

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

62nd Legislative Day

5/21/2003

Speaker Madigan: "The House shall come to order. Members shall be in their chairs. We would ask you to turn off your cell phones, your computers, your pagers. We'd ask the guests of the gallery to rise and join us for the invocation and the Pledge of Allegiance. Guests in the gallery shall please rise. We shall be led in prayer today by Lee Crawford, the Assistant Pastor of the Victory Temple Church in Springfield."

Lee Crawford: "Let us pray as we lift our hearts and our minds before His heavenly throne. Most gracious and most kind God, Creator of us all, for we realize that it is from You for all of our blessings and our help come. Look upon us gathered here with Your favor. We ask that You would direct us in all of our actions. Grant to us vigilant and hearts. Give us minds to know You. Give us the diligence to seek You and the wisdom to find You. I pray that You will sanctify and cleanse us with Your presence. Bless us with Your tremendous might and assist us with Your wonderful council, that all of our endeavors, that they may begin with You and that they may be through You, that at the end of this day we will rejoice in all that You have done. This we ask in Your Son's name. Amen."

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

Fritchey - 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."

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

62nd Legislative Day

5/21/2003

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

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

Speaker Madigan: "Mr. Bost."

Bost: "Yes, Mr. Speaker, if the record would reflect that Representative Pankau is excused today and she's excused because... she is a new grandmother. The baby was born last... this morning at about 3 a.m. His name is William Francis McCorkle IV. He's nine... was nine and a half pounds and everything's well and we want to wish her well, but if she could be excused."

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

Jakobsson: "Thank you, Mr. Speaker. I'd like to introduce some friends who are visiting us today in the gallery. Jolene Wilks is here and her daughter is shadowing her today Katie. So please, welcome them. I'm sorry, Cynthia Cunningham and her daughter and then Jolene Wilks is accompanying them. Please welcome them today."

Speaker Madigan: "Representative Chapa LaVia."

Chapa LaVia: "Thank you, Speaker. A point of personal privilege. A West Aurora High School graduate who joined the Marines to play in its drum and bugle corps was killed Monday when his helicopter crashed during a resupply mission in central Iraq. First Lieutenant Timothy Ryan who graduated..."

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

62nd Legislative Day

5/21/2003

Speaker Madigan: "Ladies and Gentlemen. Representative, let me get some attention. The Lady... the Lady is speaking to a recent death in Iraq."

Chapa LaVia: "First Lieutenant Timothy Ryan, who graduated from res... West Aurora in 1991, was one of the four Marines aboard the CH46D Sea Knight helicopter when it went down in a canal about 60 miles south of Baghdad. There were no survivors. And a fifth Marine drowned trying to rescue the crew. Lieutenant Ryan, 30 years old, is the first serviceman from the Fox Valley Avenue area to have died during the ongoing conflict in Iraq. And I truly respect anybody who's serving for our country right now in any means. I'd like to take a moment of silence for his family and to dedicate that moment of silence to know how much we appreciate people that serve us in our services and dedicate their lives to us. So, please join me in a moment of silence. Thank you. Thank you very much."

Speaker Madigan: "Mr. Clerk."

Clerk Rossi: "Representative O'Brien, Chairperson from the Committee on Judiciary II-Criminal Law, to which the following measure/s was/were referred, action taken on Wednesday, May 21, 2003, reported the same back with the following recommendation/s: 'be adopted' Floor Amendment #1 to Senate Bill 472. Floor Amendment #1 to Senate Bill 992. Representative Holbrook, Chairperson from the Committee on Environment & Energy, to which the following measure/s was/were referred, action taken on Wednesday, May 21, 2003, reported the same back with the following recommendation/s:

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

62nd Legislative Day

5/21/2003

'be adopted' Floor Amendment #3 to House Bill 46. Representative Howard, Chairperson from the Committee on Computer Technology, to which the following measure/s was/were referred, action taken on Wednesday, May 21, 2003, reported the same back with the following recommendation/s: 'be adopted' Floor Amendment #2 to Senate Bill 553. Representative Fritchey, Chairperson from the Committee on Judiciary I-Civil Law, to which the following measure/s was/were referred, action taken on Wednesday, May 21, 2003, reported the same back with the following recommendation/s: recommends 'be adopted' Floor Amendment #1 to Senate Bill 274. Representative Burke, Chairperson from the Committee on Executive, to which the following measure/s was/were referred, action taken on Tuesday, May 20, 2003, reported the same back with the following recommendation/s: 'do pass' as amended Senate Bill 871, Senate Bill 989, Senate Bill 1620, and Senate Bill 1701. Representative McCarthy, Chairperson from the Com... Committee on Higher Education, to which the following measure/s was/were referred, action taken on Tuesday, May 20... May 20, 2003, reported the same back with the following recommendation/s: 'do pass as amended Short Debate' Senate Bill 1980. Representative Mautino, Chairperson from the Committee on Insurance, to which the following measure/s was/were referred, action taken on Wednesday, May 21, 2003, reported the same back with the following recommendation/s: 'be adopted' Floor Amendment #2 to Senate Bill 1417."

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

62nd Legislative Day

5/21/2003

Speaker Madigan: "Mr. Clerk, what is the status of Senate Bill 487? Senate 487."

Clerk Rossi: "Senate Bill 487, a Bill for an Act in relation to the regulation of professions. Third Reading of this Senate Bill."

Speaker Madigan: "Put the Bill on the Order of Second Reading. What is the status of Senate 1498, 1498?"

Clerk Rossi: "Senate Bill 1498 is on the Order of Senate Bills-Third Reading."

Speaker Madigan: "Put the Bill on the Order of Second Reading. What is the status of Senate 684, 684?"

Clerk Rossi: "Senate Bill 684 is on the Order of Senate Bills-Third Reading."

Speaker Madigan: "Put the Bill on Order of Second Reading. What is the status of Senate 487?"

Clerk Rossi: "Senate Bill 487, is on the Order of Senate Bills-Second Reading."

Speaker Madigan: "Again, 487 is on what order?"

Clerk Rossi: "Second Reading."

Speaker Madigan: "Leave the Bill on the Order of Second Reading. What is the status of Senate Bill 10, 10?"

Speaker Madigan: "Senate Bill 10, 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 1127?"

Clerk Rossi: "Senate Bill 1127, is on the Order of Senate Bills-Third Reading."

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

62nd Legislative Day

5/21/2003

Speaker Madigan: "Put the Bill on the Order of Second Reading.

Mr. Clerk, what is the status of House Bill 3064, 3064?"

Clerk Rossi: "House Bill 3064, a Bill for an Act concerning public labor relations. 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, on page 16 of the Calendar. Representative Bellock on 44. Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "Senate Bill 44, a Bill for an Act in relation to child support. 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: "Mr. Clerk, have the notes been filed?"

Clerk Rossi: "The notes have been filed on the Bill."

Speaker Madigan: "All right. Put the Bill on the Order of Third Reading. Mr. Clerk, on page 8 of the Calendar there appears Senate Bill 361. Read the Bill."

Clerk Rossi: "Senate Bill 361, a Bill for an Act concerning environmental safety. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. Novak."

Novak: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 361 was amended in the House in the Environment & Energy Committee and it becomes the Bill. It addresses a very serious public health issue that I.. that the... that the General Assembly needs to act upon

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

62nd Legislative Day

5/21/2003

immediately. And the public health issue that we are attempting to address in this... in this Bill is the West Nile Virus. There were over 600 cases, documented cases, of the West Nile Virus in the State of Illinois, many of which were in southern Cook County and in other areas of the state. Now, I don't know if you've received communications from your local public health departments but some counties downstate have... have experienced documented cases. And, you know, sadly there were a number of deaths resulting from the West Nile Virus. What this Bill attempts to do is to channel more funds into two specific entities in the state... State of Illinois, \$200,000 more to the Department of Natural Resources into their Natural History Survey for mosquito surveillance and what they call vector control. The Natural History Survey is part of the Illinois Department of Natural Resources. The balance of the... the balance of the new money and I'll get to where we're getting the money from soon, will go to the Illinois Department of Public Health to be distributed to local departments of public health on an as needed basis. In southern Cook County there were many cases, documented cases, of West Nile Virus. Here it is today we're in the latter part of the month of May, the heat and humidity will be upon us soon. Mosquito season will be upon us soon. It is very imperative that we move forward with this Bill. Now, let me be very frank with everyone in the General Assembly here. This Bill has a fee increase. There is a fee increase in this Bill. The fee increase is 50 cents

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

62nd Legislative Day

5/21/2003

per tire, new and used tire that is sold at a retail level in the State of Illinois. This fee will generate over \$3 million to go into this fund. There is a current fund right now that uses the one dollar... one dollar fee that was established over ten years ago for mosquito... mosquito... surveillance programs, encephalitis investigation as well as tire recycling and used tire disposal. It's been a very, very successful program statewide. In my home county, in Hopkins Park, there were over 3 million stockpiled, used tires that were illegally dumped. And this fund went to eradicate those tires. The Bill also provides for an immediate cash infusion of \$3 million from a revolving fund in the cen... in the Department of Central Management Services to the Illinois Department of Public Health. The reason why we're doing this is we cannot wait, we cannot wait until the latter part of this year for these new dollars to start accumulating. Once this fee goes into effect the fund transfer will be... will be repaid immediately, right off the top of all the new dollars that are collected, with this 50 cents per tire increase. I think I... I've explained the Bill in a general manner. Once again, it's a serious, serious public health issue that we deal with immediately in the State of Illinois. Be more than happy to answer any questions."

Speaker Madigan: "Representative Coulson."

Coulson: "Thank you, Mr. Speaker. To the Bill. This is a very serious public health issue and I will tell you that in the Skokie Evanston area of my district we had more

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

62nd Legislative Day

5/21/2003

hospitalizations. Our hospitals were full of victims of West Nile Virus. Whether they were able to come home or go to rehabilitation we have to do something about this issue this year, right now. And I congratulate the Sponsor as well as everyone else in here who's worked so hard to get this funding and get it to happen this year. The mosquitoes are already breeding. Any wet areas in your yard or anywhere in your community, you need to make sure your constituents are aware that this could be another season of West Nile Virus problems. We need to do something now. And I thank you and I urge your 'aye' vote."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Has Mr. Brauer voted? The Clerk shall take the record. On this question, there are 89 people voting 'yes', 28 people voting 'no'. This Bill, having received a Constitution Majority, is hereby declared passed. Mr. Flider. Mr. Flider, did you wish to call Senate Bill 96 on the Order of Second Reading. The Gentleman indicates he does not wish to move the Bill. Is Representative Pihos in the chamber? Do you wish to call Senate 130? The Lady indicates she does not wish to move the Bill. Mr. Hassert, did you wish to move 157? The Gentleman indicates he does not wish to move the Bill. Mr. Froehlich. Mr. Clerk, what is the status of Senate Bill 167?"

Clerk Rossi: "Senate Bill 167, a Bill for an Act in relation to parenting. Second Reading of this Senate Bill. No

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

62nd Legislative Day

5/21/2003

Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Representative Mulligan. Mr. Dunkin, Mr. Dunkin, you are the Sponsor of Senate Bill 240. It's concerned with home repair fraud. Do you wish to move the Bill? Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "Senate Bill 240, a Bill for an Act concerning home repair fraud. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Mr. Scully, did you wish to move 243? It's concerned with computers. The Gentleman indicates he does not wish to move the Bill. Representative Nekritz indicates she does wish to move 275. Mr. Rita. Mr. Rita. Mr. Rita, you are the Sponsor of Senate Bill 372, it's concerned with education. Did you wish to move the Bill? Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "Senate Bill 372, a Bill for an Act in relation to education. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. No Motions have been filed. Floor Amendment #2, offered by Representative Rita, has been approved for consideration."

Speaker Madigan: "Mr. Rita."

Rita: "We'd like, I'd... we'd like to withdraw Amendment #2."

Speaker Madigan: "Withdraw the Amendment. Are there any further Amendments?"

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

62nd Legislative Day

5/21/2003

Clerk Rossi: "Floor Amendment #3, offered by Representative Rita, has been approved for consideration."

Speaker Madigan: "Mr. Rita."

Rita: "This is the agreed language that in committee that we agreed upon to move it. We had some confusion with this language and... it's not a mandate on the schools. It's... if they would like to participate in this program of organ donation and blood... teaching of blood donation."

Speaker Madigan: "Mr. Eddy."

Eddy: "Thank you very much. I just rise to support the Amendment and thank the Sponsor of the Bill for working with us on an agreed language. In its current form with this Amendment this is an outstanding opportunity for school districts. And I would urge an 'aye'... 'aye' vote on the Amendment and the Bill. Thank you."

Speaker Madigan: "The question is, 'Shall the Amendment be adopted?' Those in favor say 'yes'; those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Rossi: "Floor Amendment #4, offered by Representative Rita, has been approved for consideration."

Speaker Madigan: "Mr. Rita."

Rita: "In the process of getting all this language put together and agreed upon, we forgot the word 'blood'. And it's what Amendment #4 would include the word 'blood' in it."

Speaker Madigan: "The question is, 'Shall the House adopt the Amendment?' Those in favor say 'yes'; those opposed say

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

62nd Legislative Day

5/21/2003

'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Madigan: "Third Reading. Representative Nekritz, did you wish to move Senate 404... 404. It's concerned with children. The Clerk advises that the Amendment has been reported favorably by the Rules Committee. Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "Senate Bill 404, a Bill for an Act concerning information about children. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. No Motions have been filed. Floor Amendment #2, offered by Representative Nekritz, has been approved for consideration."

Speaker Madigan: "Representative Nekritz."

Nekritz: "Thank you, Mr. Speaker. Floor Amendment #2 to Senate Bill 404 had... is the result of the negotiations between all the parties on this. We had agreed the Bill... hold the Bill until we had an Agreed Bill. We now have that. And I would ask for support on this."

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 Rossi: "No further Amendments."

Speaker Madigan: "Third Reading. Mr. Scully, did you wish to move 619, military leave, 619? Mr. Clerk, what is the status of the Bill?"

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

62nd Legislative Day

5/21/2003

Clerk Rossi: "Senate Bill 619, a Bill for an Act concerning military leave for state employees. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Mr. Hoffman. Mr. Hoffman, did you wish to move Senate 748? It's concerned with higher education. Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "Senate Bill 748, a Bill for an Act concerning higher education. 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. Daniels, did you wish to move Senate 808? Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "Senate Bill 808, a Bill for an Act in relation to health. Second Reading of this Senate Bill. No Committee Amendments. Floor Amendment #1 offered by Representative Daniels has been approved for consideration."

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

Daniels: "This Amendment was agreed upon by DHS, AFSCME and the interested parties. And puts it in order to pass this Bill. And I'd ask for your favorable support."

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 Rossi: "No further Amendments."

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

62nd Legislative Day

5/21/2003

Speaker Madigan: "Mr. Clerk, what is the status of Senate Bill 844? Mr. Clerk, concerning Senate Bill 808. Put that Bill on the Order of Third Reading. And Mr. Clerk, what is the status of Senate Bill 844?"

