

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

61st Legislative Day

5/20/2003

Speaker Madigan: "The House shall come to order. The Members shall be in their chairs. We ask you to turn off your cell phones, your pagers and your computers. And we ask the guests in the gallery to rise and join us for the invocation and the Pledge of Allegiance. We shall be led in prayer today by Pastor Tom Larson of the St. John's Lutheran Church in Woodstock. Pastor Larson is the guest of Representative Jack Franks."

Pastor Larson: "We bow our heads in prayer. In the name of the Father and of the Son and of the Holy Spirit. Amen. Lord, God, Heavenly Father, as we come before Your throne of grace this afternoon in prayer, we praise You for Your almighty power, that power by which You created this world through the speaking of Your word. We praise You for Your almighty power, that power by which You have formed us and made us in the wombs of our mother and given us life. We praise You for Your unfailing love, that love that caused You to send Your one and only son into this world of ours to live, die and rise again, that whoever believes in Him shall not parish, but have eternal life. And as we come before Your throne of grace this afternoon in prayer, Almighty Father, we praise and thank You for Your unfailing love, that unfailing love that You pour out upon us through the blessing of us in so many ways. We thank You for this nation in which we live. We pray for Your blessing to be upon on President, our Senators and the Congressmen who lead us in the national level, as we pray for Your blessing also to be upon this Body of Legislators. Heavenly Father,

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Your word is the lamp unto our feet and the light for our path. And we would pray that by the power of Your word You would lead and guide these people in the important decisions that they have to make and that You would bless those decisions. As we pray to You today, we remember the men and women serving in the Armed Forces of our nation. We pray for Your protective hand to be upon them. We thank You for hearing this prayer and as we pray to You we praise and thank You for this beautiful day and pray to You in the name of Your Son, Jesus Christ. Amen."

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

Franks - et al: "I pledge allegiance to the flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all."

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

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

Speaker Madigan: "Mr. Bost."

Bost: "Thank you, Mr. Speaker. Let the record reflect that Representative Pankau and Representative Mulligan are excused."

Speaker Madigan: "Mr. Clerk, take the record. There being 115 Members responding to the Attendance Roll Call, there is a quorum present. Mr. Clerk."

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

Speaker Madigan: "Mr. Clerk, what is the status of Senate Bill 150? 150."

Clerk Rossi: "Senate Bill 150 is on the Order of Senate Bills-Third Reading."

Speaker Madigan: "Put the Bill on the Order of Second Reading. Mr. Clerk, what is the status of Senate Bill 729?"

Clerk Rossi: "Senate Bill 729, a Bill for an Act in relation to civil procedures. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments approved for consideration."

Speaker Madigan: "Third Reading. Mr. Clerk, what is the status of House Bill 46? House 46."

Clerk Rossi: "House Bill 46 has been read a second time, previously. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments approved for consideration."

Speaker Madigan: "Mr. Clerk, leave the Bill on the Order of Second Reading. Representative Soto, you are the Sponsor of Senate Bill 24. Did you wish to move the Bill? Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "Senate Bill 24 has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Representative Bellock, did you wish to move 44? The Clerk advises that the notes have

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not been filed, so, the Bill shall remain on the Order of Second Reading. Mr. Bradley, did you wish to move 61? Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "Senate Bill 61, a Bill for an Act concerning language assistance services. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments approved for consideration."

Speaker Madigan: "Third Reading. Mr. Washington, you are the Sponsor of Senate Bill 133, it's concerned with enterprise zones. Did you wish to move the Bill? Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "Senate Bill 133, a Bill for an Act concerning enterprise zones. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments approved for consideration."

Speaker Madigan: "Third Reading. Is Mr. Froehlich in the chamber? Mr. Froehlich. Mr. Miller, you are the Sponsor of Senate Bill 191. Did you wish to move the Bill? Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "Senate Bill 191, a Bill for an Act in relation to schools. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Mr. Rita, did you wish to move Senate Bill 207? Mr. Clerk, what is the status of the Bill?"

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Clerk Rossi: "Senate Bill 207, a Bill for an Act concerning schools. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Representative Kosel. Kosel, you are the Sponsor of Senate Bill 252. Did you wish to move the Bill? Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "Senate Bill 252, a Bill for an Act concerning the Department of Human Services. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Mr. Fritchey, Senate Bill 274. 274. The Gentleman indicates he does not wish to move the Bill. Representative Nekritz indicates she does not wish to move 275. Is Representative Feigenholtz in the chamber? Did you wish to move Senate Bill 306? Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "Senate Bill 306, a Bill for an Act in relation to public aid. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Mr. Saviano, did you wish to move 408? 408. Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "Senate Bill 408, a Bill for an Act concerning sanitary districts. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

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Speaker Madigan: "Third Reading. Mr. Saviano on 487. Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "Senate Bill 487, the Bill's been read a second time, previously. Amendment #1 was adopted in committee. Floor Amendment #2, offered by Representative Saviano, has been approved for consideration."

Speaker Madigan: "Mr. Saviano on the Amendment."

Saviano: "Thank you, Mr. Speaker, Members of the House. Floor Amendment #2 is a window for the Il... the Private Alarm Association of Illinois. These are the people that install alarms. The industry came to us with three of their members who have extenuating circumstances and this provides a window for their family members and/or partners to become licensed under the Act. And I would ask you adopt Floor Amendment #2 to Senate Bill 487."

Speaker Madigan: "The Gentleman moves for the adoption of the Amendment. Those in favor say 'yes'; those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Madigan: "Mr. Acevedo, you are the Sponsor of Senate Bill... Yeah. Mr. Clerk, concerning Senate Bill 487, put that Bill on the Order of Third Reading. And Mr. Acevedo, you are the Sponsor of Senate Bill 679, it's concerned with human rights. Do you wish to move the Bill? Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "Senate Bill 679, a Bill for an Act concerning human rights. Second Reading of this Senate Bill. No

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Committee Amendments. Floor Amendment #1, offered by Representative Acevedo, has been approved for consideration."

Speaker Madigan: "Mr. Acevedo."

Acevedo: "Thank you, Mr. Speaker. At this time I'd move for adoption of Amendment #1 to Senate Bill 679, which makes a technical change and clarifies the word 'language'."

Speaker Madigan: "The Gentleman moves for the adoption of the Amendment. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Madigan: "Third Reading. Mr. Delgado, you are the Sponsor of Senate Bill 813. Did you wish to move the Bill? Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "Senate Bill 813, a Bill for an Act concerning taxes. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Mr. Steve Davis, did you wish to move Senate Bill 884 concerned with telecommunications? Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "Senate Bill 884, a Bill for an Act concerning telecommunications. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Mr. Colvin, you are the Sponsor of Senate Bill 945. Did you wish to move the Bill?"

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Gentleman indicates he does not wish to move the Bill. Mr. Mautino, you are the Sponsor of Senate Bill 1102. Did you wish to move the Bill? Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "Senate Bill 1102, a Bill for an Act in relation to taxes. Second Reading of this Senate Bill. Amendments 1 and 2 were adopted in committee. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Is Mr. Winters in the chamber? Winters. Mr. Winters, you are the Sponsor of Senate Bill 1124. Did you wish to move the Bill? Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "Senate Bill 1124, a Bill for an Act in relation to sanitary districts. Second Reading of this Senate Bill. Floor Amendment #2, offered by Representative Winters, has been approved for consideration."

Speaker Madigan: "Mr. Winters on the Amendment."

Winters: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Floor Amendment #2 is a technical cleanup language that the sanitary... or excuse me, the Village of Rockton needed to have added to the Bill. Be happy to answer any questions."

Speaker Madigan: "The Gentleman moves for the adoption of the Amendment. Those in favor say 'yes'; those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Bolin: "No further Amendments."

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Speaker Madigan: "Put the Bill on the Order of Third Reading.
Mr. Clerk."

Clerk Bolin: "Committee Report. Representative Currie,
Chairperson from the Committee on Rules, to which the
following measure/s was/were referred, action taken on May
20, 2003, reported the same back with the following
recommendation/s: 'direct floor consideration' for House
Bill 2532, which is referred to consideration postponed;
and Amendments 3 and 4 to Senate Bill 372, and Amendment #2
to Senate Bill 404."

Speaker Madigan: "On page 35 of the Calendar, on the Order of
Concurrence, there appears House Bill 2685. Mr. Clerk... We
recognize Mr. Hannig. Mr. Hannig."

Hannig: "Yes, thank you, Mr. Speaker and Members of the House.
Last week we passed a number of appropriation Bills and
sent them to the Governor. Many of them were at the
Governor's introduced level. The Senate has taken a look
at those Bills and sent a number of them back to us for
concurrence at... Yeah, so, the following Bills are on the
Order of Concurrence at the Governor's spending level.
This is the Commerce Commission, the East St. Louis
Financial Advisory Authority, the Guardianship and Advocacy
Commission, Law Enforcement Training Standards Board,
Professional Regulation, the State Fire Marshall, the State
Police Merit Board. So... so this would be final action on
these seven budget issues at the Governor's recommended
level. So, I'd ask for your support in the Motion to

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Concur in the Senate Amendment and be happy to answer any questions."

Speaker Madigan: "The Gentleman moves that the House concur in the Senate Amendments. Chair recognizes Mr. Parke."

Parke: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I wanna reiterate the Sponsor is gonna present a number of appropriation Bills to us. This is final action, this goes right on to the Governor, and so, you need to pay attention to make sure that this is the spending limits that you think is appropriate for this legislation. You must remember, we asked for the ability to vote on individual budget items. This is your opportunity to make sure you're casting a vote in the way that you think is appropriate. Thank you, Mr. Speaker."

Speaker Madigan: "Mr. Hannig moves that the House concur in Senate Amendment #2 to House Bill 2685. Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Has Mr. Poe voted? Has Mr. Poe voted? The Clerk shall take the record. On this question, there are 70 people voting 'yes', 45 people voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 2730, Mr. Hannig."

Hannig: "Thank you, Mr. Speaker and Members of the House. This concurrence from the Senate is also an appropriation Bill and it includes the following agencies at the Governor's recommended level: Banks and Real Estate, Civil Service Commission, Deaf and Hard of Hearing Commission, Drycleaners' Trust Fund Council, Financial Institutions,

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Human Rights Commission, Human Rights Department, Illinois Council on Developmental Disabilities, Department of Insurance, Department of Labor, Metro Pier and Exposition Authority, Prisoner Review Board, Retirement System... Retirement Systems and the Sports Facility Authority. So, those 14 agencies have come back to us from the Senate at the Governor's recommended level. We passed similar legislation to the Senate last week. So at this point this would be final action to send these Bills to the Governor's desk. I'd be happy to answer any questions and I'd ask for your 'yes' vote."

Speaker Madigan: "Representative Slone."

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

Speaker Madigan: "Sponsor yields."

Slone: "Mr. Hannig, did I understand you to say that all 14 of those agencies are on this one Bill?"

Hannig: "Yes, there are 14 agencies on this one Bill. There were six agencies on the previous Bill."

Slone: "And these are all... are these all relatively small agencies?"

Hannig: "These are relatively small agencies..."

Slone: "In terms of GRF."

Hannig: "...at the Governor's... Yes, in terms of GRF at the Governor's recommended level."

Slone: "And these are ones that we passed at the same level. Is that right?"

Hannig: "Yes. So, we've already passed similar Bills to the Senate. There's some, I think it's... yeah, so there's no

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change in that respect. Our committees have examined these Bills. They've made the same recommendations as the Senate does today. So, I'd ask that we just send it to the Governor."

Slone: "Thank you."

Speaker Madigan: "Mr. Black."

Black: "Thank you very much, Mr. Speaker. Will the Sponsor yield? Representative, let me just ask you a question about the... well, let's just take one of the items in this Bill if I might. Under the Department of Financial Institutions, on their budget, it shows, correct me if I'm wrong, it shows no money from GRF. Correct?"

Hannig: "That's correct, Representative."

Black: "All right. Then is it... is it reasonable to assume that if you're going to fund the Department of Financial Institutions that money has to come from increased fees on those financial institutions that the Governor proposed in his budget message..."

Hannig: "Representative..."

Black: "...and fund transfers?"

Hannig: "In this proposal you have an \$898,942 reduction from last year's appropriation in the personal service and related lines. So, you have a substantial cut in the actual spending."

Black: "But, my issue is where the money comes from. If there's no GRF appropriation I'm assuming that the regulatory fees and/or a fund transfer will then have to be the funding mechanism for DFI."

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Hannig: "I think, Representative, what the Governor's suggesting in these fee increases are that some additional fees be assessed, but when they are collected they be deposited directly into the General Revenue Fund. And that's an effort to try to bring the balance in the General..."

Black: "All right."

Hannig: "...Revenue Fund up."

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

Speaker Madigan: "State your inquiry."

Black: "Thank you very much. On a Motion to Concur in Senate Amendments to House Bill 2730, my inquiry is to whether that Motion is divisible and we could divide the question on each budget contained in the Senate Amendments."

Speaker Madigan: "Mr. Black, the Parliamentarian is not in the chamber, but let me take a stab at it. Okay. As I read the Calendar, there's one Amendment coming from the Senate. I... that would lead me to believe that there will be one vote on the one Amendment without regard to what's in the Amendment."

Black: "Even though the Amendment has more than one part?"

Speaker Madigan: "Correct."

Black: "All right."

Speaker Madigan: "And I would just draw an analogy with this, an Appropriation Bill that has several items in it."

Black: "Mr. Speaker, I have great respect for your ability. As I recall, you were the Parliamentarian when the General Assembly moved into this new chamber and you did an

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excellent job then and you continue to do an excellent job now. I don't agree with you, but it was an excellent job."

Speaker Madigan: "What was the date when we moved into this chamber? 18 something."

Black: "Oh my gosh, it was in June of the late 1880's, as I recall. And you did yeoman work that day, Mr. Speaker."

Speaker Madigan: "All right. Well I gave good advice to Abe Lincoln. The question is, 'Shall the House concur in Senate Amendment # 1?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? The Clerk shall take the record. On this question, there are 67 people voting 'yes', 44 people voting 'no'. The House does concur in Senate Amendment #1 to House Bill 2730. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Bost."

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

Speaker Madigan: "State your point."

Bost: "I'd like to introduce to the House and if they could welcome to Springfield today, Emanuel Lutheran School from Okawville."

Speaker Madigan: "Mr. McAuliffe."

McAuliffe: "Mr. Speaker, point of personal privilege."

Speaker Madigan: "State your point."

McAuliffe: "Today is Skip Saviano's 40 somethingth birthday and I'd like to have everyone come down and enjoy some cake and have a big round of applause for Skip's birthday. Thank you."

Speaker Madigan: "Mr. Biggins."

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Biggins: "Thank you, Mr. Speaker. Purpose of an announcement."

Speaker Madigan: "State your announcement."

Biggins: "I would like the Body to be informed that the new movie Legally Blonde 2 is arriving in theatres July 2 and part of it was filmed in this chamber. And you'll see some of the trailers are available for those on the Web that can find those places and you can see some of the shots of our fine Capitol Building and I'm sure there'll be more in the movie when it comes out. Speaking of the age of this historic structure which was done a few minutes ago."

Speaker Madigan: "Mr. Franks, you are the Sponsor of Senate Bill 1362. Did you wish to move the Bill? 1362. Gentleman indicates he does not wish to move the Bill. Mr. Holbrook, you are the Sponsor of Senate Bill 1370. Do you wish to move the Bill? Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "Senate Bill 1370, a Bill for an Act concerning counties. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Representative Slone, you are the Sponsor of Senate Bill 1379. Did you wish to move the Bill? Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "Senate Bill 1379, a Bill for an Act in relation to environmental protection. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. Floor Amendment #2 was tabled. Floor Amendment #3, offered by Representative Slone, has been approved for consideration."

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Speaker Madigan: "Representative Slone."

Slone: "Thank you, Mr. Speaker, Ladies and Gentlemen. Floor Amendment #3 becomes the Bill. It is an Agreed Bill among the Illinois Environmental Protection Agency, the Attorney General, the environmental regulatory group which represents business community, and the Farm Bureau. I would appreciate your support for the Amendment."

Speaker Madigan: "The Lady moves for the adoption of the Amendment. The Chair recognizes Mr. Black."

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

Speaker Madigan: "Sponsor yields."

Black: "Mr. Speaker, the poppy fell off my microphone. I'll get to that in a minute. Representative, the Farm Bureau at one time had expressed to many of us in the chamber their concern with the Bill as it came over. Staff tells me that Amendment #3 addresses the concerns of the Illinois Farm Bureau. Is that your understanding?"

Slone: "That's right, Mr. Black. They wanted to make sure that it wouldn't be a problem with just a paper kind of a violation and that anything that was adjudicated noncompliant would have to do with an actual release of a contaminant into the environment. And we've adopted that language, so they're okay now."

Black: "Is... is there still a provision in the Bill as amended or in this Amendment that prohibits the state from doing business with someone who has violated the EPA Code?"

Slone: "Yes."

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Black: "Is that in the... Amendment 3 or is that in the underlying Bill?"

Slone: "Amendment 3 becomes the Bill, but that Section is unchanged."

Black: "I'll save those questions for Third Reading then. Thank you."

Slone: "Thank you, Mr. Black."

Speaker Madigan: "The Lady moves for the adoption of the Amendment. Those in favor say 'yes'; those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Madigan: "Third Reading. Mr. Mathias. Mr. Mathias. Mr. Mathias, you are the Sponsor of Senate Bill 1382. Did you wish to move the Bill? It's concerned with municipalities. Your normal stuff. Mr. Clerk, what's the status of Senate Bill 1382?"

Clerk Bolin: "Senate Bill 1382, a Bill for an Act in relation to municipalities. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Mr. McCarthy. Mr. McCarthy, you are the Sponsor of Senate Bill 1523. Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "Senate Bill 1523, a Bill for an Act concerning the Deaf and Hard of Hearing Commission. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

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Speaker Madigan: "Third Reading. Eileen Lyons, did you wish to move Senate Bill 1543? 1543. Turn on Eileen Lyons."

Lyons, E.: "Mr. Speaker, I filed an Amendment to that Bill."

Speaker Madigan: "Okay. Mr. Clerk, are the... what is the status of Senate Bill 1543?"

Clerk Bolin: "Senate Bill 1543, a Bill for an Act in relation to health. Second Reading of this Senate Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Eileen Lyons, has been approved for consideration."

Speaker Madigan: "Representative I Lyon... Eileen Lyons."

Lyons, E.: "Thank you, Mr. Speaker. Floor Amendment #1 to Senate Bill 1543 merely is a technical Amendment changing the review team from the 'death review team' to 'sexual abuse prevention team'. I'd be happy to answer any questions."

Speaker Madigan: "The Lady moves for the adoption of the Amendment. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Madigan: "Third Reading. Mr. Clerk, what is the status of Senate Bill 715? 715, Senate."

Clerk Bolin: "Senate Bill 715, a Bill for an Act in relation to county government. Second Reading of this Senate Bill. A Motion to Table Committee Amendment #1 has been approved for consideration."

Speaker Madigan: "Mr. Moffitt."

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Moffitt: "Thank you, Mr. Speaker. This Motion would then would put this Bill in its original form that came from the Senate. The Amendment that we put on, there were some objections from our Veterans' Assistance Commissions. This puts it in a form that... although... and that dealt with expungment. This put it in a form it can go straight to the Governor's desk and it will help veterans protect their DD-214s. I worked with Representative Mautino and we think that this is the best way to help protect our veterans records."

Speaker Madigan: "The Gentleman moves to table a Committee Amendment. Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 115 people voting 'yes', 0 voting 'no'. The Motion to Table the Committee Amendment is adopted. Are there any further Amendments?"

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

Speaker Madigan: "Third Reading. Mr. Novak in the Chair."

Speaker Novak: "If I can have your attention, please. It is the intent of the Chair to work on legislation to dinner time this evening. That is our work schedule for this evening, Ladies and Gentlemen, so be prepared when your Bill is called to present your Bill. Start on page 7 of the Calendar, Senate Bill 3. The Gentleman from McHenry. Mr. Clerk, read the Bill, please."

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Clerk Bolin: "Senate Bill 3, a Bill for an Act concerning discount prescription drugs for senior citizens. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Franks."

Franks: "Thank you, Mr. Speaker. This Bill is the identical Bill of House Bill 209, the Senior Citizens Prescription Drug Discount Act, which we passed out of this chamber unanimously. And I'm proud to say that all of you are cosponsors. I'd ask for the same type of vote on this Bill."

Speaker Novak: "Is there any discussion? Hearing none, the question is, 'Shall Senate Bill... excuse me. The Gentleman from Vermilion, Mr. Black.'"

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

Speaker Novak: "Yes, Sir. The Sponsor will yield."

Black: "Representative, where is your House Bill currently in the Senate?"

Franks: "It has passed the Senate last week, 57-0-1."

Black: "Then if I understand the process, I'm new to it. It's on the Governor's desk, right?"

Franks: "I think it should be unless someone's holding it in the Senate and hasn't let it off the Governor's... off the Senate President's desk yet."

Black: "Is it in the best interest of the concept you have been supporting for some time to put duplicative Bills on the Governor's desk?"

Franks: "Unfortunately, yes. It appears that way."

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Black: "Ahhh. Representative, just for my own edification, you and I have talked about this. The Supreme Court, yesterday, gave provisional approval to the State of Maine plan, but the State of Maine plan is structurally different than this one, is it not?"

Franks: "Yeah. The stru... the Maine plan is different than ours. It's much like our original Bills..."

Black: "Yeah. Okay."

Franks: "... that we had done the first two times and the difference is in Maine they can... they can implement price controls if they're unhappy with the negotiations and they also include Medicare... or Medicaid actually, which we don't. Ours is structurally different in that respect and we made it so consciously, so we wouldn't have these court challenges."

Black: "Okay. Great. Thank you very much, Representative. You've worked very hard for a number of years on the concept."

Franks: "Thank you."

Speaker Novak: "Thank you. Further discussion? The Gentleman from Cook, Dr. Miller."

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

Speaker Novak: "The Sponsor yields."

Miller: "Representative Franks, I just had a... just a couple questions centering on the administration of the PBM."

Franks: "Yes, Sir."

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Miller: "And wanted to understand, at least in our analysis it says, 'that at all times discharge obligation to their clients'. In this language, who are they deeming as the client, the employee or the relationship with the department or the state or whom?"

Franks: "It's my understanding, it's going... the state would be the client because the state has the option of having the PBM in-house and hiring someone to administer it or to go to an outside agency that does this for a living."

Miller: "Okay. You had mentioned in-house. Who are you referring to in-house?"

Franks: "Well, CMS is gonna be the one who is taking care of this issue and if they want to hire someone to bring in-house to run the pharmacy... to be a pharmacy benefit manager, we're giving them that option or they may choose to outsource it."

Miller: "Express Scripts or something like that..."

Franks: "Sure..."

Miller: "... or whoever."

Franks: "... sure."

Miller: "Okay."

Franks: "We'll let them make that decision."

Miller: "Okay. The... Is there any guarantee that, like you said, is there any guarantees that the cost savings from what they negotiate with the pharmaceutical industry is passed on to the consumer, which is us, in the state?"

Franks: "Well, that will be done by contract with CMS and whoever they chose to do it with. Right now, in the Bill,

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Representative, the pharmacies have agreed already to discount the drugs. Right now, on this Bill, if you get a brand name prescription, the pharmacies have already agreed to discount average wholesale price minus 12 percent for brand name and average wholesale price minus 35 for generic. That's before we start to negotiate with the manufacturers for further discounts."

Miller: "Okay. So, you're saying that the pharmacists have already agreed to a particular discount on it..."

Franks: "A minimum..."

Miller: "... prior to..."

Franks: "A minimum discount."

Miller: "Okay. Minimum discount prior to the negotiations..."

Franks: "With the pharmaceutical manufacturer."

Miller: "And what is the advantage of that?"

Franks: "Well, we know already that we're ahead of the game when it comes to most of the drugs. Now, everything we get is basically gravy. We've... Because the pharmacies knew... the phar... I tell ya, IRMA was very good to work with. They came to the table with money. They were willing to be part of the solution to this onerous problem."

Miller: "Okay. And the last question, it says here the five duties of the PBMs."

Franks: "I'm sorry. I couldn't hear you."

Miller: "The five duties of the PBMs."

Franks: "The what... PBMs?"

Miller: "Your legislation describes the five duties of the PBMs."

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Franks: "Okay. I'm sure it does. Yes, okay. Do you want me to enumerate what the five duties are?"

Miller: "You know, never mind. Thank you. Thank you."

Franks: "Oh, I apologize. I wasn't sure of your answer."

Miller: "Thank you, Mr. Speaker."

Speaker Novak: "Further discussion? The Gentleman from Macon, Mr. Flider."

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

Speaker Novak: "The Sponsor will yield."

Flider: "Representative Franks, I saw an article yesterday about a Supreme Court decision that looked like it would favorably allow states to offer programs like this."

Franks: "Yes."

Flider: "And it's my understanding, that... per the earlier discussion, the program is different, but in your perspective, does that Supreme Court decision have any relationship to what we're doing here or do you feel any... feel... feel that it allows us perhaps... gives us more leeway to offer a program like this?"

Franks: "That's a wonderful question. And I was very excited to see the Supreme Court's decision in Maine because it only strengthens our hand here, because even though we're not telling companies that if they don't give discounts, they can't do business with us, they know that we can if we ever need to. So, even though we don't have the same type of plan that Maine does right now, I think we'll get the same benefits because they know that the Supreme Court will back us on this. Obviously, we didn't put it in our Bill

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because we wanted not to be in court on this. This had not been settled and I'm not sure it has yet been settled because there might be other challenges, but I certainly think that it strengthens our hand and I think it'll make it easier for us to deal with these pharmaceutical manufacturers and to get better discounts for our senior citizens and our disabled individuals."

Flider: "I'm pleased to hear your perspective on that because that was mine, but I certainly thought that since you've worked long and hard on this issue and you've looked into it that you would, you know, know whether this would impact us favorably and I'm glad that it is. And I would just commend you on all the work that you've done on this legislation."

Franks: "Thank you very much."

Speaker Novak: "Thank you. Any further discussion? Seeing none, the question is, 'Shall Senate Bill 3 pass?' All those in favor vote 'aye'; all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 115 voting 'yes', 0 voting 'no', 0 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 3 is hereby declared passed. Senate Bill 10, the Gentleman from Cook... Out of the record. Senate Bill 50, the Gentleman from Lake, Mr. Beaubien. Mr. Clerk, read the Bill, please."

Clerk Bolin: "Senate Bill 50, a Bill for an Act concerning vehicles. Third Reading of this Senate Bill."

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Speaker Novak: "Mr. Beaubien."

Beaubien: "Thank you, Mr. Speaker. This is the classic seatbelt law that's been around for the last several years. We passed it over to the Senate. This is the identical Bill coming back. We've talked about this over the years. And I would just request an 'aye' vote. It's for primary enforcement of seatbelts, it does not include school buses."

Speaker Novak: "Thank you. Any discussion? The Gentleman from McHenry, Mr. Franks."

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

Speaker Novak: "Sponsor will yield."

Franks: "Representative, can... is this the same Bill that you would pass from the House allowing for police to stop people for... only for a seatbelt violation?"

Beaubien: "That's correct."

Franks: "Okay. I'm not sure I understand... I guess my analysis here says that this would say that they can... that a police officer may not search or inspect a motor vehicle that was stopped solely because of a seatbelt violation."

Beaubien: "That's correct, that's part of the law... part of the Act, yes."

Franks: "And that's part of the Act that you had passed?"

Beaubien: "That's correct and it's also in Senate Bill 50."

Franks: "But isn't it the law right now that you can't search a vehicle unless there's probable cause?"

Beaubien: "I believe that's correct, but there seemed to be some need to put this in the Bill so it was very specific

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to all parties involved this would not be used for a method of stopping cars and searching vehicles with the normal exceptions for open view and so forth."

Franks: "What would happen if they pulled someone over for a seatbelt violation, a police officer, and they smell... they had the aroma of marijuana or they smelled liquor in the car? Would they then be able to search the vehicle, because they only pulled them over because of the fact that they didn't have a seatbelt on?"

Beaubien: "I believe they probably would, that'd be my guess."

Franks: "Okay. 'Cause I'm just trying to figure out what we're... what we're doing here and I'm not trying... no offense, I'm just not sure I understand this. Because right now, I know the law has probable cause and I'm not sure what this Bill does any differently than maybe just codifying case law?"

Beaubien: "Representative Franks, I... I... this is not an area that I am familiar with. I put the language in there because I believe it sets forth what's already in the law."

Franks: "Okay. Thank you."

