

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

47th Legislative Day

4/15/2003

Speaker Madigan: "The House shall come to order. The Members shall be in their chairs. We ask everyone to turn off the cell phones and turn off the computers. We shall be led in prayer today by the Reverend Roy Brown of the Progressive Baptist Church in Aurora. Reverend Brown is the guest of Representative Linda Chapa LaVia. The guests of the gallery are asked to rise to join us for the invocation and the Pledge of Allegiance."

Reverend Brown: "Let us pray. Thank you, Father, for the gift of another day as we labor in Your vineyard. We ask Your blessings upon these men and women, to whom You've given the ability and the courage to govern in the public arena. Give them, Lord, the will and the wisdom to rise above partisan issues and to exercise the collected will of the people. We thank You for all that You have done and for all that You will do. And we ask that You will use this House as a tool of Your mercy and Your grace. In this place, may the strong defend the weak, may the wealth be shared with the masses, and Lord, may the welfare of the state rise above personal interest. For if You teach us, indeed, we will be taught. Bless us and we will be blessed, hold us and the gates of Hell shall not rise against us. These prayers we offer in the name of Your son, Jesus, we pray. Amen."

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

Chapa LaVia - et al: "I pledge allegiance to the flag of the United States of America, and to the republic for which it

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stands, one nation, under God, indivisible, with liberty and justice for all."

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

Currie: "Thank you, Speaker. Please let the record reflect that Representative Slone is excused today."

Speaker Madigan: "Mr. Bost."

Bost: "Thank you, Mr. Speaker. Let the record reflect that all Republicans are here and ready to do the work of the people."

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

Clerk Rossi: "Committee Reports. Representative Steve Davis, Chairperson from the Committee on Public Utilities, to which the following measures were referred, action taken on Monday, April 14, 2003, reported the same back with the following recommendations: 'do pass Short Debate' Senate Bill 1056. Representative Hoffman, Chairperson from the Committee on Transportation & Motor Vehicles, to which the following measures were referred, action taken on Monday, April 14, 2003, reported the same back with the following recommendations: 'do pass' Senate Bill 21, Senate Bill 30, Senate Bill 392 and Senate Bill 901; 'recommends be adopted' House Resolution 192, House Joint Resolution 29 and House Joint Resolution 30."

Speaker Madigan: "Mr. Hultgren. Mr. Clerk, read Senate Bill 6... Excuse me one second, Mr. Clerk. Representative Graham."

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

Speaker Madigan: "State your point."

Graham: "I'd like the House to welcome today the Citywide Parent Policy Committee from the 78th District. Over here."

Speaker Madigan: "Mr. Flider."

Flider: "Mr. Speaker, a point of personal privil... privilege."

Speaker Madigan: "State your... state your point."

Flider: "I'd like to welcome today from Eisenhower High School in Decatur, as part of today's media day activities, the media advisor, Ms. Doris Lewis, and students John Buckles, Hope Henry and Nicole Lutes. They're behind me in the gallery, I wish they'd please stand. Please welcome them."

Speaker Madigan: "Mr. Churchill."

Churchill: "Thank you, Mr. Speaker. On a point of personal privilege. Today is the birthday of my young seatmate, Lee Daniels. Happy birthday, Lee."

Speaker Madigan: "Representative Monique Davis."

Davis, M.: "Thank you, Mr. Speaker. Thank you, Mr. Speaker. In the gallery today we have visitors from Chicago, Kipling Elementary School. Kipling, would you please stand. And, Representative... Mr. Speaker, they will be singing tomorrow in the rotunda under the direction of Mrs. Bridges. It's a wonderful choir. And Kipling Elementary School, we welcome them."

Speaker Madigan: "Mr. McCarthy."

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McCarthy: "Thank you, Mr. Speaker. For the purpose of an announcement. The Higher Education Committee, scheduled to meet at 4:00 today, is canceled. Higher Education Committee, 4:00 today, is canceled. Thank you."

Speaker Madigan: "On page 10 of the Calendar, on the Order of Senate Bills-Third Reading, there appears Senate Bill 616. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 616, a Bill for an Act concerning tort immunity. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. Hultgren."