Clerk Rossi: "Senate Bill 844, a Bill for an Act concerning local government. 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. Colvin, did you wish to move Senate Bill 945? The Gentleman indicates he does not wish to move the Bill. Representative Bassi, Bassi, do you wish to move 974? Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "Senate Bill 974, a Bill for an Act concerning the Metropolitan Water Reclamation District. 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. Dunkin. Mr. Dunkin. Mr. Dunkin. Is Mr. Dunkin in the chamber? You are the Sponsor of Senate Bill 1028, it's concerned with commemorative dates. Do you wish to move the Bill? 1028. Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "Senate Bill 1028, a Bill for an Act concerning commemorative dates. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

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

62nd Legislative Day

5/21/2003

Speaker Madigan: "Third Reading. Mr. Franks, do you wish to move Senate Bill 1362? It's concerned with vehicles. The Gentleman indicates he does not wish to the Bill. Monique Davis, did you wish to move Senate Bill 1363? Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "Senate Bill 1363, a Bill for Act concerning historic preservation. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Mr. Granberg, did you wish to move Senate Bill 1476 that's concerned with public employee benefits? The Bill shall remain on the Order of Second Reading. Representative Currie, did you wish to move 1883? The Lady indicates she does not wish to move the Bill. Representative Howard, did you wish to move Senate Bill 553? Mr. Clerk, what is the status of the Bill, 553?"

Clerk Rossi: "Senate Bill 553, a Bill for an Act concerning security on state computers. Second Reading of this Senate Bill. No Committee Amendments. Floor Amendment #2, offered by Representative Howard, has been approved for consideration."

Speaker Madigan: "Representative Howard."

Howard: "Yes, thank you, Mr. Speaker. Floor Amendment #2 is the result of hard work on the part of Members of the Computer Technology Committee. In fact, my colleagues on both sides of the aisle have worked in order to make certain that we're able to offer access to broadband for persons who are living in rural areas of our state. At

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

62nd Legislative Day

5/21/2003

this time I'd like to ask for the assistance of Representative Eddy. And then subsequently, Representative Munson, who will help explain the reasons for our legislation."

Speaker Madigan: "The Lady moves for the adoption of the Amendment. On that question, the Chair recognizes Mr. Eddy."

Eddy: "Thank you very much, Mr. Speaker. I rise in support of this. And... and as Representative Howard stated this is a result of some very hard work by both sides. And first I want to start by thanking Representative for her dedication to making this Bill something that we have in front of us now. And basically, what the Amendment does. Earlier a map was handed out on the floor and I'm holding the map up now that shows in Illinois, if you'll take a look at that. The areas that are shaded in light green and that are shaded in... in white show areas that there are no broadband coverage available or just one supplier. The intent of this Amendment and ultimately this Bill is so that these areas of the state will have the opportunity to receive Internet connectivity via broadband. The Bill itself allows for advanced telecommunication services that are defined in the Bill. And... those services will be provided to low-population density areas also as defined in the Bill. And those areas are outlined on the map you received. It is a great step forward for rural Illinois to receive in areas there is no Internet... Internet connectivity, some connectivity. So, I thank her very much

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

62nd Legislative Day

5/21/2003

for this. The history of this is a little bit... sad in the fact that there was originally \$5 million to roll out for this program this year. However, 4 million of the \$5 million has been targeted for the General Revenue Fund in the Governor's budget. However, the two remaining years should provide us with \$5 million each of two additional years for a total of \$11 million. Thank you very much. Representative Howard, I wanna again to thank you for your help with this."

Speaker Madigan: "On the Amendment, the Chair recognizes Representative Munson.

Munson: "Thank you, Mr. Speaker. I, too, rise in support of this Amendment. Access to broadband for our rural areas are important... economic engine for our state. Our farmers need it, our manufacturers need it, our small and large businesses need it. And it will be an addition to our economy to be able to provide that access. Thank you."

Speaker Madigan: "The question is, 'Shall the House adopt 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 Rossi: "No further Amendments."

Speaker Madigan: "Third Reading. Mr. Clerk, what is the status of Senate Bill 24? Mr. Clerk, take that out of the record. Mr. Clerk, on page 21 of the Calendar there appears Senate Bill 1154. What is the status of the Bill, 1154?"

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

62nd Legislative Day

5/21/2003

Clerk Rossi: "Senate Bill 1154 has been read a second time, previously. No Committee Amendments. No Floor Amendments have been approved for consideration."

Speaker Madigan: "Put the Bill on the Order of Third Reading. Mr. Fritchey you are the Sponsor of Senate Bill 1872. Mr. Fritchey. Mr. Fritchey, you are the Sponsor of Senate Bill 1872. It's concerned with employment. Do you wish to move the Bill? Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "Senate Bill 1872, a Bill for an Act concerning employment. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Mr. Mulli... Representative Mulligan, Mulligan. Mulligan, you're the Sponsor of 192. Do you wish to move the Bill? Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "Senate Bill 192, a Bill for an Act relating to education. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Mr. Clerk, on page 27 of the Calendar, on the Order of Concurrence, there appears House Bill 361. Representative Monique Davis, on 361. Representative Davis."

Davis, M.: "Mr. Speaker, we concur with the Amendment placed on 361 by the Senate. It more appropriately mirrors Barack Obama's legislation of Senate Bill 15."

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

62nd Legislative Day

5/21/2003

Speaker Madigan: "The Lady moves that House concur in Senate Amendment #1 to House Bill 361. 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 113 people voting 'yes', 4 people voting 'no'. The House does concur in Senate Amendmen... Senate Amendment #1 to House Bill 361. And this Bill, having received a Constitutional Majority, is hereby declared passed. For what purpose does Mr. Aguilar seek recognition?"

Aguilar: "Thank you, Mr. Speaker. It's just a point of personal privilege."

Speaker Madigan: "State your point."

Aguilar: "Okay, I'd like to introduce a young lady who is a guest in our chambers. Miss Sandra Bortolini, Miss Illinois Latina. She's in the gallery. She's here on behalf of an advocacy on children's disabled and make us aware on domestic violence. So, I just wanna recognize her. Thank you, Mr. Speaker. Thank you, Ladies and Gentlemen."

Speaker Madigan: "Mr. Clerk, on page 23 of the Calendar there appears Senate Bill 1360. What is the status of that Bill, 1360?"

Clerk Rossi: "Senate Bill 1360, a Bill for an Act relating to educational labor relations. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Put the Bill on the Order of Third Reading. Mr. Clerk, what is the status of Senate Bill 54, 24?"

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

62nd Legislative Day

5/21/2003

Clerk Rossi: "Senate Bill 24 is on the Order of Senate Bills-
Third Reading."

Speaker Madigan: "Mr. Clerk, put this Bill on the Order of
Second Reading. Mr. Clerk, are there any Amendments?"

Clerk Rossi: "No Amendments have been approved for
consideration."

Speaker Madigan: "Leave the Bill on the Order of Second
Reading. For what purpose does Mr. Brady seek
recognition?"

Brady: "Point of personal privilege, Mr. Speaker."

Speaker Madigan: "State you point."

Brady: "Thank you very much. Ladies and Gentlemen of the House
I'd like to welcome some constituents of mine from
Bloomington that are up in gallery. That's the gallery,
Representative Black, for your benefit. That is Jennifer
Walker, her three-year-old son Trent, who's here for the
first time to the State Capitol, and her parents, the
Reverend Bill and Mrs. Ann White. Welcome to Springfield,
ladies and gentlemen."

Speaker Madigan: "For what purpose does Mr. Sacia seek
recognition?"

Sacia: "Mr. Speaker, I inadvertently voted 'yes'. I pushed the
wrong button on House Bill 361. Would you have me recorded
as a 'no' please?"

Speaker Madigan: "The record will reflect your statement, Mr.
Sacia. Mr. Bradley. For what purpose does Mr. Bost seek
recognition?"

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

62nd Legislative Day

5/21/2003

Bost: "Mr.... thank you, Mr. Speaker. If the record would reflect on 361, I would've also liked to have voted 'no', inadvertently voted..."

Speaker Madigan: "The record will reflect your statement. Mr. Joyce, did you wish to call Senate Bill 10, 10? It's concerned with higher education. Mr. Joyce."

Joyce: "Mr. Speaker, I believe we moved that back to Second Reading for purpose of Amendment."

Speaker Madigan: "Mr. Bradley, did you wish to call Senate Bill 61? Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 61, a Bill for an Act concerning language assistance services. Third Reading of this Senate Bill."

Bradley: "Thank you, Mr. Speaker and Members of the House. The Bill requires that health care facilities develop policies to provide translator service for non-English-speaking patients. It requires the Department of Public Health to also develop a complaint enforcement system for violations of the Act. It also requires the department to develop rules for enforcement of the Act. The Amendment, developed by the Illinois Hospital Association, requires the department to develop processes for verifying complaints in an opportunity for the facility to resolve the complaint through an informal dispute-resolution process. The department can only issue notices of violation if the dispute cannot be resolved informally. The notice of the violation must be specific as to the violation, and any penalties imposed and must notify the facility of its right

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

62nd Legislative Day

5/21/2003

to a hearing. The Amendment allows frac... facilities to submit a plan of correction to the department. Only after a hospital has violated a plan of correction within six months of submission may the department impose a penalty."

Speaker Madigan: "The Gentleman has moved for passage of the Bill. There being no discussion, the question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Has Mr. Jefferson voted? The Clerk shall take the record. On this question, there are 117 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Washington, did you wish to call Senate Bill 133? Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 133, a Bill for an Act concerning enterprise zones. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. Washington."

Washington: "Thank you, Mr. Speaker. Mr. Speaker, Senate Bill 133 amends the enterprise zone to allow one new enterprise zone to be certified by DCCA, now the Department of Commerce and Economic Opportunity. This Bill is similar to House Bill 282, as amended by... and put forth by former Representative Garret, now Senator Garret from the 92nd General Assembly. This Bill passed the House 115 to 0. And the House... the Illinois enterprise zone requires all new enterprise zones to be certified by DCEO. Senate Bill 133 is intended to avoid any confusion, and allow additional enterprise zones to be certified. So we talkin'

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

62nd Legislative Day

5/21/2003

about one zone here. And in my particular area, Lake County, we very badly need this designation. And I ask for my colleagues to support me with this legislation, Senate Bill 133."

Speaker Turner: "Representative Turner in the Chair. The Gentleman from Cook, Representative Parke. For what reason do you rise?"

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

Speaker Turner: "He indicates he will."

Parke: "Representative, the enterprise zone that you want to establish in your area of Lake County, is there... was there any opposition from your local people to this enterprise zone?"

Washington: "No Sir, it is not."

Parke: "So, pretty much everybody's been onboard. In the committee hearings there's no opposition expressed?"

Washington: "That's correct, Representative Parke."

Parke: "Well, our staff has informed us that your Bill does not specifically say Lake County and that it could be put anywhere in the State of Illinois. Is it... is it an agreement with people that that's where it's gonna go? Or what is the story on that?"

Washington: "No Sir, Representative Parke, not to my knowledge. But the reason I mentioned my area in particular because I know that the Community of Waukegan, in North Chicago, Illinois, could really use a leg up at this point in time. So, I might've premature mentioned that."

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

62nd Legislative Day

5/21/2003

Parke: "So, you're not sure that it'll go there. but that's your wish and hope?"

Washington: "No, Sir, I'm not sure."

Parke: "Okay. Well, sounds like it's your legislation. Good luck. Thank you."

Washington: "Thank you, Representative Parke."

Speaker Turner: "Seeing no further questions, the question is, 'Shall Senate Bill 133 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 take the record. On this question, there are 117 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 191. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 191, a Bill for an Act in relation to schools."

Speaker Turner: "Take it out of the record. Mr. Clerk, on the Order of Second Reading, we have Senate Bill 1638. Read the Bill Mr. Clerk."

Clerk Bolin: "Senate Bill 1638, a Bill for an Act in relation to insurance. Second Reading of this Senate Bill. Amendment #1 was adopted in Committee. No Floor Amendments. No Motions filed."

Turner: "Third Reading. On the Order of Third Readings we have Senate Bill 196. Read the Bill, Mr. Clerk."

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

62nd Legislative Day

5/21/2003

Clerk Bolin: "Senate Bill 196, a Bill for an Act in relation to taxes. Third Reading of this Senate Bill."

Speaker Turner: "Take it out of the record, Mr. Clerk. In the Order of Third Reading we have Senate Bill 207. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 207, a Bill for an Act concerning schools. Third Reading of this Senate Bill."

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

Rita: "Senate Bill 207 amends the School Code which sets up a grant system for improving student achievements in schools on the academic watch list. It's identical to House Bill 2491, which passed out of the House 112 to 2."

Speaker Turner: "Seeing no questions, the question is, 'Shall Senate Bill 207 pass?' I'm sorry, the Gentleman from Vermilion, Representative Black. For what reason do you rise?"

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

Turner: "He indicates he will."

Black: "Representative, are you going on a spending spree with this Bill?"

Rita: "No, I just picked up... the identical Bill that... that I sent to the Senate that came from the Senate that came here and picked it up."

Black: "But... but remember..."

Rita: "And what it does is..."

Black: "...things have changed... things have changed since you passed that House Bill."

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

62nd Legislative Day

5/21/2003

Rita: "...and what it does is just actually sets up the program. It doesn't put any dollar figure on it. But it actually put the line for the appropriation so at the proper time..."

Black: "So, it's... it's subject to appropriations?"

Rita: "Yes."

Black: "In other words, given the remarks of our Governor yesterday, this probably isn't gonna happen, is it?"

Rita: "Probably not."

Black: "Okay. Speaking of the Governor, Representative, I got up early this morning went out and did my morning 15-mile jog, everyday I'd hate to miss that. Then I came back and had a bowl of cereal. And I don't live in Springfield so I'm not familiar with the dairy here but I had bought... I had purchased a quart of milk last night at one of the convenience stores, and there was a picture on it. It said, have you seen this man? I think it was the Governor but I'm not sure. So, have you seen that on a milk carton anywhere?"

Rita: "No, I haven't."

Black: "All right. Well, if... if you see him would you let me know? I... I had to call into the State Police. I'd like to issue an Amber Alert, but I don't know how to do that. Can you help me with that?"

Rita: "I'd be more than happy..."

Black: "All right."

Rita: "...to work together with you there Representative."

Black: "Okay. I... anything we can do, you know, if anybody sees him, tell him it's the big building in Springfield."

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

62nd Legislative Day

5/21/2003

There's a big dome on it. Can't miss it. Can't miss it. You can see it... you can see it for quite a number of miles. So, if... if we see him and we get a chance to talk to him, as soon as, you know, as soon as he and I can sing a chorus of Heartbreak Hotel, I wanna to talk to him about your Bill."

Rita: "I will..."

Black: "Make sure that maybe we can fund it right?"

Rita: "Sure."

Black: "Okay. Thank you."

Speaker Turner: "Seeing no further questions, the question is, 'Shall Senate Bill 207 pass?' All those in favor should vote 'aye'; all those opposed vote 'no'. 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 90 voting 'aye', 0 voting 0... 0 voting 'no' and 26 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. All those... On the Order of Third Reading, we have Senate Bill 252. Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 252, a Bill for an Act concerning the Department of Human Services. Third Reading of this Senate Bill."

Speaker Turner: "Representative Kosel. Take the Bill out of the record. On the Order of Third Reading, we have Senate Bill 278. Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 278, a Bill for an Act concerning mediation. Third Reading of this Senate Bill."