Speaker Novak: "Is there any further discussion? Seeing none, the question is, 'Shall Senate Bill 50 pass?' All those in favor vote 'aye'; all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Parke. Ms. Kelly. Mr. Joyce. Mr. Clerk, take the record. On this question, there are 75 voting 'yes', 38 voting 'no', 2 voting 'present'. And having received the required Constitutional

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Majority, Senate Bill 50, is hereby declared passed. Senate Bill 58, Mr. Hultgren. Mr. Hultgren in the chambers? Mr. Clerk, read the Bill, please."

Clerk Rossi: "Senate Bill 58, a Bill for an Act in relation to vehicles. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Hultgren."

Hultgren: "Thank you, Mr. Speaker, Members of the House. This is a Bill I have come around and talk to many of you about this. This is a Bill that addresses the fact that learning to drive is a process, it's not something that you get immediately the day you get your driver's license. This was a Bill that was brought to us by the National Transportation Safety Board. And what it does is, it recognizes in the first six months that someone has their driver's license there is a significant likely... more likely... likelihood that they will have an accident during that period of time and if you put additional teenagers in the car with them, the likelihood increases by 50 percent each time you add an additional person in that car. What this is doing is saying for the first six months that someone has their license, we're limiting it to one other teen who's not a sibling, step-sibling, or a child or stepchild. And I'd be happy to answer any questions. After that six month period, it's just for chil... people who are under 18, when they get their license and it's just for the first six months they have their license. I had passed out an article of a tragedy that we had up in the northern suburbs a week or two ago that really, unfortunately,

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addresses some of the situations in this... this Bill. But I would be happy to try and answer any questions that you might have."

Speaker Novak: "Thank you. Is there any discussion? The Gentleman from Jackson, Mr. Bost."

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

Speaker Novak: "To the Bill."

Bost: "And I have a deep respect for the Sponsor, I really do, but Ladies and Gentlemen of the House please pay attention to the Bill that is before us now. What this Bill says is, is that after a person has qualified, been trained through all the programs that we put 'em through in high school to be taught on how to drive a vehicle, that now we're saying that for the first six months we're gonna limit who they can haul in the car with them. And the idea and the premise behind this is, is by having other people under the age of 21 in the car that that is going to cause more accidents. Under that same scenario, then what we better do is also make sure that we pass a law that says no child or young adult who is 16 years of age and has received their license should ever carry a cell phone because they're probably... they're gonna use it in that car and that car... that will cause accidents, as well. They probably also... we should go ahead and make sure that those cars don't have a radio in that car because odds are that usually the accident occurs sometimes when they're reaching down for that radio. Folks, we've got to trust those people who have educated our children in driving and trust

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parents to put strict guidelines in place so that they can say, you need to pay attention while you're driving, you need to do the following. Now, from a downstate perspective, I don't have mass transit in my district. Quite often, there are times when that 16-year-old is depended upon to haul more than just the family members, but they might be neighbors and friends, from point (a) to point (b) because a parent can't do that. Based on that, I have problems with this Bill. As I said, the Sponsor is well intended, but there is a time and that time is when those people pass their driver's test, which we have established through the State of Illinois and the laws we put forward, that we're saying okay we trust you now to go ahead and make those decisions. I will assume that a driver's ed teacher has at sometime said pay attention all the time while you're driving. It doesn't matter who else is in the car with you, it doesn't matter whether you're carrying a cell phone, it doesn't matter whether you're reaching down for the radio, pay attention. Now, that should be enough. We shouldn't have to be passing legislation like this and taking away the rights of those students after they've done all of the qualifications for six months, because why in six months time will all of a sudden it be different to say, okay, now I've got three people in the car and I'm talking to someone and I have a wreck now, six months and one day. There has to be a line and I think we drew the line when we said that at 16 years of age when you pass your driver's test you should be able

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to get your full license. You should be responsible. If they are not responsible, allow a parent to be a parent. I ask for your 'no' vote on this Bill."

Speaker Novak: "Thank you. Further discussion? The Gentleman from Mclean, Mr. Brady."

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

Speaker Novak: "Sponsor will yield."

Brady: "Representative, I just wanna ask a few questions and I know the Bill has the best of intention here. But this is, Ladies and Gentlemen, a very important Bill. And if I understand correctly, once an individual receives their driver's license going through all the training that's mandated presently by law, for the first six months of their driving privileges under the State Law, if this would become law, they would not be able to have more than one friend of the same age. Is that what it was?"

Hultgren: "Yeah, I'll explain it again. It's a... If someone gets their driver's license if they're under the age of 18 when they receive their license, for the first six months they have their license what this Bill would do is recognize that it is a learning process to learn to drive and statistics bear it out that accidents are much higher in those first six months that someone has their driver's license. And so what it does is, it doesn't take anything away from them, it just... we already have a graduated driver's license statute here in Illinois where it is a process already of people receiving their licenses. There's driving time that they have and if they get tickets

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right away, there's different penalties and consequences for someone who has just gotten their license rather than maybe you or I, who's had their license for many years. So what this does is for someone who's under the age of 18, for the first six months they have their license it limits this to one other teenager in the car that's not a sibling, step-sibling, child or stepchild of that driver."

Brady: "I'm sorry, Randy, I could hear you a little bit. Just one more time. I'm concerned with the restriction that's gonna be put on for six months of who could ride and who couldn't."

Hultgren: "Sure, it's very simple."

Brady: "I'm sorry."

Hultgren: "And I'll say it real loud. It's for the first six months that someone has their driver's license, if that person who's received their license is under the 18 when they get their license, for those first six months it's limited to one other teenager in the car with them who's not a sibling, step-sibling, child of theirs or stepchild of theirs, then it would be limited to one other person. Now, those restrictions are all taken away if someone over the age of 21 is in the car with them, as well. So, if a parent's with them they can be driving with other people. If they have someone who's over the age of 21 they can have more teenagers in the car with them. So, it's really that situation where someone just gets their driver's license, goes out and has four or five other people in the car with them and unfortunately, ya know, the likelihood of an

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accident statistically... this isn't something, ya know, that's just made up, statistics bear it out. And it goes along with the laws that have been passed in Wisconsin and Indiana and Michigan. Many other states have these, we already do have a graduated drivers license here in Illinois. So, this is just fitting within that statute that already is there as recognizing, just for these first six months. Again, not taking away anything that they already had, but just saying you had certain privileges when you have your permit, you also have certain privileges when you have your license, and then you gain full privileges if you use them well after those first six months to be able to have whoever you want in the car with you that you'd like to."

Brady: "But... but it would be adding on a new restriction that presently is not there for the first six months of having the driver's license."

Hultgren: "That's correct."

Brady: "Is it not?"

Hultgren: "Yes, that's true."

Brady: "Okay. And... and I know the good intent behind this particular piece of legislation, but I think in the situation you've pointed out the unfortunate tragic accident, a high rate of speed, may well be the reason that occurred. Is that correct?"

Hultgren: "Absolutely. And oftentimes... well, it has been shown in cases where the high rate of speed can tie in to encouragement from friends in the car to encourage them to

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drive faster, encouraging 'em to drag race with someone next to 'em, I... who knows what the situation might be. But absolutely, in and of itself, having the other kids in the car does not make it more dangerous in and of itself, but it's really the result of that, the encouragement to drive recklessly, the encouragement to maybe go somewhere that they're unfamiliar with, the encouragement to drive faster than they should have, the encouragement to do something that otherwise they wouldn't of, look away when they should've been paying attention. All these types of things it's really... it is recognizing that, unfortunately, there are too many distractions that we have when we drive. And this is really just recognizing that it's not an onerous burden to put on people to say for the first six months, we don't wanna load up that car with other teenagers that may be distracting and may not... they maybe wouldn't have the experience either to be able help in a split-second decision that needs to made to make sure that a safe decision of how to handle that vehicle is made."

Brady: "But in that... in that particular unfortunate situation, it was my understanding the place in Will County where it occurred was that this was something for the kids to do to take a hill at a very fast rate of speed and so it's almost something from a standpoint more of enforcement than penalizing those good, young drivers who do follow their training, do follow the laws of the State of Illinois, and do take kids back and forth from school or to jobs after

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school or whatever the case may be. Is that your understanding?"

Hultgren: "Again, I don't think that this is anything that's an unfair burden. It's not taking away something that they had that now they won't have any longer. This is something that... it's a brand new driver's license to this person, they're used to driving on a permit where they couldn't drive without an adult supervision in there. This is allowing them still to drive without adult supervision, they can still go to cars, there's no curfew in this, there's no... Originally, there was discussion of making this a two-year ban, so up until anyone under the age of 18. That was removed because we realized that's too restrictive and again statistically there is, ya know, this is the one time that I've had a piece of legislation where the statistics actually back it up, that in that first six-month period of time for whatever reason, statistically there is a higher number of accidents. And the states that have done this have seen a dramatic decrease in accidents and deaths because of this. So, we're really responding to that. We're responding to some of the expertise given to us by the National Transportation Safety Board that testified in committee and really following up on their recommendation on this. And one other thing, too. I... this weekend I was interested... I wanted to get the thoughts of some local drivers ed teachers in my area. I spoke with a driver's ed teacher and he felt like this was a good idea. He didn't think it was like an absolute solution, I don't

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either, but I think it's one more piece that in our drivers education process they can be teaching kids that once you have your driver's license all of the sudden you're not 'king of the road'. It's a process. It's something that, sure you know the driving laws and you've passed a test, a competency test, but there's a process in learning specific situations, maybe it's rainy out, maybe it's dusk, maybe the sun's shining in your eyes a little bit. There's situations that the longer you drive the more you realize where to be cautious and where you need to raise that standard up. And so it's just simply recognizing that, it's not taking anything away from them."

Brady: "And during the six-month period, Representative, there's no additional training that is required of the driver, no defensive courses or anything along those lines?"

Hultgren: "No, there is not. No."

Brady: "Thank you very much. And Representative, I certainly understand the intent. The last thing I enjoyed doing while I was county coroner was going to fatal accidents that involved teenagers related to what they may or in some cases may not have done in the way of their driving tactics. My concern is just those who will be... maybe unfairly penalized a little bit in their transportation abilities of things that they have already passed in the graduated driver's license. Thank you very much."

Speaker Novak: "Further discussion? The Lady from Peoria, Representative Slone."

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Slone: "Thank you, Mr. Speaker. I rise in strong support of this legislation. We had a recent accident in our area where a young girl with... a very recent driver, had three friends, her boyfriend and two other kids in the car, missed a turn and went through a guardrail. Three of those children are dead, one is in critical condition. I am the mother of a 17-year-old, a 15-year-old, and my son who is, ya know, a bright kid and a good student and a good kid, had an accident in his first six months of driving, most of his friends did too. Fortunately, they were minor accidents and the kids walked away from them. But I think this is excellent legislation. It's needed legislation and it will help save the lives of any number of our precious kids. And I would urge an 'aye' vote."

Speaker Novak: "Further discussion? Gentleman from Cook, Mr. Will Davis."

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

Speaker Novak: "The Sponsor will yield."

Davis, W.: "I just have one question for you, Sir. Does this legislation address the situation where as you might have a single-parent household and the single parent or the adult in that house may have a mobility problem and it may be difficult for that person to go in and out of the car as much as may be needed and, the sole purpose for that young person receiving their license was to help out the family, so to speak. Does this in anyway try to address a situation such as that?"

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Hultgren: "Absolutely. I think, ya know, the situation like that is very clearly addressed in this, because any siblings or step-siblings that that person would have to drive are completely exempted out of this. So, it fits exactly what that type of circumstance where someone who has a special need where there's extra responsibility placed on a new driver to be able to be basically, the driver for the family, this recognizes that they would be able to do that, be able to drive their siblings around even if there are other teen siblings. Again, it does address that and it covers that specific problem."

Davis, W.: "Well, not even necessarily if there were siblings involved. Let's say there's only one child, ya know, there's only one child involved. Does that one child now have the ability... are they exempt from this legislation?"

Hultgren: "They would be exempt if they're driving alone. Again, they would fit in if they're driving people who are not siblings of theirs so if it's, ya know, neighbors down the street or something like that that they were driving, then they would not be exempt from this. So, that's really the only situation. But specifically, for the family and for driving, ya know, if a parent has special needs or something like that and driving... providing the driving for the family, they would be exempted out of this and would be covered by this. So, this would not cause any extra burden for them at all."

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Davis, W.: "Well, some of the exemptions that you indicate that may be a part of this legislation, where exactly are they addressed? In the text of the legislation, where?"

Hultgren: "Yes, absolutely. And I don't have the numbers right in front of me. I can get those, the line numbers, but it specifically is addressed where they're exempted out for siblings, step-siblings, children. So, if someone is under the age of 18 and has their own child or several children, obviously, they could drive... have them in the car, or stepchildren. So, if they were to have stepchildren they would also be able to have them in the car. It's specifically exempted out in the legislation, it's right in the graduated driver's license statute."

Davis, W.: "Okay. I'm not trying to get into siblings. I know there are some situations, but if there's one child in the house, let's say I'm that child, I'm 17 years old. My mother or father, one or both are... I won't say disabled but they have severe mobility problems. I can still be the principal driver in that family without being subject to having someone else in the car with me that is, I believe as the legislation states, 'above the age of 20 or 21'."

Hultgren: "Absolutely. Yeah."

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

Speaker Novak: "Further discussion? The Lady from Cook, Representative Graham."

Graham: "Thank you, Mr. Sponsor. I mean, Mr. Speaker. I stan... I stand in total support of this piece of legislation. I just want to share with you something that happened to me

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on my way here to Springfield, one day when we were beginning Session. I was driving down here and a group of teenage kids in a car, maybe they did not recognize the plates being state plates, or whatever the situation was, but they harassed me in the car. It was four teens in the car. They were all laughing and being giddy. When I passed them on one side, they would pass and get in front of me and throw their brakes on or get behind me and drive up really fast behind me. So, then I called the State Police and I told them who I was and that I was being harassed on the expressway on my way to the General Assembly, could they assist me. So, the State Police came and unbeknownst to the young ladies that were in the car, they began to sob wildly. Oh, my God, my father's gonna kill me if I get in trouble. Please, please, please, I'm so sorry, I didn't know who you was... I didn't know who you were. Please, I'm so sorry. I apologize, I apologize. I felt really bad for the young lady and I had began to back up and I say, 'well, you know, maybe I might not want to make this charge.' The State Police encouraged me to go ahead and make that charge on them, so they would understand that they were making a serious offense and that they could have caused an accident on the expressway. So, I'm totally in support of this Bill. This is something that happened to me. It was four young women in the car and they thought it was a funny game that they were doing, playing with me on the expressway. And I was pretty taken back and you know, I'm pretty aggressive and I said, 'well,

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you know, what should I do at this point', you know? So, I decided not to play chicken with them and I just called the State Police and said, 'Come get me. I'm on mile marker whatever, 138, and these people are harassing me in the car.' And they did and I pressed charges on the young lady and she was sobbing and begging for mercy and I said, 'no way.' So, I support this piece of legislation. I think it's a good piece of legislation. It does not prohibit our children from driving. The six months goes past pretty fast for them to get comfortable in the car to learn... And I drive a small vehicle, but sometimes I drive my father's truck and I'm uncomfortable driving a truck. So, a beginner driving, I know any size car would be uncomfortable for them to drive. So, I think six months is a reasonable time to ask for a teenager to get used to driving in their car and they need to be in the car by themselves so they can concentrate and focus on how to get comfortable behind the wheel. So, I stand in total support of this legislation."

Speaker Novak: "Further discussion? The Gentleman from Vermilion, Mr. Black."

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

Speaker Novak: "The Sponsor yields."

Black: "Representative, I'm looking at Senate Bill 58, the engrossed version. On the title page it says, 'excepting the siblings of the driver and the person may not operate a vehicle on any day of the week between the hours of 9 p.m.

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and 6 a.m'. And I don't see in the analysis... in the analysis, I don't see where that's been amended out."

Hultgren: "It has been completely amended out. You must have an older version because in the Senate, the passed version out of the Senate, completely amended out any curfew times. There was also, I think, a longer time period, I think it was at least a year, in the Senate. There was also a House Bill that had two years, so up until someone was 18. All that has changed. It's purely six months, no curfew, addressed in this legislation. It's purely those first six months, only for someone who's under the age of 18."

Black: "Is there any language in the Bill that specifically clarifies what kind of vehicle the young driver is reduced to only one passenger? I don't see anything, again, I may have an old copy of the Bill. I don't see anything in the Bill about a pickup truck, a Class B vehicle."

Hultgren: "I believe... I believe those are still all covered. This is really just changing the graduated driver's license. It's adding a small Section on something that we already have, so it really would really fit in under all of the vehicles that young people can learn to drive on already, and there's already restrictions as far as, you know, I think it's 25 hours that they need to be driving with an adult. Have them sign an affidavit that they've received that training beforehand. And then also if they receive two tickets within the first six months after having their license, they can lose their license without getting more training. That's all part of the already

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existing graduated driver's license statute that we have here in Illinois. So, all we're adjusting is really just a couple sentences at the very end of it, dealing with a number of other teen passengers in the car for those first six months."

Black: "And the restriction is only for six months from the issuance of the drivers license, correct?"

Hultgren: "That's correct"

Black: "So, a previous speaker who said four teenagers were harassing her on the freeway if in fact, any one of those teenage drivers was beyond the six month, this Bill isn't gonna stop that, is it?"

Hultgren: "No, that's not true. It would stop it. The case... the key would be if the driver of that car had had her driver's license more than six months, you're absolutely right, this Bill would not apply."

Black: "Right."

Hultgren: "But if the driver of that car had her license for less than six months, then this would apply even if all the other, the three other drivers had theirs for more than six months. If one of those other people was over the age of 21, they... it would not apply. This Bill would not apply to that. So, it's a pretty limited fact pattern that this applies to."

Black: "But... but if we had four teenagers, identical age, at six month and one day past the issuance of their license, they could all hop in the car and drive merrily along their way, correct?"

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Hultgren: "This legislation would not affect them. Now, if they, obviously, if they violated other laws, those laws could apply as the Representative... Representative mentioned happened for her with the harassment. You know, there is, obviously, other vehicle laws that would apply in that circumstance. This is really just specifically for that situation where someone's had their driver's license for less than six months. So, again, it's a pretty small, relatively small situation and yet we've seen in other states that it had a significant impact on injuries and deaths that are caused in that age range."

Black: "All right. The Bill is silent on one of the questions that was raised in the House Transportation Committee. If a driver who has had his or her license for four months, the issuance date is only four months, he or she can only have one passenger under the age of 20, correct, in the vehicle?"

Hultgren: "That's correct for those first six months unless it's a... again, a sibling or step-sibling..."

Black: "Yeah, I..."

Hultgren: "...or some other..."

Black: "I particularly like the reference to a stepchild. I'm still trying to figure out how a 16-year-old driver can have a stepchild, but whatever. But one of the... one of the old... one of the things that we brought up in the Transportation Committee, Representative, what happens if this young driver, who has not yet finished the six-month probation, is... and in my rural district, kids often swim in

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farm ponds, what we call old shale mine pits or barrow pits. He or she drives up, the older drivers leave and there's five kids there, two of them dive into a shell pit at the shallow end and are seriously injured, have serious head injuries, excessive bleeding. No phone, no house. What happens if the driver loads the two injured kids in the car and a passenger in the front seat and drives to the nearest hospital?"

Hultgren: "Our vehicle laws already address emergency situations when there's no help around, where people can, you know, even people who don't have their driver's license for an emergency life-threatening situation are able to drive to save a life. Our larger vehicle laws already address that type of situation. This does not specifically add any limitation on that or take any away from it. Those are already addressed, kind of, in the larger picture and those same laws in other emergency situations would then apply."

Black: "All right. Thank you very much. Mr. Speaker, to the Bill. Ladies and Gentlemen of the House, I have the utmost respect for the Sponsor and I know he is extremely committed to this Bill and I'm sure it will get far more than the requisite number of votes that it... that it needs. However, as Representative... one of the Representatives said early on, how far are you going to go? Do you outlaw radios? Do you outlaw compact disc players? How many of you on the way down here, have tried to put a compact disc in your compact disc player and all of a sudden looked up

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and discovered you were in the wrong lane? You know, I... How far are you gonna go to drivers that are in their 70s and 80s? My mother-in-law is 90 years old. She no longer drives, but she did until a few years ago. My father is 85, my stepmother is in her 70s. Have you ever been in a car with four or five people in their 80s on their way to church, talking about what's going on? Are you gonna limit them? I mean, where do we stop being everybody's mother and father? I just want to thank the General Assembly back in the 1950s for letting me grow up in a small town in Illinois and most of all for letting me grow up with a mother and a father who set the rules and set the standards and set the restrictions on my driving and almost every other aspect of my life. Ladies and Gentlemen, there is no way that we can foolproof a brand new driver anymore than we can foolproof a driver who is in their 70s, 80s or 90s. At what point do we start to just tell people, we are going to set every conceivable standard for you to operate a motor vehicle? And I'm not saying it's a right. It is absolutely a privilege that is licensed and governed by the state, but if you look at the rules, regulations and restrictions that we have placed on this and continue to place on this and I'll tell you another scenario that's gonna play out in all of our districts. Somebody's gonna be on their way home after football practice or a movie on a weekend, it's gonna be 10:30, 11:00 at night and there's three or four young people in the car. The police officer gets a quick look at the driver says, 'Ah hah, I think that

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driver is 16 or younger and there's three or four people in car, I'm gonna pull that driver over.' And in fact, the driver may be in his 20s or in his 30s. Just another reason for a police officer to do a primary stop. I have great respect for the Sponsor. I have no doubt that this Bill will pass. But at some point, I hope this Body, someday, realizes we don't make very good parents. We're not a substitute. It was never intended that government be a substitute and generally speaking, whenever we try to be 'in loco parentis' we generally fail and fail miserably."

Speaker Novak: "Further discussion? The Gentleman from Madison, Mr. Davis, Steve Davis."

Davis, S.: "Thank you, Speaker, Ladies and Gentlemen of the House. I rise in strong opposition to Senate Bill 58. I do have tremendous respect for the Sponsor, Representative Hultgren, but I cannot believe that this Bill passed out of the Illinois Senate and made it over to the House chambers. This is an ill-conceived... ill-conceived Bill and I can't believe that the Members in this chamber have become so jaded and have forgotten what it was like to be 16 or whenever you got your driver's license. I know for those of us downstate who don't have mass transit, we rely on our automobiles, we rely on our trucks and our children do the same. The rites of passage come whenever you get your driver's license. It's a chance for you to go out and socialize with your friends. It's a chance to double date. It's a chance to go to the prom and what we're doing here is taking that right, taking that chance away from the

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children in the State of Illinois. Each and every one of these kids that has a driver's license has a parent. Let the parent determine whether they can or cannot drive the car. Let the parent make the rules on how many kids can come into the car. I will tell you one thing, if 16-year-olds could vote in the State of Illinois, this Bill would not have made it out of Senate Rules and it should not make it out of the House. I urge a 'no' vote. Thank you very much."

Speaker Novak: "Thank you very much. Further discussion? The Gentleman from Lake, Mr. Washington."

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

Speaker Novak: "The Sponsor will yield."

Washington: "I have a question. And I can understand the intent of the Bill, but does this... excuse me. What is the... what is the genesis of the Bill? What is the full intent of this Bill to try to... try to head off? Can you give a little more clarity?"

Hultgren: "Sure, absolutely. It was brought to my attention by the National Transportation Safety Board. Michigan, Indiana, Wisconsin, California, Florida, many other states have legislation that recognizes, it's called the Graduated Drivers License Program. Some are stricter than others, others have more significant restrictions. This would still keep ours as one of the least restrictive of any graduated driver's license programs. But this was brought to me by the National Transportation Safety Board. It was actually brought to the Senator and then... I had also heard

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about it, as well, but I picked it up after it had passed the Senate by a significant margin. And the pure and simple idea of this is, is to save teenage lives and save injuries. That's all it's for. It's not to cause inconvenience. It's not to be a difficulty on families or parents. It's to save lives. And we've looked at every single state that has done this and the statistics bear it out that lives are saved. There's less accidents, there's less injuries and whether we like it or not, we as a state do provide driver licenses. We have set the rules of the road. We have set what the requirements are for someone to get their license and this is not beyond our responsibility, again, to recognize if there's a problem and there is a problem with new drivers who have more than one other teen in the car. There is a problem, a recognized problem. There's an inordinate number of accidents, injuries and deaths that occur in that situation. This sees that, it recognizes it and it's the responsible thing to do."

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

Speaker Novak: "To the Bill."

Washington: "Representative, make no bones about it, I... I believe in the spiritual intent of what this Bill is designed. But I guess, when you say that it saves lives, I'm wondering what are you drawing from, what statistic. When seatbelts came into existence, we could say that that ... that restraining device it has saved lives. But I can't see where puttin' another layer, and I gotta agree with the

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other colleagues who spoke on it. I think they made a very valid point and I can't see why... how having a older person in a vehicle can translate that that presence equal saving of lives. I just can't for some reason make a full connection with that, because one thing is for sure, when you in the car with someone your life weighs in the balance of external circumstances and the ability of that driver and their best judgment in driving and meeting any particular situation that may present itself. And I can't see having my mother or father, someone older, sitting in the passenger seat being the deciding factor that would cause me to drive any better or respond any better to any situation that may occur in a driving situation. So, I can't really make the connection and I kinda agree with my colleagues in terms of what happened to parents having the right to bridge the gap who rides in a car, how many people ride in a car, and that type of thing. If I could make a connection, it would be much easier for me to wholeheartedly support this legislation. But it seem like, I know this is not the intent of you and others with the Bill, but it look like another tool that can either work against or work for the individuals in Illinois. So, I'm really... right now, I don't exactly know how I'm gonna vote, but I don't see how it make... gonna make a difference in accidents and even though you named other states that have adopted this, still I have never seen, and I welcome even after this, if you would share with me the statistic that show and how would they even keep track of that. How would

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they keep track of how many youth got people in their car over the age of the youth that's drivin'? How could you even ascertain those statistics to even show that? So, with that, I would... I'm very hesitant about this legislation for those reasons. Thank you, Mr. Speaker."

Speaker Novak: "Thank you. Further discussion? The Lady from Cook, Representative Monique Davis."

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

Speaker Novak: "Sponsor will yield."

Davis, M.: "Representative, you know that song you sang, 'You lost that lovin' feelin'? You're gonna have to sing it again. Those young people who are going to college frequently cannot afford to rent a car to go. So, sometimes, Representative, three parents will get together and rent a car and the three of them drive together, you don't want that to occur?"

Hultgren: "Representative, this Bill wouldn't address that at all, unless, that college student were under the age of 18 and had just gotten their driver's license. So if that person who was going to college under the age of 18, they could get their driver's license when their 16, so at that point they would have had their driver's license for at least two years or a year and a half or ya know, maybe even if they're 16 ½ going to college, which would be very young, that'd be wonderful. That would really be... even at that point they still could have other peo... drivers in the car. So, this Bill would not address that specific situation."

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Davis, M.: "Representative, suppose you have a young person who gets out of school at 3:30, lives down the street from another... a mother who's working. She needs someone to pick up two of her children. She's friends with the mother and she calls and asks, could this child go and pick up her children? That would be prohibited, right?"

Hultgren: "If that driver had their license for under six months that would be prohibited. And one of the statistics I found very interesting as I did some research on this was the greatest number of injuries and fatalities for teenage drivers occurs at 3:00 in the afternoon. And... So, I would have thought it would have been late at night or another time. So, really, it fits right in that time where they might be commuting, and absolutely, unfortunately this might be something that would be a hardship for just that six-month period of time. But, again, the hope is then that all those kids driving in that car would be safer, because obviously... we wanna make sure that those... we do want to provide convenience but first and foremost we wanna provide safety. And that's really all this Bill is intended to do. And trying to do it with the least amount of inconvenience that we can. Unfortunately, you're right, there will be some inconvenience, and there will be some situations that will be affected by that. But that's really not my intent."