Hultgren: "Thank you, Mr. Speaker and Members of the House. Senate Bill 616 is not a new Bill. This is a... Thank you. Senate Bill 616 is a piece of legislation that we have addressed here before. Representative, now Senator Dale Righter, sponsored this Bill last year. It passed out of the House with 112 'yes' votes, 0 'no' votes. He sponsored it in the Senate again this year, it got 51 'yes' votes. And what this does is it address iniquity... inequity in the law right now where if someone goes to a... receives medical care from a public institution, they only have a one-year statute of limitations dealing with a problem that might arise from that. If they go to a private institution it'd be a two year. What this is doing is making that all uniform. There's confusion out there and it seems like it is unfair, depending on if someone goes to a private or public place to receive medical care, that they should have a different legal standard there. So, I'd ask for support. Be happy to answer any questions."

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Speaker Madigan: "The Gentleman has presented the Bill and moved for the passage of the Bill. The Bill is on the Order of Standard Debate. So, there shall be two more people for the Bill and three people in opposition. The Chair recognizes Representative O'Brien."

O'Brien: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I do stand in strong support of this Bill. Ladies and Gentlemen, it shouldn't matter whether or not it's a public or private institution. Generally, those that are served by public hospitals are poor. Indigent people should have the same rights as everyone else if, in fact, they have been harmed by the policies of a hospital or that of a doctor. So, I'd urge all of my colleagues to consider the fairness that this Bill brings and to vote 'yes'. Thank you."

Speaker Madigan: "The Bill is on the Order of Standard Debate. Two people have spoken for the Bill. The Chair recognizes Mr. Fritchey."

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

Speaker Madigan: "The Sponsor yields."

Fritchey: "Representative, if I'm correct, this is the Bill that the City of Chicago, the Cook County State's Attorney and Cook County all testified in strong opposition to in committee. Is that correct?"

Hultgren: "It is, yes."

Fritchey: "Are you aware of the reason for their opposition?"

Hultgren: "We have talked... we... in fact, in committee, maybe you remember, we had talked about, at that time, that we'd set

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up a meeting, that we actually had yesterday, for all the parties who were interested to sit down and discuss this. We had asked them to bring language that we could take a look at and see if it would clean this up. It really does just seem like a... No language was brought, we met with probably 10 or 12 people yesterday. None of them did bring any proposed changes to this. It just seems like there's a fundamental disagreement where Cook County and City of Chicago and some others feel like there should be a difference, ya know, if someone receives health care at a county hospital that they should only have one year, whereas if they go to a private hospital they should have two years after the injury. So, we talked about it. Unfortunately, we weren't able to come to a conclusion on it. We did follow through on our commitment to... to meet with them and to hear them out. But there was no language presented and so we pretty much left the meeting feeling like, unfortunately, there's just a difference of opinion there of what's in the best interest of the people."

Fritchey: "And... and in essence, though, what this Bill tries to do is eliminate the disparity between how we're treating public and private institutions, correct?"

Hultgren: "That's right."

Fritchey: "But, in fact, we have a number of situations where we have deemed it appropriate and wise to create a different standard of liability or immunity for a governmental institution, isn't that correct?"

Hultgren: "I would think that's probably true..."

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Fritchey: "I mean, if we... we..."

Hultgren: "I don't know specifics on that..."

Fritchey: "Well, I mean we... we..."

Hultgren: "...but on this case there has been a difference there."

Fritchey: "We have a whole Tort Immunity Act that you're aware of that would prevent... that would provide immunity for municipalities and officials for a wide range of items, correct?"

Hultgren: "Sure, this... this does just go to malpractice issues. It's just for providing health care services for an individual. So, it is... this Bill is very limited. And again, it's the exact language that did come up last year."

Fritchey: "Would it... with all due respect, it doesn't have to do with the provision of patient care. It does in fact have to deal with liability arising from such care or lack of care, correct?"

Hultgren: "Well, no. It is limited to patient care, that's correct."

Fritchey: "Right, but it... but it involve... it's not something that mandates provision of care, it discusses the statute of limitations for a claim of liability resulting from that care."

Hultgren: "That's exactly right. It doesn't change the amount of care that is necessary. Really, what this goes to is, and was discussed in committee, is there's a differentiation. If someone goes to a public hospital and, unfortunately, if they receive improper care or are harmed

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in that way, they only have one year. Where if that same person, by chance, would've gone to a private hospital and were injured in the same way, the standard of care doesn't change, it's just the time limit. It's inequity that we saw between, really... that felt like it's no fault of the person, the patient, who's receiving care, if they go to a public or private institution. We feel like they should have the same ability to, if there is an injury there, to be able to have that injury heard in the court."