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

62nd Legislative Day

5/21/2003

Speaker Turner: "He's saying out of the record. Okay. Mr. Clerk we have Senate Bill... on Third Reading, Senate Bill 155. Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 155, a Bill for an Act concerning procurement. Third Reading of this Senate Bill."

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

Molaro: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. First of all, let me reiterate by starting out, this is not a fee increase. I want to get that out. Basically, what this is, this was brought by the contractors who do business with the State of Illinois and the subcontractors. It's just a way whereby a state agency can't get involved. There were times when subcontractor would contract with the contractor. They go out, the job is done, the State of Illinois pays the contractor and these contractors very few of 'em, just very, very few of 'em, would not pay their subcontractors timely. So, the subcontractors actually have to put out their... pay their workers, put out their product and they wouldn't get paid promptly. So, the contractors and subcontractors got together and they came up with this Bill, which tells them to make full payments within 45 days. Now remember, this only happens when the contractor gets paid and he doesn't pay the subcontractor promptly. It also has been amended as a Floor Amendment by the Speaker, that talks about prompt payment and it... and it lists and it's in your analysis which we passed out earlier this year, but was

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

62nd Legislative Day

5/21/2003

held in seven Senate Executive about prompt payment on Bills, and how the comptroller would pay it. With that, I'll answer any questions if there are any."

Speaker Turner: "The Gentleman from Cook, Representative Parke. For what reason do you rise?"

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

Turner: "He indicates he will."

Parke: "Yeah Representative, it sounds like you've worked out both sides on this. Was there anybody in committee that objected to this legislation?"

Molaro: "No. So, let me... let me make, no, in our committee, no. And I want... I wanna to make this clear. The... for the Members on this side of the aisle, I have no idea, Representative Parke what's in your analysis. But on our analysis it's difficult to read and as you go down there are no opponents to this Bill. Ori... the original Bill in the Senate was entirely different than what it came out of the Senate with. All of the people who are opponents worked on this Bill, and this is their language. This is the language of the road builders and the Illinois con... contractors and the Illinois subcontractors association. So there is no opposition to this Bill. There was a question about the interest rate, but there was no opposition from any industries."

Parke: "Now, again, I want to reiterate, if the... if the contractors doin' business with State of Illinois and the State of Illinois is 90 or 120 days late in paying their

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

62nd Legislative Day

5/21/2003

bills to that contractor, he's... he or she is not at risk until sh... he or she gets paid? Is that right?"

Molaro: "Right. They... until the contractor gets paid, when he gets paid and the checks clear. Nowadays, we gotta even worry about our own checks the way things are going down here. But once this state check clears then they have 45 days from that date to pay the subcontractor."

Parke: "Okay."

Molaro: "And if the state doesn't pay the contractor, obviously, the subcontractor doesn't get paid and this Bill has nothing to do with that."

Parke: "All right. So nobody as far as you know, nobody's objected to it, this is just good public policy."

Molaro: "No. It's good public policy. Thank you."

Parke: "Thank you."

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 have received more faxes, e-mails and phone calls on this Bill in the last 48 hours than I would normally receive on any Bill. And let me just, if I may summarize on one concise letter that... that I just received on the fax. And these are letters from people who provide services to some of our most vulnerable citizens. Now, I don't know if the Amendment addresses their concerns or not. I... I'll try to be brief and paraphrase. 'I am

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

62nd Legislative Day

5/21/2003

writing to voice my opposition to Senate Bill 155 as amended. I work at', I'll... I'll eliminate the name, 'CILA, community integrative living arrangement. A not-for-profit CILA that is currently waiting to receive payments for services provided to our residents from January 2003. If this Bill passes, I am concerned that the payment delays will be even longer. This Bill attempts to address the state's budget crisis by assigning a priority of payment to selected not-for-profit organizations defined by SB50... 155 as a qualified provider serving the developmentally disabled and mentally ill. Such providers would have their payments processed and paid before the comptroller makes any other payment. By this definition, Senate Bill 155 excludes the vast majority of elderly, developmentally disabled and mentally-ill individuals living in most community settings. Long-term care nursing facilities for the developmentally disabled are specifically excluded from the definition of qualified provider. That means payments to care for individuals living in these community settings and requiring these services are not considered a priority. Paying some providers while delaying payments to others does not solve your state budget crisis. It will simply cause more problems in an already struggling system. Please do not support Senate Bill 155 as amended.' Signed by an individual who works at a particular CILA home, community integrative living arrangement. I have to tell you, I've read this Bill. I'm not sure that I fully comprehend what these e-mails and faxes are telling me, but

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

62nd Legislative Day

5/21/2003

when you get this many and you sa... and they all say we're not included. We will not receive payment in a timely fashion and you then will put our residents in our facilities at risk. What can we do? I mean, do they have a point? Is it something we can address by Amendment? Or has there been a misunderstanding?"

Molaro: "Well I... I would hope that it was a misunderstanding. And the reason I say that is because, just so Representative Parke knows. Representative Parke talked about the original part of the Bill which was about subcontractors. There's no opposition to that. When we come to this part of the Bill that you're talking about, which is House Amendment #1, that's the exact language that was contained in House Bill 3512. Now, House Bill 3512 passed committee unanimously and passed this floor 111 to 0 to 2, 2 voting 'present'. That might even been a conflict, I don't know why. However, at that time, if you recall, that particular Bill was pos... was, was, was sponsored by the Speaker. But in addition to that, it was filed in January. It took a month and a half to get in committee. It was openly talked about in committee where there was no opposition. And it came to the floor a 111 to 0. So, when at this and like you said a day before were calling the Bill you would get this type of e-mail. I don't know where this surfaced from. You know, I don't know if it's e-mailed from the same person. But again, I don't want to reiterate but this has been, this Bill passed here and was open for two months and there was no, you know, this type

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

62nd Legislative Day

5/21/2003

of debate or this type of thing. So, I don't know where it's coming from Representative Black."

Black: "I... I appreciate that and I think there are others in the debate who may be able to answer this question. But in all my years here I... I've, and I don't think this is, it isn't an automated phone call. You know, you, we can usually spot those things a mile away. These are individuals calling, individuals e-mailing, individuals faxing. So there's either a misunderstanding or something that I don't see in the original Bill that I voted for and this Bill as... as amended. So, maybe there are some others who can shed some light on this during the debate."

Molaro: "And hopefully, they can again, I'll reiterate. It's the same exact language that was in the Bill that we passed. So, I don't... I... I don't know if it's just a sign of the times and everybody's nervous that were gonna be cut so much that this gives somebody a leg up in payment and they weren't nervous three or four weeks ago and now they are. I don't know where it came from. But you're right maybe someone else can voice the objection."

Black: "Right. And in all due respect to the people who are flooding us, it may be that when the original Bill passed they didn't take a look at it and now they've looked at it and they're not sure it's in their best interest. So, I think there are people who certainly know more about this issue than I do. And I'll... I'll listen to their... their speaking to this topic. Thank you very much, Mr. Speaker."

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

62nd Legislative Day

5/21/2003

Speaker Turner: "The Gentleman from DuPage, Representative Daniels. For what reason do you rise?"

Daniels: "Mr... to the Bill. Mr. Speaker, Ladies and Gentlemen of the House and Representative Black. The answer to your question is that, Representative Black, that CILAs are included in this Amendment. The very point that your constituent was making is covered in the Amendment. This is identical as Representative Molaro cited to House Bill 3512, Speaker Madigan's Bill which he presented to our committee. And this is a prompt payment Bill that will cover providers for the mentally ill, developmentally disabled, and includes CILAs. So if you have a question on that, that would be the answer to it. And just to the Bill, Mr. Speaker. I do support this Bill wholeheartedly. Once again, I wanna congratulate Speaker Madigan for bringing this to our attention in the form that he has Amendment #1 to Senate Bill 155. And would encourage your favorable support."

Speaker Turner: "Seeing no further questions, the question... Senator Molaro to close."

Molaro: "Thank you. I just... I just wanna make this clear that again on the Democratic side, there's a misprint in there. There is no opposition to this Bill, as... as was stated. I just wanna know that. Also, let the Body know that I am on crutches today and I just want you to take that into effect when you vote on this particular Bill. I'm feeling much better. But... but I am a little bit in pain I just wanted

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

62nd Legislative Day

5/21/2003

you to know that. Thank you. And I'd hope we get a favorable Roll Call."

Speaker Turner: "The question is, 'Shall Senate Bill 155 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 108 voting 'aye', 6 voting 'no', 2 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. On the Order of Third Reading we have Senate Bill 1067. Excuse me, Mr. Clerk. The Gentleman from Menard, Representative Brauer. For what reason do you rise?"

Brauer: "Thank you, Mr. Speaker. Could you show... record on that vote a 'yes' vote instead of a 'no' vote on 155?"

Speaker Turner: "The record will so reflect your wishes. The Gentleman from Jackson, Representative Bost. For what reason do you rise?"

Bost: "Yeah, on the last vote I inadvertently hit my 'red' switch. Should have been a 'yes' vote."

Speaker Turner: "The Journal will so reflect your intentions. Mr. Clerk, Senate Bill 1067, read the Bill."

Clerk Bolin: "Senate Bill 1067, a Bill for an Act concerning senior citizens. Third Reading of this Senate Bill."

Speaker Turner: "The Lady from Cook, Representative Flowers."

Flowers: "Thank you, Mr. Speaker. Senate Bill 1067 makes several changes in regards to the Long Term Care Ombudsman Program. And the Bill has four functions. First, it makes

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

62nd Legislative Day

5/21/2003

several nonsubstantive changes. Second, it adds supportive living facilities. And a supportive living facilities. And also... third, it orders the Department on Aging to consult with Office of Long Term Care Ombudsman Office. And I'll be more than happy to answer any questions you have in regards to this Bill."

Speaker Turner: "The Gentleman from Cook, Representative Parke. For what reason do you rise?"

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

Speaker Turner: "She indicates she will."

Parke: "Representative Flowers, what is the fiscal impact on this to the budget?"

Flowers: "Well, Representative from my perspective it would save the state a whole lot of monies because it creates the ombudsman office, it makes it independent. And it will provide for a new set of rules and disclosure information in return... in regards to our senior citizens. So, quite frankly, I know of no real fiscal impact because the ombudsman office that exists now is in the Department on Aging and you just don't really know that they're there. And so this will kind of elevate it just a little bit because that ombudsman office is supposed to work for the... the seniors and the Department of Aging may have a conflict sometimes with the nursing home. And so that... that ombudsman person goes in and speaks on behalf of the senior citizens."

Parke: "if... if we have... a cost of four people working in that office on an on-site presence of a \$190 thousand, salaries

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

62nd Legislative Day

5/21/2003

of 150, fringe benefits at 30 thousand, a travel of 10 thousand. Looks like we're pushing about \$350 thousand, \$330 thousand to the budget. Do you know if... if this comes out of the General Revenue Fund and will it be appropriated?"

Flowers: "It may already be in existence already, as I stated, that ombudsman office exists. What we're doing is kind of elevatin' it so it can be sorta independent of the Department of Aging and give it a little bit more authority so it can do what it's supposed to do of behalf on senior citizens."

Parke: "Okay. Representative, if you're gonna establish this ombudsman position, how does that person get appointed?"

Flowers: "Well, I would assume that the Department of Aging would... I'm not establishing the person Representative. I'm just changing the person's title... the title to create that ombudsman office that should have been there in the first place by Federal Law."

Parke: "If it's... but you... somebody's got to take the position. Who appoints that person? Is it the Governor?"

Flowers: "It's... it's... the Illinois Department of Aging requires the Department to establish a Long Term Care Ombudsman Program through the Office of Long Term Care. And the program must be established according to the provisions of the Older American Act of 1965. So, again, we're in compliance with Federal Law."

Parke: "Well that's great."

Flowers: "Thank you."

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

62nd Legislative Day

5/21/2003

Parke: "But you... but you don't know who appoints it?"

Flowers: "Well, you know what, Representative, is that a part of this legislation?"

Parke: "You're establishing it, Representative."

Flowers: "No. It's already established. It's... I'll tell you what..."

Parke: "Well, if your gonna..."

Flowers: "...since..."

Parke: "Well, if you're gonna shift it somebody's gotta to give the authority. It's either the Governor, the Department of Aging, somebody."

Flowers: "I think between..."

Parke: "And what happens... and that reminds me, what happens to the person who has the position now and you shift it to another person? What happens to that person that was there?"

Flowers: "That, I'm gonna leave that up to them to decide."

Parke: "Who's 'them'."

Flowers: "The Department of Aging. I'm gonna let... leave it up to that department to decide. Because the Act on Aging requires the department to establish a Long Term Care Ombudsman Program through the Office of the State Long Term Care Ombudsman. The program must be established according to the provisions of the Older American Act of 1965. The office is contained within the department and the department runs the program, the Department runs the program. Basically, the program provide individuals to act as watchdogs for older Americans in the long-term care

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

62nd Legislative Day

5/21/2003

facility. An ombudsman provide a voice for residents in... a voice for residents in the... that's residing in the facilities. And... any investigations, any complaints they may have, that is what that office does."

Parke: "Well, Representative, it says that we're gonna set up a council. Is that part of your legislation, to set up a council? And the director of the department is gonna... put 15 people on there? And it says that at least five but no more than ten?"

Flowers: "Representative..."

Parke: "Representative, where... where will these people be housed?"

Flowers: "In the Department of Aging."

Parke: "Here in Springfield? Or will they have offices in Chicago and Springfield?"

Flowers: "Well, you know, to be quite frank with you, because we're talking about the entire state, there should be an ombudsman, I'm sure you have the Department of Aging in your area or downtown City of Chicago or someplace in your district."

Parke: "Yeah, we have, it's broke into regions, I believe. The Department of Aging is broke into regions."

Flowers: "But the person, there may be a person here, there may be a person there, it may be a person everywhere across the state."

Parke: "Okay. Thank you, Representative. To the Bill. I guess I don't have the underlying concept as reasonable and logical to protect the rights of our senior citizens. But

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

62nd Legislative Day

5/21/2003

it is a, over a \$200 thousand hit on the budget, which we don't have money for this. And it says that this is part of a federal mandate which is, of course, unfunded as usual. Our Federal Government continues through our... through our... through Congress continues to provide unfunded mandates to the State of Illinois and all the states with all these great ideas, but they never send us much money to pay for 'em. But I would hope that maybe this could be... this could be deferred for a year until our programs get... until we get more funding into it. And... and if there is federal money aside I hope that the agency, will through by establishing this program might be able to access any of this money to help pay for this program, which we don't have money to fund right now. So I have no fault with the underlying idea here. I just am concerned about where the money's gonna come from, and whether or not the Governor will have to veto this because there's no funding for it. Thank you."

Speaker Turner: "Representative Flowers."

Flowers: "Thank you, Mr. Speaker. To the Gentleman, I want to say to the Body that this program already exists. There... Okay."

Speaker Turner: "The Lady from Cook, Representative Hamos."