Davis, M.: "To the Bill, Mr. Speaker. I know that the Legislator is well-intentioned and unfortunately for me I've been coming down here 18 years and no one has flirted

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with me on the highway yet. I haven't received any flirts by anybody. But I think it's significant that we not try to be parents to children. I think it's significant that we not try to criminalize innocent young people. If any of you have been driving in Chicago, you know that a teenage driver can be in the car alone and almost hit you, alone. So, they can be on the telephone and almost hit you. They can be listening to very loud music and almost hit you. I don't really believe the key is four other kids in the car. I believe that parenting is significant, and the State of Illinois cannot be the parent in each home. We may want to try, but we just can't. We have to leave parenting up to parents. My youngest grandson is 16 years old, he doesn't live in Illinois. But his father bought him a truck, rather than a car, to make sure no more than two people were in it. After six months he was allowed to have someone in it. But it should be the parent's decision based upon the life responsibilities of those children and that family. If we don't want children riding their friends in cars, parents should put their foot down and say no one can be in this car but you. For all the things our children are doing today, for all of the things we see them doing, the hazing, the criminally beating of parents who's your girlfriend's parent, these things are being done, not because of government and what we do or don't do, but because parenting is looking to us, perhaps for everything. And we cannot furnish everything. Every situation in this Body and outside, they're different. All family

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circumstances are not the same. They're not equal. All communities are not equal. As one Representative stated, there is no public transportation in his or her area. He would be dependent on the service of a car. If all the teenagers cannot afford a car, then they're going to be bundled up into one car. And what are we gonna do? We're going to make 'em a criminal. It is wrong. It is wrong to make young people criminals who may be behaving out of an economic need, out of an economic need, everybody doesn't have his or her own vehicle. Representative, I urge you to rethink this legislation. I urge you to think of other methods to prevent accidents in the State of Illinois. A good driver will be a good driver, a responsible driver, a driver who's observing everything with or without others in the car. I don't want to see us criminalize children in the State of Illinois. There's a second point, and the second point is, I don't believe this law will be equally applied across the state. And I'll let that lie where it lies."

Speaker Novak: "Further discussion? The Lady from Cook, Representative Kelly."

Kelly: "I stand in strong support of this Bill. Car accidents are the number one killer of our children of that age. And I think whatever steps we can take to change that statistic, we should do. I am a parent and my son will be 19 and my daughter will be 21 and I think I was a responsible parent. But I'm not going to fool myself to think that just because I told my son not to do a certain

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thing when he was in the car, not to have more than three people or two people, that he did that all of the time. I think that, you know, we talk about it takes a village to raise a child. Well, we are that village and we need to look out for our teenagers. So, I congratulate the Sponsor and you will definitely get a 'yes' from me."

Speaker Novak: "Further discussion? The Gentleman from Cook, Mr. Lyons."

Lyons, J.: "Thank you, Speaker Novak. Randy, to the Bill. I was one of the Chief Sponsors of the graduated drivers license down here back in '97. I had a similar Bill to then State Representative Corrine Wood, and the two of us had Bills that were so similar, I just got on her Bill, we passed it. It went to the Governor, we signed it out at the fairgrounds. It's one of the proudest things I ever did. And trying to as a father then, of two young teenagers in their early teens, anticipating driving in a few years, I knew that we were here to try to protect the children from the State of Illinois... from the innocent things and the half-thought-through things that young teenagers do. And this was to give some strength to laws that sometimes a law can have a whole lot more affect on a kid than I as a father or my wife as a mother can have on our children. So, I wanted... to those people who spoke from 'pro' or 'con' on the Bill, I know we all come from different views on different Bills. But this is a safety issue. Driving is a privilege, not a right in the State of Illinois. And I think a six-month prohibition from letting

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a teenage kid get in trouble for reasons that are beyond their control by just letting too many kids in the car, law on the side of this issue will have much more affect than even a parent, as well intended as we are as a parent. So, as a father of an 18-year-old and a 17-year-old who both just started driving in the last year, this is a great addition to a good Bill from seven, eight years ago, Randy. And I encourage everybody to do the right thing and vote 'aye' on this Bill. Thank you."

Speaker Novak: "Thank you. Further discussion? The Gentleman from Winnebago, Mr. Jefferson."

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

Speaker Novak: "Sponsor will yield."

Jefferson: "Thank you. Representative, where's the Secretary of State's Office on this Bill, did they take a position?"

Hultgren: "I haven't heard one way or the other. Everybody I've heard from has been supportive of it. So, they have not told me that they would be opposed to it, but, to be honest they haven't filed a slip in support of it either. So, I have not heard one way or the other from them. It doesn't add anything, any responsibility for them. So, I have not heard anything, for them, any concern whatsoever."

Jefferson: "How do you enforce this legislation, if in fact you find out someone's in violation, you pull the car over and check everyone's identification in the car?"

Hultgren: "Well, no that would ax... you don't, I guess you could do that to see if they're 21 years of age or not, if there's a question there for the officer. But, really it's

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something that will be very simple because on driver's licenses it says a date of issue and so it would be very clear if it's been six months or not from that date of issue."

Jefferson: "And, if in fact, they are in violation, what's the penalty?"

Hultgren: "It's a petty offense, so it's a moving violation similar to other moving violations."

Jefferson: "I'm sorry, I didn't hear that."

Hultgren: "It's a moving violation, petty offense."

Jefferson: "Okay. So, it wouldn't have any effect (sic-effect) on their driving license?"

Hultgren: "No, unless they had other moving... you know, unless other laws kicked in. But this, in and of itself, would not."

Jefferson: "The previous speaker said that driving was a privilege, and I agree driving is a privilege. If, in fact, you're 16 years old you go out and do all the things you need to do to earn that privilege I think it's up to you to maintain that privilege. But more so, if in fact we're going to be responsible we need to have... faith in these children. To give 'em a driver's license then to penalize them for six months, I don't think is the right thing to do. It's a Bill that I can see what you're trying to do, you're trying to protect them but in the same process we're giving them the okay to go out and do this, and then we turn around and penalize them and say there's

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going to be a penalty. I don't agree with the Bill and I'm not going to vote for it. Thank you."

Speaker Novak: "Further discussion? The Gentleman from Knox, Mr. Moffitt."

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

Speaker Novak: "Sponsor will yield."

Moffitt: "Representative, one prior speaker referred to this that it could be a primary stop, is that correct?"

Hultgren: "To be honest with you, just about anything can be a primary stop, except seatbelts. Seatbelts have been the only thing that has been exempted out. So, ya know, if someone has a taillight out it could be a primary reason for stopping. So, you know, it would fit in potentially with a moving violation along with, you know, not having a taillight or a thing like that. So, really, ya know, we already just addressed the seatbelt issue. My understanding is that was the only thing that was outside of standard enforcement. So, this would fit in, it wouldn't be special enforcement. It wouldn't be increasing the level for anything else. It would just be fitting in with every other part of the rules of the road."

Moffitt: "Thank you, Representative. To the Bill. We've had some excellent discussion, far more than I ever I thought we would have on this Bill. And I certainly respect the variety of opinions. Several people have made reference to their concern about the rights or privileges of teenagers and it would be taking them away. The greatest loss of right or privilege is when we all... when teenagers die or

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seriously injured in an accident. If we can help protect them, we're helping guarantee that they will have those privileges that they enjoy in Illinois. I believe in education, I believe in drivers education, but I think it's clear that experience is the best teacher and this allows for just a little more experience. We're not taking anything away. We may be delaying it a little bit, in the interest of saving their lives and reducing accidents. I think there's one right vote, the vote is a 'yes' vote on this legislation. Thank you."

Speaker Novak: "Further discussion? The Gentleman from Cook, Mr. Turner, Mr. Arthur Turner."

Turner: "Thank you, Mr. Speaker. I reluctantly a rise in opposition to this Bill. And I guess I do so from a personal standpoint. I remember when I was 16, Randy, you know, and then I guess coming from a very poor upbringing, I got my license at 16. But I didn't have a car to drive. In fact, I... I would say for the first year of my license I probably drove three, maybe four times. And so I would think that maybe a better approach would be if the kids had (x) number of miles or (x) amount of time, but I don't think that the six-month time-period necessarily says that that person's going to have six months of driving experience. And so, I understand what you're trying to do, but I don't think that this is really getting at it. Because there's no guarantee that if I've had my license for six months... as I say, when I take into consideration many a poor families that we represent, that kid may have

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only put ten miles on there in a six-month period of time, especially where there may be only one car in the house, in the family household. And so, there's no guarantee that the six-month period is long enough, and yet, I understand that there are things that we have to be careful of in regards to teenage drivers. I support the concept of drivers ed. I believe that that in fact does work. And I think that, really, the ultimate responsibility, as Representative Davis said earlier, relies on the parent and how that parent addresses his kid and what he does and says to them as he hands the keys over to 'em. So, I rise reluctantly in opposition to this Bill."

Speaker Novak: "Thank you. Further discussion? The Gentleman from Macon, Mr. Flider."

Flider: "Will the Sponsor yield?"

Speaker Novak: "Sponsor will yield."

Flider: "Representative Hultgren, the question had come up earlier with regard to the question of safety and... and statistics. And my question relates to... according to our analysis it indicates that insurance companies support your legislation. I wonder if you could explain to me why you think that is?"

Hultgren: "Sure. I'll... do my best. My understanding is they support this because they recognize, as well, insurance companies are all about managing risk and seeing dangers. And certainly, they see an increased risk, an increased danger for having teens drive with many other teens in the car with them. And... so, I think they recognize with their

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own... policyholders and the coverage that they need to provide along with the National Transportation Safety Board that the statistics are very clear in this area. And they clearly state that someone who has just gotten their driver's license, who has many other, even several other teens in the car is significantly more than likely to be in an accident, especially an accident that causes injury or pos... possibly death. And obviously, the insurance companies from a difference perspective or maybe from a couple perspectives want to see that, protect from that, as well. So, I think that's the reason why they're supportive. They see the very clear statistics on this, that this is a problem."

Flider: "Thank you."

Speaker Novak: "Further discussion? Our last speaker on this Bill, Mr. Lang."

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen. I rise in strong support of this legislation. At first blush you would want to say, well, why shouldn't these young people be able to drive and do what they want to do? But, at one point, my staff and I had researched this and studied it. And we found out that there are dramatically more accidents with kids more than two in a car, than less than two in a car. It would be great even to make them drive by themselves. Now, I understand that there are may be some exceptions. But the truth of the matter is that a lot of joyriding kids cause a lot of accidents for themselves, for their families and for other people on the streets. The

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research is very clear and very stark on this point. This is not the case for adults. But in the ages between 16 and 18, this is a very, very serious matter. So, I applaud Representative Hultgren and the other Sponsors of this Bill, and I would suggest your 'aye' votes."

Speaker Novak: "Thank you. Is there any further discussion? Seeing none, the question is, 'Shall Senate Bill 58 pass?' Excuse me. Mr. Hultgren to close."

Hultgren: "Thank you, Mr. Speaker. I appreciate the opportunity to close. First of all, I want to thank all of you for your interest. This was, I didn't necessarily expect as much discussion on this. But it's an very important issue. And it's something that hits home, I think, with all of us. So, I do appreciate the time and attention that each one of you put in to this, and your thoughtful consideration. I want to just make a couple points in summarizing this. First of all, I want to state that this absolutely is our responsibility. We do set the rules of the road here. And we tried to do the best we can to recognizing dangers out there. And if we see statistics that should raise our interest... for... a danger that's out there, it should be our responsibility to respond to that. And this is an area statistically where it has shown that there is a dramatic increase in the number of injuries and deaths. Again, it was mentioned that the number one cause of death for teenagers is car accidents. If we can do something, a relatively small thing, to hopefully save some lives, it's absolutely worth it. And it's our

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responsibility. Another thing that I wanted mention, is... there are statistics, one of the Representatives asked how... how they could even keep statistics on this. I want to let you know, every single accident that happens where there's a report filed, it is absolutely documented who the driver is, where the cars were, how many numbers of passengers there were in the car. So, there are... the statistics on this are unbelievable. There are so many statistics out there... that it is glaring that for someone who is under the age of 18 for those first six months that they have their driver's license, absolutely there is no question about it they are more likely to be in a car accident. They are more likely to be in a car accident that causes accidents. They are more likely to be in a car accident that causes death, than someone who's had their driver's license more than six months. And it really is common sense. You maybe remember when you learned to drive, that... sure you learned the rules of the road, you can read those things when your parents or adult is in the car with you, your driver's ed teacher is in the car with you, you can learn some things. But until you get out there yourself and have to make that split-second decision, that's where you truly learn how to drive. And we want to give people that opportunity to be able to do that over a period of time, recognizing it. Statistically, like I said, other states have done this. Were not blazing new ground on this. This is something other states have done. California and Georgia in specifically in 1998 introduced legislation that recognized

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that additional numbers of teenagers in the car... was a danger. And in that, since that time by the year 2000, in just a period of two years injuries and deaths to teenage passengers and drivers declined by 40 percent, 40 percent by a piece of legislation like this. Absolutely, this is worth it. This is the right thing to do to protect our kids. I know every single one of us want to do... want to protect our kids. We want parents to be involved in that process. But we do set the laws as well. Finally, in closing, again I thank you for your attention. I passed out an article just last week on the Friday night before Mother's Day, just two weeks ago, a horrible tragedy that happened down in the Joliet area, of four teens who were driving to see a movie. They we're going too fast in an unfamiliar area, the driver had just had her license for a short period of time. And with all those cause factors, the car she lost control it flipped over, burst into flames, three of the four were killed instantly, the other is in critical condition. Again, the Friday night before Mothers Day... what worse information or news story could you have than that. I believe that this legislation could have helped to address a situation like that or future situations that are going to be like this. I again thank you for your consideration. I know this is a difficult decision. But it's not an undue burden, it's not taking anything away from teens. It's already recognizing that learning to drive is a process and it's extending that process just for six months. It's a small, very small

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price to ask with the potential of saving lives. I'd ask for your 'aye' vote. Thank you very much."

Speaker Novak: "Thank you. And the question is, 'Shall Senate Bill 58 pass?' All those in favor vote 'aye'; all 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 Flowers. Mr. Clerk, take the record. On this question, there are 78 voting 'yes', 34 voting 'no', 3 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 58 is hereby declared passed. Senate Bill 70. Mr. Giles. Mr. Clerk, read the Bill, please."

Clerk Bolin: "Senate Bill 70, a Bill for an Act relating to education. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Giles."

Giles: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 70, what it does, amend the School Code to eliminate a provision that allow a school district to permit proficiency examinations of student driver after three hours of practice driving under direct individual instruction. This piece of legislation is identical to Senate Bill 1722 in the 92nd General Assembly. Right now, currently, a student goes through two hours of practice driving under a direct individual instructor and what I am doing in this piece of legislation, we're trying to increase it by one hour. And one of the reason we would like to increase for some of the same reason that the previous legislation just passed out of the House, and that

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is to curtail fatal accidents among young individuals, especially that privileged age between 15 and 20 years old. I have statistics here saying that roughly a third of all fatality is in this age group and it is only comprises seven percent of all licensed drivers of this age group. So you have a small... a group of individuals, which is seven percent, but they consist of one-third of all the fatalities in this age group. And so, along with the Secretary of State, along with the various other organizations, the State Board of Education, the Illinois High School and College Driver Education Association, and some of the other groups we agreed that we believe that this one hour increase under this professional direct individual instructor... instructor will yield to lives being saved on the road, especially among that very young and inexperienced age group. So, I ask for your support on this piece of legislation and I stand to answer any questions on this piece of legislation."

Speaker Novak: "Thank you. Is there any discussion? The Lady from Will, Representative Kosel."

Kosel: "Thank you very much. Will the Sponsor yield?"

Speaker Novak: "Sponsor'll yield."

Kosel: "We had a rather long discussion on this in the Education Committee and I may not be recalling correctly and I'm looking at my notes and it doesn't seem to be on here. I thought we were gonna hold this until we talked. There was quite a bit of concern in this particular financial year in school districts that were being cut back

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financially about the burden that this was gonna put on school districts to add this extra hour now. I don't think that there was any disagreement across the board in the Education Committee about... about the merits behind the Bill, but there was a real, real concern on adding another mandate to schools at this time when funding was being cut. And many of the schools that are going to be affected by this are schools that are literally receiving some pretty dramatic cuts in the budget for this year. I know that that is why the alliance was opposed to the Bill."

Giles: "Representative, once again I believe if I recall and I understand there were quite a bit of conversation in committee on this piece of legislation. I made a statement that I believe that the Secretary of State had some more data that would substantiate the position that I was given in committee. And what I did, I went to them and they said that they did not have anymore substantial information or data to... to embellish this idea other than that 15-to 20-year-old are one-third of all fatalities in this age group and it's only seven percent of the drivers of this age group. And they gave me the statistics that I had here, 17 percent of all drivers involved in police-reported crashes were between the ages of 15 and 20."

Kosel: "I... I think..."

Giles: "So... that... to my understanding that's the reason why I said I would hold it until I can find some more information. I did approach one of your colleagues and

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they told me once again they had some reservation about the legislation, so."

Kosel: "I... I would not... I would not hesitate, especially after the last hour we spent in debate that that is... that is... those are actual statistics and I would agree. My concern is not that, my concern is putting a unfunded mandate on our schools at this time when budgets are being dramatically cut. Do you have any idea how many schools, how many students would be affected by this? How many additional teachers would have to be hired to mandate this?"

Giles: "Representative, I believe, if I'm not mistaken, help me out if someone has truly looked at all the detail. I believe that what this piece of legislation would do is will allow the school districts, I don't think it's a mandate on all the school districts. I think those school districts that's willing to do so, that want to do so, I think it will allow them to do so."

Kosel: "I believe it's a mandate. And I'm looking at the actual legislation now and it would require that they go to the full time, they would not be able to opt out through a test now. So, they would have to teach... they would have to go to the full time. So, this would... this would require additional hires. And I have... I have no problem with the concept behind the Bill, I think it's absolutely excellent. My only concern is that we're adding an unfunded mandate on schools in a year when they are actually receiving a cut and that concerns me."

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Giles: "Representative, I, ya know, and I fully respect that concerns as we have had a lot of other issues here that are good ideas, good issues and we hope that we can solicit the right chambers and the right offices, the right individuals that will help us get this done. We will continue to work on that."

Kosel: "Okay. And we have no idea of how many students are affected, how many school districts would be affected, or the amount of teachers that would have to be hired if this were to be signed by the Governor?"

Giles: "Representative, truthfully at this time I do not have the information."

Kosel: "Thank you. To the Bill. I have some real concerns about, not the premise behind this Bill, but the unfunded mandate we're putting on schools in a time when many, many of our schools are being cut back. I would urge the Members of this Body to look at this very carefully. And I would urge you to vote 'present' on the Bill until we can find out exactly how many teachers would have to be hired, how many school districts would be affected by this. Thank you."

Speaker Novak: "Further discussion? The Gentleman from Crawford, Mr. Eddy."

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

Speaker Novak: "Sponsor will yield."

Eddy: "Representative, if I remember and obviously we ta... discussed this for a long time, but if I remember what we were trying to do with the numbers from the Secretary of

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State, is to get a clear delineation as to whether or not those drivers who had three hours rather than six hours of practice driving, in other words those drivers who had in the opinion of the driver's education teacher proficiency enough not to take the other three hours. If indeed, we could pinpoint that accidents were occurring to that group. Wasn't that what we were trying to get from the Secretary of State?"

Giles: "And Representative Eddy, I believe you are correct and I went to them and tried to obtain this information and they could not give me any information at this time."

Eddy: "So, it's fair to state that there is no statistical evidence, that from the Secretary of State, that going from three to six hours of practice driving with every student in the state will have an affect on... or there is an adverse number associated with that change. There's no statistical evidence that this is a problem."

Giles: "Well, I would say, Representative, at this time I don't have any statistical data before me. The Secretary of State have not presented me with any statistics, but however, I believe that the statistics that... if individuals had more practice driving under direct supervision, a direct individual instructor would alleviate some of the fatalities that has been expressed in the current statistics that they have given me, background information that they have given me in this particular legislation. The statistics that I quoted came from the National Highway Transportation Safety Administration, so..."

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Eddy: "That statistic states that a percentage of accidents occur between a certain age group. Isn't that basically that percentage? And it is a disproportionate percentage, no question."

Giles: "That's correct."

Eddy: "But to get to the point of whether or not those individuals involved in those accidents in that age group did or did not have three hours as opposed to six hours of drivers education, we don't know that for sure that that is the group that we wanna target and that... I guess that's my point. I want the safest drivers on the street as possible. I'm not sure but my... I have an idea that possibly those students who showed proficiency to drivers education teachers after three hours may actually have had a better start at driving and as they had proven to their drivers ed teachers, maybe that group didn't have. And that's what we're trying to do, we're trying to target the group that actually might be responsible for those accidents. So, I don't see the statistical data to support doubling those hours, Representative."

Giles: "Thank... and well... and also, as was brought out in committee, I made the statement that I believe in some areas throughout the state where individuals may... who have correct supervision, who have... who went through the program, they may be fully prepared to... to be able to handle that vehicle and to be able to in the right and proper manner drive a vehicle according to the National Highway Transportation Safety Administration's guidelines.

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But however, in some parts of the state, especially in some of the areas that I represent and I'm sure many others where you don't have that type of supervision, you don't have the type of attention to an individual making sure that an individual has the proper practice of driving a vehicle. And so, we're trying to address those needs, as well."

Eddy: "And... and... and I respect you for that and I understand the difference in driving conditions and what young drivers face in metropolitan areas, urban areas, and rural Illinois. My concern has more to do with the actual effect and the unintended consequence of this Bill. If we take away the right of the driver's education teacher to proficiency a student after three hours and require every student who takes drivers education practice driving to take six hours, we are in effect doubling the required amount of time that many students have, which will, for some districts, require them to employ additional personnel, inIn some districts have to purchase additional vehicles in order to provide that practice driving, and we would be doing that as an unfunded mandate to school districts in a year when school districts quite frankly cannot afford to hire additional teachers. In fact, many are struggling to hire back teachers for reading and mathematics and science and I would not be as strongly opposed to this if there was clear statistical data that showed that those students who are being proficiencied out were the source of those accidents. So... ya know, I don't

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oppose the concept of safety, I applaud the attempt. However, I simply cannot vote for this because of what it might do to school districts. Districts could literally not be able to hire teachers in other areas to have to drier... hire drivers education teachers. So, I appreciate the intent of this, however I join my colleague in voting 'present' for this until some of that clear statistical data can be shown and we're in a situation where districts won't have to choose between science, reading, and drivers education. Thank you."

Speaker Novak: "Further discussion? The Lady from Cook, Representative Flowers."

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

Speaker Novak: "To the Bill."

Flowers: "I am truly glad that I voted 'no' on the last Bill, on Senate Bill 58. When you... when you take into consideration that all things are not equal in the drivers education world. Now, the previous speaker spoke and said, that with this legislation, Senate Bill 70, we would be taking away the discretion from the drivers ed teacher to allow some children to have three hours and others to have six hours, because it will cost too much. But yet, the previous Bill dealt with the cost of these same children's lives and the problem could be, it really could be, Ladies and Gentlemen, not with the age of the child, but with the lack of education the child that age has had in regards to drivers ed. Now, if all the children across the state was made to take six hours of drivers education, maybe we will

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not have the statistics and the accidents that we have today. Maybe if all of them were made to take six hours, but... but because... because of whatever reason the driver education teacher take it upon his or herself to say, oh well, you don't need those other hours. You have just done that child a disservice. You have just gave that child a loaded weapon that he has not been trained properly to do so because of an uneducated decision that a so-called educator has made and it has caused the lives of so many children. So, because Senate Bill 58 with 78 voting 'yes', 34 voting 'no', said to the entire state, children, you are important. Now what you said with the previous Bill is that you wanna make criminals out of children. You wanna stop them because one ch... one person may look like they are under the age of 18 so therefore the police officer who should be chasing real criminals will now be chasing someone who look like they're under 18 and possibly may be in violation of the law. Ladies and Gentlemen, for the sake of all of our children across the state let's mandate that there be a certain amount of hours for drivers ed for everybody's child, not just some peoples children and therefore we'll know that they're all being educated equally across the board. Thank you very much. And I urge an 'aye' vote."

Speaker Novak: "Thank you. Further discussion? The Gentleman from Whiteside, Mr. Mitchell."

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

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Speaker Novak: "The Sponsor will yield."

Mitchell, J.: "Representative, I certainly respect almost every piece of legislation you've ever run, but in this case, I have to respectfully disagree with you. Number one, that drivers education teacher is well-trained and certainly has the ability to distinguish between a student who needs a lot more work and one that has proficiency already. I asked some of the Legislators around me that... that live in rural Illinois, they started driving when they're five and six years old, simply because they had to. Now, I agree with you that in some areas more driving may be needed. Because of that, this certainly is a local control issue. The local school board should decide for their area whether or not to allow the law to stand as it is. Now, do you realize that the driver's ed teacher can now give a student, after three or six hours, depending upon whether or not they proficiency out, they don't have to take the driver's test at the drivers license facility with that driver, if the driver's ed teacher says they got an 'A'?"

Giles: "Representative, yes, I do realize that that is current... that is the practice, that is current. But also, you know, one of the reason why this piece of legislation was brought forth because in that same vein there has been abuses among some of the school districts, as well. And you know, when you... when you simply say that, ya know, you can take a test and you can get reimbursed for the same amount whether it's three hours or six hours. You can look at those semantics and say, well, you know, those... that's wrong or right, but

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I think the real premise here is to address a student behind the wheel that need that extra hour or more driving practice with a professional instructor to make sure that that individual is prepared once that individual takes the wheel of that vehicle and get out on his or her own. I think that's what's most important from my perspective."

Mitchell, J.: "Well, Representative, I'm not arguing that at all. I mean, that's exactly what the law says now. Those students that need the extra time, get it. Those students that are already proficient that have probably been driving for ten years, because of a family situation or what their parents do, doesn't need it and therefore, they can concentrate on those that do. Let me tell ya what's gonna happen. You know, my colleagues are worried about having to hire other teachers, but quite likely what's gonna happen is that the waiting list is just going to get longer. They will put 'em on a waiting list... Right now, students have to wait sometimes as much as two semesters to get into drivers ed training. Now, that makes it 17, sometimes almost 18 years old, before they can get their license because we say that they have to have drivers ed. What will happen is that those parents that can afford it will send their students to a private driving school, which they do now. Those that can't afford it are gonna be on that waiting list waiting to get a chance to take drivers ed because some student that is an extremely proficient driver has to take six hours which takes up the car, the driving instructor, and the time in the semester. Those

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are the kind of things that will happen if you don't allow local control to... to go as it is. I agree with Representative Eddy when he says that we really need statistics to see if, in fact, there is a problem. You know, we keep trying to solve problems that aren't there. It's just not a problem right now. I don't think the statistics are there simply because there is no problem because if there was a problem, the Secretary of State would be down here asking for this legislation. We're... What was the genesis of this Bill? Do you know?"

Giles: "Representative, the genesis what we're... once again, looking at the statistics that was given. There is approximately between the ages of 15 and 20 there's approximately one-third of all the fatalities is in this age group. And it only consists of... This is about 7 percent of the licensed drivers. So... so, lookin' at those statistics..."

Mitchell, J.: "Calvin, wait a minute, wait a minute, wait a minute. You're tellin' me statistics again. You already told me that. Where did the Bill come from is all I wanna know."

Giles: "The Bill was presented by the National Highway Transportation and Safety Administration."

Mitchell, J.: "It's their Bill?"

Giles: "Exactly."

Mitchell, J.: "And they don't have any statistics other than those that you have told us about. They don't have a breakdown of six-hour drivers versus three-hour drivers."

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Giles: "That's correct, Representative."

Mitchell, J.: "Okay. Mr. Speaker, to the Bill."

Speaker Novak: "To the Bill."

Mitchell, J.: "This... this is another erosion of local control. It's another unfunded mandate on schools and not one that show... is shown to have any significant help to students. I don't think this... that the time is right for a Bill like this until we get the statistics in to show whether or not it's needed. I urge a 'no' vote."

Speaker Novak: "Thank you. Further discussion? The Gentleman from Vermilion, Mr. Black."

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

Speaker Novak: "To the Bill."

Black: "Let me... let me quote from a speech that the Governor gave today before the Chicago Civic Club, if I could. If you'll just bear with me here for a second because I think the Governor has made some things very, very clear. The Governor said this morning in a speech to the Chicago Civic Club, 'let me say it again, any form of expanded gambling to balance this budget is not an option'. Now, let me go back to something else he said, 'no school district in my budget loses money'. Oh, there's a bulletin, but he said it. Now, if you pass this Bill, you're making the Governor's position somewhat tenuous. This is an unfunded mandate on schools. I... It can't be said anymore clearly than Representative Jerry Mitchell said it. If you... if you've been... I spent 20 years as a teacher. More and more

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schools are dropping driver education. In my home district, Danville teaches driver ed for some county schools and all of the parochial schools. They simply don't have the teachers or the cars to schedule everyone in a timely fashion. So, we have young children, young kids, who are 17 years old who can't get their driver's license because they haven't had behind the wheel training. And now, this Bill comes along and says, we're going to demand more time behind the wheel, not less. You can't say it anymore eloquently than others have said it. Schools will have to work through their budget crisis as best they can. They will do the best job they can do. But to mandate increased instruction, as this Bill does, and not send one dollar to help pay the costs, the... I think the Governor said it in his speech today, 'that's business as usual, it won't be done that way anymore.' So, let's not waste any more time with unfunded mandates. Your Governor has clearly said that isn't gonna work. And gambling is not gonna bail us out of this budget crisis. So, the schools are going to have to work through their curricula problems as best they can. They don't need any more mandates from us, because we're not gonna send them any more money. And even if you believe in this Bill and you vote for this Bill, next year, because this is a waivable man... a mandate, you'll have 200 or 300 school districts file waivers with the state board to waive the increased driver education requirement. And so, then we get to act as the super school board on the waiver request. Why go through 300

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waivers next year? Just vote 'no' on this Bill. It's an unfunded mandate and the Governor, in his speech today, made it very clear those days are over."