Fritchey: "And I understand that, I respect where you're coming from. But, again, we... we do, as a matter of public policy, give municipalities different protections than we give people in the private arena, correct? And we just discussed this."

Hultgren: "I do believe that's true in certain areas."

Fritchey: "So, do you think that we should not have any sort of heightened immunity for municipal officials in any arena?"

Hultgren: "I... I guess, just on this issue, I think this is an inequity that really falls on patients who are receiving that help. And a lot of times it's the patients who can really afford it the least who are harmed the most by this. So, that's really what we're trying to address. I guess I can't get into the specifics of other areas where we've chosen to give immunity. But specifically on this, providing patient care, there is a disparity there and we're trying to... to bridge that gap."

Fritchey: "All right. I appreciate your straightforward answers. Thank you."

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Speaker Madigan: "Ladies and Gentlemen, the Bill is on the Order of Standard Debate. Two have spoken for the Bill, one has spoken in response. There are five people seeking recognition. Representative Lindner. Representative Lindner."

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

Speaker Madigan: "The Sponsor yields."

Lindner: "To the Bill. In situations also where a patient may not choose a public hospital but would also be taken there in an emergency situation, that patient should not be treated differently. This is not only a matter of fairness, but medical malpractice suits take a long time to research and this would give that patient more time to actually seek a credible lawyer who knew what they were doing in that area, and to get the board-certified physician to... certification in order to file the suit. I think this will also prevent the filing of more frivolous lawsuits. And I would urge support for this Bill."

Speaker Madigan: "Ladies and Gentlemen, the Bill is on the Order of Standard Debate. We have had three people in support of the Bill. Therefore, there shall be no one else in support of the Bill. We have one person in response. There can be two people in response. Representative Meyer. Mr. Meyer."

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

Speaker Madigan: "The Sponsor yields."

Meyer: "Representative, in this case you're lengthening the... the amount of time... I'll wait for you, if you don't mind."

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Hultgren: "I'm fine."

Meyer: "Okay. In this case you're le... lengthening the amount of time that a plaintiff can bring the lawsuit. Why didn't you go the other way and... and reduce the two years down to one year? Which, to me, I would believe that you either know your... you have an injury or... or not within a one-year period of time. I don't understand why you wouldn't reduce that length of time as opposed to lengthening it."

Hultgren: "Well, it... it really is not that clear cut. And often times you do not know exactly the extent of the injuries or what types of injuries, or even the cause of injury within that one-year period of time. So, presently, what happens is, if someone is unsure, if they really have an injury or if someone potentially is at fault, what they'll have to do in this case... under the law right now in Illinois is that they'll have to rush and file a lawsuit within that one-year period if they happened to go to a public hospital. And they may find out several months later that, in fact, the injury was caused by something different or it was just a natural occurrence, there was no fault in it. If that's the case, then we've had... we've clogged up the legal system with one more case. What we're finding is legitimate cases, the vast majority of them do get filed within that one-year period. But there are some where there is some question of the fact of who actually is responsible. In this case, what we're doing is... and, ya know, maybe that would've been a different approach to lower it down to... to one year. What this is really doing

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instead is just recognizing that the vast majority of cases out there in hospitals and people who provide this type of patient care are already under this two-year statute of limitations and we're just making it uniform, so that anyone is injured, there's not a singling out. So, as the other Representative had mentioned, if one person, by chance, is taken to a public hospital by an ambulance, they're not treated differently by someone else who is brought by ambulance to a private hospital. It just seems like it would.. it's putting the burden on the wrong person by making this distinction that really shouldn't be there."

Meyer: "Well, of course, one could look at it from another direction, in that, what you're doing is allowing a hospital, which would be considered to have very deep pockets, to be exposed for a liability for a additional year. That, being a public body, certainly the taxpayers ultimately end up paying the price for anything that's not covered by insurance. And, of course, as... as settlements are made the insurance costs goes up for that public... public body, too. It... it seems to me like, Representative, what you're doing is that you're just extending the deep pockets."

Hultgren: "No, that's not our intention at all. It's to even the playing field for someone who goes to a public hospital or a private hospital. We're not changing the amount of care that that person would get, it's if they receive the wrong amount of care. And I think that every single one of us should make the commitment that we want our public

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hospitals to provid... providing the same level of care as private hospitals are. I think that should be our goal. And that's what this is recognizing."