Hamos: "Thank you, Speaker, Ladies and Gentlemen. There's a lot of misconception based on the previous dialogue here about what this Bill does. This Bill does not create... does not create a \$200 thousand program. This Bill does not create an ombudsman program. What this Bill does do is to

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

62nd Legislative Day

5/21/2003

create a long-term care council within the Department of Aging. And it spells out very specific duties. Nominations will be taken from people in the community. And the reason this is important is because as we all know the long-term care has grown up in different ways in this state. And for example, supportive hou... supportive living programs are now part of the landscape for providing housing for seniors. This Bill provides a council that will in a very logical and clear and realistic way sit with the Department of Aging and make recommendations about the ombudsman program and about the total landscape for programs for seniors... senior housing. And that's all this Bill does. This is a logical Bill. And I urge your support."

Speaker Turner: "The Lady from Cook, Representative Mulligan. For what reason do you rise?"

Mulligan: "Thank you, Mr. Speaker. To the Bill. Although I agree with the previous speaker, the fiscal note and the information that's provided by our analysis says it includes funding for staff to go out and find how to... pick a council. They're changing the name of the ombudsman. If the name is changed as they're doing in many areas, if the name change is so that the current person who holds the job can be fired and a new person chosen, I don't think that's fair. As far as the budget goes, this is a very tight budget year. Some of the things described in this Bill that will cost money can be done without adding additional staff and without doing the things that are outlined in the

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

62nd Legislative Day

5/21/2003

Bill for them to do that cost money. I think they can be done by current staff. I think that... that they can go to the public in... that input and the councils around the state. The suburban area for aging, the aging... the aging agencies across the state. I don't think they need to add money for the council, for staff to select the council and certainly not if the name changes, just to let one person go and hire another. Although I will support this Bill because I agree with the previous speaker on what it does, I'd like to see it fiscally and conservatively monitored as far as the money goes. Because I think this can be done at practically less, much less costs, than what the fiscal note is on this Bill, which is what Representative Parke stated that it would be. So I think that there is a problem with that. And I would hope that we would move forward in how we do this in a fiscally responsible manner."

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

Parke: "Thank you, Mr. Speaker. I... I know I've spoken in debate but I would like to correct my statement. That in fact, I misspoke. I now have been explained to me that this money is already there, it's already been allocated and therefore there will... there is a possibility of additional money, but it is not a \$200 thousand hit on our budget. Thank you for giving me the opportunity correct it before Body. On the face of this, I don't really have a problem any longer with it, but there is what

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

62nd Legislative Day

5/21/2003

Representative Mulligan has stated is I would hope the agency will take a look at any costs that are related to what the Sponsor's trying to do. Thank you."

Speaker Turner: " The Lady from Cook, Representative Flowers to close."

Flowers: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House and thank you, Representative Parke. Again, this office already exists. It allows the... the ombudsman office to be independent. It tells the Department of Aging you have to now talk to that person. That person will now be able to speak on behalf of the senior citizen, because again the Department of Aging may have a conflict."

Speaker Turner: "The question is, 'Shall 1067 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 116 voting 'aye', 0 'noes', 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Third Reading, we have Senate Bill 1038. Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 1038, a Bill for an Act regarding schools. Third Reading of this Senate Bill."

Speaker Turner: "The Lady from Cook, Representative Howard."

Howard: "Yes. Mr. Speaker, I'd like to bring this Bill... this back to Second Reading for the purposes of an Amendment."

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

62nd Legislative Day

5/21/2003

Speaker Turner: "Mr. Clerk, return the Bill to Second Reading. On the Order of Third Readings, we have Senate Bill 813. Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 813, a Bill for an Act concerning taxes. Third Reading of this Senate Bill."

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

Delgado: "Thank you, Mr. Speaker and Members of the House. Senate Bill 813 will amend with House Amendment #1 amends the Property Tax Code such that in Cook County any taxes based on the omitted assessment of a property must be prepared and mailed at the same time at the estimated first installment property tax bill for the proceeding year is prepared and mailed January 1. Thereafter, the payment is deemed delinquent and interest would accrued at 1.5 percent a month until paid. Basically, what this Bill will do is if you've been assessed on your property and you've added another addition, let's say. The hypothetical is, you've already been assessed on the property and now you're hit with the assessment of adding that new addition for your new baby and at that point you're sent the bill on that assessment and you must pay it right away. It can be within the thousands of dollars. You should have at least a little bit of time to be able to pay that and then if you can't make that then, of course, penalties would accrued at that point. And I would ask for a favorable 'aye' vote."

Speaker Turner: "The Gentleman from Cook, Representative Parke, for what reason do you rise?"

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

62nd Legislative Day

5/21/2003

Parke: "Thank you, Mr. Speaker. If the Chair... I would like to... I thought I hit my bill... my vote button on Senate Bill 1067 and in fact, I did not. And so, I'd like to be recorded as a 'yes' on that legislation."

Speaker Turner: "Now the record will so reflect your wishes. Seeing no further questions, the question is, 'Shall Senate Bill 813 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 117 voting 'aye', 0 'noes', 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Third Reading, we have Senate Bill 679. Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 679, a Bill for an Act concerning human rights. 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. Senate Bill 69 (sic-679) clarifies the right of the employer to impose English-only limitations. This Bill establishes when the employers can institute English-only policies. Initially it restricts the implementation of such policies when unnecessary to safe and efficient operation. I'd be happy to answer any questions."

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

62nd Legislative Day

5/21/2003

Speaker Turner: "Seeing no questions, the question is, 'Shall Senate Bill 6... The Gentleman from Vermilion, Representative Black, for what reason do you rise?'"

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

Speaker Turner: "State your inquiry."

Black: "Is Floor Amendment #1 on the Bill?"

Speaker Turner: "Mr. Clerk."

Clerk Rossi: "Floor Amendment #1 is on the Bill."

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

Speaker Turner: "He indicates he will."

Black: "Representative, with Floor Amendment #1, it's my understanding, that the retail merchants have withdrawn their opposition to the Bill. Is that correct?"

Acevedo: "Yes."

Black: "And... and for purposes of legislative intent the definition of 'language' that is in the Bill is clearly meant to be the person's native tongue not... not a slang or a... for lack of a better term, the use of various symbols or words that may mean something to an individual within a small group, but in fact, is not the native tongue or the language of that individual."

Acevedo: "Yes, Representative, that includes slang, jargon, profanity or vulgarity."

Black: "All right. And it is still within the... within the responsibilities and rights of the employer to say that if in the employer's determination that English is the language in which they conduct business in this store at

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

62nd Legislative Day

5/21/2003

that location, that is still an acceptable practice for the owner of that store?"

Acevedo: "Yes, that is right."

Black: "All right. So, in other words, if there's a store in a very small rural area, like some of the ones that I represent and they have no foreign-speaking people within that shopping area, maybe a shopping area of a couple of thousand people, then someone could not go in and file a discriminatory suit because you would not be able to use Spanish, or French, or some other language within that store if the owner says, I don't have anybody who comes in the store that uses a foreign language."

Acevedo: "Absolutely. This deals with that in no way."

Black: "Okay. Fine. Thank you."

Speaker Turner: "Seeing no further questions, the question is, 'Shall Senate Bill 679 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 116 voting 'aye', 1 voting 'no', 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Third Reading, we have Senate Bill 252. Representative Kosel. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 252, a Bill for an Act concerning the Department of Human Services. Third Reading of this Senate Bill."

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

62nd Legislative Day

5/21/2003

Kosel: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This is an agreed Bill that has taken over five years in the making and will establish the long-awaited waiting list for people with cross disabilities who have the potential of receiving services from the State of Illinois. I'm very, very proud to present this Bill. And ask for your unanimous support of it."

Speaker Turner: "Seeing no questions, the question is, 'Shall Senate Bill 252 pass?' All those in favor should vote 'aye'; all those opposed vote 'no'. Voting is now open. Not... Mr. Clerk... Roll Call. Voting is now open on Senate Bill 252. 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 117 voting 'aye', 0 'noes', 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Third Reading, we have Senate Bill 729. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 729, a Bill for an Act in relation to civil procedure. Third Reading of this Senate Bill."

Speaker Turner: "The Gentleman from Madison, Representative Hoffman."

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 729 is simply a trailer Bill and cleaned up... and cleanup language to the joint and several... several language that we passed through the House, was subsequently passed through the Senate and went to the Governor. What this does is simply makes sure that the

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

62nd Legislative Day

5/21/2003

issue with regard to ensuring that the plaintiff's employer is not taken into account when determining joint and several liability, that the drafting errors are taken care of and that we make sure that it's consistent throughout the Bill."

Speaker Turner: "The Gentleman from Champaign, Representative Rose, for what reason do you rise?"

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

Speaker Turner: "He indicates he will."

Rose: "Representative Hoffman, it's my understanding that... that House Bill 2784 is a pretty contentious Bill, but that has passed, correct?"

Hoffman: "Yes, that did pass and all this does is clean that up."

Rose: "Representative, as I understand it, this Bill just merely cleans that up. Is that correct, as well?"

Hoffman: "Yes, it... Regardless of how you voted on that Bill, all this does is make sure that the Bill that's on the Governor's desk is in requisite form."

Rose: "Thank you. To the Bill, Mr. Speaker. Ladies and Gentlemen, regardless of how you voted on House Bill 2784, it has passed, that fight is over. I would urge an 'aye' vote on this. This will simply make the statute that we previously passed a little bit cleaner, a little bit easier to interpret for the court system. And I would urge this Body to pass it. Thank you, Mr. Speaker."

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

62nd Legislative Day

5/21/2003

Speaker Turner: "Seeing no further questions, the question is, 'Shall Senate Bill 729 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 93 voting 'aye', 23 voting 'no', 1 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Second Reading, we have House Bill 46. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 46, the Bill's been read a second time, previously. Amendment #1 was adopted in committee. Floor Amendment #3, offered by Representative Reitz, has been approved for consideration."

Speaker Turner: "Representative Reitz on Amendment #3."

Reitz: "Thank you, Mr. Speaker. Amendment #3 to House Bill 46 this... this... the entire Amendment becomes the Bill. This sets up a grant program for ethanol plants. It's a companion Bill with Senate Bill 46 that will come along later. We're trying to... We adopted this... this Amendment to set up this grant program which will provide \$15 million in grants for... to build ethanol plants. And I'd be happy to answer any questions."

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."

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

62nd Legislative Day

5/21/2003

Black: "Representative, Amendment #3 has a very interesting provision in it. I don't recall any similar provision on any particular Bill. Amendment #3 clearly states that any ethanol plant that is to be built... I assume the intent is, where grant money is involved, the construction of that ethanol or biodiesel alternative fuel plant must be subject to the prevailing wage law. Is that correct?"

Reitz: "Well, actually, the way it... it reads it's subject to a Project Labor Agreement. That's one of the conditions of the grant that the department will consider, a signed Project Labor Agreement, and after that, then prevailing wage would... would apply. And if... I could follow, I guess, in case you have a question later. The prevailing wage language is... is the same language similar to Senate Bill 1212."

Black: "All right. It seems that there's conflicting language in the Amendment, that if a Project Labor Agreement is not... does not... is not part of the contract then there are some Amendments that make the Prevailing Wage Act kick in."

Reitz: "Correct. That's correct."

Black: "Now, you realize and I think, there is a possible pending legislation on Project Labor Agreements."

Reitz: "Correct."

Black: "Many Members of the House don't know what a Project Labor Agreement is. Can you explain that?"

Reitz: "A Project Labor Agreement is... it would be an agreement between whatever trade organi... labor trade organization would be, more than likely, usually either the building

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

62nd Legislative Day

5/21/2003

trades or central labor council and whatever entity wants to build that plant. And in that... within that agreement, you negotiate the scope of work and the wages that will be for various trades. And the... I think... I think Project Labor Agreements are... we use them almost all the time for capital development projects within the State of Illinois. I think they work very well because they allow both sides, both the labor trades and the entity that's building whatever facility it may be, an opportunity to build that plant, know going in what wages are going to be, who's going to perform what... what scope of work. And also guarantee that there will be no strikes along the way while they build that facility."

Black: "Yeah. I'm familiar with Project Labor Agreements. The correctional center built in my district was built 20 years ago, I think, under one of the first Project Labor Agreement... Project Labor Agreements made in the State of Illinois and it became a model. And sometimes they work very well, sometimes, however, I feel compelled to say that under a Project Labor Agreement you may be the low bidder and a nonunion contractor. You have 'x' number of days to either hire out of the union hall or to pay your workers the union prevailing wage or to become a laborer... or to join the union and become a labor... a union shop. And I think what has precipitated the lawsuit is that there are some nonunion companies who feel that that is somewhat discriminatory on their ability to conduct business as they see fit. I've never known a nonunion business who bids on

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

62nd Legislative Day

5/21/2003

a public works project... you know, that's under the Davis-Bacon at the federal level, the Prevailing Wage Act at the state level, is clearly understood and has been around for a long time. But what I sense we're doing here is we're adding more and more and more things to be covered by the Prevailing Wage Act. The thing that disturbs me in the Amendment, Representative, that you can modify. You don't have to build new, you can modify, alter, or retrofit a renewable fuels plant in Illinois and if you have an annual capacity of at least 30 million gallons of alternative fuel, then you could qualify for a grant from DCEO. Now, that grant may be 10 percent of the project cost, it may be less than that, it may be more than that. But if you're just remodeling a plant and you're going to spend \$10 million to do it and you get a million dollars in state tax funds from DCEO, then the entire project has to either have a Project Labor Agreement or in the absence of that, prevailing wage must be paid on the project. I view that as a substantial expansion of the current Prevailing Wage Act."

Reitz: "And I agree with you. But I... but I guess I should point out that there's nothing in this legislation that prohibits someone from just expanding, modifying or even building a new ethanol or a ethanol plant or any type of facility. The only time the Project Labor Agreement are... and that's what we would ra... like for them to go to is the Project Labor Agreement. The only time that kicks in, is if they want to apply for the grants. So, it's strictly

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

62nd Legislative Day

5/21/2003

voluntary. All of the entities that are involved in the renewable fuels and all the ag associations are comfortable with this and all are in full support of this legislation to set up this grant."

Black: "I noticed that some of the groups that have a direct interest in the renewable fuels such as the Farm Bureau have agreed to this."

Reitz: "Correct."

Black: "I just have some... some very personal reservations about the continual expansion of what's covered under the Prevailing Wage Act. And I know, for example, that my brother who's been in business for more than 30 years, the family for more than 70 years, if there's a Project Labor Agreement, my brother really can't even bid on that because it means he has to hire people out of the union hall who he is not familiar with, that he's only allowed to have one or two members of his current workforce work on the job, as perhaps supervisors, and they would be paid under the prevailing wage. He doesn't... he doesn't have a problem with the prevailing wage. He has expressed some concerns about a Project Labor Agreement that says to him..."

Reitz: "Yeah."

