis, M.: "Well, the Secretary of State, according to our analysis, is opposed to this legislation. And I do remember a lobbyist for the Secretary of State having

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pictures... you know, some piece of paper with pictures on it and kind of trying to explain why they would be opposed to this. So you don't know why they would be opposed?"

Mitchell, B.: "They filed the slip but they did not testify in committee. And as I said..."

Davis, M.: "But they did file a slip of opposition?"

Mitchell, B.: "I believe so, Representative."

Davis, M.: "And was it based upon wanting to take pictures or not wanting to take pictures? What was it based on?"

Mitchell, B.: "I... I'm unaware of what their intentions were."

Davis, M.: "But you're saying that even though the Secretary of State of the State of Illinois is in opposition to your Bill you still want to pass this Bill?"

Mitchell, B.: "Ag... again, the State Police support it, Representative. We contacted the Secretary..."

Davis, M.: "No, I'm asking... not the State Police."

Mitchell, B.: "Representative, may I... may I answer your question?"

Davis, M.: "Yes, you may."

Mitchell, B.: "Okay. The Secretary of State... we contacted the Secretary of State's Office to get their opinion on it and they did not return our call. Again, I might add is... this is really... to get into this Capitol building we need a photo ID, to get into the... a federal building we need our photo ID. If you want a FOID card in the State of Illinois, it's mandatory you have a picture ID. If you want to get a state identification card, you have to have a picture ID. So, this is just making it in line with those

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other type of identifications. Most people use driver's license for identification. This is all... this is just trying to clarify it in terms of what FOID cards as well as state IDs, which do require ID... photo IDs."

Davis, M.: "Is there... is there a certain group of people who oppose to having their picture taken?"

Mitchell, B.: "None of them have contacted me, Representative."

Davis, M.: "So, why is your Bill necessary?"

Mitchell, B.: "I... I might add there was a situation that happened in Decatur, Illinois, where someone who had a veil on, took a driver's license photo in Illinois, moved to Florida. She was a felon, she went to get her photo in Florida, they wouldn't allow her to do that. And it came to my attention."

Davis, M.: "You had a woman who had a veil on her face..."

Mitchell, B.: "And they... and the Secretary of State's Office photographed her."

Davis, M.: "...and she was given a license in Illinois, is that correct?"

Mitchell, B.: "Veiled license, correct."

Davis, M.: "So you feel that because she wears a veil and because her religion does not permit..."

Mitchell, B.: "Representative, I..."

Davis, M.: "...photographs then you're saying she should not be allowed to get a driver's license?"

Mitchell, B.: "Absolutely not. This does in no way interfere with freedom of religion. This just makes it on everyone has to be the same in terms of we require a photo ID."

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Davis, M.: "Well, why else would she be wearing a veil? You think she was born with it on her face?"

Mitchell, B.: "She didn't check in with me, I don't know."

Davis, M.: "Well, to the Bill, Mr. Speaker."

Speaker Hartke: "To the Bill."

Davis, M.: "I know that this Representative has all of the best intentions. But I think if the Secretary of State, who is charged with issuing driver's licenses, is opposed to this legislation I think we should respect his wishes. I think if the Secretary of State in the State of Illinois feels that this, in some way, hampers his duty to provide identification or licenses... we're not here to appease Florida. Now, whatever happened in Florida, Florida has to deal with. But this is Illinois and this is where we have to deal with the issue here. That didn't happen in Illinois, it happened in Florida. Let Florida take care of it. I urge a 'no' vote."

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

Watson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This... I think we all need to realize what... what time period we live in now. September 11 changed this country. This... this is not about going against anyone's religion. This in no way affects how anyone can... can still worship what god they want. This simply says that... that to get a driver's license, which is a privilege, not a right, that we're gonna ask for a photo ID. It is the most common used form of ID today. And... and I... I just... I can't

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understand, you know, how quickly we've forgotten what happened to this country on September 11. I ask for your support."

Speaker Hartke: "Further discussion? Representative Black."

Black: "Thank you very much, Mr. Speaker. Will the Sponsor yield? Representative, it's not very often that a staff analysis could be so different from the Democrat's side of the aisle to the Republican's side of the aisle. I have great respect for both Democrat and House... the Republican staff. Our analysis does not mention the Secretary of State's objection. In fact, our analysis says, correct me if I'm wrong, when contacted, Beth Kaufman, deputy press secretary for the Secretary of State, said the veiled picture was a mistake. Press secretary Dave Drucker said the Secretary of State's Office is contacting women in the state who have a veiled photo on their driver's license to ask them to either retake their photo or reclaim and explain any religious exemption. Is that a true statement?"

Mitchell, B.: "That is true."

Black: "Thank you."

Speaker Hartke: "Representative Mitchell to close."

Mitchell, B.: "I... I would like to echo what Representative Watson said. This is common, we do live in perilous times. This is just commonsense legislation. It's requiring a person with a driver's license to have a photo ID. We require them with FOID cards, we require them with state identification. It makes absolutely no sense not to

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require them with a driver's license. I urge the House to vote 'yes'."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 374?' 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 54 Members voting 'yes'; 54 Members voting 'no', 8 Members voting 'sa... 8 Members voting 'present'. Mr. Mitchell, what is your preference?"

Mitchell, B.: "Mr. Speaker, I request Postponed Consideration."