Meyer: "Well, of course, level of care isn't always equated to the ability to sue, I don't believe. While the level of care comes from a professional staff, which I would suggest that most of the public hospitals, at least, that I'm familiar with, do have a competent staff working with them."

Hultgren: "Absolutely, I agree."

Meyer: "Well, what are... what is the time limit on other types of tort liability?"

Hultgren: "Well, all I would... in this specific case, I think the majority of them are just two years where you have a statute of limitations for an injury. Most tort cases would be the two years. There's some other variables in there. If there's latent injuries, there's been some other discussion, and ya know, as far as other things that maybe take longer to find out where we've extended that. But I would say the vast majority of tort cases is this two years, and then four years of repose. In other words, there's a limitation on... you have to find out about your injury within four years and then the clock starts ticking from that period of time. So, this doesn't leave the hospitals open to an indefinite period of time. It really fits it back within where... what every other hospital in the state has. And also fits it under, really, what the

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majority of tort statute of limitations and periods of repose are."

Meyer: "Well, why were hospitals granted a one-year limit... public hospitals granted a one-year limit initially? Why is the law the way it is now?"

Hultgren: "I'm not sure. My understanding was it was back in the mid-'80s that this was done. And I think there was some things done to address it, but for whatever reason, this gap has... has been there. As I mentioned, this issue did come up, I think twice. I know for sure it did come up last Session and was passed out of this House 112 to 0. And... so, I do know it's been addressed in the past, but I don't know the specifics of if this was an oversight or if it was an intentional thing at the time, fitting these medical malpractice issues in there."

Meyer: "Does... does that former vote you're referring to reflect the Sponsor's ability to logically argue for that Bill?"

Hultgren: "Absolutely."

Meyer: "Absolutely. Well, good then."

Speaker Madigan: "Mr. Meyer. Mr. Meyer."

Meyer: "Thank you. Thank you, Mr. Speaker. I... I've concluded my questions."

Speaker Madigan: "Thank you. Ladies and Gentlemen, there shall be one more person in response and then we shall go to Roll Call. So, those seeking recognition, first there was Mr. Molaro, then there was Mr. Parke. And there's only room for one more in response. There is room for one more in

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response. Mr. Molaro, you were the first to seek recognition."

Molaro: "Thank you, Mr. Speaker. Well, I guess this would be in response. Will the Sponsor yield for a question?"

Speaker Madigan: "The Sponsor yields."

Molaro: "Do we know where... Cook County... Cook County and Cook County government, did they speak in your committee? Or, do you know where their opp... if they're opposed, which I'm sure they are, where their opposition lies?"

Hultgren: "Well, they did speak in committee. And they gave, ya know, a very clear presentation of their opposition. We also, as I mentioned, had a meeting yesterday with all of the interested parties to address it. We'd asked them to bring language that could change this. They really felt like there's no language that they could bring, there's just a fundamental opposition. They feel like they would prefer to have the one-year separation, since they're a government. And, ya know..."

Molaro: "And..."

Hultgren: "...so it really... it's just a fundamental disagreement."

Molaro: "And... and I know you worked very hard. But, unfortunately, we'd still have to say that Cook County's still against the Bill..."

Hultgren: "They are opposed, yes."

Molaro: "...in it's present form?"

Hultgren: "Yes."

Molaro: "All right. Thank you."

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Speaker Madigan: "All right. Ladies and Gentlemen, we've had three people for the Bill, three in response. We're prepared to go to Roll Call. Those in favor of the Bill signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Has Mr. Black voted? Has Mr. Tenhouse voted? Cultra? Okay, the Clerk shall take the record. On this question, there are 96 people voting 'yes', 15 people voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. The Chair is prepared to adjourn for the purpose of party caucuses. The Chair recognizes Mr. Millner for the purpose of an announcement."

Millner: "Yes, Mr. Speaker and Members of the House, today I would like recognize and welcome 34 police chiefs from around the state, from diverse areas such as Rockford all the way down to Murphysboro, in these two rows over here."

Speaker Madigan: "Mr. McGuire."

McGuire: "Mr. Speaker, the Aging Committee has been rescheduled for tomorrow morning from 8 a.m. to 10 a.m. And the meeting, as you may not have noticed, is in C-1, not in the usual room. Aging, tomorrow, 10 a.m., in Room C-1. Thank you, Mr. Speaker."

Speaker Madigan: "Representative O'Brien."

O'Brien: "Thank you, Mr. Speaker. For the purpose of an announcement. The House Judiciary II Committee will meet tomorrow morning at 9 a.m. instead of 8 a.m. Thank you."