Black: "...now maybe he's wrong, but I have a great deal of confidence in my brother and I have great deal of respect and admiration for him. He's one of those people that are out there creating jobs, paying taxes, making Illinois what we hope it will be again in the near future, that is a vibrant economy. And he feels that a Project Labor

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

62nd Legislative Day

5/21/2003

Agreement greatly inhibits his ability as a nonunion contractor to bid on certain jobs that are not fully funded by a state grant. He understands that if it's a public works grant and the entire building is being funded by tax money, he understands the Prevailing Wage Act and he doesn't have a problem with that. But I think... I think, if I interpret his concerns, he does have a problem with the ever expanding scope of Project Labor Agreements that does have a limiting factor on his ability to bid on that job, even though he may bid, he may not be able to get the job because he's just not sure who's gonna have to work with out of the union hall. Most journeymen are very good at what they do, but my brother may have a different way of looking at how to run a refrigerant line or how to run a heating duct. I... This Bill is gonna pass, it probably should. I'm not gonna belabor the point. But I'm gonna vote 'present'. I don't, again, I don't have a problem with the prevailing wage law, but it seems to me in this Session and I understand why that is. The Democrat Party enjoys the majority here, the majority in the Senate and of course, has a Democrat Governor and given that dynamic, if I were on your side of the aisle, I'd probably perhaps think differently about it. But I've seen, in this Session, a propensity to expand either the prevailing wage rate or the Project Labor Agreement that I personally think, I may be wrong, I personally think goes beyond what either or both of them were originally intended to be. And Representative, I know you to be a very fair man. And I

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

62nd Legislative Day

5/21/2003

know that's not your intent to limit competition in the marketplace, but I think this does send a... a rather chilling message to those who, for whatever the reason, choose to use nonunion contractors and does somewhat limit their ability to go after contracts on projects that are not fully funded by public tax dollars. So, it's for that reason, call it personal, call it family, call it some Republican philosophy of many years standing, I intend to vote 'present' on the Bill."

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

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

Speaker Turner: "He indicates he will."

Moffitt: "Representative, just to be sure. The prior speaker made the statement that he thought all the groups were onboard. I think there was a while that the Farm Bureau had some concerns. I'd heard from some local members."

Reitz: "Right."

Moffitt: "Are they officially either proponents or neutral now, all the groups?"

Reitz: "Yes, all the agriculture groups, all the renewable fuel groups are... the only op... the only opposition that we had in committee to this Bill and everyone else signed on as proponents, was from the Municipal League and it was basically on the prevailing wage language that was tacked on... on the end and they did not testify, they just filed a slip, record of appearance only. But, yes, the Farm Bureau

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

62nd Legislative Day

5/21/2003

is in full support of this Bill and testified to that in committee."

Moffitt: "And I appreciate that clarification stating it on the record. We've talked many times the importance, the benefits of ethanol and biofuels and we need more of this. And I'm just pleased that you could bring all the groups together and make that happen. We need it for Illinois. We need it for the environment. We need it for our farmers. We need it for jobs. Commend you on your efforts. Thank you."

Reitz: "Thank you."

Speaker Turner: "The Gentleman from Rock Island, Representative Verschoore."

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

Speaker Turner: "He indicates he will."

Verschoore: "In regards to Mr. Black's remarks, this doesn't exclude nonunion contractors from bidding this work and I don't feel it's an expansion of the Prevailing Wage Act. I come from a rural area, also. I happen to also be a union member, but these are... This is a good Bill. I think it will help the State of Illinois. We have Project Labor Agreements in our area and have for years and they've worked extremely well, like Representative Reitz said. And I rise in support of this Bill. Thank you."

Speaker Turner: "The Gentleman from Winnebago, Representative Sacia, for what reason do you rise?"

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

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

62nd Legislative Day

5/21/2003

Speaker Turner: "He indicates he will."

Sacia: "Dan, a great deal must have happened in committee this morning since two conversations I had on this House Floor yesterday, calls that I received from independent contractors in my area in northwest Illinois. As you're probably aware, we have the Adkins ethanol plant in the northwest area of Illinois and it'll probably be a model for the one being built in the area of Rochelle. The concern that was expressed to me by these independent contractors yesterday is they felt that prior to this Amendment they had an excellent chance of being included as far as positions and employing their people at this new development. Based on what they were telling me yesterday afternoon and again, I guess I'm looking for the language to the Bill and if the Amendment or if the discussion in committee this morning totally put their issues at rest, because they seemed tremendously concerned to me. They were very, very concerned that this was a heavy-handed move by organized labor and they truly felt, when they had their conversations with me yesterday afternoon, that this was a Bill that was literally going to devastate small business owners that are not union. And maybe if you could address that to me, it might put something at rest."

Reitz: "Well, I think probably the best is going back to what I'd said previously. There's nothing in this Bill... that this is setting up a grant program. This is all permissive. Anyone that wants to modify an existing ethanol plant or build another ethanol plant can go ahead

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

62nd Legislative Day

5/21/2003

and do that as they would do today or yesterday or a year ago. Nothing has changed that, whatsoever. What... what this Bill does is set up a grant program to help them and one of the components of the grant program is that you will exhibit a Project Labor Agreement to the department. So, if you really... if anyone wants to build one and I would hope that they would work with their labor organizations and if... or if not, I'm afraid, you know, we may revisit this. This has been fairly intensive negotiations trying to put this together and everyone that's interested... everyone... every interested party that started these negotiations is a proponent of this piece of legislation right here and will be a proponent of Senate Bill 46 which, by the way, creates the funding mechanism for this \$15 million."

Sacia: "That being said, Dan, aren't I correct in stating though, that this pretty much rewards union labor more so than the private entities that are not union?"

Reitz: "Not necessarily. There's nothing that precludes a nonunion contractor from using this... bidding on this and... and or being a part of this process. They just have to be part of a Project Labor Agreement and there's nothing in a Project Labor Agreement that precludes a nonunion contractor from... from bidding on that or being part of that process."

Sacia: "Thank you, Sir."

Speaker Turner: "The Gentleman from Will, Representative Meyer, for what reason do you rise?"

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

62nd Legislative Day

5/21/2003

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

Speaker Turner: "He indicates he will."

Meyer: "Representative, in committee today you indicated that there'd be further Amendments on this Bill. Is that still the case?"

Reitz: "Yes. There are two... the Amendment will cover one part in the... in this Amendment that will be cut out is under sub... Section 20 subsection(b). We have a million dollars that is currently there. The grant is \$15 million. Section (sic-subsection) (b) says that we will have a million dollars set aside for either grants or for research. We're going to strike that and actually urge the administration then to take that million dollars and do the research under the AgriFIRST Program. And the second part is under Section 15 Section (sic-subsection) (c)(2) we're going to strike out 'farmer-owned cooperatives' and the reason for that is even with... with the farmer... the people that represent the farm community, they... we can't find a good way. We want that to work its way out in the rule-making process and make sure that we're able to help everyone. We can't find good language that they have come up with to say that we don't infringe on other people by making this farmer-owned, so we're trying to clarify that. But we're gonna strike that and work that out in the rule-making process."

Meyer: "Well, one of the questions I had in committee and since the committee, I continue to still be somewhat concerned with it. The... there is no criteria for the maximum amount

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

62nd Legislative Day

5/21/2003

of a grant that can be given to any one individual company that might be participating in this program. Would you consider, at the same time you're bringing back one or two of these other Amendments that you're speaking of, putting some type of a limit on what a grant can... what a grant can... what a maximum grant can be?"

Reitz: "I'd be happy to work with every... in fact, we're looking for something for another hour or so to round this off to like 800 hours of negotiations, so I mean, we're... But no, I'd be happy to. Our only concern and the concern I... and the reason I expressed in committee is my concern is if we... if we set a ceiling, we may also... that may be the floor. If we say it's going to be \$4 million ceiling for an ethanol plant, everyone may come in and say, here... I'm gonna build an ethanol plant. Here's my Project Labor Agreement, where's my \$4 million? I think we should... and what we're trying to do and with all the interested parties, they are all convinced that we should just let the department have the discretion as they would any other economic development entity and basically say, this is how much it's going to be based on the number of jobs it's going to do, the number of gallonage they're gonna do, because there's... if we set an amount, you know, we may... and hopefully we will have a project that will probably exceed that amount where they want to build a hundred million gallon facility. But that's the concern and that's and as I said, this is the end result of exhaustive negotiations and that and the people that it... that brought this Bill

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

62nd Legislative Day

5/21/2003

forward and were interested in this ethanol production. That was their recommendation is just to leave that without any type and leave that to the discretion of the department."

Meyer: "Well, one of my concerns continues to be that the first applicant in the door would be the recipient of the full \$15 million and then there would be no more for the remainder of that fiscal year to apply for which could, in fact, cut out some competition, could cut out additional jobs, I would believe, because all that grant money had been expended on one project."

Reitz: "Right."

Meyer: "And if we can work on something, I'd certainly be appreciative of whatever that might be. I don't have an answer for ya in terms... other than the fact I do..."

Reitz: "Okay."

Meyer: "...have a concern with that aspect of the Bill and would like to continue to work..."

Reitz: "Yes."

Meyer: "...on it, if we can."

Reitz: "And I appreciate... I appreciate your concern and your interest and I would guess I would offer and recommend I'll be willing... happy to work with you in tryin' to figure that out. But the renewable fuels people and the Farm Bureau are currently trying to put together language that we could read in for legislative intent and I think that may be a better way to address this and I'd be happy to work with you on that language."

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

62nd Legislative Day

5/21/2003

Meyer: "Thank you."

Speaker Turner: "The Gentleman from Franklin, Representative Forby. For what reason do you rise?"

Forby: "Will the Sponsor yield?"

Speaker Turner: "He indicates he will."

Forby: "Dan, as a contractor, who can bid on this job and who can't bid on a job like this, that you're talkin' about today?"

Reitz: "Well, anyone... It's basically... it'll be an agreement between the entity that's going to build the ethanol plant. So, there's nothing in this Bill that says... that prohibits anyone from being part of building an ethanol plant."

Forby: "So, if you're qualified and get... and can get bonded for this job, you're qualified to bid on this job?"

Reitz: "Correct."

Forby: "Does this job say you have to use union labor?"

Reitz: "No. It says..."

Forby: "It just says that everybody has to be paid the same on the job, right?"

Reitz: "Well, essentially, the first priority is the Project Labor Agreement which actually makes the wa... rates negotiable which I think has... especially for facilities such as this for ethanol plants and depending on where the location is and the availability of trades that are... that are in that area. Project Labor Agreement is... a Project Labor Agreement is a lot more suitable than just saying prevailing wage and just sets the rate for whatever trade it is."

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

62nd Legislative Day

5/21/2003

Forby: "So, this puts everybody on the same ball field... playing field, right?"

Reitz: "Yes, it should."

Forby: "Well, as a contractor for the last 30 years and a union contractor, I appreciate this because it just gives everybody a compatible bid and the same... everybody's in the same ball field. I think this is a good Bill and I think everybody ought to vote for it. Thank you."

Speaker Turner: "The Gentleman from Vermilion, Representative Black, a second time."

Black: "Yeah. Thank you very much, Mr. Speaker. One of the new Representatives happened to make an error of using my name in debate and I would like to just simply respond, very briefly. Ladies and Gentlemen, in all due respect to all of you, if you're not in the construction or construction-related business, I... I doubt seriously whether you know what a Project Labor Agreement is. And some speakers have said it puts everybody on a level playing field. In all due respect to the person who said that, it is just the opposite. It literally insures that a nonunion contractor will not be able to put in a viable bid on a project because he can't... he or she will not be able to use his or her own employees on the job. The Project Labor Agreement, depending on how it's written, says clearly, you will have to hire these workers out of the union hall. So, you will be working with people you're not familiar with, you can only have one... and that a Project Labor Agreement that I'm familiar with, that upset my brother so much, only

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

62nd Legislative Day

5/21/2003

one person who is on his payroll could work on that job in a supervisory capacity. So, it doesn't put people all on the same playing field, at all. It puts those, who, for whatever the reason and there's still a matter of choice in this country who choose not to be a member of a union craft or building trades. It does not even the playing field. It takes nonunion or small, independent contractors and makes it very difficult, if not impossible, for them to bid and get a contract under a Project Labor Agreement. And more food for thought, and I don't want to bring this up. It's a sore subject for a lot of people. But many articles have been written, if you could build a bridge over the Chicago River for a million and a half dollars, pre-stress concrete, you had your own crew, you move your own crew and cranes in and you put this bridge over the river in seven working days and it cost a million and a half dollars and if it met codes, could you do it? No, you could not, because Davis-Bacon and the Prevailing Wage Act says that you can't do it that way. That has to be a prevailing wage, i.e., 99 times out of a hundred, a union job and that will probably mean steel trusses, caisson work, reinforced bars of concrete. A million and a half dollar bridge, by the time we get through with our rules and regulations, will cost the taxpayers \$4 million. So, don't... you know, it's gonna pass. I don't have any problem with that. That's fine. It's another way of doing business, we'll learn to live with it. But don't get up on the House Floor and says it puts everybody on the same

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

62nd Legislative Day

5/21/2003

playing field, it does not. It has the exact opposite effect. And if you really wanted to get into competitive bidding, let firms with the new technology, the new ways of doing business, let them bid on public works project and see if it could be done more quickly, more cheaply, more efficiently. But we'll never know, because the law won't let us do that. So, ya know, again, this will pass by a number of votes. I... as I've said before, I think it is a considerable expansion of prevailing wage. I think it is a tremendous expansion of Project Labor Agreements and why it was put on an ethanol renewable fuel Bill, that's what I don't understand. If there's anything that ought to be noncontroversial and doesn't pit nonunion against union or upstate against downstate, there ought to be something in this chamber that everybody can agree on and that's the need for renewable energy; ethanol, biodiesel. Who knows what the future will bring? But we can't even seem to reach unanimity on something as important to our national security as renewable fuels. I don't know why this Amendment was put on this Bill, but I have taken my name off as a cosponsor. I'm sorry the Amendment was put on the Bill. I don't think it's necessary. I don't think it serves any great public purpose except to make sure that work is done by union contractors. And in rural areas where many of these plants will be built, that's gonna be a little more difficult than some of you have any idea."

Speaker Turner: "Representative Reitz to close."

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

62nd Legislative Day

5/21/2003

Reitz: "Thank you. Appreciate the discussion. I just... you know, this is a... as I said, we have a number of Bills, this and Senate Bill 46, we're going to move through. The ethanol industry is very important to the State of Illinois. It's the only oxygenate that we have right now with the banning of MTBE and we need... we have an opportunity to expand and grow this industry and I think we have a vehicle here that, as I said earlier, that part of Senate Bill 46 is going to ramp up the exemption from 70 percent to 80 percent of the fuel for ethanol. It would create \$16½ million or \$17 million in additional revenue for the state. We're going to take \$15 million of that and use it to build more ethanol plants and we bring more money into the state and actually be able to help a lot of people comply with the Clear Air Act requirements. And I'd sure appreciate your help."

Speaker Turner: "The question is, 'Shall Amendment #3 to House Bill 46 pass?' All those in favor should say 'aye'; all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And Amendment #3 is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Turner: "The Bill shall remain on Second. On the Order of Third Reading, we have Senate Bill 408. Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 408, a Bill for an Act concerning sanitary districts. Third Reading of this Senate Bill."