Speaker Hartke: "The Bill will be postponed... placed on Postponed Consideration. Ladies and Gentlemen, we have about 18 Bills yet that are on the second priority list that are on Third Reading. What is your pleasure? On page 48 on the Calendar, on Third Reading appears House Bill 3487. Representative Mulligan. Representative Joyce, for what reason do you seek recognition?"

Joyce: "I move we adjourn."

Speaker Hartke: "Mr. Joyce, you're out of order. Mr. Morrow."

Morrow: "Mr. Speaker, I think you're wrong. That Motion is in order."

Speaker Hartke: "You're correct. I stand corrected."

Morrow: "And.. and I think we should adjourn so we should show our support for I-L-L-I-N-I."

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Speaker Hartke: "Let me... let me take that under advisement. Representative Black, for what reason do you seek recognition?"

Black: "Mr. Speaker, just as I vigorously defend the rights of the Minority, I will vigorously defend the rights of the Majority. A Motion... a Motion to Adjourn is always in order and requires action by the chamber. Let's have a Roll Call. That is a... under Robert's Rules and the House Rules that supersedes any and all Motions and must be acted on."

Speaker Hartke: "The question is, on the Motion, 'Shall the House adjourn?' All those in favor signify by voting 'yes'... Mr. Morrow, for what reason do you seek recognition?"

Morrow: "Well, I find that... is there a bias against Illinois 'cause if Notre Dame was on at 6 o'clock we'd be adjourned."

Speaker Hartke: "Mr. Morrow, it's not 6 o'clock yet. Representative Joyce, would you please reiterate your Motion? Mr. Black, for what reason do you seek recognition?"

Black: "Mr. Speaker, this Motion supersedes all others, including a Motion to Table. I intend to vote 'no' on the Motion. Many of my colleagues intend to vote 'no' on the Motion because I'd rather stay here a little later tonight than to be here until 6 or 7 or 8 o'clock Friday night. I don't... I don't... I don't think the Gentleman's Motion was well thought out but he has a right to have his Motion heard. And after he has the Motion heard... and I hope most

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of you vote 'no' 'cause I want to get home at a reasonable hour tomorrow, but I have a hunch that this Gentleman will sa... will have a... let's just say that this is not the last time this Gentleman will hear about this Motion."

Speaker Hartke: "Mr. Joyce, would you like to withdraw your Motion? Representative Joyce."

Joyce: "I withdraw my Motion."

Speaker Hartke: "Representative Currie now moves that the House stand adjourned 'til the hour of 10 a.m., Friday, March 21st. All those in favor say 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the House stands adjourned... allowing perfunctory time for the Clerk. Members should be reminded that the yellow sheets, your voting sheets, should be turned in now or first thing in the morning."

Clerk Bolin: "The House Perfunctory Session will come to order. First Reading and introduction of Resolutions. House Resolution 135, offered by Representative Kelly. This Resolution is referred to the House Rules Committee. First Reading and introduction of Senate Bills. Senate Bill 106, offered by Representative Meyer, a Bill for an Act concerning state's attorneys. Senate Bill 195, offered by Representative Reitz, a Bill for an Act in relation to public employee benefits. Senate Bill 230, offered by Representative Washington, a Bill for an Act regarding schools. Senate Bill 243, offered by Representative Scully, a Bill for an Act concerning computers. Senate Bill 244, offered by Representative Fritchey, a Bill for an

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Act concerning business transactions. Senate Bill 293, offered by Representative McGuire, a Bill for an Act in relation to aging. Senate Bill 311, offered by Representative Jerry Mitchell, a Bill for an Act in relation to vehicles. Senate Bill 348, offered by Representative Mathias, a Bill for an Act in relation to civil procedure. Senate Bill 358, offered by Representative Bellock, a Bill for an Act concerning license plates. Senate Bill 381, offered by Representative Smith, a Bill for an Act concerning education. Senate Bill 903, offered by Representative Hamos, a Bill for an Act concerning education. Senate Bill 1085, offered by Representative Reitz, a Bill for an Act in relation to groundwater. Senate Bill 1156, offered by Representative Howard, a Bill for an Act in relation to health. Senate Bill 1333, offered by Representative Nekritz, a Bill for an Act concerning education. Senate Bill 416, offered by Representative Steve Davis, a Bill for an Act concerning taxes. Senate Bill 417, offered by Representative Hoffman, a Bill for an Act concerning taxes. Senate Bill 428, offered by Representative Reitz, a Bill for an Act concerning elections. Senate Bill 520, offered by Representative Hamos, a Bill for an Act in relation to housing. Senate Bill 606, offered by Representative Molaro, a Bill for an Act regarding taxes. Senate Bill 611, offered by Representative Reitz, a Bill for an Act concerning electronic mail. Senate Bill 616, offered by Representative Hultgren, a Bill for an Act concerning tort

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immunity. Senate Bill 619, offered by Representative Scully, a Bill for an Act concerning military leave for state employees. Senate Bill 620, offered by Representative Currie, a Bill for an Act in relation to taxation. Senate Bill 658, offered by Representative Hoffman, a Bill for an Act concerning transportation. Senate Bill 686, offered by Representative Steve Davis, a Bill for an Act in relation to criminal law. First Reading of these Senate Bills. There being no further business, the House Perfunctory Session will stand adjourned."