Speaker Madigan: "All right, Ladies and Gentlemen, let's have your attention. Mr. Molaro. Mr. Molaro."

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Molaro: "Yes, for purposes of an announcement. The Revenue Committee will meet at 9 a.m. tomorrow, not 8 a.m. Same room but at 9 a.m. Thank you."

Speaker Madigan: "Representative Mendoza."

Mendoza: "Thank you, Mr. Speaker. I want to make an announcement to everyone who's participating in the COWL Capitol Capers event. We're having a meeting at 5:00 in C-1. That means everybody who's going to participate, whether it's stagehands, singers, dancers, any kind of performer. So please, be there because today is when we're gonna pick who's getting what parts. And so if you're gonna be in the show you have to be there today at 5:00, please. C-1 for Capitol Capers."

Speaker Madigan: "Representative Monique Davis."

Davis, M.: "Mr. Speaker, we just want to announce that the General Service Appropriations Committee will meet today at 4 p.m. Thank you."

Speaker Madigan: "Mr. Clerk, House Resolution 225. Please read the Resolution."

Clerk Rossi: "House Resolution 225, offered by Representatives Hannig and Cross.

WHEREAS, 4-H is the largest youth organization in the State of Illinois, and challenging nearly 400,000 Illinois youth and adults with unique "hands on" learning each year; and

WHEREAS, 4-H is an effective educational program based on the expertise of the United States Department of Agriculture

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and the University of Illinois Extension planned by local, county, and state committees; and

WHEREAS, More than 30,000 caring, nurturing adults work together with 4-H youth in family and community environments to create real life learning laboratories to help youth practice skills they need today and will continue to use in their future; and

WHEREAS, 4-H enriches Illinois youth with important programs that make countless differences in the lives of youth and adults and the communities in which they live; and

WHEREAS, 4-H is a family and community effort supplementing and complementing the home, church, and school with action-oriented and practical educational experiences; and

WHEREAS, This year, Illinois 4-H youth celebrate the national 4-H movement, an idea that was conceived by early Illinois educators and now annually reaches more than eight million American youth and is found in 82 nations around the world; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we proclaim that Tuesday, April 15, 2003 is 4-H Day at the Illinois State Capitol, and we salute the rich tradition of Illinois

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4-H club work and the outstanding accomplishments of Illinois 4-H members and leaders."

Speaker Madigan: "The Clerk has read the Resolution. The Chair recognizes Mr. Hannig on the Resolution. Mr. Hannig."

Hannig: "Yes, thank you, Mr. Speaker and Members of the House. In case you're not aware, today is 4-H Day and we have a number of young people around the Capitol. They're visiting many of us in our offices but they also have displays down on the main floor. So I'd ask you, if you have time as you go between committees, you may want to stop and say hello and take a look at some of the exhibits. This is a.. a group that does a lot of very good work with young people, it's to be commended. And I'm happy to sponsor the Resolution and ask for its adoption."

Speaker Madigan: "Mr. Hannig moves for the adoption of the Resolution. Those in favor say 'aye', those opposed say 'no'. The 'ayes' have it. The Resolution is adopted. Again, the Chair is prepared to adjourn for the purpose of party caucuses. The Chair recognizes Mr. Brady."

Brady: "Thank you, Mr. Speaker. The Republicans will caucus in Room 118 immediately following adjournment. Room 118 for the Republican Caucus. Thank you."

Speaker Madigan: "The Chair recognizes Representative Wyvetter Younge."

Younge: "Thank you, Mr. Speaker. There will be a Democratic Caucus in Room 114 immediately after Session."

Speaker Madigan: "All Members please be advised that there will be immediate party caucuses. So, immediately upon

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adjournment please go to your caucus meeting. Representative Currie moves that the House stand adjourned until 11 a.m. tomorrow morning. Those in favor say 'aye', those opposed say 'no'. The 'ayes' have it. The House does stand adjourned until 11 a.m. tomorrow, providing perfunctory time for the Clerk."

Clerk Rossi: "House Perfunctory Session will come to order. Introduction and First Reading of Senate Bills. Senate Bill 376, offered by Representative Miller, a Bill for an Act in relation to public health. Senate Bill 915, offered by Representative Bill Mitchell, a Bill for an Act concerning leave time for state employees. First Reading of these Senate Bills. There being no further business, the House Perfunctory Session shall stand adjourned."