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

62nd Legislative Day

5/21/2003

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

Saviano: "Thank you, Mr. Speaker, Members of the House. Senate Bill 408 is an initiative of the Metropolitan Water Reclamation District. As you may know, this Body in the Legislature is in charge of... in charge of overseeing the... the wage increases that are requested from the commissioners on the Water Reclamation District. We had a Bill that was gonna give the Water Reclamation District board the authority to raise their own pay and after negotiating in-depth with them, we came up with a schedule to retain the jurisdiction over their pay increases and came up with a schedule for their wage increases. So, what we've... what we've agreed on... what we've agreed on is that the president of the district, his current pay is \$60 thousand, with the Amendment that was added it raises it to 66 thousand, a increase of \$6 thousand. The vice president goes from 55 thousand to 60,500. The chairman of the finance committee goes from 55 thousand to 60,500. And the members of the board go from 50 thousand to 55 thousand. I think this is reasonable. They have not had a salary since 19... a salary increase since 1990. And I would ask for your favorable vote."

Speaker Turner: "Seeing no questions, the question is, 'Shall Senate Bill 408 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

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

62nd Legislative Day

5/21/2003

Clerk should take the record. On this question, there are 61 voting 'aye', 54 voting 'no', 2 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Third Reading, we have Senate Bill 487. Read the Bill, Mr. Clerk. Out of the record. On the Order of Third Reading, we have Senate Bill 496. Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 496, a Bill for an Act in relation to taxes. Third Reading of this Senate Bill."

Speaker Turner: "The Gentleman from DuPage, Representative Biggins. Out of the record. On the Order of Third Reading, we have Senate Bill 1003. Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 1003, a Bill for an Act concerning environmental protection. Third Reading of this Senate Bill."

Speaker Turner: "Out of the record. On the Order of Third Reading, we have Senate Bill 1069. Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 1069, a Bill for an Act concerning finance. Third Reading of this Senate Bill."

Speaker Turner: "The Gentleman from Morgan, Representative Watson."

Watson: "Thank you, Mr. Speaker. Senate Bill 1069 creates the Illinois Military Family Relief Fund. And as we heard today, there's still a lot of action going on in the Gulf and people who could be injured. This Bill simply permits \$500 one-time grants to those who have served in the Gulf

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

62nd Legislative Day

5/21/2003

and up to a \$2 thousand need-based grant. I am happy to take any questions."

Speaker Turner: "Seeing no questions, the question is, 'Shall Senate Bill 1069 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? Clerk shall take the record. On this question, there are 117 voting 'aye', 0 'noes', 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Third Reading, we have Senate Bill 1081. Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 1081, a Bill for an Act concerning schools. Third Reading of this Senate Bill."

Speaker Turner: "The Lady from Cook, Representative Berrios."

Berrios: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 1081 amends the School Code. This Bill provides that the Department of Public Health shall specify that diabetes screening as defined by rule shall be included as a required part of a child's health examination, also known as the required school physical. This Bill will have no fiscal impact on the Illinois State Board of Education. And I am open to questions."

Speaker Turner: "Seeing no questions, the question is, 'Shall Senate Bill 1081 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."

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

62nd Legislative Day

5/21/2003

On this question, there are 116 voting 'aye', 0 'noes', 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Third Reading, we have Senate Bill 1095. Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 1095, a Bill for an Act concerning unclaimed property. Third Reading of this Senate Bill."

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

Burke: "Mr. Speaker, could you remove this from the record."

Speaker Turner: "Take the Bill out of the record. On the Order of Third Reading, we have House... Senate Bill 1102. Senate Bill 1102. Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 1102, a Bill for an Act in relation to taxes. Third Reading of this Senate Bill."

Speaker Turner: "The Gentleman from Bureau, Representative Mautino."

Mautino: "Thank you, Speaker. Senate Bill 1102 is followup. For the past three years, we have been negotiating and working on the local telecommunications tax structure. A couple of years ago we took the three local rates and we combined them to create the simplified, local telecommunications tax. Representative Biggins was the Sponsor of Amendment #1. These are agreed and we worked 'em out between the industry and the Department of Revenue. When we passed that legislation, if your city had created an ordinance or structured an ordinance, there wasn't a notification requirement. So, they just laid out who was

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

62nd Legislative Day

5/21/2003

responsible for notori... notifying the Department of Revenue and those specific telecommunications companies of the new rates. I know of no opposition. I commend all the parties and the Revenue Committee who worked to negotiate this Bill. And be happy to answer any questions."

Speaker Turner: "Seeing no questions, the question is, 'Shall Senate Bill 1102 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 116 voting 'aye', 0 'noes', 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Third Reading, we have Senate Bill 1107. Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 1107, a Bill for an Act relating to school students. Third Reading of this Senate Bill."

Speaker Turner: "The Lady from Cook, Representative Jones."

Jones: "Thank you, Mr. Speaker and Members of the House. Senate Bill 1107 amends the School Code by requiring the Chicago Board of Education to establish a pilot program subject to appropriations to prevent crime by developing guidelines to identify students at risk of committing crimes and reporting them to tour a prison to discourage criminal behavior. Right now, students cannot tour the prison if they're under the age of 21. And this is an initiative by Senator Hendon, part of a Scared Straight Program. To identify students at risk by committing crimes

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

62nd Legislative Day

5/21/2003

shall be limited to those students who are engaged in serious acts of misconduct in violation of the board... board's policy and discipline and it's also subject to, in writing, by parental consent. And I ask for a favorable vote."

Speaker Turner: "Seeing no questions, the question is, 'Shall Senate Bill 1107 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', 1 voting 'no', 1 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Third Reading, we have Senate Bill... On the Order of Postponed Consideration or Consideration Postponed, we have House Bill 2532. Read the Bill, Mr. Clerk. The Lady from Cook, Representative Graham on House Bill 2532."

Graham: "Thank you, Mr. Speaker. House Bill 2532 requires that gun dealers be licensed with the State Police. Currently, gun dealers are now licensed at the federal level. This system is not working. There are 15 federal inspectors. These 15 federal inspectors have to inspect alcohol sales, tobacco sales, and firearm sales. How can 15 people monitor the State of Illinois with this? I'd like to make reference to when the last time that this Bill was ran that one of my colleagues across the aisle said, I supported House Bill 1377. I did, in fact, support House Bill 1377,

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

62nd Legislative Day

5/21/2003

but this Bill is exactly different from House Bill 2532. House Bill 1377 gives local authority to go after unlicensed gun dealers. My Bill requires that gun... licensed... that gun dealers be licensed with the State Police. Right now, that Bill would assist us with pawn shops. Right now, you can go into pawn shops and pawn a gun for the money, but if you don't go back to the pawn shop to retrieve your gun for the money, the pawn shop dealer has the right to sell your gun, but he is not a licensed dealer. Right now, in the local areas around suburban Cook County, gun dealers currently sell to... normally sell to gangbangers' girlfriends who do not have a criminal record to allow them to purchase firearms. This is an important piece of legislation. I handed out today some statistics. I'd like for you all to take a look at the statistics that I gave you and find your counties in the statistics. And I want you to compare your county to Chicago and suburban Cook County. You'll see that in your areas the murder rate is extremely lower than what the murder rate is in the City of Chicago. If I didn't need this Body to pass this Bill, I would pass it, but I'm asking you to take a fresh look at this piece of legislation. And I urge an 'aye' vote. I'll take any questions at this time."

Speaker Turner: "The Gentleman from Jackson, Representative Bost, for what reason do you rise?"

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

Speaker Turner: "She indicates she will."

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

62nd Legislative Day

5/21/2003

Bost: "Representative, I need to ask the following question and if you could answer it. Has this been... Bill, since we debated the first time, been amended or changed in any way?"

Graham: "Has this Bill changed? No, since it was debated the first time."

Bost: "It's the exact same Bill that we..."

Graham: "The exact same Bill."

Bost: "...all but defeated on the House Bill... on this floor before."

Graham: "But you... the House... The Bill went down because the debate was twisted. I supported the Gentleman's Bill on the other side of the aisle, but it was not a Bill that was representing what I was doing. His Bill gave us the right to go after unlicensed dealers. This Bill says licensed... licensed dealers need to be letter... federal licensed dealers need to be licensed at the state level because the federal process is not working."

Bost: "Representative, this is the same Bill we debated on the floor."

Graham: "Absolutely. Absolutely, without a doubt."

Bost: "So, what in the world is different? It has not been amended. It has not been amended. Is that correct?"

Graham: "It has not been amended because of the facts that are in the Bill. Right now, there is no database and gun dealers are currently selling to people that live in places where ordinances exist. I believe if a database exists so that gun dealers would know who they are sellin' the guns

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

62nd Legislative Day

5/21/2003

to, they could secure affidavits and not sell to those people..."

Bost: "But..."

Graham: "...who live in places that ordinances exist that they don't want handguns there."

Bost: "Representative, we have debated this Bill."

Graham: "That's right."

Bost: "The problem we saw with this Bill, when we realized and when we discussed it on this House Floor, is the fact that we don't need another law, what we need to do is enforce our existing laws. The paper that you handed out, Representative, that shows the statistics, where the following... where guns have been involved either, (a) in column #2 with crime, the problem is, is that the crime... the crime, not the gun, was the problem. The crime, not the gun, was the problem. In the case..."

Graham: "There are only 15 agents to enforce that."

Bost: "...in the case where we have people who commit suicide with guns, do you believe that if they didn't have a gun they would use some other form to commit suicide? So, do you believe by passing this Bill we'll stop commit... people from committing suicide?"

Graham: "I think that suicide is a personal choice and if they personally chose to do that, then that's something different. I do not encourage anyone to commit suicide, but I do forbid and try to stop people from preying on innocent people like the 13-year-old boy who was cleaning up his neighborhood, doin'... mindin' his own business that

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

62nd Legislative Day

5/21/2003

somebody rolled across him and shot at him. Like the girl that was sitting on her porch after celebrating an Easter service was shot at on her porch. This is what I'm after."

Bost: "That's fine."

Graham: "This is what I'm pursuing."

Bost: "There won't... Mr. Speaker, to the Bill."

Speaker Turner: "To the Bill."

Bost: "Everything that she quoted has been against the law in this state already. Against the law already. Our problem does not exist with creating new laws that try to cure these problems. Our problem is that we need to have something to try to make ensure that the rules and the laws that we passed already are enforce. We don't need new laws to chase... so that we can go back to these constituents and say, oh, see here, we've cured your problem. See this list. This list is a problem, not because of the guns, this list occurs when people violate other laws, when people violate other laws that already exist. This list also includes the tragic situation that people, for whatever reason, have chosen to take their own lives. Now, if we ban every gun, if we try to put every control on every gun, if they choose to do that, they can still do that. The others are accidents that occur. There's also car accidents that occur. But those are accidents, that's why they call them accidents. This piece of legislation, Ladies and Gentlemen, we have defeated once in this House and it was put on Postponed Consideration. It's back before us. I ask for you to continue to hold the line.

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

62nd Legislative Day

5/21/2003

Now, if the Representative, and I respect her intentions, wants to work with me to try to help every way we can for proper law enforcement of our existing laws, I will work hand in hand with her to get that done, but to create a new law, whenever we already have the laws in place to cure these problems, makes no sense. Not to just so that she can go back or any of us can go back and say, well, see, we're trying to cure the problem because we're passing new laws. That's not what we're about as far as trying to cure a problem. If you wanna cure the problem, let's work on the law enforcement side of this. Let's work with the police officers. Let's do what we can to provide them the tools they need to enforce the existing laws. Mr. Speaker, if this gets the required number of votes, I would ask for a verification and I would ask for a 'no' vote."

Speaker Turner: "I wanna remind the Members that the timer is on and it will be on during this debate. The Gentleman from Champaign, Representative Rose."

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

Speaker Turner: "She indicates she will."

Rose: "Representative, is there a fee associated with this Bill?"

Graham: "Yes. There's a \$300 licensing fee over a three-year period."

Rose: "Now, aren't firearms dealers already required to be licensed by the Federal Government?"

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

62nd Legislative Day

5/21/2003

Graham: "They're required to be licensed by Federal Government, but that process currently does not work. I'll say it again, it does not work."

Rose: "Well, how..."

Graham: "How can 15 inspectors monitor almost 3 thousand gun dealers, monitor alcohol and tobacco sales."

Rose: "Representative, how much..."

Graham: "You tell me how 15 people..."

Speaker Turner: "Representative..."

Graham: "...can do that?"

Speaker Turner: "We can dance together, but we can't talk together. One at a time, please."

Rose: "Representative, how much is the federal firearms license fee?"

Graham: "I'm not exactly sure at this moment, but I do have it in my notes. As you keep talkin', I'll hunt for it."

Rose: "Representative, we're not sure what the federal fee is, but this is definitely a \$300 state fee on top of that. Is that correct?"

Graham: "Are you... Representative, repeat your question."

Rose: "This is definitely a \$300 fee on top of whatever the federal fee is already, correct?"

Graham: "...fee."

Rose: "It's a fee increase. Isn't that correct?"

Graham: "Well, when you value a life against what it would cost to protect lives, I think this is a minimal increase when you talk about saving and protecting lives."

Rose: "Representative, yes or no. Is it a fee increase?"

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

62nd Legislative Day

5/21/2003

Graham: "It would be a fee increase if you talk about what it would cost to put the database in place."

Rose: "Well, very well. The answer's 'yes'. Let me ask you somethin', if everyone complies in this Bill with all the requirements for application, will they, in fact, get a... get a license? 'Cause right here in my analysis it says, the department 'may' grant the license."

Graham: "The same requirements that are required at a federal... at the federal level will be implemented at the state level. The same... the same requirements will be implemented. Background checks to see if they're eleble... eligible to sell firearms. All of those precautions will be taken."

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

Speaker Turner: "To the Bill."

Rose: "Ladies and Gentlemen, I'm sorry I didn't get very far with my comrade here. The bottom line is the answer was 'yes'. This is a fee increase, it's a \$300 fee increase. And the other answer is that even if everybody... even if an applicant complies with everything in this Bill, every item in this Bill, for the license, the word is 'may' not 'shall'. The department 'may' grant that. We're givin' the Illinois State Police and the State of Illinois an awful lot of authority, Ladies and Gentlemen. I'm not comfortable with that. I know there are several people in this chamber, having only been here for a few months as a freshman just listening to debate, who aren't comfortable with the expanded powers we're granting the Illinois State

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

62nd Legislative Day

5/21/2003

Police. Ladies and Gentlemen, the bottom line is this. In my time in the State's Attorneys Office in Champaign County, I never once, not once, prosecuted a gun crime that didn't already involve a previously convicted felon and you know what, folks, in this state they're not supposed to have guns. We're not goin' after the people who are committing gun crime in this state. This Bill, Ladies and Gentlemen, is goin' after honest people. It's goin' after hunters, it's goin' after sportsmen, it's goin' after collectors. Ladies and Gentlemen, let's get serious about gun crime. Let's go and prosecute the people who are committing gun crime. But like I've said, in the years that I spent in the State's Attorneys Office not once did I prosecute a gun crime that didn't already involve a previously convicted felon. And under current existing state statutes, they're not suppose to have guns, but somehow they got 'em, Ladies and Gentlemen. Please vote 'no'."

Speaker Turner: "The Gentleman from Winnebago, Representative Sacia, for what reason do you rise?"

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

Speaker Turner: "She indicates she will."

Sacia: "Representative Graham, is it fair to say that you are adamantly opposed to any type of weapons, any type of guns being owned by individuals in this state?"