Speaker Novak: "Further discussion? The Lady from Cook, Representative Davis, Monique Davis."

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

Speaker Novak: "The Sponsor will yield."

Davis, M.: "Well, first I'd like to say, the previous Bill... this Bill may be an unfunded... unfunded mandate, but the other one was an uninformed mandate. Uniformed about who would be riding with who. This legislation says to young people, we care enough about you to increase the number of instructional hours that you will receive when you take this vehicle on the road. Now, who agrees that this should be passed into legislation? Who are those who agree? Well, let me just go through the list: the Illinois Education Association, the Illinois Federation of Teachers, the Illinois Department of Transportation, the Secretary of State of the State of Illinois, the University Professionals of Illinois, the State Board of Education, Illinois High School and College Drivers Education Association, Chicago Teachers Union and I am proud to be in that number. This should be a 'yes' vote. We should not vote so quickly to mandate what families should do, but we should be quick to mandate what will help to improve the knowledge, the safety of our children. Now, this is the Bill that will protect their safety knowledge. Vote 'yes' on 70. Thank you."

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Speaker Novak: "Any further discussion? Seeing none, the question is, 'Shall Senate Bill... Mr. Giles, do you wanna close? Mr. Giles."

Giles: "Thank you. Thank you, Mr. Speaker. I just want to just add one more twist to this piece of legislation. You know, I really believe in this legislation, as one of the previous speaker asked. And the reason I believe in it because I think what it would do is ultimately save lives. One of the... you know, every legislative Session we amend the rules, we amend the laws here and we change the rules and we add more rules to the road, how individuals should act on our highways. Individuals... We amend the laws in which now if you're in a construction zone, an individual... the penalties are increased if that individual hits someone, if that individual injured someone workin' on the job, that individual is past the speed limit. We increased the fees for that individual getting a ticket. And the laws are changing every day. And so, you know, we want our young people to understand these laws and to... and to be very prepared behind those wheel... behind the wheel of a vehicle as much as possible. This is just a little, little way of doin' so. It may be an unfunded mandate, but I would rather have an unfunded mandate to save lives. We have numerous of unfunded mandates in this chamber that simply add another statistic or add another notch to the laws that we... we have already. So, I just urge you and I think this is the right piece of legislation to pass out of

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this chambers to begin to address the problems that we have. Thank you, Mr. Speaker."

Speaker Novak: "Thank you. And the question is, 'Shall Senate Bill 70 pass?' All those in favor vote 'aye'; all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Granberg. Is Mr. Granberg in the chamber? Mr. Clerk, take the record. On this question, there are 66 voting 'yes', 38 voting 'no', 11 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 70 is hereby declared passed. Senate Bill 76. The Lady from Cook, Representative Soto. Mr. Clerk, read the Bill, please."

Clerk Rossi: "Senate Bill 76, a Bill for an Act in relation to health and nutrition. Third Reading of this Senate Bill."

Soto: "Thank you, Speaker and Members of the House. Senate Bill 76 requires the Department of Human Services to conduct a statewide education and coordination to improve the rate of eligible people access federal food support programs, identify food support programs, include food stamps, WIC, congregate meal programs and school lunch and breakfast programs. And I urge your support."

Speaker Novak: "Thank you. Is there any discussion? And on that question, the Gentleman from Will, Mr. Meyer."

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

Speaker Novak: "The Sponsor will yield."

Meyer: "First of all, Representative, I'd like to thank you for taking the Bill out of the record the other day and

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allowing us time to gather some additional information.
Could you answer a couple of questions for me?"

Soto: "Yes, Sir."

Meyer: "Okay. Why do we need this? Why do we need this Bill?"

Soto: "Because different organizations are not seeing enough outreach when it comes to WIC programs, food stamps programs. We need to make other people aware that this is available to them because they do qualify, they just don't know that the programs are available to them. And there's a lot of eligible people that do... can benefit from this, they just don't know about it..."

Meyer: "As a part of this program..."

Soto: "...and they're living at a poverty level."

Meyer: "...how are you doing this?"

Soto: "I'm sorry, I didn't hear you."

Meyer: "How are you going to be making them aware of it? You indicated..."

Soto: "The... the depart..."

Meyer: "...you need this in order to make people aware of the program. What mechanism are you using to make them aware of this?"

Soto: "It will be brochures, it'll be a campaign going out to the different organizations and making them aware that this is available."

Meyer: "And what is this going to cost?"

Soto: "It's gonna be subject to appropriations."

Meyer: "What is the program going to cost if a... if there is an appropriation?"

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Soto: "If it was fully implemented it would cost \$318 thousand."

Meyer: "Just to make people aware that a program exists?"

Soto: "For the full implementation."

Meyer: "Is the \$318 thousand, is that the budget to make people aware that the program exists?"

Soto: "Okay, it will be for the outreach, yes, and that's what it would cost if it's implemented."

Meyer: "How much money is spent on the actual program?"

Soto: "Okay. These are all subsidized by the federal funds, it's not... it's not too much state funds. It's very little state funding, it's more federal fund."

Meyer: "Well, let me rephrase the question."

Soto: "It's food... can I... can..."

Meyer: "How much... how man... what's the dollar amount of the federal funds for this program?"

Soto: "It's substantial, we don't have the exact number, but it is substantial."

Meyer: "Well, five hundred thous..."

Soto: "And this... excuse me, can I... can I just say, this will... this will be for WIC, for food stamps, for food stamp pro... school lunches..."

Meyer: "Well, here's what I'm driving at Representative, \$500 thousand is substantial to me. If it's a \$500,000 program and you're spending 318,000 just to make people aware of it, that's a considerable cost factor. If it's a hundred million dollar program and you're spending \$318 thousand,

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that's a substantially less percentage that you're spending on educating people that the program exists."

Soto: "Representative, it's millions, it's ten... tens of millions."

Meyer: "Tens of millions. Why can't we do this just by sending a note home with the children that are at the school indicating the program exists? You can do that off of Xerox paper."

Soto: "Okay. I just wanna say, this has been there... this program has been there, there's just not been an out... enough campaign for this. The money is there for these programs to do the campaign, the word is just not getting out."

Meyer: "Well, there's also that old adages that you can lead a horse to the water but you can't force it to drink. My concern is, \$318 thousand in a tight budget year I'm not sure that... you indicate that it's not going to be fund... it's not going to be implemented unless there's funding. I would understand that there's no funding out there for it. Why is it important to have this in the state law if you're not going to do it?"

Soto: "This is up to the department to decide that."

Meyer: "I'm sorry, I couldn't hear."

Soto: "It is up to the... this is for the department to make that decision."

Meyer: "Well, I'm not gonna belabor this point. It seems to me that it's a fair amount of money that we aren't going to use and why put it into law. We've got nine volumes of

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state statutes as it goes, why would we wanna add another page to it. But, thank you very much and again, thank you for taking the Bill out of the record and giving us an opportunity to have you share additional information with us."

Soto: "Representative, there's a lot of people who need this program and whatever it takes for us to do, I think it's our job to do it. Whether we think that maybe it's not a good idea, I think it is. I think a lot of us would think... if it was someone that we knew that needed this program due to lack of nutrition, I think that you would want them to know this. I mean they're living on a poverty level, not making enough income. I know that I feel that I wouldn't want them to go without these programs if they're available to them, whether it is doing a campaign on this or whatever it takes. I would feel strongly and I would feel more comfortable if I could play a part and let them know that they qualify for these programs. It's a very important program. We're not just creating legislation to create, this is a need, a big need in a lot of communities."

Meyer: "Thank you. Mr. Speaker, I am finished."

Soto: "Thank you."

Speaker Novak: "Further discussion? The Gentleman from Cook, Mr. Delgado."

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

Speaker Novak: "Sponsor'll yield."

Delgado: "Representative, when you were mentioning the federal funds, we talked about if indeed it was implemented it

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would cost \$318 thousand to outreach to the State of Illinois to help those agencies who were dealing with our dollars with the WIC program. Is that correct?"

Soto: "Correct."

Delgado: "With IDPA dollars?"

Soto: "Correct."

Delgado: "And school vouchers? School lunches, I should say? And under the WIC program these are all federal dollars, Ladies and Gentlemen. More than \$70 million come in from the Federal Government for WIC, more than \$90 million are earmarked for IDPA and over a hundred million will continue with the free lunch program and school program. Three hundred and eighteen thousand dollars is a very minute amount to continue to inform on programs that were not working, that are state mandated with funds, however, for one reason or the other, that child was getting that note, it wasn't getting home. The school districts were informing their constituents, they weren't getting them involved. Sort of like KidCare when it first came out. Is that true?"

Soto: "Correct."

Delgado: "So, when we talk about... a previous speaker indicated that it's very difficult in a tight budget year, that we can't lead a hor... we can lead a horse to water but we can't make him drink, but in this case we could put salt in the hay and that horse would get down that road and maybe take a sip. So, I think we put salt in the hay when we talk about this example. We're talking about substantial federal

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dollars that are already here, these agencies should be informing these districts about what is available to them and yet it's still not getting out. So, we're wasting a lot of money at this stage without the addition of this program. Is that correct?"

Soto: "Correct."

Delgado: "So, to the Bill, Mr. Speaker."

Speaker Novak: "To the Bill."

Delgado: "Once again, Representative Soto, I wanna commend in looking at something that is already in place and many dollars are going out... our tax dollars going out the window and many families aren't informed that these programs are available to have nutritional outreach for our children. From the furthest southern point down in Effingham or East St. Louis all the way to Chicago we have parents who are so busy doing so many other things with their lives that little Johnny may not have the information. They bring a note home, let alone they don't bring their homework home because the dog might have eaten it. So with that, I would say let's take a clo... very close look at this Bill, because indeed the dollars aren't guaranteed but if indeed if they are they can use it towards informing our citizens. And I would ask for an 'aye' vote."

Speaker Novak: "Further discussion? The Lady from DuPage, Representative Bellock."

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

Speaker Novak: "To the Bill."

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Bellock: "First of all, I think this is contingent on appropriation to begin with. Secondly, I would just like to compare this to the issue of KidCare, which five years ago when I came here there was federal money for the children that needed that insurance, but the educational outreach program was not there and there were only 14 thousand children being served at the time. Within two years when we adopted the educational outreach programs there were a hundred and fourteen thousand children being served by that. So, that's what I would compare this to, is that WIC is the number one program in the State of Illinois offered by the health departments for maternal and children well-being. It has reduced the infant mortality rate, it is the number one program and it's federally funded. So, by getting more children and moms into these programs it actually would reduce the cost of things in the State of Illinois and would promote the well-being of women and children in the State of Illinois. So, I support this. Thank you."

Speaker Novak: "Further discussion? Seeing none, the question is, 'Shall Senate Bill 76 pass?' All those in favor vote 'aye'; all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Winters. Mr. Winters. Mr. Clerk, take the record. On this question, there are 97 'yes', 12 voting 'no', 6 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 76 is hereby

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declared passed. Senate Bill 154, the Gentleman from Lake, Mr. Beaubien. Mr. Clerk, read the Bill, please."

Clerk Bolin: "Senate Bill 154, a Bill for an Act concerning county taxes. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Beaubien."

Beaubien: "Yes, thank you, Mr. Speaker. This Bill amends the County Code, allows the use of Special County Retailers' Occupation Tax for public safety to include the words 'transportation purposes'. Amendment #1 adds 'rail transportation' under the same definition. It's a Lake County initiative. It's under an existing Act, so it does require a front door referendum in order to... pass this additional tax. And I would urge its passage."

Speaker Novak: "Further discussion? Seeing none, the question is, 'Shall Senate Bill 154 pass?' All those in favor vote 'aye'; all 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 83 voting 'yes', 32 voting 'no', 0 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 154 is hereby declared passed. Senate Bill 196, the Lady from DuPage, Representative Pankau. Representative Pankau. Out of the record. Mr. Schmitz, for what reason do you rise, Sir?"

Schmitz: "Thank you, Mr. Speaker. On a point of personal privilege."

Speaker Novak: "Please state your privilege."

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Schmitz: "Due to a, I'm sure, an obvious error in the redistricting program, I'd like to introduce to the House, two former constituents of mine, my parents, Tom and Nancy Schmitz, who came down to Springfield today to make sure that I was voting the right way and actually are here on the House Floor today. So, with that if the House could please welcome my parents to Springfield."

Speaker Novak: "Welcome to Springfield. Mr. Sullivan, for what reason do you rise, Sir?"

Sullivan: "Yes, Mr. Speaker. On House Bill 154, I would like the record to reflect an 'aye' vote instead of a 'no' vote."

Speaker Novak: "The record will reflect that, thank you."

Sullivan: "Thank you."

Speaker Novak: "Thank you. Senate Bill 201, the Gentleman from Cook, Mr. Will Davis. Mr. Clerk, read the Bill please."

Clerk Bolin: "Senate Bill 201, a Bill for an Act concerning education. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Davis."

Davis, W.: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 201, essentially establishes a Block Grant Program for math and sciences for grades, K through... K through 8. We all know that education funding is very important here in the State of Illinois. And despite certain changes, the Governor is trying to make to the Elementary/Secondary Education Budget, we know we need to keep these kinds of programs on the books to ensure that our schools have access to some... some... some type of

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funding to help, as it relates to math and science, particularly. In the areas of math and science we know that schools are always compared, or schools in the United States are always compared to other countries as it relates to these particular subjects. And so we must continue to do those things necessary so that our students are excelling in these two particular areas. So, I'd be more than happy to answer any questions."

Speaker Novak: "Thank you. Is there any discussion? And on that question, the Gentleman from Crawford, Mr. Eddy."

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

Speaker Novak: "Sponsor will yield."

Eddy: "Do you have a estimate for the fiscal impact of this bill if appropriated I understand... first of all, is this subject to appropriation?"

Davis, W: "Yes, it is."

Eddy: "Do you have a... an estimate on the fiscal impact of this Bill?"

Davis, W.: "I don't have an exact dollar figure for you, Sir. My guess is that it could be as little or as much as the General Assembly wishes to appropriate to such a venture."

Eddy: "Okay, if it were appropriated at the level that would be full funding under your proposal, should those funds be available, do you have an estimate, because we have an estimate cost of approximately nine million dollars. Does that seem like that..."

Davis, W.: "Of... of \$9 million, Sir?"

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Eddy: "Yes."

Davis, W: "My information doesn't give a specific figure but I would imagine it could be... it could be 9 million or it could be less. Once again, it's subject to be how we..."

Eddy: "Okay, well, I appreciate that. Our... our estimate actually comes from numbers that the State Board of Education calculated based on... on a full appropriation. You're also, and I'm sure, as most of us, are very aware of the fact that there are several line items in the State Board of Education budget this year that are not being funded."

Davis, W.: "Correct, Sir."

Eddy: "And in... in a year where there is not enough money to fund state mandated categoricals like special education, like transportation for special education kids, orphanage and tuition for special education kids, this... this kind of flies in the face of a fiscal budget. In the Governor's original budget the line item for the blind and visually impaired was not funded. It's very difficult to understand an Appropriations Bill that would fund what I would consider to be normally a grant that math and science... very difficult to argue against that type of grant. However, in this year, it seems as if this type of an add or addition is a difficult thing to understand."

Davis, W.: "Well, Representative, I am certainly sensitive to our budget woes here in the State of Illinois. And of course, the General Assembly could zero... put a zero next to this one if that is what they choose. I'm not trying to

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necessarily say that this is more of a priority than funding for... for blind students, but it's important, and particularly in the district that I represent. You know, these types of programs are necessary to ensure that our young people are excelling in math and sciences. As a school superintendent, if you look statewide at average ACT scores as it relates to schools, you'll know that particularly in my area I've got kids that do very well on the ACT but I've probably got more kids that don't do as well on the ACT, particularly in the areas of math and science. So, to have something like this on the books that maybe we can't fund it this year but the possibility of funding it in future years, I think that is important. And that's why I'm trying to advance this piece of legislation."

Eddy: "Okay, I have one final question, and this is one just for the record. I want to make sure we establish whether or not this particular of appropriation is in any way connected to the federal funding that will come under No Child Left Behind, or if this a general revenue appropriation only?"

Davis, W.: "I believe it's a general revenue appropriation, Sir, and not related to the NCLB."

Eddy: "Okay. That's an important point because Illinois does stand to receive money from the federal government under No Child Left Behind. And obviously that could become a source of funds if this legislation were strictly tied to that. So, I think it's important that we establish whether

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or not this particular appropriation is in any way tied to No Child Left Behind or if indeed it's General Revenue Funds only if appropriated."

Davis, W.: "As far as I know, Sir, it's not child to the... it's not tied to the No Child Left Behind Act."

Eddy: "Thank you very much."

Davis, W.: "Okay, thank you, Sir."

Eddy: "Mr. Speaker, to the Bill. Just very quickly, I actually have a difficult time with this one because mathematics and science are obviously important funding areas. My opposition to this is the same opposition that I've had to a number of Appropriation Bills that have appeared in a year where funding is a problem. I understand the importance. I respect the Sponsor for advancing this. However, I would urge a 'present' vote on this due to the fact that we do not have appropriations to fund our current programs. Thank you."

Speaker Novak: "Thank you. Further discussion? The Lady from Will, Representative Kosel."

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

Speaker Novak: "The Sponsor will yield."

Kosel: "I just want to make sure that you said that this is General Revenue Funds, correct?"

Davis, W.: "To my knowledge, yes, Representative, it is."

Kosel: "You said to your knowledge or it is General Revenue Funds?"

Davis, W.: "To my knowledge."

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Kosel: "So, in other words it could be federal funds if someone said it was federal funds? But you think it's general revenue?"

Davis, W.: "Well, when I... when I spoke to the Senate Sponsor about the Bill she did not specify that this was related to federal funds. When we talked about it and when I... when I read through the information I saw no references to... to federal funds, strictly general revenue dollars."

Kosel: "So, you're saying that it is your intent in passing this legislation that it would come from General Revenue Funds, not federal funds?"

Davis, W.: "That... actually, that would be my intent. I..."

Kosel: "It is your intent. That's..."

Davis, W.: "That would be my intent."

Kosel: "That's what I needed in the record."

Davis, W.: "Yes."

Kosel: "That it's your intent that this would come from General Revenue Funds, not federal funds. So, there would be no priority in this. But yet, again, as the previous speaker said, we can't fund special education this year and we're adding another \$9 million to the state education budget with this Bill."

Davis, W.: "Well, certainly if it were fully funded that would... that would indeed be the case. But, of course, it is subject to appropriation. General Assembly Members may decide that this is indeed not a priority for them and we may... we may leave it as a zero. I'm not... again, I'm not trying to prioritize this above funding for the blind."

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But, still, this is indeed an important program and these programs were taken out of the Governor's budgets over the last couple of fiscal years. And so, we're trying to establish something back on the books that will allow us the opportunity to fund math and science grants, if not this year, certainly in the future."

Kosel: "I understand your intent and I think the intent is admirable in another year other than this budget year when we're looking at the kind deficits we are, when we're looking at not being able to fund the very basic things within education, when we're looking at the collapse of 24 different funds. It is... it is not conscionable to me to add one more pressure on this budget for education, including one that will cost \$9 million. To the Bill, please."

Speaker Novak: "To the Bill."

Kosel: "The Bill has... the Bill has some admirable qualities and would be one that I would strongly support in another budget year. Again, I would urge this Body to do a 'present' vote on this Bill, saying that this is a priority but it is not one that we can afford to do this year. And I would hope that they would please consider that. Thank you."

Speaker Novak: "Further discussion? The Gentleman from Vermilion, Mr. Black."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. I hope you'll bear with me and just... if you don't have a copy of the Governor's speech today I would suggest you ask your staff to get you a copy.

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And, I want you to listen very carefully to what he said today. And I want you to listen to very carefully what I say... what I'm going to say in response. I was an educator for twenty years. My wife retired from teaching two years ago. I don't remember the last time I voted against any reasonable increase in education funding. I'm one of the few in this chamber who have voted to increase funding for education on an income tax increase. Oh, I was gonna get beat for that. Didn't even have an opponent the next year. So, don't... don't play games with me. I've made the tough votes, I've spent a long time in education. But now let's just listen to what the Governor said and let's just get real and get serious, play time is over. Even though we face the worst fiscal crisis in our state's history and even after we proposed a budget that solves it last week, the Legislature went on a spending spree that added, in one form or another, nearly \$550 million to our fiscal crisis. This is the Governor, let me repeat that because it's important. In the past week the Legislature has moved nearly \$550 million in new spending forward. Now, some veterans of the process will say, 'relax, don't worry, this is what the Legislature always does as the budget negotiations starts heating up.' Well, these are not ordinary times. And no matter how hard we try, spending our way out of this crisis will never work. Then he goes on to say something, I think, that is very interesting, and this is what we need to focus on. If the Legislature insists on increasing spending then the next option is

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this, you come up with a way to pay for it that does not require an increase in taxes that affect regular people and does not rely on the expansion of gambling. Let me make this clear, I will not sign a budget that fails to put us on the road to real fiscal reform. If that means we stay in Session until 11:59 p.m. on May 31st, so be it. If that means we stay in Session past May 31st, so be it. If that means we stay in Session all summer long, so be it. If... if we don't use this crisis as an opportunity for change we never will. Change doesn't mean putting a stop to corruption, it means putting a stop to fiscal irresponsibility that has wasted the taxpayers' money and jeopardized our future for far too long. The time for change is now. If we don't seize the moment we will squander the opportunity. The answer to our problem is not more spending. The answer is being responsible. It may not be easy, it may not be popular. That's your Governor. For the first time... for the first time in 18 years on this Floor I will vote against the a Bill that puts more money in education, because the Governor has made it clear. You're gonna add money, pass a Bill that funds every unfunded mandate. You know, you're right Governor, I'm not gonna be here all summer long. I don't want to be here one minute past 11:59 p.m., May 31st. You've make it very clear. So, let's just withdraw all the Bills that add money. He has made it very clear. That will be vetoed, it's not gonna be there. So, don't think you're gonna run home and hide behind a whole bunch of votes and say, 'I

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tried to put back \$14 billion in education. I voted for it, look, I'll show you all my Roll Calls. But that mean Governor vetoed every bit of it.' The Governor's the only one that runs statewide, we run district wide. I don't agree with everything the Governor said today, but I will agree with one thing he said, it is obvious he's the Governor. We are not gonna spend our way out of this crisis. We are not gonna continue to put Band-Aids on a corpse. Governor, come on down to Springfield. This is where the action is. Come on, come on down to Springfield. Join with your colleagues. You served in this Body, you know how this process works. Business as usual, if you want to change it I'll be your biggest ally. But staying in Chicago is not doing the people's business. Get down to Springfield, that's the State Capitol. But in the meantime Governor, you said it and I'll agree with ya, no phony spending Bills. The party's over, you might as well start now. This is a phony spending Bill subject to appropriation that you know and I know isn't going to be made. You might as well vote 'no' or 'present'. And then, Mr. Speaker, let's get on with the business of the budget."

Speaker Novak: "Thank you. Mr. Davis, you wish to close? Mr. Davis."

Davis, W.: "Thank you, Mr. Speaker. Ladies and Gentleman, this is an important measure. We have to do what we can to help our children in math and sciences. I appreciate the comments from other Representatives but this is indeed important. I ask for your 'aye' vote. Thank you."

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Speaker Novak: "Thank you. And the question is, 'Shall Senate Bill 201 pass?' All those in favor vote 'aye'; all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Hoffman. Mr. Clerk, take the record. On this question, there are 65 voting 'yes', 28 voting 'no', 22 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 201 is hereby declared passed. Senate Bill 216. The Gentleman from St. Clair, Mr. Holbrook. Mr. Clerk, read the Bill please."

Clerk Rossi: "Senate Bill 216, a Bill for an Act in relation to civil procedure. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Holbrook."

Holbrook: "Thank you, Speaker. This is not a spending Bill. It's a one-year extension of quick-take. It's another extension, we've had it for about eight years. We're finishing up our Light Rail System. I ask for an 'aye' vote."

Speaker Novak: "Is there any discussion? Seeing none, the question is, 'Shall Senate Bill 216 pass?' All those in favor vote 'aye'; all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? McCarthy. Mr. Clerk, take the record. And on this question there are 60 voting 'yes', 55 voting 'no', 0 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 216 is hereby declared passed. Senate Bill 242. The Gentleman from Cook, Mr. Joyce. Mr. Clerk, read the Bill please."

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Clerk Rossi: "Senate Bill 242, a Bill for an Act in relation to criminal law. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Joyce."

Joyce: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. This is an identical Bill to House Bill 1486, which passed out of here unanimously. 242 passed out of the Senate unanimously and out of our committee unanimously. I would be happy to answer any questions. I'd appreciate an 'aye' vote."

Speaker Novak: "Thank you, Mr. Joyce. Is there any discussion? Seeing none, the question is, 'Shall Senate Bill 242 pass?' All those in favor vote 'aye'; all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 115 voting 'yes', 0 voting 'no', 0 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 242 is hereby declared passed. Senate Bill 255. The Gentleman from Cook, Mr. Saviano. Mr. Clerk, read the Bill please."

Clerk Rossi: "Senate Bill 255, a Bill for an Act in relation to the regulation of professions. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Saviano, happy birthday."

Saviano: "Thank you, Mr. Speaker, Members of the House. Senate Bill 255 is an initiative of the Department of Professional Regulation, it's a technical change. It merely extends the deadlines for implementing the Massage Licensing Act until

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January 1, 2005. Until we set up the board this was necessary. And I ask for your favorable vote."

Speaker Novak: "Is there any discussion? Seeing none, the question is, 'Shall Senate Bill 255 pass?' All those in favor vote 'aye'; all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Myers. Mr. Clerk, take the record. On this question, there are 112 voting 'yes', 3 voting 'no', 0 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 255 is hereby declared passed. Senate Bill 257. The Gentleman from White, Mr. Phelps. Mr. Clerk, read the Bill please."

Clerk Rossi: "Senate Bill 257, a Bill for an Act in relation to deer hunting. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Phelps."

Phelps: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 257 is... a Senate Bill passed out of here in a House of 1090... House Bill 1096 with 92 votes. It passed out of the Senate 47 to 5. Currently, in Illinois there's been a handgun season for the past 10 years. And all this Bill says is that during the open shotgun deer season the hunter has a choice between using a handgun and a shotgun. And I have... urge an 'aye' vote."

Speaker Novak: "Thank you. Is there any discussion? Seeing none, the question is, 'Shall Senate Bill 257 pass?' All those in favor vote 'aye'; all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all

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voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on this question, there are 95 voting 'yes', 19 voting 'no', 1 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 257 is hereby declared passed. Senate Bill 267. The Gentleman from Bureau, Mr. Mautino. Mr. Clerk, read the Bill please."

Clerk Rossi: "Senate Bill 267, a Bill for an Act concerning counties. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Mautino."

Mautino: "Inquiry of the Chair."

Speaker Novak: "Please state your inquiry."

Mautino: "Yes, where's your tie?"

Speaker Novak: "Where's my tie?"

Mautino: "Oh, I've got to get these checked."

Speaker Novak: "Thank you."

Mautino: "Thank you very much. Senate Bill 267 is... that was a request actually from Representative Davis. Senate Bill 267, wake up targets..."

Speaker Novak: "Well, first of all..."

Mautino: "This is an initiative of the..."

Speaker Novak: "Mr. Mautino, excuse me. First of all, the Chair recognizes Mr. Davis up in the gallery. Go ahead, proceed with your bill."