Graham: "You know, I'm not... I'm not opposed. My grandfather hunts. Legally... the people... I'm not opposed to people legally owning guns. My grandfather hunts. It is part of

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

62nd Legislative Day

5/21/2003

a tradition, but where I live, I think that this Body is out of touch with the murder rate and people dying in... where I live, in the community where I live at. See, I know it's not a big deal for you all because you don't live where I live. Your children do not have to run off the streets where you live, but I guarantee you if you had your children ridin' their tricycles down your farmland and somebody was takin' a misaimed shot at them, you would take a chance to create some legislation that would save their life. So, if that's what I'm doin' now, that's what I'm going after. I'm not saying I'm opposed to any responsible person ownin' a handgun. I'm opposed to licensed gun dealers knowingly selling to gun... gangbangers' girlfriends who do not have a record, allowing them to sell guns. That's what I'm opposed to."

Sacia: "Representative Graham, I truly respect where you're coming from, but I represent a hundred and five thousand people just like you do and where I come from they truly believe in the Second Amendment and our great Constitution gave us the right to keep and bear arms. By cha..."

Graham: "And I'm not opposed to that."

Sacia: "No, let me have my say, Ma'am. By requiring to again put another onus on the backs of people that want to transact the use of firearms is just something that's completely wrong. You said something to one of the earlier speakers, when that speaker asked you if this was the same Bill as previously presented. And you said you brought it up again because 'the debate was twisted.' You went on to

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

62nd Legislative Day

5/21/2003

refer to another speaker that, if you valued life... I'll tell you, Ma'am, I value life and I think everybody in this learned Body values life. By trying to put the onus on the back of the individuals in this great state that feel it a privilege and an honor to possess firearms, do you have any idea how many FOID cards there are in this state, Representative Graham?"

Graham: "I'm sorry, Sacia. Say that again."

Sacia: "I asked if you had any idea how many FOID cards there are issued in this great state."

Graham: "It's one million FOID cards and also, this Bill does not... is not in any conflict with the Second Amendment of the Constitution."

Sacia: "It's a million five hundred thousand plus. But be that as it may, I realize it doesn't, but there's a lot of very honorable, good people that own and possess firearms that are not gangbangers and whenever we take an emotional issue and try to turn it into an agenda, it's just plain wrong. It's like the guy that sells fire alarms that comes to your house and tries to convince ya that your kids are gonna die in a fire if you don't buy a fire alarm. That just isn't fair, Representative Graham. This Bill was defeated on this House Floor, you didn't change it one bit. You just brought it back up again. And it is so unfair to the hundred and five..."

Graham: "I don't think that..."

Sacia: "...the hundred and five thousand-plus constituents in my area and in many other downstater areas here. I... I truly

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

62nd Legislative Day

5/21/2003

respect that the City of Chicago has problems. Then the City of Chicago should pass legislation to deal with it. Don't go after the good folks I..."

Graham: "We are trying. We're asking..."

Sacia: "No... I... I... I..."

Graham: "...this Body to help us. We are trying that."

Sacia: "Could I... could I finish, please? All I'm saying, Ma'am..."

Graham: "That's right."

Sacia: "...is there's a lot of good folks out there that own and possess firearms and love to have the privilege of hunting and just cannot believe that we continue to come up with legislation to try to hinder them when all they're trying to do is live by a constitutional right that we have, our great Second Amendment, the right to keep and bear arms. It's something we are deeply proud of. It's a heritage we have. And by you creating another \$300 bill on the backs of licensees or requiring a licensure when they're already required by law to have a federal license, it simply isn't fair. All we have to do, Representative Graham, is deal with the laws that are already on the books. This is very, very unfair to put it on downstaters because of the problems you're dealing with in the great City of Chicago. I respect where you're coming from. I respect why you're trying to pass this legislation, but you're screwin' an awful lot of good folks by doin' it and it's simply wrong. And I ask for a 'no' vote."

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

62nd Legislative Day

5/21/2003

Speaker Turner: "Hmm. The Gentleman from Cook, Representative Colvin, for what reason do you rise?"

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

Speaker Turner: "She indicates she will."

Colvin: "Representative, as I continue to just kinda read through this Bill and just tryin' to get at the thrust of what you're trying to accomplish here. It's the database part, right, Repre...?"

Graham: "I'm sorry. I didn't hear your question."

Colvin: "But what you're really trying to accomplish here, is it the database part where those guns have to be registered and go into a database. Is that..."

Graham: "Part of it."

Colvin: "And if you could, for me, just explain if that's just part of it, explain, you know, what your major goal is here."

Graham: "Right... right now, in the State of Illinois, gun dealers keep records in their shop. There's no database that exists on the federal level or the state level. There's no database that exists. Currently, gun dealers are selling to people who live in places where ordinance exists that they do not want people to own handguns. If gun dealers were armed with the proper information, they could then sell to people who lived in those places, but would secure an affidavit that will say that those people would not have... keep those guns in that area. So, I think, right now, from the standpoint, if you register a computer software, you register cars, you register most of the

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

62nd Legislative Day

5/21/2003

things that we buy in the City of Chicago, you register stoves, refrigerator. What's the problem with a law-abiding citizen registering their handgun? So, that's what we're going after. We're going after... if they're gonna have this, they're gonna to... this database would arm the gun dealer. It's not tryin' to put him out of business. It is making him responsible so he knows who he is, in fact, selling to. If he's selling to a person who lives in a place where ordinance exists that he shouldn't have one, he's just then secure an affidavit that he would not keep that gun in that particular place. That's what this is about. And this Bill is not limited to the City of Chicago. I represent other people other than the people in the City of Chicago. Mine's the Seventy-eighth District extends over a lot of villages."

Colvin: "Thank you, Representative. Mr. Speaker, to the Bill."

Speaker Turner: "To the Bill."

Colvin: "I stand in strong support of the Lady's Bill and I commend her courage and her effort for keeping debate alive in what I think is one of... literally one of the two or three top... What really comes down to it sometimes, in a lot of communities and our cities, a public health issue. And that is the proliferation of guns on our streets. I can stand here and make all those reasonable or rational arguments about how we license people to fish and to be babysitters and all those things and those arguments are well worn and albeit, most of them are true. But the fact of the matter is, guns are instruments of destruction. And

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

62nd Legislative Day

5/21/2003

I don't care if you're using 'em to hunt pheasants or deer or you're using 'em to hunt humans in Iraq or on the streets of Chicago. The fact of the matter is by registering those guns and creating a database where that database can be used by law enforcement officials to track the weapons, because far too often those individuals who go... shot in communities and those cases become cold rather quickly because they can't get people in those communities to talk about those crimes. You can't get people in those communities to testify against a lot of these gangbangers who propose an imminent threat in so many communities. To give law enforcement officials an opportunity to track those weapons, why, I think, will greatly aid in the attempt to stem off some of this violent crime, so that some of those laws that we do pass will have affect when it comes to puttin' away some of these violent creatures in our communities. When you have license plates on a car, sometimes the car can be used in the case of a crime, whether it be intentional or unintentional, a hit-and-run accident or getaway car in a bank robbery. It gives police a database to be able to track that automobile and I look at this in the same way. I don't think we're saying to anyone here and by the way, you gotta pay for those license plates and literally, you gotta pay double as of about five years ago. But as a fact, all those license plates do is create a database for sometimes law enforcement officials to use those records to track down people that make crimes in our society. This Bill has a lot of good merits and I

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

62nd Legislative Day

5/21/2003

can't help but to ar... to agree with some of my colleagues on the other side of the aisle who make the argument..."

Speaker Turner: "One minute to close."

Colvin: "Thank you, Mr. Speaker and I'll be brief. That we do use those gun laws... maybe we do have enough gun laws on the books to go after a lot of these criminals, but we have to be able to go after the guns. We have to know who owns 'em, who bought 'em, and who sold them to whom. If we don't address that serious problem, we're never gonna get to the root problem and have the effect that a lot of those crime laws that we put on the books are supposed to have. Thank you and I urge all of you to vote 'yes' on this, a very important Bill."

Speaker Turner: "The Lady from Cook, Representative Yarbrough, you have five minutes."

Yarbrough: "Thank you, Mr. Speaker, and Members of the General Assembly. Two weeks ago, I left this Body and I went home to my community of Maywood. On the radio, I heard that seven people were shot in my community, in the community in which I represent, a community in which I live. I went immediately to the scene of what had happened and I went to the hospital and saw two children lying in a hospital bed who had been shot in their legs. That wasn't a good sight for my eyes after being down here working all week to come home to that problem. Since that time, and you gotta know how it felt to see a three-year-old in a hospital bed, that big bed and that little child. And all that child could say to me was that he was mad and he had been shot and

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

62nd Legislative Day

5/21/2003

nobody, nobody should have to live like that. All he did was... he was in a car with his mother and his brothers and sisters coming home from choir rehearsal and was shot. That's not fair and that's not right. Well, as the story goes on we find out that those guns, 400 of them, that were in that North Riverside home of a retired Illinois State policeman, nonetheless, that's where those guns came from. And some kid, some punk, probably not even knowing how to shoot a AK47, just decided to shoot it that night and seven people fell to that weapon. Now, I have a letter here that I've just written to Dick Devine to thank him for providing a community prosecutions unit for the Village of Maywood and surrounding communities so we can get at some of the crime that's goin' on there. And in this letter, I talked to him about the proliferation of crime in our communities, but it's not... you know, people talk about the people behind the crime and the guns. If they didn't have the guns, and if... I think Representative Graham's measure will go a long way to show who's doing these things. Now, these guns... that the 400 guns that belonged to that state policeman, I just wonder where those guns came from. Maybe they came from a place that has a opportunity to sell 400 guns. I don't know where you get 400 guns from, but the probability is that those guns were probably not sold in Cook County. I have to go home this week to meetings and you know, all politics are local. But the big problems in our communities have to do with this and if we all represent a hundred and five thousand, two hundred forty-eight or two hundred and

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

62nd Legislative Day

5/21/2003

forty-nine people and we have to respond to them. I urge a 'aye' vote on this Lady's measure today and all of my colleagues, you need to be concerned about our concerns as well as we're concerned about yours. Thank you."

Speaker Turner: "The Gentleman from Cook, Representative Fritchey, you have five minutes."

Fritchey: "Thank you, Speaker. To the Bill. I actually had no intention on speaking on this measure. Like most people, if not everybody on this floor, I already knew how I was gonna vote on it. My comments are really just being prompted by the remarks made by the Gentleman from Winnebago, who I have a lot of respect for, he's new down here and he's got a good career ahead of him and I have grown to pretty much respect him professionally as well as a person. But when you start to invoke the Second Amendment and you start to infer that support of this Bill somehow reflects a disregard for the Second Amendment or any portion of the rights of the citizens of this state and this country, it's really a remark that cannot go unresponded to. Ladies and Gentlemen, I support the Second Amendment. I'm a Chicago Legislator. I'm a Chicago resident. I fully support the Second Amendment. The Second Amendment provides the right to bear arms. It does not provide an unfettered right to bear arms without any type of regulation or oversight, whatsoever. The Second Amendment was invoked to try to fight prohibitions on armor-piercing bullets. The Second Amendment was invoked to try to prevent prohibitions on street sweepers and guns

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

62nd Legislative Day

5/21/2003

that have no purpose and no intention other than to kill people. I've learned a lot in the seven years I've been down here about hunters and hunters' rights and hunters' mindsets and the more I've learned, the more I've come to appreciate and respect their rights and their concerns. I don't see people and I'm not aware of people hunting deer or pheasants or anything else with armor-piercing bullets. I don't know anybody that needs to go into the woods with a street sweeper. Do not insinuate and do not blanket myself or anybody else who supports this Bill with any disregard for the Second Amendment. Ladies and Gentlemen, as I said, I think we all know how we're gonna vote here, but none of us should walk out of this chamber without this issue being resolved. Wanting to have reasonable restrictions on gun owners, wanting to be able to know where guns are, wanting to be able to keep some type of tabs and some type of control on keeping guns out of the hands of criminals is not contrary to the Constitution of this country. If you are a law-abiding citizen and you want the laws on the books to be enforced, then support this measure. Support things that will keep us and give us the ability to differentiate between law-abiding citizens and those that aren't. If somebody is not intending to abide by the law, they may well be deterred by something like this. We cannot endure anymore. We can't talk about a hundred dollar fee, a \$5 fee, a \$300 fee. I would like anybody who's gonna use this fee argument to go and stare in the eyes of a mother or father who's lost their baby.

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

62nd Legislative Day

5/21/2003

Do not come and put a price tag on the heads of these children, on the heads of these adults, on the heads of these innocent victims that have died. This is a reasonable measure. Did she bring it back again for a second time in the same form? Absolutely and I commend her for doing it. If we don't have commitment for what we're tryin' to do, we shouldn't be down here. If she has to bring this Bill back 20 times to get it passed and I think she should do that. Ladies and Gentlemen, I support this Bill. Whether or not you support the Second Amendment, I would go as far as to say I think we all do, that has nothing to do with how you should feel about this Bill. This is reasonable. It's just. If we're gonna disagree on a Bill, so be it, but please do not impune anybody's beliefs in the Constitution, anybody's beliefs in the rights of law-abiding citizens by how they feel on this measure. I request an 'aye' vote."

Speaker Turner: "The Gentleman from Cook, Representative Osterman, for what reason do you rise? He indicates he will... she will."

Osterman: "To the Bill. I, also, have been working on some anti... some gun control legislation and have not been... interested in speaking, but some of the comments made by my colleagues, I felt I needed to. First, is that the Representative wants to call a Bill, let her call the Bill. Those that voted against it, you wanna vote against it again, vote against it again. You wanna defeat it, try to defeat it. Those that wanna support the Bill, support the

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

62nd Legislative Day

5/21/2003

Bill. It's her right as a Representative to call the Bill and let's vote on it as a Body. Second thing is, some of the comments made about downstate versus the City of Chicago. There are issues that come before this Body that we have to deal with as a state. There has been many times this Session that colleagues from downstate or around the state have brought up the issue of methamphetamine use and the effects it has on the children and people in their community and the words 'epidemic' were brought up. And those are issues that don't affect the City of Chicago that often, but we from the city understand how that affects your community and we are willing to stand by you and listen to that problem and do what we can here to try to address it. In the City of Chicago, there is an epidemic of gun violence. And we, as Legislators, are trying to do what we can, not to infringe on the rights of gun owners, but to try to do something to stop the violence. Not to send a press release out to say we tried, but to try to make laws, try to make policy that will reduce the violence, that will save one life, that will save five lives. The issue of state control. Currently, ATF has 15 agents that monitor... all of the licensed gun dealers within the State of Illinois, 15 people for all those, obviously, is not enough. The State Police should have that responsibility, should take on that responsibility and try to regulate those gun dealers in the State of Illinois that are making profit selling firearms. They're willing to take that responsibility on and we should give them that

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

62nd Legislative Day

5/21/2003

responsibility. There'll be issues of state control coming before us in the future. There's a federal ban on semi-automatic weapons and it's gonna run out in Washington. And that issue's squarely be before this Body and the Senate, that we the State of Illinois and all the Representatives in this room, are gonna have to make decisions about the public safety of the State of Illinois. Many of us are not trying to infringe on the rights of gun owners. We are trying to save lives that we see lost every day. And we would welcome our support from colleagues, from downstate, from other parts of the state in trying to address those issues. This issue tries to let State Police regulate those gun dealers. It's a good Bill and I ask for an 'aye' vote."