Mautino: "I thought those were Freshmen. Senate Bill 267 is an initiative of the... of the Illinois Sheriffs' Association. It deals with a very serious issue. Since September 11th we have had increased court security costs. Now, this Bill

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does have a fee increase in it. And we have amended the Bill to give discretion to the county boards. But as we sit here today, almost every county in the State of Illinois on these funds are in deficit. All that would be except for... I believe the only one who is not in deficit is Madison County, oddly enough. This Bill, by approval of resolution of the county board and with the approval of the chief judge of the circuit, would allow for court services fees to be increased from the level of \$15 up to, at the discretion of the board and the judge, cost of \$25. And this is for... to be used only, and it is limited to, the purposes of courtroom security. In the past we've been providing about 50... 43 to 45 hours of security. Since September 11th, the courthouse security has gone pretty much around the clock and we've had dramatic increases. My home county has a deficit of about 15,000. DuPage County has a deficit of \$4.5 million in this area. Lake County's deficit is approximately three million. What we're doing within this Bill itself is giving the ability for county boards to assess what they need to cover the cost of their security. And then from that point, with approval of the judge, by resolution, change it to meet their needs in a time of fiscal crisis for them as well. And I stand ready to answer any questions."

Speaker Novak: "Thank you. Is there any discussion on that question? The Gentleman from McHenry, Mr. Franks."

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

Speaker Novak: "Sponsor will yield."

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Franks: "Representative, I want to ask you some questions on this just to make sure we all understand what this Bill does. Does this increase court fees against every party in every civil action and against defendants in all criminal cases?"

Mautino: "As certified by the circuit judge for need, the county board would have the ability to do that."

Franks: "Okay. So, let's assume we give them..."

Mautino: "That's correct."

Franks: "If we give them this right they will be able to raise court fees on every civil litigant, both plaintiff and defendant, as well as all defendants in criminal matters."

Mautino: "Cor... that is... that's my understanding of the Bill, yes."

Franks: "Okay. To the Bill."

Speaker Novak: "To the Bill."

Franks: "We've seen this before. Last term we raised court fees in 5 of our counties to be the highest in the entire country. People don't usually choose to go to court. They have... they begrudgingly go there, kicking and screaming. It's not like..... it's... they want to be there, unfor... unless of course you're a lawyer, sometimes you wish to be there. Mr. Bost, I'm looking at you. A courthouse is a governmental function, and let's never forget that. A courthouse is a governmental function. It's not as though it's a luxury, it is a necessity. And by raising the fees and continuing to raise the fees we could be locking the courthouse doors to those people who want to be there and

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need to be there. I tell ya, it's gonna get harder and harder for a small business person to go forward to try to collect on someone who hasn't paid them a bill because it might cost them \$250 now to get to court. This is a real chilling effect here folks. And we have raised our fees enough. We don't need to be any higher than we already are. We're the most expensive in the country, enough is enough. Say 'no' to this Bill."

Speaker Novak: "Further discussion? The Gentleman from Vermilion, Mr. Black."

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

Speaker Novak: "Yes, Sir. State your inquiry."

Black: "Floor Amendment #1, has it been adopted to the Bill?"

Speaker Novak: "Mr. Clerk."

Clerk Bolin: "Floor Amendment #1 to Senate Bill 267 has been adopted."

Black: "Thank you very much."

Speaker Novak: "You're welcome."

Black: "Mr. Speaker and Ladies and Gentlemen of the House, to the Bill."

Speaker Novak: "To the Bill."

Black: "Floor Amendment #1 says that the county board may raise the fee up to \$25 if the county board decides to take that action. A previous speaker reminds us that a courthouse is a government body. Well, that's the reason that this fee is here. When I served as County Board Chairman of Vermilion County many years ago there was absolutely no

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security to enter the county courthouse. You could walk in, you could walk up the stairs, you could wander in and out of court. We didn't have sheriff deputies in a court. And let's see what happened. In Champaign County someone who was unhappy with the judge walked into the courthouse while court was in session with a Molotov cocktail, a little bottle filled with gasoline and a wick. He lit the wick, he threw the Molotov cocktail, completely burnt out the courtroom. How people escaped without serious injury or death will remain a mystery forever. In my County of Vermilion, during a divorce action, a man was not happy with the decision. He walks out the door of the courtroom, walks down the stairs to his now ex-wife, pulls a gun and shoots her 3 times in the head. She died. Now, if you want to go back to those days and you think we can, then vote against the Bill. But 9-11-01 took all of the let's pretend games out of government buildings. You have to have metal detectors, you have to have x-ray machines. We now have sheriff deputies wearing a firearm on duty in each courtroom and in the courthouse. I wish that wasn't the case but it is and I don't see it changing in the near future. So, here are your options. Do you vote for a general tax increase? And keep in mind, the State of Illinois is supposed to bear the brunt of the criminal justice system in this state, we're not even close. We aren't even close, so county governments have to do it. And the only revenue source they have is a property tax or by putting a fee on services that those people come to the

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court seeking relief or redress. What would you rather do? Would you rather have the county levy a general property tax increase to pay for these unfortunate but necessary court safety improvements? Or would you rather have the state, heaven forbid, pick up its mandated share of the cost of the criminal justice system? The counties have come to us between a rock and a hard place. We don't have the money to pay for it as we're supposed to and as we have said we would. They are... in many cases, particularly in downstate counties and many of you suburban counties, you're at your maximum property tax rate. Do you really believe that you can go back to an open courthouse? No x-ray machines, no metal detectors, no bailiffs, no sheriffs' deputies. I saw what happened in those days. In Champaign County we were lucky people weren't burned to death. In my county a lady was killed by a person who took an armed... a revolver into the courthouse. Those days are gone. I doubt that in my lifetime they'll come back. I don't know of any other way to finance the necessary safety improvements. When you go into a government building you expect to have some modicum of safety. I don't know of any other way to do it than to give the county boards, who are the closest to the people, the right to increase their court services fee if they think that's the only way they can get the money to keep jurors, defendants, plaintiffs, judges, lawyers, and the public safe when they come to the courthouse to do their business. It is an unfortunate aspect of contemporary society. It costs money to keep all

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of us safe when we go into a government building. I know of no other way to do it. That's why I'm a cosponsor, that's why I intend to vote 'aye'."

Speaker Novak: "Further discussion? Mr. Mautino, you want... you wish to close? Mr. Mautino."

Mautino: "Thank you, Speaker. Actually, I don't think I could really add anything to the very eloquent words of the Gentleman from Vermilion. He is always on the mark. This is a very important Bill for your counties to give that flexibility. Appreciate an 'aye' vote."

Speaker Novak: "And on that question, is... 'Shall Senate Bill 267 pass?' All those in favor vote 'aye'; all 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 68 voting 'yes', 45 voting 'no', 2 voting 'present'. And having received a required Constitutional Majority, Senate Bill 267 is hereby declared passed. Mr. Watson, for what reason do you rise, Sir?"

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

Speaker Novak: "Please state your priv... point."

Watson: "I would like to recognize 4 students in the gallery today that are here as part of the Work Studies Scholarship Program for the Grain and Feed Association. From Illinois, Dave Trainer, Mary Cox, Luke Cole, and Wyatt Mues. Thank you. Welcome."

Speaker Novak: "Welcome to the House of Representatives. The Lady from Champaign, for what reason do you rise?"

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Jakobsson: "Thank you, Mr. Speaker. Please let the record reflect that when we voted on House Bill... Senate Bill 257, I intended to vote 'yes'."

Speaker Novak: "The record will reflect that, thank you. Senate Bill 278. The Gentleman from Cook, Mr. Brosnahan. Out of the record. Senate Bill 293. The Gentleman from Will, Mr. McGuire. Mr. Clerk, call the Bill please. Mr.. Mr. McGuire, you wish to call the Bill as is? Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 293, a Bill for an Act in relation to aging. Third Reading of this Senate Bill."

Speaker Novak: "Mr. McGuire."

McGuire: "Thank you, Mr. Speaker. I'm sorry for the confusion but there was an Amendment proposed and then the Amendment was done away with. The Bill is a companion Bill to a Bill that we passed out of the House a couple months ago with about 95 votes. And it's merely a Bill that amends the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act. And it provides that beginning on January 1, 2004, the pharmaceutical assistance covers prescription drugs used in the treatment of multiple sclerosis. That's what the Bill does and I will try to answer any questions. I'd appreciate your 'aye' vote."

Speaker Novak: "Thank you. Is there any discussion? Seeing none, the question is, 'Shall Senate Bill 293 pass?' All those in favor vote 'aye'; all 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

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the record. On this question, there are 115 voting 'yes', 0 voting 'no', 0 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 293 is hereby declared passed. Senate Bill 318. The Lady from Cook, Representative Yarbrough. Mr. Clerk, read the Bill please."

Clerk Rossi: "Senate Bill 318, a bill for an Act concerning insurance. Third Reading of this Senate Bill."

Speaker Novak: "Representative Yarbrough."

Yarbrough: "Thank you, Mr. Speaker, and Members of the General Assembly. Senate Bill 318 amends the Insurance Code to revise the manner in which insurance producers access surplus lines markets. The change contained in the Bill will afford insurance consumers, primarily commercial business insureds, more choices and coverages in price. This Bill has been agreed to by the independent insurance agents and the Department of Insurance. I would be happy to answer any questions."

Speaker Novak: "Is there any discussion? On that question, the Gentleman from Will, Mr. McGuire. Mr. McGuire."

McGuire: "Mr. Speaker, I wanted to talk to you about that Bill we just passed. But let's pass this Bill first. Thank you."

Speaker Novak: "Is there any discussion? Seeing none, the question is, 'Shall Senate Bill 318 pass?' All those in favor vote 'aye'; all 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.

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On this question, there are 115 voting 'yes', 0 voting 'no', 0 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 318 is hereby declared passed. Mr. McGuire."

McGuire: "Yes, Mr. Speaker, I want to ask something a little out of the ordinary if I may."

Speaker Novak: "State your ordinary point."

McGuire: "The Bill that we just passed for the multiple sclerosis... I had a lady friend in Joliet who died of multiple sclerosis about a month ago and I'd like to honor her by putting into the record that we passed this Bill in respect... or in recognition of Mary Jo Smith. And I... I've never heard this done before in the 13 years I've done... been here, but... I don't know if you can do it but that's why I'm asking."

Speaker Novak: "The record will reflect that Mr. McGuire."

McGuire: "Thank you very much."

Speaker Novak: "Thank you. Senate Bill 354. The Gentleman from Cook, Mr. Burke. Is Mr. Burke in the chamber? Out of the record. Senate Bill 371. The Lady from Cook, Representative Feigenholtz. Do you wish to call the bill? Oh, excuse me. I'm sorry. The Gentleman from Lake, Mr. Mathias. Mr. Clerk, call the Bill."

Clerk Rossi: "Senate Bill 371, a Bill for an Act in relation to public health. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Mathias."

Mathias: "Thank you, Mr. Speaker. We previously passed House Bill 1530 with 87 votes, this is the same Bill. It deals

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with the mercury thermometers and prohibits their sale after a certain date in the State of Illinois. I know we had some extensive discussion on it when it was a House Bill. And I urge your 'aye' vote on Senate Bill 371."

Speaker Novak: "Thank you. Is there any discussion? On this question, the Gentleman from Vermilion, Mr. Black."

Black: "Thank you very much, Mr. Speaker. Will the purveyor of 85 percent of the Senate Bills yield?"

Speaker Novak: "Yes, Sir."

Black: "Thank you. Representative, by my count there's an obscure rule adopted by the House and Senate in 1919 that if you sponsor 2 more Senate Bills you can go to the Senate. Let me ask you the same question I did when this Bill was before us in the House. As I understand, this Bill after the effective date you could not, as an Illinois manufacturer, sell or distribute a mercury-based thermometer, medical thermometer, not one for the outside temperature. Is that the same language that was in the House Bill as I recall?"

Mathias: "Yes, it's the same language."

Black: "All right. I've got... I have the same problem that I had with the House Bill. Now, stop and think this through. An Illinois manufacturer cannot manufacture or distribute a mercury-based thermometer to a health care entity even though they're still allowed. And the health care professionals say, particularly in the case of hypothermia, a mercury-based thermometer, put somewhere other than your mouth, is the only accurate reading that they can get. So,

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the House Bill said you can still... hospitals can still buy them, just not from an Illinois manufacturer or distributor."

Mathias: "That's correct. But actually there are no Illinois manufacturers that make... make those thermometers right now anyway."

Black: "Okay. What about a health care distributor in Illinois, and there are several of those, and they get an order from a consortium of hospitals? Many of them have purchasing consortiums now, and the hospital orders two thousand five hundred mercury thermometers to be used in a number of hospitals throughout the state. Can the... can the health care distributor purchase the thermometers from a manufacturer, wherever they are, obviously now another state, purchase them from a state that allows the manufacture, have them shipped to his or her facility in Illinois, then break down the shipment and ship the necessary mercury-based thermometers to Illinois hospitals?"

Mathias: "I don't think that's addressed in the Bill."

Black: "That's what my fear was with the House Bill. In other words, we're... ya know, we're taking a legal product that health care professionals tell us is the only accurate way to gauge body temperature in some cases, particularly hypothermia and particularly in some very, very young children, infants. So, they're still going to be able to buy these mercury-based thermometers. And manufacturers, although God forbid we'd manufacture one in Illinois, we

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certainly don't need the jobs. Now there's confusion as to whether or not I am a medical equipment distributor, am I now prohibited from purchasing 2500 mercury-based thermometers and selling them to hospitals throughout the State of Illinois?

Mathias: "Was that a question or..."

Black: "Yeah."

Mathias: "Oh, I'm sorry."

Black: "Can they?"

Mathias: "I didn't know that was a..."

Black: "Can a medical distributor purchase mercury-based thermometers from a manufacturer, obviously not in Illinois, we've made that illegal, break down the shipment, and then sell the mercury-based thermometer to hospitals located within the State of Illinois?"

Mathias: "Well, I believe Section C says that the Section doesn't apply to mercury fever thermometers sold or provided to be used in a health care facility."

Black: "But that doesn't answer the question. Can an Illinois medical distributor buy mercury-based thermometers from an out-of-state manufacturer and then advertise and sell them to Illinois hospitals as a course of his doing business as an Illinois based medical product distributor?"

Mathias: "I don't think that's addressed in the Bill."

Black: "That's what I'm afraid of. Mr. Speaker, to the Bill."

Speaker Novak: "To the Bill."

Black: "I love the Sponsor of this Bill, I really do. He's a wonderful guy and a lot of fun to be around and I'm not

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going to pick on him. But my concerns are the same as with the underlying House Bill. Will you just... will you just look and listen at what this Bill does? No person shall manufacture a mercury fever thermometer in this state after July 1st, 2004. Now, they're still legal. You can still use them in a hospital. Hospital doctors and professionals tell you it's the only accurate thermometer in some cases. But if you want to make them in Illinois you can't, but you can make them in another state. My question is can a medical equipment provider in Illinois buy what is a legal product in most states, have it shipped to his or her business, break down the shipment, and then sell it to Illinois-based hospitals? And the answer is, we don't know. So, Mr. Governor, I'm with you. I want to make this state attractive to business. But now we've taken out a legal product that doctors tell us is the only accurate measure in some medical cases, and this Bill says you can't make them in Illinois, not after July 1st, 2004. And it may say that if you're an Illinois-based medical equipment provider you may not even be able to sell them. So, what do all the Illinois hospitals do? They buy them from a medical equipment supplier in the East Coast, Canada, Mexico, California, I don't know. That was my whole argument with this House Bill. It's my sole argument with this Senate Bill. Where in the world do we come up with things that says Illinois can't make this product? And you may not be able to buy it from a state where it's still legal to make it. And you may not be able to sell it and

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make a living to Illinois hospitals even though the Bill explicitly states they are a legal product and can be used in a hospital. So my question is... we can't make it, we may not be able to sell it, so let's send all of our money to another state, another manufacturer, or an out-of-state or an out-of-country medical equipment supplier. In all due respect to the Sponsor, that didn't make sense to me two months ago and it doesn't make sense to me now. So, let's close this market from Illinois. Tell all of the Illinois hospitals, buy your mercury-based thermometers from another state or another foreign country. Boy, that makes sense to me."

Speaker Novak: "Thank you. Further discussion? The Lady from Champaign, Ms. Jakobsson."

Jakobsson: "Thank you, Mr. Speaker. This Bill is similar to House Bill 1530, which passed the House. And I... we worked hard to get it out of the House and I would urge an 'aye' vote on this."

Speaker Novak: "Thank you. Further discussion? Hearing none, the question is, 'Shall Senate Bill 371 pass?' All those in favor vote 'aye'; all 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. Mr. Duk... Mr. Dunkin. Mr. Dunkin. Mr. Clerk, take the record. On this question, there are 79 voting 'yes', 34 voting 'no', 2 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 371 is hereby declared

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passed. Senate Bill 199. The Gentleman from Clinton, Mr. Granberg. Mr. Clerk, read the Bill please."

Clerk Bolin: "Senate Bill 199, a Bill for an Act in relation to health. Third Reading..."

Speaker Novak: "Mr. Granberg."

Clerk Bolin: "... of this Senate Bill."

Speaker Novak: "Mr. Clerk, out of the record. Senate Bill 381. The Gentleman from Fulton, Mr. Smith. Do you wish to call your Bill, Sir? Mr. Clerk, read the Bill please."

Clerk Bolin: "Senate Bill 381, a Bill for an Act concerning education. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Smith."

Smith: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This legislation has passed through the House on previous occasions. And it attempts to fill a gap in the State of Illinois reading program by qualifying students in grade 7 through 12 for reading grants. It would replicate the program language adopted by the General Assembly for the reading program we currently have for kindergarten through 6th grade. This legislation acknowledges the importance of the value of continuous reading programs. It's evident that this Bill is consistent with the national child... No Child Left Behind, the federal legislation that emphasizes the importance of reading in the upper levels of middle school and high school education, as well as the program at the K-6 level. This legislation achieves the goals set out in No Child Left Behind, provides for accountability of results, provides for state flexibility,

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the use of federal funds, focuses resources on proven educational methods, particularly in reading. The legislation also reflects the goal of narrowing the gap between disadvantaged and minority group students, continues the process of meeting the federal goals expressed in NCLB that all children with high standards with a min... with a minimum attaining proficiency of better in reading by the year 2013 to 2014. Senate Bill 381 is timely legislation. It's needed to conform to the reformation occurring nationwide in education. As a final note, reading is no longer a dispensable skill for students at the higher grade levels. A special focus on reading skills is more important than ever before. The emphasis on more demanding statewide standards in all phases and areas of the curricula and the increasing demand of high level literacy in the world of work signals a need for this legislation. I'd be happy to answer any questions."

Speaker Novak: "Thank you. Is there any discussion? The Lady from Will, Representative Kosel."

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

Speaker Novak: "The Sponsor yields."

Kosel: "Is it your intention to use general revenue or federal funds on this Bill?"

Smith: "Representative Kosel, we would leave that up to the State Board of Education. I think... you know, my hope is that they would be able to use some of the federal dollars that we'll be receiving under No Child Left Behind since

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this clearly helps us meet some of the standards established from that federal legislation."

Kosel: "If this Bill was... were to become a law, would it get in line for those federal dollars in front of or behind the three or four other Bills that have been presented? Where would it come in the pecking order of No Child Left Behind?"

Smith: "Representative Kosel, I couldn't answer that. Obviously that'll be up to the State Board of Education."

Kosel: "Does this mandate that the state spend this money first on reading improvement even if No Child Left Behind and assessments by the state board would indicate that there are other places that it should be spent?"

Smith: "No, it does not."

Kosel: "Why would it not do that if we have a block grant in this and have designated this money towards a block grant here instead of in science or mathematics or one of those fields? I mean, if we have a block grant here we've designated federal funds for this wouldn't they be then available for science or math or something else that assessments in the state show we need to bring our students up to?"

Smith: "I'm sorry, you're saying should it be at a higher level than those funds?"

Kosel: "No, I'm saying that this establishes a pecking order and that no matter what the state assessment tests say that we would have to put it into reading as opposed to something else. We haven't had the state assessments yet

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so we know... don't know what areas there will be. If we pass this federal funding has now established a pecking order for these funds, we passed two other bills out, now we would say that no matter what the test results are that the money would have to be spent in this area as opposed to an area that we might have a more significant weakness in that we needed to expend money on to conform with No Child Left Behind. In other words, I'm saying that this Bill is a little premature. We haven't had the testing yet. We don't know where our needs across the state are going to be and it's very difficult to start sorting the money that may come from the federal government through this type of legislation. It concerns me. To the Bill, Mr. Speaker. To the Bill, Mr. Speaker. Hello, Mr. Speaker."

Speaker Novak: "I'm sorry."

Kosel: "To the Bill, please."

Speaker Novak: "To the Bill."

Kosel: "Thank you. This... this particular piece of legislation, where on its face, really looks to address something. It's taking federal funds and saying that this is the area that we're going to spend them in when we haven't had the state assessments yet. We need to go through the process of having the state assessments, see what funds come in, and then make intelligent choices about where they should be spent across the state. Where I applaud the Sponsor and respect him highly for this piece of legislation and where he's going, it is premature for where we are in the process. Thank you."

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Speaker Novak: "Thank you. Further discussion? The Gentleman from Crawford, Mr. Eddy."

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

Speaker Novak: "The Sponsor will yield."

Eddy: "This is perhaps one of the most difficult areas Representative, to stand in opposition of a grant for because reading tends is as they say, fundamental. It is absolutely a skill that we must support in every possible way. And as you know there is a K-6 reading improvement block grant that is currently being appropriated in this year's budget, isn't that right?"

Smith: "That is correct. And in fact, this would be modeled after that. As you know, it's been a very successful program."

Eddy: "I trust that it would not be your intention that funds that are targeted to be appropriated for K through 6 would be diverted or diluted in any manner to help fund the 7th through 12th grade?"

Smith: "No, that's not my intention at all."

Eddy: "The concern would be obvious that at the K through 6 level, the reading improvement funds, if we're going to prioritize would be the place where we would want to prioritize those funds. And any additional funds that might become available for reading improvement would certainly... the an intention of this be to receive funding only after those are also... or excuse me, K-6 is fully funded?"

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Smith: "Yes, that would be my intention. That has been a very successful program and this does... this legislation does not do anything to affect that program."

Eddy: "Along those same lines, block grants in general, have a purpose. And the purpose of a block grant is to allow local flexibility for use of funds. Do you have any concern that by targeting what could be federal block grant funds through NCLB for one specific area of the curriculum, in this case reading, and earlier we heard science and math, do you have any concern that it takes away local flexibility for the use of those block grant funds? If, for example, the school district is achieving very well in reading, and funds are appropriated first for reading based on appropriations for priority, would that concern... concern you at all if districts didn't have that flexibility?"

Smith: "Well, that... yes, that would concern me. And I'm not sure I understand exactly the scenario you're... you're talking about. If... if a district is performing well in their reading scores..."

Eddy: "My scenario is simple. If a school... if the intent of block grant funding is to allow local flexibility and we pass Appropriation Bills that specifically state what those funds are going to be used for we are intentionally... or unintentionally placing a priority on those block grant funds that might not otherwise be there."

Smith: "I guess that's... that's true. In... in an overall state perspective, I think what we're doing with this legislation

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is just saying that reading improvement for those upper level grades is just as important. And... and it's something that we need to address at the state level."

Eddy: "And I couldn't argue with that. Reading for the upper grade levels could very well be as important for an individual school district. My argument would be that that individual school district should make that decision and that we should not, by allocation or by special program, make that decision. That No Child Left Behind or any block grant that we give a school district should be for what that district thinks the best purpose of that grant is and that we should not limit districts in the use of that funding."

Smith: "I guess I understand your argument and I don't disagree with you, Representative Eddy. But that... that really is not what this bill is about."

Eddy: "And I understand that's not the intention, but my question then becomes, if you look at a grant like the Average Daily Attendance Block Grant, for example, which leaves districts a tremendous amount of flexibility for the use of General Revenue Funds, would it be your intention that grants like the Average Daily Attendance Block Grant with more flexibility be prioritized over this type of a grant for general revenue, or would this then be... take precedence over that local flexibility found in the ADA Block Grant?"

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Smith: "Well, I guess since the ADA block grant's been eliminated effectively under the Governor's proposal and still is under what we passed in committee, I guess yes."

Eddy: "Well, and that's my point. When we start talking about block grants, when we talk about appropriations and whether there'll be appropriations or not, my concern is that the local flexibility that we do find in certain block grants and that this type of legislation specifically appropriates to an area that a school may or may not have the greatest need in. Mr. Speaker, to the Bill. My... I actually, under most circumstances, would certainly concur with the Representative that reading is going to be a place that districts are gonna maybe choose to use this money. My concern is that we are making the decision here for every school district that reading is the use of that money, and some school districts may or may not confer. And when we can't fund block grants that local flexibility is contained within we put pressure on the budget to fund specific grants instead. I would vo... I would urge a 'present' vote on this, not because reading is not something we want to have grant funds allocated to, only because this does take away from local flexibility of use of those funds. Thank you."

Speaker Novak: "Further discussion? The Gentleman from Whiteside, Mr. Mitchell."

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

Speaker Novak: "The Sponsor yields."

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Mitchell, J.: "Representative, the money that we get for the reading improvement block grant will be distributed on a ADA basis? Average daily attendance basis?"

Smith: "The current... the current reading improvement grant, yes."

Mitchell, J.: "Okay, similar to the way that... that reading grant that we have now?"

Smith: "I'm... I'm sorry, I don't believe that's spelled out in this legislation. I thought you were referring to the similar program. This... this legislation doesn't really address money, it doesn't have a dollar amount."

Mitchell, J.: "Right, but if there's money, that would be distributed on an ADA basis, not on a competitive basis? It's not a program change."

Smith: "That's right. That's right."

Mitchell, J.: "Okay. Ladies and Gentlemen of the House, I rise in strong support of this Bill, simply because I don't know of a school district that doesn't spend quite a bit of money on reading. Reading, English, comprehension, especially in the upper grades, is vitally important to improvement of overall skills. Now, it doesn't hurt to earmark money for those areas of the curriculum that are vitally important. When we start talking about reading, English, math, science, those things that every student will need to get a good basic education. Any district would certainly be able to take money earmarked for reading in a block grant and stop putting their general state-aid in that area and use the money they get in the block grant.

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That frees up the general state-aid money to use in every other area. So, I can't see a down side to this. I don't think it prioritizes the money. I think every district would welcome a block grant, especially in the area of reading. I rise in strong support of the gentleman's Bill. Thank you."

Speaker Novak: "Further discussion? Seeing none, the question is, 'Shall Senate Bill... excuse me, Mr. Smith, you wish to close.'"

Smith: "Thank you, Mr. Speaker. I'd like to ask an 'aye' vote on this. I thank Representative Mitchell for his comments. This does not address prioritization of... of funds or appropriations. It's simply saying that we feel reading improvement in the grades 6 through 12 is... is vitally important to the future of our education system in Illinois and the future of our children. I'd ask for an 'aye' vote."

Speaker Novak: "Thank you. And the question is, 'Shall Senate Bill 381 pass?' All those in favor vote 'aye'; all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Colvin. Mr. Clerk, take the record. On this question, there are 90 voting 'yes', 0 voting 'no', 25 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 381 is hereby declared passed. Mr. Biggins, for what reason do you rise, Sir?"

Biggins: "Thank you, Mr. Speaker. I have a question of the Chair."

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Speaker Novak: "State your question, Sir."

Biggins: "Earlier you mentioned that we'd be working through 'til dinner time, I look at my watch and I'm thinking in New York it's 10 to 6. And you didn't mention if it was gonna be Eastern Standard Time, Central Daylight Savings time..."

Speaker Novak: "Well..."

Biggins: "... or perhaps even worse than that, Rocky Mountain Time."

Speaker Novak: "As I said..."

Biggins: "Could you clarify that?"

Speaker Novak: "Yes, certainly. As I said, we will work to dinner time, that's assuming Central Standard Time, but that could mean 6 or 7 or somewhere in between."

Biggins: "Oh, I'll take that under advisement. Thank you."

Speaker Novak: "Thank you. Senate Bill 385. The Gentleman from Cook, Mr. Saviano. Mr. Clerk, read the Bill please."

Clerk Bolin: "Senate Bill 385, a Bill for an Act concerning professional regulation. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Saviano."

Saviano: "Thank you. Thank you, Mr. Speaker. Senate Bill 385 simply extends the... the sunset date for a period of ten years. We rewrote the Act and everybody's in agreement on this Bill. I would as... ask for your favorable vote."

Speaker Novak: "Thank you. Is there any discussion? Seeing none, the question is, 'Shall Senate 385 pass... Senate Bill 385 pass?' All those in favor vote 'aye; all those opposed

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vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Daniels. Mr. Clerk, take the record. On this question, there are 114 voting 'yes', 0 voting 'no', 1 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 385 is hereby declared passed. Senate Bill 386. The Gentleman from Cook, Mr. Saviano. Mr. Clerk, read the Bill please."

Clerk Bolin: "Senate Bill 386, a Bill for an Act concerning professional regulation. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Saviano."

Saviano: "Thank you, Mr. Speaker and Members of the House. Senate Bill 386 is the rewrite of the Veterinary Medicine and Surgery Practice Act of 1994. This would extend it to January 1st, 2014. This Bill's come a long way. We've put numerous Amendments on this Bill to address the concerns of... of all of the animal rights people, the veterinarians, the horsemen, the trainers across the state. We believe this now is a Bill that we can be proud of to take care of the animals of this state. And I would ask for your favorable vote."

Speaker Novak: "Is there any discussion? The Gentlemen from Vermilion, Mr. Black."

Black: "Thank you very much, Mr. Speaker. I'm sorry, I was... I can't get my Etch-a-Sketch to work. Here we go, okay. Will the Sponsor yield?"

Speaker Novak: "The Sponsor will yield."

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Black: "Representative, you and I've talked about this Bill and all of the interesting mail and calls that we've gotten. This basically deals with veterinarians, period."

Saviano: "Correct."

Black: "If I want to massage a donkey I can probably massage a donkey, right?"

Saviano: "If you're a licensed massage therapist."

Black: "You have to be licensed to massage a donkey?"

Saviano: "Well, it depends... it depends on what part of the state you're in."

Black: "Do ya... do ya have to be licensed to massage an elephant?"

Saviano: "What's that?"

Black: "Do I have to be licensed to massage an elephant?"

Saviano: "If... you know what... I think if you're a member of the circus you're exempt."

Black: "I can assure you I'm a member of the circus, and have been for years. But this... this is a straightforward rewrite of the Veterinary Practice Act. If I want to go into the horse whispering business I can do that, correct?"

Saviano: "That's correct."

Black: "I just can't call myself a veterinarian."

Saviano: "That's right."

Black: "Okay. And it says nothing about... with Mr. Fritchey coming up the aisle, it says nothing about whether animals can smoke or not, right?"

Saviano: "That's correct."

Black: "Okay, good. Thank you."

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Saviano: "Thank you."

Speaker Novak: "Further discussion? The Gentleman from Bureau, Mr. Mautino."

Mautino: "I don't know how to follow that but just to be... to be clear, I had a lot of calls from veterinarians throughout the district about the course of last week. Amendment #3 took out any concerns that they had, is that correct? Just for the record."

Saviano: "That's correct. The Illinois Association of Veterinarians is in full support of this legislation."

Mautino: "Perfect. Thanks."

Speaker Novak: "Further discussion? Seeing none, the question is, 'Shall Senate Bill 386 pass?' All those in favor vote 'aye'; all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 115 voting 'yes', 0 voting 'no', 0 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 386 is hereby declared passed. Senate Bill 392. The Gentleman from Madison, Mr. Hoffman. Mr. Clerk."

Clerk Rossi: "Senate Bill 392, a Bill for an Act in relation to taxes. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Hoffman."

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 392 amends the Motor Vehicle Fuel Tax Act. What it does is extends the \$2.25 million for another year the money that is transferred to the Illinois Commerce

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Commission for the Railroad Safety Program. This just extend... extends it for one year. And I ask for a favorable roll call."

Speaker Novak: "Is there any discussion? Seeing none, the question is, 'Shall Senate Bill 392... excuse me, the Gentleman from Cook, Mr. Parke."

Parke: "Thank you, Mr. Speaker. What are we talking about... how much money are we talking about transferring here?"

Hoffman: "The same amount as this year. I believe it's two million two hundred fifty thousand. And, as I indicated, this goes into what... the Railroad Safety Program and the Railroad Protection Fund."

Parke: "Why is the Illinois Municipal League and the Illinois Railroad Association opposed to this?"

Hoffman: "I don't... I didn't know that they were."

Parke: "Our notes show that they are."

Hoffman: "I think that the railroad... the Railroads Association initially was just against... there's an audit that is currently being conducted under the fund. They wanted to wait until after that audit was conducted before any transfers. But we need to get the money into the program to keep the Railway Safety Program going. Ultimately, I believe, they became neutral, Mr. Parke. But I don't know... I didn't know about the Municipal League, I didn't know that."

Parke: "It says here also that an increase in the amount of funds transferred to the Grade Crossing Protection Fund to the Transportation Regulatory Fund. Is that correct?"

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Hoffman: "All this does is extends the authority to transfer 2.25 million from the Motor Fuel Tax Fund to the Transportation Regulatory Fund for another year. The transferred funds will be used to pay the costs of administering the Illinois Commerce Commission Railroad Safety Program. Currently, I believe, we transferred... or will transfer 2.25 million this year also. This will allow us to do it in FY 2004."

Parke: "Thank you."

Speaker Novak: "Further discussion? The Gentlemen from Vermilion, Mr. Black."

Black: "Thank you very much, Mr. Speaker. I simply rise to support the Gentleman's Bill. Again, this is a Bill that I... that I watch very carefully. I would not vote year after year after year to do this transfer, but without the Railroad Regulatory Authority we don't have much to worry about in the grade crossing protection. You have to have the... the people in the Commerce Commission to do the work, to do the studies, to do the necessary site visits. And once we get that on its feet then hopefully no... no transfers will ever again be made out of the Grade... Gate Crossing Protection Fund. And I might add that there is an auditor general's ongoing investigation in the Gate Crossing Protection Fund because if memory serves me right, over the past few years we have increased the money going into that fund but we've seen very little work done on grade crossing protection. So, I guess one has to compliment the other. This is not something that I would

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normally ,g to have one until we get the other straightened out. So, in... in the next fiscal year I think this makes sense. Once we get on target then what I'd like to see is more money being spent every year to upgrade railroad crossings. Keep in mind that we have more unprotected railroad crossings than any state in the country, except for Texas. We have a long, long way to go. But I think this is a way to get us there. And I am proud to be a cosponsor."

Speaker Novak: "Thank you. Further discussion? The Gentleman from Lake, Mr. Washington."

Washington: "Will the Sponsor yield?"

Speaker Novak: "Sponsor yields."

Washington: "Let me raise the question and make sure I'm understanding. This is gonna allow continuation of one more year to transfer two million two hundred fifty thousand dollars to the Transportation Fund, which will be administered by the ICC for the Railroad Safety Program. Is that correct?"

Hoffman: "Yes."

Washington: "To the Bill. Mr. Speaker, I think this..."

Speaker Novak: "To the Bill."

Washington: "... is an excellent piece of legislation. And I'm definitely encouraging my colleagues to vote 'yes' for this legislation. Thank you."

Speaker Novak: "Thank you. Any further discussion? Seeing none, the question is, 'Shall Senate Bill 392 pass?' All those in favor vote 'aye'; all those opposed vote 'no'.

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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', 0 voting 'no', 0 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 392 is hereby declared passed.

Speaker Novak: "Senate Bill 354. The Gentleman from Cook, Mr. Burke. Mr. Clerk, read the Bill please."

Clerk Rossi: "Senate Bill 354, a Bill for an Act concerning professional regulation. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Burke."

Burke: "Thank you, Mr. Speaker and Members of the House. Senate Bill 354 would create the title and protection for surgical assistants and surgical technologists who have graduated from an approved medical program and have passed national certifying standards through a registration mechanism established by the Illinois Department of Professional Regulation. Other than a physician, Ladies and Gentlemen, I don't know of any other profession that would have as much intricate patient contact as a surgical assistant and feel that this legislation is long overdue. And I'd be happy to answer any questions."

Speaker Novak: "Thank you. Is there any discussion? Seeing none, the question is, 'Shall Senate Bill 354 pass?' All those in favor vote 'aye'; all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Yarbrough. Mr.

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Clerk, take the record. On this question there are 80 voting 'yes', 33 voting 'no', 2 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 354 is hereby declared passed. Senate Bill 199. The Gentleman from Clinton, Mr. Granberg. Mr. Clerk, read the Bill please."

Clerk Rossi: "Senate Bill 199, a Bill for an Act in relation to health. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Granberg."

Granberg: "Thank you, Mr. Speaker, the Gentleman from Kankakee. Ladies and Gentlemen of the House, Senate Bill 199 came out of the report from a mental health task force that was initiated by Senator Watson. He had a constituent, as well as I did, who was encountering problems helping a member of their family. Senator Watson called in the State Bar Association, the State's Attorney's Office, the Mental Health Association, the Cook County State's Attorney, American Association of Retired Persons, all of the groups that have day-to-day issues in the area of mental health and developmental disabilities. Out of their result, and this Bill is the product of their meetings, their negotiations, they are all in favor of this Bill. It does three things. It changes the definition of a person subject to involuntary admission. It adds language that the... that the people who are subject to involuntary commitment because they are unable to provide for their most basic needs without the assistance of family or outside help. It also adds an explanation that allows the

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court to consider evidence of repeated past pattern of specific behavior and actions related to the person's illness when considering whether to... whether a person is subject to involuntary commitment. And it also codifies the common law definition of mental illness, which the courts... the courts currently follow from the Lang case. And it adds two exceptions to the definition of mental health. It takes out Alzheimer's because that should not be categorized as a mental health illness. And that's what this Bill does. I'd be more than happy to answer any questions."

Speaker Novak: "Is there any discussion? The Gentleman from Cook, Mr. Fritchey."

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

Speaker Novak: ""The Sponsor will yield."

Fritchey: "As you know it, to the Bill. I know there's a lot of work that's gone ou... on this Bill in just getting it to this stage. I know there's some disagreements, even with people within the mental health community. To anybody that's ever had to deal with an issue like this with a loved one or a friend or someone they care about. It's a critical issue that really affects not just the lives of the individual but the friends and family involved. This is a very important piece of legislation. It's something that's very needed in this state. I commend everybody that worked to get this Bill together and the House Sponsor on

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this Bill. I hope that everybody is able to give this Bill the full support that it deserves. Thank you."

Speaker Novak: "Thank you. Is there any further discussion? Seeing none, the question is, 'Shall Senate Bill 199 pass?' All those in favor... Mr. Granberg, do you wish to close?"

Granberg: "Mr. Speaker, I just want to thank the Members for their time and to thank all of these groups and the participants whose family members are affected in bringing this result. Thank you very much."

Speaker Novak: "You're welcome. The question is, 'Shall Senate Bill 199 pass?' All those in favor vote 'aye'; all 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. And on this question, there are 114 voting 'yes', 0 voting 'no', 1 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 199 is hereby declared passed. Senate Bill 407. The Lady from Cook, Representative Feigenholtz. Mr. Clerk, read the Bill please."

Clerk Bolin: "Senate Bill 407, a Bill for an Act in relation to criminal law. Third Reading of this Senate Bill."

Speaker Novak: "Representative Feigenholtz."

Feigenholtz: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 407 is similar, almost identical, to a Bill that we passed out of here unanimously. It is an Amendment that adds harassment through electronic communications on the list of hate crimes. I'd be glad to answer any questions."

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Speaker Novak: "Is there any discussion? Seeing none, the question is, 'Shall Senate Bill 407 pass?' All those in favor vote 'aye'; all 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. Mr. Biggins. Mr. Saviano. Mr. Wait. Mr. Clerk, take the record please. On this question, there are 115 voting 'yes', 0 voting 'no', 0 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 460... excuse me, 407 is hereby declared passed. Senate Bill 460 to the Lady from Cook, Representative Flowers. Mr. Clerk, read the Bill please."

Clerk Bolin: "Senate Bill 460, a Bill for an Act concerning health care. Third Reading of this Senate Bill."

Speaker Novak: "Representative Flowers."

Flowers: "Thank you, Mr. Speaker. This Bill would prohibit facilities from using the terms urgent or emergent or emergent... would give... if you're not a licensed emergency room. And I'll be more than happy to answer any questions you may have in regards to Senate Bill 460."

Speaker Novak: "Thank you. Is there any discussion? Mr. Black, the Gentleman from Vermilion."

Black: "Thank you very much, Mr. Speaker. I had some problems with this Bill when it was in the House. I noticed that the Senate sent it over unanimously, which doesn't surprise me. Representative, what will I be able to use? Semi-urgent? Almost urgent? What am I gonna be able to use on a freestanding clinic?"

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Flowers: "Well, first of all Representative, is it urgent?"

Black: "Well, I..."

Flowers: "Is it urgent?"

Black: "Yeah, in my district..."

Flowers: "Well, if it's urgent..."

Black: "In my district..."

Flowers: "If it's urgent go to the emergency room. But the problem is... the problem is these centers, these freestanding clinics, or extended doctors' offices, are misrepresenting themselves to the public. Because they do not have the equipment there necessary to take care of you if it's urgent. So, we want to educate the public, and that's what the Department of Public Health would do. The Department of Public Health would put out the necessary information that would allow the people of the state to know that that place that used to be called an urgent center is not an urgent center, it is merely a doctor's office with extended hours. It does not necessarily even have to have a doctor on staff. It does not have the equipment to deal with you in case of an emergency. So, I don't want you to not go to the emergency room, which is five blocks further away, and stop at a place where you think it's an emergency... emergency room only because the name game of it being urgent or emergent."

Black: "Do you remember that song, The Name Game?"

Flowers: "I do."

Black: "Always one of my favorites."

Flowers: "I do. Yeah, I do. I used to sing it all the time."

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Black: "I... I just think I just threw something out, bear with me."

Flowers: "Yes, Sir."

Black: "Okay. What do you do in rural areas like mine where you don't have a hospital? You don't have an emergency room."

Flowers: "And... and Representative, you're absolutely right. And if those freestanding clinics have the name 'Urgent' or 'Emergent' they are still not a hospital."

Black: "That's true."

Flowers: "They are not capable nor are they equipped to deal with you in case of an emergency room. And unfortunately, because you are in the rural area, the closest place, I don't know how far south you are, would be St. Louis or Kentucky, where... depending on what border is close. But because this place is cause an Urgent Care Center or an Emergent Care Center doesn't mean that it is what the word emergency would mean. But yet you would get that impression, again, because of the name in which it called itself."

Black: "Okay. And I remember in the House Bill you said there was a case in your district where there was some confusion. That a family member went to an Urgent Care Center and, evidently, in the initial stages of a heart attack and of course, they aren't equipped to deal with that. So, that may have been a contributing factor..."

Flowers: "That was..."

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Black: "... in the lady's death, as I recall, because then they had to transport her to a Trauma Center or an Emergency Room.

Flowers: "I didn't quite understand the last part. But... the genesis of this Bill was because there have been people that died because they were taken to... taken to what they thought was an emergency center."

Black: "Okay. All right."

Flowers: "And unfortunately, some of these insurance companies have even told their patients despite the fact that you and I passed the Patients' Bill of Rights and we said long time ago that a patient, if they feel that they have an emergency, a layman's term, they can choose to go to the emergency room without phoning first. But some insurance companies are still telling their patients that they would have to go to this urgent care center before they go to the emergency room. And, again, the Department of Public Health and with the Amendment on this Bill, it would make it quite clear that the people of this state will no longer have to phone first if they feel like they have to go to the emergency room. They can go to the emergency room and these urgent care centers will not be represented as an emergency room, and they're not. Again, they are merely doctors' offices and they are not equipped to handle emergencies. So, we don't want anyone to ever have to lose a loved one because of the misrepresentation."

Black: "And I... I certainly have no disagreement with that. Now, under current Illinois law an ambulance... cannot take a

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patient to an Urgent Care Center. They have to take them to the nearest emergency room, correct? That's the current law."

Flowers: "Ab... absolutely."

Black: "But a family member could get confused and take them to the Urgent Care Center, there in lies the problem."

Flowers: "Absolutely."

Black: "Okay, fine."

Flowers: "And, again, because the insurance company have also told them you will have to go to this urgent care centers, yes."

Black: "Well, I... I have an excellent insurance company. When I get sick at night they send me to a veterinarian. So, it saves a lot of money because all he has to do is feel my nose and if it's wet, he sends me home. So, it just saves me a lot of money. And if I'm good, I get a dog treat. So, I mean, it's the best of both worlds for me. But, then again, I have an infinity for fire hydrants. And I better stop there before I get in trouble. Thank you very much."

Flowers: "Yes, Representative. Thank you."

Speaker Novak: "Thank you, Mr. Black. Is there any further discussion? Seeing none, the question is, 'Shall Senate Bill 460 pass?' All those in favor vote 'aye'; all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 115 voting 'yes', 0 voting 'no', 0 voting 'present'. And

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having reached the required Constitutional Majority, Senate Bill 460 is hereby declared passed. Senate Bill 467. The Gentleman from McHenry, Mr. Franks. Mr. Clerk, read the Bill please."

Clerk Rossi: "Senate Bill 467, a Bill for an Act concerning insurance coverage. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Franks."

Franks: "Thank you, Mr. Speaker. This legislation would prohibit medical insurance... medical insurers from denying or limiting coverage for prescription asthma inhal... inhalants based on refill frequency. During certain months the weather triggers asthma attacks at a greater rate, requiring people to increase the frequency with which they use inhalers. I want to cite some facts about asthma in this state. Asthma affects over 660,000 Illinois residents. It's the leading cause of illness-related school absenteeism and hospitalization for children in Illinois. Also, the death rate for African Americans in Illinois is the nation's highest and more than 4 times the national average. Each year the... asthma costs the state over \$500 million in direct and indirect medical costs. Illinois has one of the highest asthma mortality rates in the nation, it's considered ground zero. Nationally, approximately 5,000 people die annually from asthma. And Chicago's hospitalization rate for asthma is 30.6 per 100,000 people, is nearly twice the national average. Children are particularly hit hard by asthma. It is the second most prevalent chronic condition among children,

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resulting in more than 14 million lost school days each year. There are a variety of medications available to manage asthma and patients need to have ready access to those medications. As anyone with asthma can tell you, asthma attacks can happen anywhere at anytime. This Bill will allow people who suffer from asthma to obtain more than one inhaler at the same time, helping them to better manage this disease. I'd be glad to answer any questions."

Speaker Novak: "Thank you. Is there any discussion? Seeing none, the question is, 'Shall... excuse me, the Lady from Will, Representative Kosel."

Kosel: "Will the Sponsor yield?"

Speaker Novak: "The Sponsor yields."

Kosel: "Can you tell me if this will cover every person who is insured in the State of Illinois?"

Franks: "This... this legislation would prohibit medical insurers from denying or limiting coverage for prescription asthma inhalants based on refill frequency. So, the intent is to cover all insurers."

Kosel: "Do you have... do we, as State Representatives, have the ability to affect insurance policies that are governed by the federal government?"

Franks: "I don't know the answer to that question."

Kosel: "You don't know the answer to that question?"

Franks: "Well, no. It's depending on whether they're doing business in this state. I'm not sure..."

Kosel: "If they're doing business in the state but they're governed by federal regulation then I don't believe that we

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can affect them. Where the intent of the Bill is wonderful, I believe that we will only actually be affecting approximately 20 percent of the people who are insured in the State of Illinois. And I want Representatives on the House Floor to understand that every time we pass one of these mandates that we are only affecting those very small businesses that do not have self-insurance pools. And that this particular piece of legislation will only affect approximately 20 percent of the citizens of the State of Illinois who have insurance. So, be very careful when you go home and say that you voted for this and your child will be able to receive this medication under it. They will not if they are in a self-insurance pool. Most of the schools, most of the corporations are now in self-insurance pools. Thank you."

Speaker Novak: "Further discussion? The Gentleman from Vermilion, Mr. Black."

Black: "Thank you very much, Mr. Speaker. Can I respond from my chair?"

Speaker Novak: "Sure. Would be nice if you stood up though, thanks."

Black: "I think it's violation of House Rules. A... Ladies and Gentlemen of the House, to the Bill. A very worthy Sponsor, a very worthy objective. Previous Representative was on target. We... do not... no state legislature can regulate self-insured programs. And those are the big insurance programs from the big companies, the Caterpillars, the John Deeres, the General Motors. If

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they're self-insured this regulation does not impact them at all. We don't have that ability or capability. The previous speaker was right. It tends to impact small business policies that we can and do regulate more and more and more frequently, which unfortunately, has the result that the Sponsor... and I don't disagree with anything the Sponsor's attempting to do. It's a horrible, horrible illness that seems to certainly be on the increase, not decrease. But every time we mandate one of these programs, I have discovered in my district that more and more employers who are covered under our state mandates, simply can no longer afford the policy or they go to their workers and say instead of... instead of your cost being \$50 a month it's now \$100 a month. Or, I'll just give you \$100 a month and you do whatever you want. And then many families opt out of an insurance plan all together. So, while the objective is noble, the Sponsor has nothing but the purest of motives. As I've said before on these kinds of mandates, we often end up having the opposite effect of what we hope to do. And that is the self-insureds are not... are not covered by our mandate and many of the smaller companies trying to keep up with insurance costs either have to drop their coverage or expand the co-pay on the employer, which often puts the employer in a heck of a bind. I wish I had an easy way out of this. Maybe it's something that many of us have talked about and don't want to bring forward. And that may happen in my lifetime, I don't know. But, as usual, on these kinds of mandates, as much as I'd like to

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vote 'yes' on this Bill because I have family members who suffer from asthma, I will be voting 'present' simply because I've been here long enough to see that the result is often the law of unintended consequences. I commend the Sponsor again. His motives are pure. The mandate is motivated by the purest of thoughts. But, unfortunately, in the market place it often has the opposite affect of what we intend. So, as much as I'd like to vote 'yes', I'll be voting 'present'."

Speaker Novak: "Mr. Franks."

Franks: "Thank you. I appreciate the comments of the 2 previous speakers. And I had a chance to talk to Mr. Dewese here, and he tells me that about 40 percent of all insurance policies is what this state is able to have some influence on. I guess that was the question you had of one of the prior speakers. Let's be clear on what this Bill does. This Bill simply allows for somebody with asthma to get more than one inhaler at a time. Speaking as an asthmatic and a person who has had asthma attacks as a kid, I can tell ya one incidence that I had when I was on vacation as a kid and I didn't have my inhaler with me. As a kid you forget them. If you have two you can leave one at school and one at home you could save a life. And I understand the previous speaker's comment, but the fact is, I believe that if you vote for this Bill you're actually gonna save money because there's gonna be less hospitalizations, there's gonna be less acute care. All we're asking is that somebody is able to have two inhalers

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instead of one. They're not necessarily gonna use them quicker. But the fact is because they've got two they'll be able to be better protected, we'll save lives, and we'll save money. I'd appreciate an 'aye' vote."

Speaker Novak: "Thank you. The question is, 'Shall Senate Bill 467 pass?' All those in favor vote 'aye'; all 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 86 voting 'yes', 0 voting 'no', 29 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 467 is hereby declared passed. Senate Bill 496. The Gentleman from DuPage, Mr. Biggins. Do you wish to call your Bill, Sir? Out of the record. Senate Bill 505. The Gentleman from Lake, Mr. Mathias. Mr. Clerk, read the Bill please."

Clerk Bolin: "Senate Bill 505, a Bill for an Act concerning taxes. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Mathias."

Mathias: "Thank you, Mr. Speaker. This is a good Bill if you have senior citizens that own real estate in your district. This amends the senior citizen homestead exemption to require a pro rata exemption for seniors who move into a new home. We right... right now we have a general homestead exemption which already contains this same provision for a pro rata exemption. What we're doing is... is conforming the senior exemption to do the same thing so that if they move in after January 1st of a year, they also can get a

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prorated... pro rata exemption for the first year. It is a good Bill to help our seniors. And I urge an 'aye' vote for Senate Bill 505."

Speaker Novak: "And on that question, the Gentleman from Vermilion, Mr. Black."

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

Speaker Novak: "Sponsor yields."

Black: "Thank you. Senator Sid, if I may be so bold as to call you that, it has a good ring to it. Can you tell me what the senior homestead exemption is in Cook County?"

Mathias: "Yes, the senior exemption in Cook County, I believe, if you give me a second... oh yes, in Cook County it's \$2500, and in the rest of the state it's \$2,000. That's taken off of the equalized assessed value of the property."

Black: "So, in 101 counties of the state the senior homestead exemption is \$2,000. But in Cook County the senior homestead exemption is \$2,500. Correct?"

Mathias: "That is correct."

Black: "Well, I'll be doggone. I wonder why that is? Is the senior cost of living higher in Cook County?"

Mathias: "Actually, I don't know the answer to that because that's the current law. And I wasn't here when the current law was passed."

Black: "Yes, I... thank you very much. I appreciate that, I was. Mr. Speaker, to the Bill. I intend to support..."

Speaker Novak: "To the Bill."

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Black: "I intend to support the Bill. But for the last three years... as urged by the supervisor of assessments of Vermilion County, who is a Democrat, he has suggested to me that all counties should be on the same playing field. That the senior homestead exemption should be \$2,500 in all 102 counties. Not \$2,500 in Cook, and 2,000 in all the other counties. He has also suggested to me, and I agree with him, that the homeowner's exemption should be the same in all counties. Cook County gets a thousand dollars more on an owner-occupied exemption... the homestead exemption. They get a thousand dollar higher exemption than those of us who live in the 101 counties. I have addressed Bills, I have filed Bills in the last three Sessions. All of them have died a horrible, horrible, and painful death in the House Revenue Committee. Hopefully, we will act on a House Resolution before we adjourn, that at least would ask the Department of Revenue to study what the fiscal impact might be in the other 101 counties if we were to adopt a uniform assessment exemption as the same level as the people in Cook County get. So, with that in mind, I certainly intend to vote for this Bill. But at some point, I would like all of the Legislators who live in the counties other than Cook to join with me in saying, why don't the people who live in our districts get the same senior exemption as those who live in Cook County? And why don't the people who live in our districts get the same homestead exemption as those people who live... live in Cook County? I think there's a

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fundamental issue of fairness that, hopefully, before I'm gone, we can address. Thank you very much, Senator."

Speaker Novak: "Thank you. Any further discussion? Seeing none, the question is, 'Shall Senate Bill 505 pass?' All those in favor vote 'aye'; all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 115 voting 'yes', 0 voting 'no', 0 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 505 is hereby declared passed. Senate Bill 524. The Gentleman from Knox, Mr. Moffitt. Mr. Clerk, read the Bill please."

Clerk Bolin: "Senate Bill 524, a Bill for an Act concerning fire protection. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Moffitt."

Moffitt: "Thank you, Mr. Speaker. I was kind of surprised to be called on this soon. We're... are we finished with the order of Mathias already? It usually... that takes about a half a dozen Bills in a row."

Speaker Novak: "We may be through with him, but we haven't gone through the whole Calendar yet, so..."

Moffitt: "I appreciate that he... Senator Sid said that he wanted to tell Representative Black to be sure to wear a coat and tie when he comes over to his chamber, just a reminder."

Speaker Novak: "I understand."

Moffitt: "Thank you, Mr. Speaker..."

Speaker Novak: "You're welcome."

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Moffitt: "... Ladies and Gentlemen of the House. Senate Bill 524 is an initiative of the Illinois Association of Fire Protection Districts. It is permissive legislation and it would allow them to pay a monetary incentive, if they want to, with the intention of attracting and retaining volunteer firefighters. This passed the Senate unanimously. It's something that the fire districts have wanted the authority to be able to do. The fire... the volunteer firefighter would have to be with the district at least 5 years and it's limited to \$240. But, it would help our fire districts attract and retain volunteer firefighters. Be happy to entertain any questions. There's an Amendment that perhaps Representative Holbrook wants to address too, that we put on here."

Speaker Novak: "Thank you. Is there any discussion? The Gentleman from Cook, Representative Giles."

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

Speaker Novak: "The Spon... the Sponsor yields, Sir."

Giles: "Representative, approximately, I know these are volunteer firefighters... first of all, do these individuals go through the same training as the other firefighters? Is that correct?"

Moffitt: "Not necessarily and it varies with the department. A lot of volunteer departments have... they have their own specified training. Most full-time paid departments probably have more formal training, at least sooner. Volunteer departments I'm familiar with, it's ongoing but

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because... by the nature of the fact that they're volunteers, you know, they can't expect the volunteers to be able to take off a week or 2 weeks or 6 weeks like to go to the fire academy. Our departments around the state really put emphasis on training but it's not specified that they take the same training."

Giles: "This monetary incentive, this is a one time... I'm just looking at \$240 per year, is this just a one-time monetary assistance?"

Moffitt: "That's up to the fire district. As they say, it's permissive but they could do it each year."

Giles: "Okay."

Moffitt: "And they could structure that however they wanted as an incentive."

Giles: "And how many... how many... let's just say on the average from a specific district, how many volunteers are we talking about, just maybe in one district?"

Moffitt: "That is gonna vary a lot. I can just tell ya that in... we can... we can get specifics but from a lot of volon..."

Giles: "And... and I know, Representative, and I know that it probably varies from district to district."

Moffitt: "Sure does."

Giles: "But just on an average. I'm just trying to get in my mind what would an average be, 3 or 4, 10, 15, 20?"

Moffitt: "I think pretty common on a volunteer department it's probably gonna be from 20 to 35. There would be a bigger range than that. But the ones I'm familiar with in my district, most of them have at least 20 members, going up

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into the mid... mid-30s, consider 35 or 40, a full contingent. But that's part of the problem. It's becoming increasingly difficult to attract and retain volunteers. They're not being paid for what they do, more and more training, more and more demands. They provide us a tremendous service."

Giles: "And, lastly, the Amendment #1 which addressed of... it addresses who can volunteer, it goes into their background. I'm looking here where individuals... convicted of a felony who may have an arson... who have been convicted of an arson cannot serve. What are some of the other specific misdemeanors or other reasons that an individual, that you are aware of, that could not meet this criteria and serve as a volunteer? What are some of the others?"

Moffitt: "Representative, and I think probably Representative Holbrook wants to address this, it's wasourhis Amendment. This brings our volunteer firefighters up to meet the same criteria as far as anything that would disqualify you from being a firefighter as a full-time paid departmens. They have specified things that they could not... you know, that would prevent them from being firefighters. This brings our volunteers up to that same category. The big concern here was that there had been some situations where convicted arsons had become members of some volunteer fire departments and there was nothing prohibiting it. And actually, I think Representative Holbrook wants to address that too."

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Giles: "Thank you. Just simply to the Bill. I think... I think the Gentleman, thank you for answering the questions. I think you've been forthright and upfront. It's just that one of the concerns I... I have, especially with Amendment #1, I want to make sure that individuals that do have the right to be volunteers get that opportunity. I'm waiting to hear some of the other convictions. One of the... one of the efforts of this chamber, and especially among the Black Caucus Members, is to make sure individuals have opportunities to... to be involved in all aspects, not just with your conventional employment, but also even on a volunteer basis because that leads into other opportunities, as well. So that was just simply some of my concerns, Representative."

Moffitt: "Excellent question. I believe Representative Holbrook is going to read the list. But this simply puts the volunteer departments on a par even keel, with full-time paid per... paid departments that have a criteria that certain things they could not become a firefighter if they had these convictions. And I think Representative Holbrook is ready."

Giles: "Thank you, Representative. I intend to support your legislation."

Speaker Novak: "Thank you. Representative Novak... excuse me, Representative Turner in the Chair."

Speaker Turner: "Representative Holbrook to close."

Holbrook: "Thank you. What we've done... we've brought the volunteer firemen under the same conditions for eligibility

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if they have a criminal record as public fire... fighters. And Representative Giles asked for some other issues, there's a list of about 20 or 25. But to give you an example, aggravated assault, intimidation, tampering with a witness, criminal sexual abuse, obstruction of justice, perjury, communication with jurors/witnesses, tampering with witnesses, tampering with public notices, indecent solicitation of a child. That gives you a pretty good outline of what they are. I'd urge an 'aye' vote."

Speaker Turner: "The Gentleman from Knox, Representative Moffitt to close."

Moffitt: "Thank you, Mr. Speaker. There are no opponents, everyone has signed off on this, including associative firefighters who have had some concerns in the past, those have been addressed. Volunteers provide an important service around the state as you travel the state, in many cases that's who's providing you the emergency service. I urge an 'aye'... 'aye' vote."

Speaker Turner: "The question is, 'Shall Senate Bill 524 pass?' All those in favor should vote 'aye', all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 115 voting 'aye', 0 'noes', 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. The Gentleman from Cook, Representative Parke, for what reason do you rise?"

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

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Speaker Turner: "State your privilege."

Parke: "Thank you. I would like to announce to the Body that tomorrow the Economic and Fiscal Commission meeting is going to be scheduled at 8:30, not 9:00, but 8:30 in Room 114. So, if you're interested in the... in the part of the... that has to do with the group and health insurance that's what we'll be discussing, is the group health insurance. So if you're interested, 8:30, Room 114."

Speaker Turner: "Appreciate your announcement. The Gentleman from St. Clair, Representative Holbrook, for what reason do you rise?"

Holbrook: "For an announcement. The Tourism Committee that was gonna meet tomorrow has been cancelled due to a conflict in schedule. We'll be rescheduling for next week. Tourism is cancelled for tomorrow. Thank you."

Speaker Turner: "Did you say next week?"

Holbrook: "We will schedule for next week."

Speaker Turner: "Do you know something we don't know? On The Order of Third Reading. We have Senate Bill 630. Wait a minute, Mr. Clerk. The Gentleman from Sangamon, Representative Poe, for what reason do you rise?"

Poe: "Yeah, Mr. Speaker, while we're making announcements, I have an announcement. Tomorrow morning, May 21st, at 7:30, there will be a legislative Bible discussion that will take place in the Capitol Chapel in Room 122A. At 7:30 in the morning for all the early risers. Thank you."

Speaker Turner: "Thank you, Representative. Read the Bill, Mr. Clerk. Senate Bill 630."

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Clerk Bolin: "Senate Bill 630, a Bill for an Act concerning professional regulation. Third Reading of this Senate Bill."

Speaker Turner: "The Gentleman from Clinton, Representative Granberg."

Granberg: "Thank you, Mr. Speaker. Senate Bill 630 provides that 5 hours continuing education credit per year can be obtained through programs sponsored by hearing instrument manufacturers. I'm sorry, no more than 5 hours. Currently, they have to have 10 hours of continue education for a hearing aid licensees, or the people who dispense hearing aids, the dispensers. Under current law, they can receive all those continuing education credits from the actual manufacturers of the hearing aids themselves. The people who dispense these hearing aids would like to provide that half of that credit be from other sources, in fact, be from objective professional sources to bring additional credibility to impact the dispensers of these hearing aids. So, this Bill is at their request to try to upgrade the continuing education requirements. And I'd be more than happy to answer any questions you might have."

Speaker Turner: "The Gentleman from Vermilion, Representative Black, for what reason do you rise?"

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

Speaker Turner: "He indicates he will."

Black: "Representative, I... I don't understand why we would limit 5 hours of continuing ed from the very people who

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probably know more about hearing instruments than anybody else, the people who manufacture and sell those instruments. Is it... does it have something to do with maybe their continuing ed. is... is extremely biased towards their product? Or... or what... what's the rationale to reduce the amount of continuing ed. hours that a manufacturer could... could present?"

Granberg: "Mr. Black, you make a very good point because they should, in fact, have that ability to provide those continuing education hours."

Black: "I..."

Granberg: "It's hard to see you."

Black: "As soon as we get the two freshmen out of the center aisle."

Granberg: "But this is the theory, because they... they think they don't want the dispenser to have to... I think it might be a matter of perception, Representative. That they become reliant upon the actual manufacturer of the product to do their continuing education."

Black: "What?"

Granberg: "They... they would have to..."

Black: "I'm sorry, I didn't hear ya."

Granberg: "I couldn't hear, what'd ya... If they would become overly reliant upon the manufacturer... we could go a lot with this. It'll probably be on NPR tomorrow morning. We'll receive a lot of nasty letters. But we could... I don't think they want to become overly reliant on the manufacturers themselves. So they want to take those 5

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hours of continuing education at some other... from some other party."

Black: "Well, you and I are both from downstate. How many... how many purveyors of continuing education on hearing instruments are there? I... I would think that other than the major manufacturers... I don't think any community college that I've ever seen puts one on. I mean, where... who would put them on other than manufacturers or manufacturers' representatives?"

Granberg: "Representative Black, I asked the Bill's Sponsor that. She said... 'cause I indicated downstate that might be an issue. She said they were going to work with the community colleges to provide that in an on-site through other parties. I'm not..."

Black: "If you're comfortable with that, Representative, I am. I have a great deal of confidence in your abilities. But I know you've been here long enough, remember the hassle we got into with continuing ed for cosmetologists."

Granberg: "Correct."

Black: "Oh my, how well I remember that. And many of those continuing ed. classes were either in Chicago, Peoria, the Metro-East area. And people in my district were very upset about that."

Granberg: "Right."

Black: "And I think we eventually came back and grandfathered some of them in because it was so difficult to get those classes."

Granberg: "Yes we did."

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Black: "But... you think then that... that a person in this business will be able to get sufficient continuing ed. throughout the state?"

Granberg: "Representative Black, again you make a very good point because that impacts our areas. If I did not think this is reasonable or that this is gonna be an issue I wouldn't be handling the Bill."

Black: "Okay."

Granberg: "I'd be up speaking against it."

Black: "I... and I know you and have known you for years and I'm sure that... that's the way it is. But... but, again, if we make a mistake I know that you and I will hear about it. And we'll..."

Granberg: "So to speak."

Black: "We'll correct it. No pun intended. And we'll correct it at a later date. As always, you and I make a wonderful team. And Representative Parke suggested we go on the stage and also said the next one leaves in 5 minutes, very pleasant fellow. Thank you very much."

Granberg: "Thank you, Representative."

Speaker Turner: "Seeing no further questions, the question is, 'Shall Senate Bill 630 pass?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the... Dunkin... the record. On this question, there are 114 voting 'aye', 1 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. On the

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Order of Third Reading we have Senate Bill 633. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 633, a Bill for an Act in relation to aging. Third Reading of this Senate Bill."

Speaker Turner: "The Lady from Will, Representative Kosel."

Kosel: "Thank you, Mr. Speaker. This is a Bill that AARP has worked on for a long time. It actually provides funding outside of general revenue sources for services to our senior citizen resource centers within our community. It's already passed through the House once. And I would appreciate a 'yes' vote. Thank you."

Speaker Turner: "Seeing no questions, the question is, 'Shall Senate Bill 633 pass?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, 115 voting 'aye', 0 'noes', 0 'presents'. This Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Third Reading, we have Senate Bill 639. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 639, a Bill for an Act concerning mental health. Third Reading of this Senate Bill."

Speaker Turner: "The Gentleman from Fulton, Representative Smith."

Smith: "Thank you, Mr. Speaker, and Ladies and Gentlemen. This is a measure on behalf of the sheriffs of the State of Illinois who currently, under current law, are required...

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have the responsibility for transporting people who are involuntarily committed to the Department of Human Service facilities for the mentally ill. Currently, county sheriffs have the responsibility for transporting these people at their own expense. They must be handcuffed and shackled and transported across the state. In our part of the state we have become particularly aware of this with the closure of our regional mental health facility and the need to transport individuals across the state. The sheriff of Peoria County estimates that in 2002 alone these transports cost him an estimated \$116 thousand. This would simply remove the requirement that the sheriffs have the responsibility to transfer these individuals and would give that requirement to where it belongs, which is the Department of Human Services. This is about the humane treatment of individuals who are mentally ill and must be transported to a state facility. We have heard horror stories from individuals and from family members who have had to watch as their family members who are suffering under severe mental illness are handcuffed, are shackled, and placed in the back of a squad car with a deputy who is not trained in the treatment of the mentally ill. So, I ask for your favorable consideration of this legislation. We return this responsibility to the state, where it belongs. Be happy to answer any questions."

Speaker Turner: "Seeing no questions, the question is, 'Shall Senate Bill 639 pass?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now

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open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 114 voting 'aye', 0 'noes', 1 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Third Reading we have House Bill... Senate Bill 642. Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 642, a Bill for an Act in relation to criminal law. Third Reading of this Senate Bill."

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

Acevedo: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 642 (sic-Senate Bill 642), defines drug paraphernalia as equipment product and materials of any kind, which are intended to be used unlawfully, rather than peculiar to a marketed to use... in violation of Cannabis Control Act or the Illinois Controlled Substance Act. I'd be happy to answer any questions.", for what reason do you rise?"

Flowers: "Representative Acevedo, would you please explain to me again what does this Bill do?"

Speaker Turner: "Representative... "

Acevedo: "I'm sorry, I didn't hear the question."

Speaker Turner: "She wants you to explain what this Bill does again."

Acevedo: "It includes the definition of 'drug paraphernalia' items that are either manufactured or homemade. Currently, I believe currently it only allows for manufactured."

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Flowers: "So, okay. You are adding some more things as to what is prohibited."

Acevedo: "If they're intended to be unlawful, yes."

Flowers: "Of what's unlawful. Okay. Now, let me just ask, so the needle Bill that we just passed... the needle Bill that we just passed will that be considered a drug paraphernalia with this legislation?"

Acevedo: "Depending on the use it was intended for."

Flowers: "So... "

Acevedo: "I wouldn't... I couldn't honestly answer the questions as far as the needle Bill... Representative. That wasn't my... that wasn't my Bill."

Flowers: "Well, according to the Amendment here it talks about drug paraphernalia that are used for consuming drugs. It says drug paraphernalia that are used for consuming drugs. So, the syringe in the needle Bill that we just passed that would allow heroin users or anyone to purchase up to 20 needles, if they used those needles for the injection of illegal drugs, would that be considered a drug paraphernalia, and would they be in violation of the law?"

Acevedo: "Depending on what it was intended to be used for, Representative, if... "

Flowers: "So, let me just ask if its heroin or crack cocaine or methamphetamine, if that is found in the syringe of the needle."

Acevedo: "Yes. That would be considered unlawful for the fact is that those drugs that you just stated are illegal."

Flowers: "Those drugs are illegal."

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Acevedo: "Yes."

Flowers: "And so the equipment, the needle and the syringe, which is used with that illegal drug, will then, that will then become an illegal drug paraphernalia that's being used, am I correct?"

Acevedo: "Representative, current law states that, that needle is already in legis... I mean in law right now. What this Bill does, it just basically... defines drug paraphernalia which is also would be considered like homemade drug paraphernalia. For instance, you have a magic marker and inside that magic marker instead of the bottom there's a false bottom and you pull it out and it's able to... a pipe to smoke crack cocaine."

Flowers: "Okay. So, and, let's take your same example and if at the bottom of that magic marker is a needle with heroin in it, is that an illegal use of drug? According to the description here, it talks... it says the original Bill amends the definition of 'drug paraphernalia' to include materials of any kind which are intended to be used unlawfully in conjunction with marijuana or other controlled substance. So, it talks about... it defines drug paraphernalia... to include any kind which is intended to be used unlawfully. So, the needles in which we've just given 18 years and older to purchase, if they purchase those needles and use it with illegal... with illegal drugs, that needle then becomes a drug paraphernalia and is illegal, that they just purchased legally."

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Acevedo: "Representative, current law states that if there is any sort of drug on the needle or in... like you say, you have a syringe, what you said a syringe, if there is any kind of trace of any illegal drug in there, current law states that you could be arrested for 'drug paraphernalia'."

Flowers: "I'm sorry. I didn't understand you, but I just want to read. It says, 'currently, paraphernalia is defined as; equipment, products, or material of any kind which are peculiar to and marketed for, in conjunction with marijuana and other controlled substance'."

Acevedo: "Right."

Flowers: "So, heroin is a... other controlled substance. Am I correct?"

Acevedo: "You're correct."

Flowers: "Okay. I just wanted clarity on the intent of this legislation. Thank you."

Speaker Turner: "The Gentleman from McLean, Representative Brady for what reason do you rise?"

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

Speaker Turner: "He indicates he will."

Brady: "Representative Acevedo, you and I have a Bill that's similar to this that's presently over in the Senate, do we not?"

Acevedo: "Yes."

Brady: "And what that particular Bill deals with is actually the products that are disguised, if you will, marketed as

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tobacco-based products for sale but really have no more a use other than for drug paraphernalia. Is that correct?"

Acevedo: "Yes, that's correct."

Brady: "And, this Bill differs a little bit from that, it's not quite as narrow in definition, would that be a fair assessment?"

Acevedo: "Right. The Bill that we sent over to the Senate, Representative, was more detailed as far as which drugs were involved."

Brady: "And those, in particular, were those products that marketed as a tobacco product but clearly were really intended for one use, and that was for some form of smoking drugs. Correct?"

Acevedo: "Correct."

Brady: "Okay. Thank you, very much. I heard Representative Flowers, allude to it and I was just trying to help clarify if I could on this particular Bill."

Acevedo: "Thank you, Representative."

Brady: "Thank you, very much. Thank you, Mr. Speaker."

Speaker Turner: "The Lady from Cook, Representative Davis for what reason do you rise? He indicates he will."

Davis, M.: "Mr. Speaker, thank you. I would just like some clarity. I'm looking in Section 5, line d, I guess, it's line 20, and it states 'drug paraphernalia' means, 'all equipment, products, and materials of any kind which are intended to be used unlawfully.' Now, the question I have is, will shooting heroin or cocaine be considered unlawful?"

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Acevedo: "It's considered now unlawful."

Davis, M.: "Pardon?"

Acevedo: "It's considered now unlawful. This Bill... this legislation does not change that."

Davis, M.: "Well... just hold on a minute. You say this Bill does not change the illegality of heroin or cocaine?"

Acevedo: "Yeah... if they don't know it."

Davis, M.: "Well, here I have to ask this question."

Acevedo: "We're talking about the material that's used to either smoke crack cocaine or inject heroin into your body."

Davis, M.: "Well, it says... "

Acevedo: "This does not deal with the drugs itself, Representative."

Davis, M.: "... Illinois Controlled Substance Act. Now, are these things controlled substances in Illinois? Is cocaine a controlled substance? Is heroin a controlled substance? I don't know, is it?"

Acevedo: "Yes, it is."

Davis, M.: "Okay. It is controlled. Then your Bill states 'drug paraphernalia' means, 'all equipment, products, and materials of any kind which are intended to be used unlawfully.' And then they go on to state what some of these products are and they include controlled substances. Now, how does your Bill affect the Bill that we passed earlier with the 20 needles? Would the person with 20 needles be... could he be charged with anything?"

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Acevedo: "Depending on the intent of what the needles were used for."

Davis, M.: "So, you think we passed that Bill so they could use needles for diabetics?"

Acevedo: "I can't hear you, Representative. Representative, let me clarify one thing. I did not pass the needle Bill, so you're asking questions that was asked three days ago."

Davis, M.: "I know... but it's important, Representative. No mis... disrespect to you at all intended, but as a Legislator, I have to be responsible to the people I represent. I can't tell them that I passed a Bill two weeks ago to allow people to buy 20 needles that I know are to be used for heroin and cocaine and then today I pass a Bill that says it is unlawful drug paraphernalia when you have these items that will be used unlawfully. Now, I'm just trying to understand, either having that needle is going to be lawful or having that needle is going to be unlawful. The intent and how do we prove the intent?"

Acevedo: "Representative, I believe that the question you just asked is probably up to the State's Attorney, because he has to prove intent, what the needles were used for."

Davis, M.: "How could he prove intent?"

Acevedo: "As I explained to the other Representative, Representative, that if you have a syringe and there's some kind of trace that you've either injected heroin or cocaine, well, you just proved it. You just proved your point."

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Davis, M.: "So, what we're saying here is, when the... we're removing all the other legislation that's currently in effect and what we're saying is intent has to be proven. Now, this... I'm concerned with this. You're saying the prosecutor has to prove the intent of why the person had this paraphernalia. Now, suppose I buy 50 boxes of baking powder. What do they use baking powder for?"

Acevedo: "Representative, I am sure they have certain tests to figure out if it's baby powder or cocaine."

Davis, M.: "No, I'm just saying, but my understanding is baking powder is used to cut cocaine. Is that right?"

Acevedo: "I don't know, I've never mixed cocaine."

Davis, M.: "You're a police officer, you should know."

Acevedo: "No, actually, I save that... when I send that to the drug lab."

Davis, M.: "So, you don't know that cocaine is... cocaine is cut with baking soda?"

Acevedo: "Representative, to be perfectly honest with you, even though I'm a police officer, call me naïve but I don't know what you mix cocaine with because I never dealt with that drug."

Davis, M.: "Well, here's my question. Are we relaxing drug paraphernalia rules or all we increasing drug paraphernalia rules?"

Acevedo: "We're increasing."

Davis, M.: "We're increasing them. And we seem to be increasing them by saying that someone has to prove the

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intent of why these people are carrying these products. Is that correct?"

Acevedo: "Yes. That's correct."

Davis, M.: "So, you're saying the prosecuting attorney will have to prove that I'm carrying this pipe, this cocaine pipe or crack pipe, he's gotta prove how I intended to use it. How would he do that?"

Acevedo: "Exact... Representative... "

Davis, M.: "What... what we're doing is relaxing the drug laws in this state. We're relaxing the drug laws, and it is wrong. I know it passed out of Senate but there is something wrong with relaxing drug laws at a time when we are losing young people."

Acevedo: "Representative, I think you're confusing my Bill with the needle Bill that passed, I believe, three days ago. So, this has nothing to do with the questions you're asking me."

Davis, M.: "Well, your Bill states that when these... when the intention, marketing, processing, when it is used, it's the intention that you're saying has to be proven. You're saying even testing the equipment intended to be used unlawfully, intended, you're putting in the word that it's intended for an unlawful purpose. In other words, let me just ask you this, someplace you have here that some of this drug paraphernalia could be used for decoration. As long as it's used for decoration it's okay, because it's not intended to be used unlawfully. So, tell me how the... it says, 'when they're beyond a reasonable doubt marketed

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for illegal and unlawful substances', you're crossing 'marketed' you're saying 'intended'."

Acevedo: "Absolutely. Now, Representative, you asked me a question earlier if baking soda is used with cocaine. If you ask me that question, you know when a crack pipe and what it's being used for, because usually there's residue left, inside the crack pipe or the needle."

Davis, M.: "But, I... "

Acevedo: "That... wait a minute, can I finish? And, that's where it's up to the state's attorney to prove intent."

Davis, M.: "Well, you know what I would tell that state's attorney, I intended to throw this in the garbage, the first garbage can I reach, I intended to throw it away. That truly lets me off the hook. I intended to give this to my brother to whom it belongs. I intended to keep this for decoration in my store window."

Acevedo: "Representative, if you have a crack pipe that has residue on it, and you have it in your pocket and you say you intended to give it to your brother, I'd lock you up instead of your brother, because it's on your possession."

Davis, M.: "But, based on your law, Representative, with all due respect, you're saying it is based on what I intended to do with it. Now, I'm gonna be honest, I've been here 16 years and I have never seen a piece of legislation that said it was based on what a person intended. How do you prove what I intended to do?"

Acevedo: "Representative, I'm just going over it again. We're going through the same questions. If there's residue found

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on the needle, which you keep bringing up the needle, on the crack pipe, on the other materials that you just mentioned, it's up to the prosecution to prove intent."

Davis, M.: "I just don't understand how you change the current law some things being marketed for, things being used for, I don't understand how we change it to what it is intended for. What is your intended result? What results do you intend to get from this legislation?"

Acevedo: "I intend to take all those materials that are being manufactured or produced to ingest illegal drugs off the streets."

Davis, M.: "Okay. Well, the current law, part of it says, 'objects peculiar to, and marketed use... marketed for use in ingesting, inhaling, or otherwise introducing cannabis, cocaine, hashish' or what have you. But these are in violation, your Bill crosses all that out, and it says, 'objects intended to be used unlawfully'."

Acevedo: "Absolutely. And, it's up to the prosecution to prove."

Davis, M.: "It's up to the prosecution to prove it."

Acevedo: "Yes."

Davis, M.: "So, do you believe that his job will be made more difficult or if... I'm serious about this... "

Acevedo: "So... "

Davis, M.: "Do you think it will be more difficult for the prosecutor in court to prove a person's intention than it will be to prove what he's marketing?"

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Acevedo: "No, I don't think it's going to be that difficult, Representative. For the fact is, I'm going to say it again. As long as there's residue on there and it's tested and there's some trace of illegal drug on that product, then he will be arrested for it."

Davis, M.: "Well, Representative. To the Bill, Mr. Speaker, and I appreciate the time. I'm really concerned about what we're doing in the State of Illinois. If a person can purchase 20 needles to stop the spread of AIDS and the way we say it's being spread is through the use of drugs, and then we pass a Bill that's says if you have these products and you intend to use them for drug abuse, that you're in violation of State Law. I see a massive contradiction here. I see a massive contradiction. And, not to be against you, Representative, because I know you're well intended, I just don't think you may know what you're creating. I passed the drug paraphernalia law in the State of Illinois 16 years ago and I passed that Bill to stop crack pipes from being sold next to bread. I worked with Father Pflieger, Father Pflieger from St. Sabina's to remove drug paraphernalia from off of the counters where our children bought candy. And I don't want to see it brought back, if I can help it, Representative. Therefore, if I'm the only one in here, I will vote 'present'."

Speaker Turner: "The Gentleman from Jackson, Representative Bost, for what reason do you rise?"

Bost: "Thank you, Mr. Speaker. I move the previous question."

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Speaker Turner: "The Gentleman moves the previous question. All those in favor say 'aye'; all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it and the previous question is put. Representative Acevedo to close."

Acevedo: "Ladies and Gentlemen, for the past seven years I've been here, everybody has passed legislation that contradicts one another. To stand up here and talk about a needle Bill or a piece of legislation that was passed three or four days ago is ridiculous. We've all done it; we've all done it for our own certain reasons. This is a Bill that has nothing to do with the needle Bill. If you want to continue that argument you should have stood up and talked at that time. This is a Bill that deals with taking the manufacture of products that deals with illegal drugs off the street and that's exactly what this deals with. I ask for an 'aye' vote."

Speaker Turner: "The question is, 'Shall Senate Bill 642 pass?' All those in favor vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 111 vot... there are 111 voting 'aye', 1 voting 'no', 3 voting 'present'. And this Bill, having received the Constitution... vote, Representative Dunkin 'aye'. Can't do that. This question having received the Constitutional Majority is, hereby declared passed. The Gentleman from Cook, Representative Dunkin, for what reason do you rise?"

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Dunkin: "Mr. Speaker, I'd like to be voted 'aye' on this vote be present. Excuse me, an 'aye', this is a 'yes' vote for me, Sir."

Speaker Turner: "The record will so reflect your intentions."

Dunkin: "Thank you."

Speaker Turner: "On the Order of Third Reading, we have House Bill 620. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 620, a Bill for an Act in relation to taxation. Third Reading of this Senate Bill."

Currie: "Thank you, Mr. Speaker and Members of the House. This measure would take appeals for commercial and industrial properties in the County of Cook outside the range of the Property Tax Appeals Board, but leave that venue for homeowners in the County of Cook. As you know, 6 or 7 years ago, all properties in Cook County were brought under the jurisdiction of the Property Tax Appeals Board. That, of course, increased the workload of that agency given that more than 50 percent of the assessed evaluation in the State of Illinois is in the County of Cook. What we have found is that the procedures, the evidentiary requirements before the Property Tax Appeals Board, while certainly suitable for homeowners, do not work effectively when the issue is a commercial or industrial property. And, in fact, we have seen substantial losses to local governments in the County of Cook, your libraries, park boards, and especially school districts' dollars that come out of the mouths of the school children whose special responsibility we serve. I would be happy to answer your questions. It's

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time to restore normalcy to the way property assessments are appealed in the County of Cook. We do not need further duplications and we do not need further erosion of the Cook County tax base. I'd be happy to answer your questions and would appreciate your support."

Speaker Turner: "The Gentleman from DuPage, Representative Biggins, for what reason do you rise?"

Biggins: "Thank you, Mr. Speaker. Will the..."

Speaker Turner: "She indicates she will."

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

Speaker Turner: "Proceed."

Biggins: "I rise strongly against Senate Bill 620 for several different reasons. One of which is that it doesn't just hurt... it hurts commercial and industrial taxpayers ability to protest. That means your corner grocer, your place where you do your laundry, maybe get your shoes repaired, those kind of shops. And then all sizes of the business properties in Cook County would have no place to go beyond the Cook County Board of Review, except the circuit court. Now, this Bill also will hurt school districts because currently on matters that are before the Property Tax Appeal Board school districts have a right to intervene. They have no rights to intervene in circuit court. Therefore, their ability to participate at the table when the decisions are being made, which they do now as a complete industry by itself in Cook County, will be removed from them. They will have no voice. This Bill hurts homeowners. They will have to shoulder the costs of a

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mounting and hugely increased costs in our circuit courts at Cook County. As you know, I represent... a good portion of my district is Cook County. Currently, the Property Tax Appeal Board is funded by the taxpayers throughout the State of Illinois. If it... a nearly suitable avenue beyond the board is circuit court, that will have to be borne by the taxpayers of Cook County. A third remedy would be lost in that the current Property Tax Appeal Board works with about a one-year range before they make their decisions. The circuit court takes 3 years and longer, most likely longer than that. The tax payer is required at great financial hardship to pay their taxes under protest, they have to get a lawyer. All of these things are not necessary under an appeal to the Property Tax Appeal Board. It further raises the cost of doing business in Illinois. And, of course, it's gonna hurt Cook County. It's gonna hurt terribly the south suburbs where they will lose an avenue of tax appeal. I mean, we're trying to get businesses to locate in Cook County and to stay there and we're not trying to get them to run out because they can no longer appeal their taxes in a timely fashion. I have a chart, I know that many of you have seen this chart from the Cook County Treasurer's Office, indicating that the refunds of paying as the result of the Property Tax Appeal Board are about one-tenth of those from all other sources of refunds. Nine times more refunds are received as a result of circuit court. No one's saying abolish the circuit court, they're saying abolish a new agency that

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provides as much in refunds as the Cook County Assessor himself does after assessments are finalized. I want to repeat that. The Cook County Assessor's Office recommends as much refunds after the assessment rolls are final as the Property Tax Appeal Board has rendered in the last 2 calendar years. Now, you might think 'cause you're downstate this Bill doesn't affect you but it does. Because many of the businesses that operate in your counties downstate have branches or satellites or... and others in Cook County who could with... to give retailers... there's also industrial properties, similar ownership, have stock ownership. So, you're placing a very huge burden on the citizens throughout the state by abolishing the rights of the businesses to appeal their assessments and protest their taxes in Cook County. Now, I have offered as an Amendment, that remains in the Rules Committee, a proposal from the Civic Federation. While not perfect, it's there. It's in writing, it's been there for about 3 weeks now. The Bill has not moved out of Rules. I'd like to see that Bill discussed in a light of day and let's look at what's good in it and maybe retain that. Put that in this Bill and maybe take out what's bad, that people don't like. But it's there's as an option. But Mr. Speaker, to everybody, the right to appeal your taxes is as basic in America as 1 person, 1 vote. We know how this country was founded, one of the founding issues was the right to appeal and protest your taxes. Don't take this away from Cook County. And

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Mr. Speaker, if I may, I would ask for a verification should this Bill receive the required number of votes."

Speaker Turner: "The Lady from Cook, Rep... your request has been heard."

Biggins: "Thank you."

Speaker Turner: "The Lady from Cook, Representative Krause, for what reason do you rise?"

Krause: "Thank you, Mr. Speaker. To the Bill. I rise in strong support of this legislation because it is legislation that is stated by the Sponsor, it's exclusively for Cook County. And my house district, House District 66, lies totally within Cook County. All of us at the beginning of this year had many meetings in our districts with our schools. I had 3 meetings that were held in my district and in the surrounding area. What the schools did, and we all saw it, was obviously bring up the important area of funding and what was the affect of the state budget on the funding of these schools? In my area the finance directors would bring out charts and they would show what it is that they received from the state and then the specifics as to what was happening in our districts as far as PTAB. At those meetings for the northwest suburban area of Cook County, and just looking at the schools over the last three and a half years School Districts 15, Palatine District 25, Arlington Heights, District 54, Schaumburg, District 57, Mt. Prospect, District 59, Elk Grove Village, District, 62 Park Ridge, District 63, Des Plaines, and the high school districts had to refund out of

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their budgets a total of \$121 million. We could not possibly continue with that type of bleeding of the loss of tax dollars. In addition, these refunds are after the fact. They are reductions from dollars that were received by the school districts, were paid from current year tax collections, and then after they had established a budget, believed what their revenues were, they then had to have... the treasurer then have to take out those amount of moneies even though their budgets had already been determined as to how much it would be spent. In Cook County, we have what's called an ordinance 6B. That ordinance can be used by many of the municipalities to be of assistance for business, commercial, and industrial development. That ordinance will continue and will continue to assist our municipalities with the development of new facilities, rehabbing on existing facilities, using abandoned buildings. And under this law the assessment is only 16 percent the first 10 years, 25 percent in the eleventh year, 30 percent in the twelfth year, and then it can be extended. So we continue to receive the benefit of various types of tax relief within our county. I would urge for those of you, and I know that you are not... the majority are not in our county, but this is very serious as to what has happened. All of our superintendents have urged a 'yes' vote and a support. Dr. Brown, Mt. Prospect, District 57, 'I would ask you maintain your support for Senate Bill 620. The continuing erosion of the property tax base and the transfer of taxes from the commercial base to the

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residential must be halted.' Superintendent Bob Howard from District 59 writes similar, 'business appraisals are far more complex and require the additional deliberations found at the circuit court level. PTAB should be restricted to use by homeowners allowing the properties shift from business to homeowners to be influenced by homeowners making the property tax appeals. Please support Senate Bill 620.' And that continues. Under Cook County law it is necessary to first go to the assessor's office then to the board of appeals, and if this were successful to the circuit court. It is within the circuit court that is the place for the type of evidence that should be used for commercial and industrial. I believe that this Bill would provide back to those of us in Cook County some assistance in the whole difficult issue of school funding. We are predominantly a flat grant district. We receive \$218 per pupil. This would assist what really is happening there. I would ask you to give serious consideration even though it does not affect you. I would ask that you would vote 'yes'. Thank you."

Speaker Turner: "The Gentleman from Lake, Representative Sullivan, for what reason do you rise?"

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

Speaker Turner: "To the Bill."

Sullivan: "Ladies and Gentlemen, we have heard that this is a school versus business issue. This is certainly one aspect of what is being discussed. But ultimately, this Bill is about fairness. I ask you to please take a moment to study

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this Bill because it is very far-reaching. To those of you that want to vote for this Bill because it will help your schools, I ask you, what are we teaching our children about the issue of fairness? To those of you that want to vote for this Bill because it only affects Cook County, I ask you if you would vote for this Bill if it affected your county? To those of you that want to vote for this Bill because it only affects businesses, I ask you if you would give up your right to appeal your homeowner's assess... assessment if it affected your homeowner... your home? Ultimately, I believe that this goes to what we consider right and wrong. And I respectfully ask for a 'no' vote. Thank you very much."

Speaker Turner: "The Gentleman from Cook, Representative Miller, for what reason do you rise?"

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

Currie: "Yes."

Speaker Turner: "She indicates she will."

Currie: "Yes, I will."

Miller: "Representative Currie, clearly this Bill was lobbied by both sides very contentiously. And I had a question as it relates to us in the south suburbs. Was there any discussion as you know of, of putting any ceiling or any... excuse me, any floor on the... the amount or the business size or the type of refund that was being... is being requested?"

Currie: "Representative, there was. There was concern about small businesses. We couldn't find a way to do that

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constitutionally, but let me tell you about small businesses. Because every opponent is hanging his or her hat on small businesses to tell us why Senate Bill 620 should not become law. Only 12 percent of the appeals today that go to the Cook County Assessor come from small businesses. Small businesses are not appealing right, left, and center, their assessments. And when they go to the Cook County Assessor they do pretty well. But let me tell you what's happening to small businesses in places like Ford Heights. The small businesses wondered why are their taxes going up? Why are they going through the roof? Well, the answer in part is that 80 percent of PTAB reductions in a single year went to a major, not a small, a major employer in Ford Heights. They made off like one-armed bandits and guess who was left holding the bag? Homeowners and small businesses. So, yes, we looked at that issue. We could not find a way to constitutionally limit the dollar amount or the ordinance level. But I would suggest to the Members of this chamber that if it's small businesses you're concerned about, if you live in Ford Heights, if you live in... in Chicago Heights, Niles, Rich, Elk Grove, Northfield, Barrington, Maine, the PTAB reductions, the bulk of them are not going to the small business and the homeowners, they're going to the big guys. And sooner or later, sooner or later the homeowners and the small businesses are the ones that pick up the slack. And in the meantime, it's the school kids that are not getting

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a fair shake at education. It's the library boards and the park districts who can not provide programs."

Miller: "Okay, you mentioned Ford Heights, which is in my district, several times. Listen, do you know the definition of a small business by the SBA? I believe it's 3 million or less."

Currie: "I believe that's right."

Miller: "And I don't know of any... I don't know of any, except maybe one business in Ford Heights, versus the... throughout my district versus a 'mom and pop' offices..."

Currie: "Yeah, I think, Representative... I'm sorry, I think I misspoke. It was Bloom Township..."

Miller: "Okay."

Currie: "... where the 80 percent reduction came. But that had an impact on the businesses and the homeowners in Ford Heights."

Miller: "Well, yeah. When you talk about Bloom Township that also consists of the Ford Motor Company that has a facility off of Lincoln Highway there too that's in Bloom Township. So once again, you're saying the fact that possibly that company, which I think probably may be the biggest one located in Bloom Township, received the most benefits. Is that correct?"

Currie: "Well, as I say, 80 percent in a single year went to one major concern. And that 80 percent comes out of the mouths of the school kids in the beginning and ultimately the slack gets picked up by everybody else. And everybody

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else includes your small businesses as well as your homeowners."

Miller: "Okay. To the Bill, Mr. Speaker."

Speaker Turner: "Proceed."

Miller: "Obviously, this is a very important issue to many... to many areas and to many people outside of Cook County and Cook County. And the portion of Cook County that I represent, myself and Representative Davis, Will Davis, you have 5 of the poorest communities in Cook County. The other side of that... and when we talk about being poor is the fact that there are not many businesses in Cook County. Myself, I represent where River Oaks is, that many of you may shop. Those businesses aren't the Sears, the Motorola's, the Bowline's that are proliferated in other areas, plain and simple. And so when I hear arguments in regards to this will help education funding, that's probably true. As we talked about before the Governor's announcement, casinos would help educational funding, that's probably true. And we could sit and talk about a bunch of Band-Aids that would help educational funding in the State of Illinois until we talk about dealing with educational funding within itself. There's been numerous legi... pieces of legislation that's been passed by this House and by this Senate dealing with educational funding. So, personally, I'm a little sick and tired of hearing that everything's gonna help educational funding. In the south suburbs we have deal with what we call a 'double whammy'. If we don't provide incentives for our businesses to come

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out to the south suburbs they're simply gonna locate somewhere else or locate to Will County. If we don't have businesses our educational fund will further be depleted. And so although I can definitely understand why someone would be supportive of this, regardless of that in the fact we in the south suburbs deal with this 'double whammy' that unfortunately cycle within itself. I would encourage my colleagues to vote 'no'."

Speaker Turner: "The Gentleman from Cook, Representative Molaro, for what reason do you rise?"

Molaro: "Thank you, Mr. Speaker. Just to the Bill."

Speaker Turner: "To the Bill."

Molaro: "Thank you. You know, I... actually the Bill is about one sentence long, I mean the change. And, you know, I don't know where we're getting off. I... and I think Representative that just spoke is right, I don't want to go to educational funding. I just want to talk about what the one sentence does. Prior to 1996 PTAB had nothing to do with Cook County. Somehow all of these small businesses in Cook County were able to survive all these years without PTAB. As a matter of fact, there was a big growth in our area with businesses. Somehow they were able to survive. Well, remember how this works. This is pretty simple Bill. In Cook County, just like almost everywhere else, the assessor of Cook County comes out and he assesses your property, not your business, your property. So you have a piece of property and he assesses it. The whole world knows they don't use market value, it's assessed way below

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market value. And let's assume you're either gonna do it yourself or you'll get a lawyer. You go to the assessor's office and you say I think I was assessed improperly. You give them all the evidence. If you've ever dealt with the assessor, simply go in there, you sit down, you show 'em what you got. Whether you're a lawyer or whether you're just a regular taxpayer you tell them there's a mistake. You go back and forth and he has the right to change that assessment. If you don't like what he did you go to the Property Board of Tax Review. As a matter of fact, if you read any of the articles, they say the Board of Tax Review is too one-sided towards the taxpayer. Now, what this Bill does, if you don't even like what the Property Board of Tax Review does then you can go to circuit court. All it does is it skips this little area where you can go to PTAB. And you can't go to PTAB, you go to... you go to court. You don't like what the court tells you go to Appellate Court. So, you always have that. All it does is say that if you're in Cook County you don't get to go to PTAB. It's not taking away anybody's rights. Everybody has the right to go to court and still does under this Bill. If you feel you were cheated or if you feel that you were in error or if you feel it was wrong, you have the right to go to administrative review in the court. And that's where everybody should go if they don't feel they got a fair shake from any administrative review board. So, all we're saying here is that we're taking away one step that we did without for 50 years. We did it for 5 or 6 years, it's

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hurtin' some of these taxing bodies. That's all we're saying. So all this does is put it to where it was for 50 years of Illinois history and still gives every taxpayer every right to... to protest their taxes, to go to the Board of Tax Review, to go to the assessor, and to go to court. In Cook County the assessor, the mayor, and everybody else that's involved in this says this is the way to go. And I think it's a good vote for Cook County and I urge an 'aye' vote."

Speaker Turner: "The Gentleman from DuPage, Representative Froehlich."

Froehlich: "Thank you, Mr. Speaker. To the Bill. I just received today a letter from the superintendent of the largest high school district in the state, it's high school District 211, Palatine and Schaumburg Township, urging me to vote 'no' on Senate Bill 620. He said, 'District 211 does not support Senate Bill 620. We urge you to not support it.' And so, I was very happy to get this letter. This allows me to cast both a pro-business and a pro-education vote. And I'm going to vote 'no' on this Bill."

Speaker Turner: "The Gentleman from Cook, Representative Davis. Yyou got somewhere to be?"

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

Speaker Turner: "She indicates she will."

Davis, W.: "How... how can we address the possibility... as I've heard from both sides of this issue, one of the concerns that I have is if we don't give this opportunity to

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businesses to at least appeal that there is a possibility that these businesses may want to move from our areas. How... how can we stop that from happening?"

Currie: "Well, first of all, Representative, I'd reiterate the point that a former speaker made, and that is that they got along without it before they had it, we can get along without it now. It was only in the middle to late '90s that the Property Tax Appeal Board became available to any property owner in Cook. And I would urge that it's the small businesses that are taking the hit, along with homeowners, because the large establishments are getting a bite at the apple that we don't need. We have 3 layers of appeal already as do downstate folks. And, in fact, without evidentiary standards, without deference to the administrative agency, PTAB calls itself the 'poor man's court'. Let's reserve it for the homeowners and let's take the business establishments out. It is the major, major owners that are doing very well at the Property Tax Appeals Board, sophisticated owners with a PTAB that is not organized to respond to these kinds of appeals in a sophisticated fashion. So I would make 2 points. First of all, it worked before Cook County went to PTAB, and the effect of Cook County going to PTAB has not meant lots of breaks for you and me. It's been very significant breaks for very significant business operations. The effect of which, of course, is to undercut the ability of local governments, including school districts, to do their job. You heard the list from Representative Krause of the

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districts that she's hearing from in her area. They are bleeding because PTAB has gone overboard."

Davis, W.: "Well, I appreciate that, Representative. But still, when we're faced with a possibility... and maybe it's idle threat, I don't know. But when I'm hearing from businesses in my district saying that without this opportunity they may be forced to pack up and move somewhere else, wherever that elsewhere may be, then that's something that I must take into consideration."

Currie: "Yeah, well, I would just reiterate they didn't leave before PTAB was an option. And according to my figures, only 12 percent of small businesses today begin an appeal at all, an appeal of the assessor's office. And I would imagine a very small percentage of that 12 percent takes an appeal beyond. So... and besides, those businesses are the ones that may leave because they're paying higher taxes when those significant reductions for the big companies, that a... that are authorized by PTAB, begin making their way to the local tax base. I mean, did you hear my quote of Ford Heights businessmen who were very concerned about their increased taxes? Well, part of the reason was that 80 percent of the Bloom Township PTAB successful appeals, 80 percent of that dollar value went to one single big company."

Davis, W.: "Well, again, I do appreciate that. One of the things I believe you mentioned was in some of the communities that don't have businesses... that for those communities that don't have small businesses in them, they

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may be bedroom communities. You're right, maybe they're not... they won't be as affected by this as other communities. But in some of the communities that we represent, business is the life blood of the community. In that because of some of the fundamental problems that we have in funding some of our services, the over reliance on property taxes, we need those businesses. But when we're hearing that there's a possibility that these businesses could leave, that's... that's so important. And I don't know if that's a chance I'm willing to take. To say, well, we'll get rid of it and whether or not the businesses are just threatening, you know... I don't know. I don't know. But I'm not sure that that's a chance that I want to take. And the Representative that spoke before me said that this was a simple Bill. But this is a very complex issue and it has a tremendous impact on communities in my district. And the reason that I'm... the reason that I'm standing up right now is because we need to bring light also to... essentially the fundamental problems that exist as it relates to trying to fund services in our district. And as Representative Miller said, it's a double whammy. You know, it's 6 in one hand, a half a dozen in the other. And that's... that's something that we have to take into consideration as it relates to this. To the Bill, Mr. Speaker. It's unfortunate that we have to debate some of these issues on the Floor. Some are common sense, some are not common sense. But when we're faced with such an important issue, right now we have to err on the side of caution to make

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sure that we protect what we currently have. Now, if this is illustrative of a larger problem then we have to deal with the larger problem. And that's the only way that we're gonna be able to get us out of some of the situations that exist. As it relates to education funding, that my friends is indeed a problem, a big problem that we have to address. And I certainly hope that not in this General Assembly, but hopefully in the next one, we will actually be able to address the problems that we have with education funding. Our libraries are suffering, everybody is suffering because of over reliance on property taxes to fund some of these things. And so we have to be able to maintain what we have until everybody's willing to come to the table and be able to address the bigger problem. Thank you very much, Mr. Speaker."

Speaker Turner: "The Lady from Cook, Representative Kelly, for what reason do you rise?"

Kelly: "Will the Sponsor yield?"

Speaker Turner: "She indicates she will."

Kelly: "I know you said only 12 percent of the businesses are mom and pop..."

Currie: "Small businesses..."

Kelly: "Right."

Currie: "... that appeal their property tax assessments."

Kelly: "Right. So, do you consider big business like Target and Kohl's and stores like that?"

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Currie: "Yeah, I don't know exactly how they would... yeah, I would assume those are. I think you're also talking about major structures in the Loop or a manufacturing plant."

Kelly: "Good. As you know, I'm from the southern suburbs also..."

Currie: "Yes."

Kelly: "... and it has taken us years to finally... I think this is going to come through to get a Kohl's because we're battling..."

Currie: "But you're losing."

Kelly: "... Will County right next door and Indiana."

Currie: "Right. But you're also losing substantial dollars for your schools and your park districts because the big guys are getting relief at the Property Tax Appeals Board. These are not the poor guys that PTAB was set up to help. These are the sophisticated, large, commercial, and industrial operations. They're winning and your small businesses and your homeowners and your school children are paying the price."

Kelly: "And my other question is do you have any idea how much it costs to go to court?"

Currie: "I do not... I cannot tell you the filing fee. But I can tell you first of all, that you can go pro se, that is you don't have to have a lawyer to go to court. And remember, in Cook County you appeal first to the assessor then to the board of review, then the circuit court. Downstate you go to the board of review you go to PTAB and you go to circuit court. There are three levels of appeal today downstate."

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And if this Bill passes for all the homeowners there will be three levels of appeal in Cook County."

Kelly: "Okay, thank you. To the Bill."

Speaker Turner: "To the Bill."

Kelly: "I find this Bill very frustrating. And I understand where the Sponsor is coming from but, again, being from the southern suburbs it's frustrating having to choose between business, which we have a hard time attracting and retaining, and then choosing between schools, libraries, and park districts. And I hope, like my other colleagues have said, that we seriously look at how we fund schools in the State of Illinois. Thank you."

Speaker Turner: "Representative Currie to close."

Currie: "Thank you, Speaker. It's a pretty straightforward proposition. We can not continue to bleed resources from local governments in the County of Cook. Retain PTAB for the homeowners, but let's make sure that the appeals process is appropriately sophisticated for the others. Please join me in voting for the park users and the school kids. Vote 'yes' on Senate Bill 620."

Speaker Turner: "I'd like to remind the Members that a request for verification has been made on this Bill. So, we'd ask that everybody be in their seats and they vote their own switch. The question is, 'Shall Senate Bill 620 pass?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Every Member should vote his own switch. A request for verification has been made. Have all voted who wish?"

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Have all voted who wish? The Clerk shall take the record. On this question, there are 27 voting 'aye', 77 voting 'no', 12 voting 'present'. And this Bill fails. A better statement is, this Bill having failed to receive a Constitutional Ma... Constitutional Majority, is hereby lost. Verification of the negatives. On to our Third Reading, we have House Bill 891 (sic Senate Bill). Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 891, a Bill for an Act regarding education. Third Reading of this Senate Bill."

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

Osterman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 891 simply does... requires that the State Board of Education shall provide information on its Internet Website regarding strategies for... to assist parents in helping their children with their homework. So, I would ask for an 'aye' vote."

Speaker Turner: "Seeing no questions, the question is, 'Shall Senate Bill 891 pass?' All those in favor should vote 'aye', all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk should take the record. On this question, there are 113 'ayes', 0 'noes', 1 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. On the order of Third Reading, we have Senate Bill 903. Read the Bill, Mr. Clerk."

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Clerk Rossi: "Senate Bill 903, a Bill for an Act concerning education. Third Reading of this Senate Bill."

Speaker Turner: "The Lady from Cook, Representative Davis."

Davis, M.: "This is a Bill, Representative... Mr. Speaker, that requests that those schools where the children are... it'll have kindergarten in the summer before and after the school year for children who are in low-income households. It's asking that these children will be given an opportunity to attend summer school. I stand ready to answer questions."

Speaker Turner: "The Gentleman from Crawford, Representative Eddy... Eddy."

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

Speaker Turner: "She indicates she will."

Eddy: "Representative, if a school district wanted to have kindergarten summer school right now, is it allowable in Illinois?"

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

Eddy: "With that in mind, could you tell me what the purpose of the legislation is? Because this appears to be something that would allow a practice that is already allowable."

Davis, M.: "Well, it states that if children are attending a school in which unsatisfactory progress has been reported, then those schools can have summer school for kindergarten."

Eddy: "And I understand that reading the Bill. Let me ask you again, if those schools at this time attend the school and

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they're not making satisfactory progress could that school already choose that?"

Davis, M.: "They could already do that, Representative. And that's probably why the following proponents are suggesting that we pass this legislation. This Bill is supported by... yeah, we're gonna codify what is already possible and, in cases, being done. We're merely placing it into law based upon the wishes of the Illinois Federation of Teachers, Chicago Teachers Union, Large Unit District Association, SCOPE, United Steelworkers, Brotherhood of Locomotive Engineers, the SCIU, the Illinois Educators' Association, Special Education Administrators, and a number of other educational organizations. I think they realize that early education is very significant in reference to a child being able to be successful at a later time. So, by having summer school it will help that child to more easily be prepared for first grade if we have kindergarten in the summer."

Eddy: "Representative, I... I certainly would not argue that point. I guess that the practice of kindergarten for summer school is something that some districts already find to be a priority use of funds that are available to them. I guess my question had to do more with whether or not this legislation in anyway, by codifying the program, would line them up for using funds, for example federal funds that they are not allowed now to use. Is that the intent? To try and make it so that they can use those funds? Not priority, but so that they can use those funds."

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Davis, M.: "Well, under the No Child Left Behind, Title I and Title IV funds, they may use these funds or they may use their district funds. I think it's up to that local district."

Eddy: "Okay, thank you very much. Mr. Speaker, to the Bill."

Speaker Turner: "To the Bill."

Eddy: "The... the underlying idea behind the Bill is obviously something that would be very difficult to oppose. This, however, is something that is already allowable under code. And I can only wonder if this also attempts to prioritize federal spending towards certain programs and take away local districts' flexibility for use with block grant money. Thank you."

Speaker Turner: "Representative Davis to close."

Davis, M.: "Thank you, Mr. Speaker. This Bill in now way prioritizes the use of any federal dollars. And I really believe that having summer school available to children in kindergarten, for those school districts that so desire, will help them to become better students and not wait until they're in much higher grades to address their deficiencies."

Speaker Turner: "The question is, 'Shall Senate Bill 903 pass?' All those in favor should say 'aye'; all those opposed say 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 98 voting 'aye', 0 'noes', 16 voting 'present'. And this Bill, having received the Constitutional Majority, is

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hereby declared passed. The Gentleman from Vermilion, Representative Black, for what reason do you rise?"

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

Speaker Turner: "State your inquiry."

Black: "The... the Speaker clearly said all those signify by saying 'aye'. I said 'aye' and you didn't recognize me so then I had to put my switch... were we voting verbally or electronically? You're confusing me, Mr. Speaker."

Speaker Turner: "It's getting late."

Black: "And it isn't hard to do, but I just wanted to call your attention to that. It was voting 'aye', right?"

Speaker Turner: "Correct."

Black: "Okay. Can we dump that Roll Call and do it again 'cause I was confused?"

Speaker Turner: "No."

Black: "Oh."

Speaker Turner: "The House Committee schedules have been distributed, they should be on your desks. I would advise every Member to take a look at the House Committee schedule for tomorrow. They have been distributed and on your desk. Representative Novak. On the Order of Third Reading, we have House Bill 1003... Senate Bill 1003. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 1003, a Bill for an Act concerning environmental protection. Third Reading of this Senate Bill."

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Speaker Turner: "Out of the record. On the Order of Third Reading, we have House Bill 1038. Representative Howard. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 1038, a Bill for an Act..."

Speaker Turner: "Out of the record. Out of the record. On the Order of Third Reading, we have Senate Bill 1047. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 1047, a Bill for an Act concerning higher education. Third Reading of this Senate Bill."

Speaker Turner: "Representative Burke."

Burke: "Thank you, Mr. Speaker. Senate Bill 1047 would act to improve College Illinois, which is a 520I prepaid tuition program administered by the Illinois Student Assistance Commission, to make the program more flexible for Illinois families. The Bill deletes the provision excluding College Illinois prepaid tuition benefits from being used at schools principally used to provide sectarian instruction, religious teaching, or professional religion training. This change will maintain fairness and allow families to benefit from the College Illinois program, regardless of where their student chooses to attend college. The Bill would also prohibit College Illinois benefits paid to institutions from being offset to pay a debt owed to the state. College Illinois students should not be penalized by having their payment amounts decreased to pay off a school's debt not related to the prepaid tuition contract. And further, the Bill deletes the provision limiting the payment period for prepaid tuition contracts, allowing

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parents and grandparents of young children to extend the time period for which they may make installment contracts. Further and finally, Senate Bill 1047 does not incur any cost to the state. And I'd be happy to answer questions."

Speaker Turner: "Seeing no questions, the question is, 'Shall Senate Bill 1047 pass?' All those in favor should vote 'aye'; all those opposed vote 'no'. And the voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 115 voting 'aye', 0 'noes', 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk for announcements."

Clerk Bolin: "The following committees will meet tomorrow morning. The Gaming Committee will meet at 8:30 in Room D-1. The Executive Committee will meet at 9:00 in 118. The Insurance Committee will meet at 9:00 in 122B. Judiciary I- Civil Law Committee will meet at 9:30 in C-1. Computer Technology will meet at 10:00 in Room 115. Environment and Energy will meet at 10:00 in Room 114. Judiciary-II Criminal Law will meet at 10:00 in 122B."

Speaker Turner: "The Gentleman from Vermilion, Representative Black, for what reason do you rise?"

Black: "Yes, Mr. Speaker. For purpose of a nonsensically announcement."

Speaker Turner: "State your announcement."

Black: "Yes, the video gaming committee will meet in the phone booth out here next to Room 300 at 9:00 in the morning."

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Speaker Turner: "Well-taken. Allowing perfunctory time for the clerk... Representative Reitz, for what reason do you rise?"

Reitz: "Point of personal privilege."

Speaker Turner: "State your privilege."

Reitz: "Just like to remind everyone in the Democrat Caucus, we have the annual steak fry tonight at the Petroleum Marketers. Like, right now, for all the staff and Members, come on over and have some meat."

Speaker Turner: "Allowing perfunctory time for the clerk, Representative Currie now moves that the House stand adjourned until Wednesday, May 21st at the hour of 11 o'clock. Wednesday, May 21st, 11 o'clock. Those in favor say 'aye'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the House does stand adjourned."

Clerk Bolin: "House Perfunctory Session will come to order. First Reading and Introduction of House Bills. House Bill 3812, offered by Representative Kelly, a Bill for an Act concerning elections. First Reading of this House Bill. Committee Reports. Representative Currie, Chairperson from the Committee on Rules, to which the following measures were referred, action taken on Thursday, May 20, 2003, reported the same back with the following recommendations: 'direct floor consideration' for House Resolution 341. Being no further business, the House Perfunctory Session now stands adjourned."