Speaker Turner: "The Gentleman from Randolph, Representative Reitz, for what reason do you rise?"

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

Speaker Turner: "She indicates she will."

Reitz: "Representative, does this Bill... The City of Chicago already have... do they check gun dealers? I mean, do they already have a law similar to this?"

Graham: "I'm sorry. Say it again."

Reitz: "Does the City of Chicago already have a check system for purchases similar to this?"

Graham: "No. I don't believe that they have that, no."

Reitz: "Okay. So, this will affect the City of Chicago then, also, this legislation?"

Graham: "Yes, it does."

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

62nd Legislative Day

5/21/2003

Reitz: "Will it affect the cities like Kankakee or here in Springfield or Carbondale, will it affect those cities, also?"

Graham: "It will affect wherever a gun dealer is in the State of Illinois. It would affect any gun dealer who's in the State of Illinois."

Reitz: "And then... So, if the... the City of Carbondale for... just to pick one out or Springfield, if they decided that they did not want their gun dealers regulated and they passed an ordinance that said that they would be exempt from this, would that be legal or would they still have to... would those gun dealers still have to register with the..."

Graham: "That's a good question. I'm not sure... you're asking me, can that town or village enact an ordinance that says, can this..."

Reitz: "They're exempt from this law."

Graham: "I don't know whether or not that's possible. I don't... But I think if this law goes in effect and says that they have to be licensed, I would think that they would have to be licensed at the state level. I'm not quite clear on whether or not..."

Reitz: "Does staff have a opinion on that or... So, I mean, in your... does this... basically, and what I'm getting to, this... this does preempt Home Rule?"

Graham: "Home Rule how? I mean, that..."

Reitz: "Home Rule... that Home Rule communities have the ability to pass their own laws that Governor... that govern whatever it takes place in that community. So, in this case, if a

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

62nd Legislative Day

5/21/2003

town could not pass an ordinance that says that they... their gun dealers are not... do not fall under the auspices of this legislation..."

Graham: "I'll try to get the answer to that question."

Reitz: "...then that would preempt Home Rule."

Graham: "I'll try to get the answer to that question for you."

Reitz: "Okay. Thank you. One, I guess... First, to the Bill. I... I... I really... I appreciate it and there were a number of discussions earlier. I think the Representatives have... has an opportunity and the right to present the Bill. We have a lot of differences on a number of issues. This is one of the 'hot button' issues. But she has the right to present her Bill within the rules that we run this House by, so I appreciate that and appreciate her ability. I do not happen to support this one. I don't think it takes care of the problem that we have. We have a number of issues that the state can deal with, but the problem we have here are illegal gun dealers. It's not gun dealers that abide by the law, people that have their FOID card and people that use their guns in a legal manner. You can take a gun and set it down and it'll rust. It takes a person to use that gun in an illegal manner, it takes a person to illegally sell a gun. I don't think this Bill sells... solves the problem that... that a number of the Representatives and Senators would like to see dealt with in Chicago. So, one, I'd appreciate a 'no' vote, but I would do it to have an inquiry of the Chair. Given the comments of the... and you seem to be a... kind of alone up there, Mr. Speaker. They

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

62nd Legislative Day

5/21/2003

kinda deserted you, but if... Oh, there we go. Excuse... she's tryin' to get as far away as possible. She sees what's comin'... but, if we could have an inquiry of the Chair whether or not this preempts Home Rule and if it does, what the requisite number of votes would be. I'd appreciate that."

Speaker Turner: "We will take your inquiry under consideration and I'll get back to you on what our response will be. And she's standing far away because she's a downstater... The Gentle... the Lady from Cook, Representative Davis, for what reason do you rise?"

Davis, M.: "Thank you, Mr. Chairman. Will the Spon... Representative... Representative, you might have answered this. What would be the cost to each dealer per year to register their guns?"

Graham: "There is a... not to register the guns, but to become a licensed dealer."

Davis, M.: "The license, to apply for the license?"

Graham: "\$300 over a three-year period."

Davis, M.: "So, do you know how much revenue that'll generate for the state?"

Graham: "I don't know exactly how mu... I think it's 420 million, 458 million..."

Davis, M.: "About \$420 million, right?"

Graham: "About 458, I think."

Davis, M.: "Okay. Thank you very much. To the Bill, Mr. Speaker."

Speaker Turner: "...proceed."

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

62nd Legislative Day

5/21/2003

Davis, M.: "I think this Bill is really a simple Bill and it is, as someone stated earlier, a matter of public health. If the children being shot down were from any other area besides Chicago, we would immediately find some result or some remedy to the problem. Some children die from ephedra, we pass a law, can't sell this substance. When certain children are being harmed, we can easily support a Resolution, but it appears that these daily deaths are going unnoticed. These are children being killed because guns are being sold out of the back of a truck that are not traceable to anybody. They're being sold to people who have domestic violence records. They're being sold to people who have gang membership records. And they are being used illegally. Now, all this Bill ask... all this Bill sa... it doesn't say stop selling or you can't sell 'em. All this Bill asks one to do is to license... get a license from the State of Illinois to sell them. They operate currently under a Federal Law. The federal agents or no one, should I say, enforces that Federal Law. Now, you know, I don't wanna be, what should we say, I don't wanna frighten anybody and say you better get a fire alarm, but usually what is allowed in one community eventually flows into another community. Now, let's just be honest. If these were white children, white children sitting on their porch being shot and killed, you would seek a Resolution. It is irresponsible of this Body to feel that you have no interest in solving this issue. Don't stop using your guns, you have a right to them, but have your seller use

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

62nd Legislative Day

5/21/2003

responsibility by purchasing a license from the State of Illinois for as little as \$300. For a small amount of \$300, register with the state, bring the State of Illinois 400 million or more bucks per year. I urge an 'aye' vote and a vote with conscience. Let's... let this vote be a vote of conscience. Use your conscience, thinking of your community, finding dead babies on a daily basis or a weekly basis through no fault of their own, except where they live. I urge an 'aye' vote."

Speaker Turner: "The Gentleman from Whiteside... the Gentleman from White County, Representative Phelps, for what reason do you rise?"

Phelps: "The Sponsor yield?"

Speaker Turner: She indicates she will."

Phelps: "Representative, all due respect, why are not the Chiefs of Police and the Illinois State Police a proponent on this Bill?"

Graham: "The State Police are proponent only due... only because of the cost. They are not opposed to the concept. They love the concept. They would be happy to enforce it, but it's the cost of implementing this... getting the dealers' license is what they're opposed to, the cost, but they applaud us on the idea."

Phelps: "Okay. To the Bill."

Speaker Turner: "Proceed."

Phelps: "Let's sum this piece of legislation up and I think I can do it in three quick points. Number one, this Bill says that every firearm that's sold in the State of

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

62nd Legislative Day

5/21/2003

Illinois has to be registered by the State Police. Well, I think there's a lot of people on both sides that believe that this is not any business of the State Police of how many guns that we own or buy. Number two, for all the freshman and all the targets out there, there is a fee increase. Those two words that no one wants to hear, this has a fee increase. And number three, a lot of piece of... you not heard this today, this legislation says, that the police can come in and do a search warrant, a search and seizure without any search warrant. They could come into any gun shop at any time. I think that... I believe that's wrong, I think you will as well. Number four, if this Bill guaranteed that the death toll would go down, then I think a lot more people would listen to this and maybe vote for it. But this piece of legislation does not guarantee that the death toll will go down. We say, let's go after the criminal, we say it in every campaign. Every two years we always say that, but we never lead by example. All we do is put more laws on the books and try to create more laws that hurts the law-abiding citizen. Ladies and Gentlemen of the House, we beat this Bill once. This is a bad Bill for everybody. I do respect the Representative for bringing this, too. She is a... I admire her so much. But I think at this time, this is not the Bill we wanna go. We don't need to create more laws. Let's enforce the ones we have. I urge a 'no' vote."

Speaker Turner: "...Representative Reitz, the parliamentarian's prepared to respond to your question."

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

62nd Legislative Day

5/21/2003

Parliamentarian Uhe: "Representative Reitz, on behalf of the Speaker and in response to your inquiry, House Bill 2532 does not preempt Home Rule powers and will require 60 votes for passage."

Speaker Turner: "He said it needs 60 votes to pass. The Gentleman from Cook, Representative Delgado, for what reason do you rise?"

Delgado: "Thank you, Mr. Speaker. To the Bill. Everyone knows this issue well. We've been dealing with it for a number of years in this chamber. And we can sit here and we can talk against the NRA and the NRA could talk against our Legislators here. But you know what? I implore you. Are we ready to take the next step? We have a lot of law enforcement in here. We have a lot of former prosecutors, but are we ready to take the next step? The next step is to find that piece of legislation that the previous speaker spoke about that is gonna bring some kind of end to this discussion. Because, yes, one speaker talked about the hard drugs down south that a lot of kids are getting a hold of. And yes, I listened and I gave you my vote because I know it's a big issue in your area. But it's more than that now. It's about your intellect as Legislators. Are you ready to take the next step? Are you ready to talk about how do we close these loopholes? Together. Not be obstructionists, not be someone that... I know you have a passion, because in a lot of ways I share that passion because government gets too deep into our homes and I, too, share that concern. But a real strong friend in this

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

62nd Legislative Day

5/21/2003

chamber said to me, 'Willie, I know you like to balance the issues to the best of your ability.' And believe me, you, I've lost a dear loved one to gun violence, but I'd do the right thing regardless of what I lost, 'cause it's not about me or my family it's about all Illinoisans. And I implore my colleagues to not make this such a simple tit for tat debate. We've heard all the arguments, but are we ready to sculpture a piece of legislation with your help that we can make sure that the law-abiding citizen isn't caught up in this trap, that we can make sure that we're regulating guns as the should be because you regulate 'em in your home, you have a lockbox, you have a vault, you have a safe, you carry it safely in your car, you transport it well and when the kids come over on the weekend, you lock 'em up, don't you? Well, that's the microcosm of what we're trying to accomplish here and I ask my colleagues on the other side of the aisle; well, this may not be the best dog that hunts for you, but it's one that can take us down the road. And now it's time for us to think in the near future, to challenge you, to help us write this law and bring it to the table with something intelligent, comprehensive and fair because I will fight diligently with you to make sure that fairness is there because this Representative is a fair Lady. And yes, she's a freshman and she may think that she's running it for the first time, but we know better, that many of us that have been around here awhile. But now it's about a bigger challenge, are we ready to shape policy in Illinois? For every section of

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

62nd Legislative Day

5/21/2003

the state, 'cause, yes, we have to be sensitive to our hunters, to our gun owners, to those who believe that the Second Amendment right says that it's your right to bear arms, although we can debate that, too. But now, I implore my colleagues, I beg of you, to take a good look inside and explain your vote, but make it an 'aye' vote. Let... We can always add on. We know procedure and we know the rules and we can take those rules and we can shape 'em. So, with law enforcement, when you get up and you talk about this, remember when you were in uniform and remember when you had that suit and tie on and a badge. You go out there and saying, 'Jesus, what are we gonna do about all these guns?' Well, now you gotta role to play. Are you willing? We're lookin' for an 'aye' vote and it's that time. Let's grow up Illinois, because it's for the whole state, not for the north and not for the south, but for you and us."

Speaker Turner: "The Gentleman... I mean, the Lady from Cook, Representative Lou Jones, for what reason do you rise?"

Jones: "Thank you, Mr. Speaker, Members of the House. I think we all know what this Bill is about. We all know what Deborah's tryin' to do. But I was sittin' up there listenin' to the debate and I was not going to say anything until people started talkin' about their own districts and how many people they represent. We all represent the same amount of people whether you're in south Illinois, north Illinois, west Illinois, wherever you are. We all represent the same amount of people. And when you got sworn in, in January, it did not say you are the Boone

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

62nd Legislative Day

5/21/2003

County Representative, the Stephenson Representative, the St. Clair Representative, or the Cook County Representative. It said you are a State Representative. That means you represent every damn body in this damn state, not just one district. Now, it ain't about whether a child is black, it's not about whether a child is white. Maybe you have never been to a funeral and you see eight- and nine-year-old kids layin' out in a casket. All we're tryin' to do... maybe you don't have that problem. I don't have any pigs in my district, I don't have any wheat in my district, I don't have soybeans, I don't have cows, but I vote on every darn thing to help you over there in your district. And all we're doin' over here is asking you to help us with a problem that we have in our districts and that will not hurt you. That will not hurt you. They raised... they raised the license plate fee, you didn't say a darn thing about that and any other fee you raise around here you didn't. We're talkin' about the lives of children, our children. Maybe you have never seen a seven-year-old or a three-year-old layin' out in the casket from a bullet that was meant for somebody else and they don't know where the damn gun came from. That's all she's tryin' to do and for you to make light of your people in your district, remember when I cast my vote they ain't all but 39th Street in Chicago. They're for the State of Illinois 'cause I am a State Representative, not no Cook County Representative."

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

62nd Legislative Day

5/21/2003

Speaker Turner: "The Gentleman from Vermilion, Representative Black."

Black: "Thank you very much, Mr. Speaker. Ladies and Gentlemen of the House I promised the Speaker I wasn't going to rail against the efficacy of this Bill, and I will not. I'll keep my promise. I would like to follow up with something that a friend of mine from the City of Chicago said earlier, and he and I often disagree on Bills and it wasn't long ago we had a rather spirited disagreement. But Ladies and Gentlemen of the House, as he said and I just simply rise to concur, we sometimes let our emotions get away from us. When someone gets up on the floor and insinuates... no, no, no, not insinuates, but says the death of a white child may mean more in some parts of the state than the death of a black child, there's no room for that in this debate. There's no room for that whatsoever. Tell that to the child's mother, tell it to the child's siblings, tell it to the child's friends and neighbors. I've had four people killed in my district since January. Let me quote the great poet and I'll have to paraphrase, I can't remember... I can't remember the exact words. It's from John Dunne. 'No man is an island. The death of any man, any woman, any child, any human being diminishes me, diminishes all of us. For no man is an island.' Please, don't, don't insinuate that the death of a child somewhere else in the state means less to anybody on this floor than the death of a child anywhere in this state regardless of race or color or creed. That adds nothing to the debate. It becomes

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

62nd Legislative Day

5/21/2003

divisive. But Mr. Speaker, what I would like to do is to point out something that I have said for many years in this chamber, there is an inconsistency in the rules of this chamber. I call your attention to the House Calendar. On page 25, Consideration Postponed House Bill 2532. The Lady has an absolute right to call her Bill a second time and I will defend her right to do that as often as the rules allow. She has a right to do that. And it's a right that we must adhere to for the Majority Party as well as the Minority Party. But look on page 39 of the Calendar, Motions to Discharge Committee, down towards the bottom of page 39, HJRCA13 sponsored by myself. This Bill was introduced literally on the first day of the last General Assembly, this Motion appeared on the Calendar every day last year. It will appear on the Calendar almost every day for the balance of this Session. It's a Constitutional Amendment that changes how reapportionment is done in the State of Illinois. I could save the taxpayers \$50 million by adopting what most states have adopted. My point is simply this, the Lady has an absolute right to call her Bill again and I'm an ardent defender of her right to do so. But Mr. Speaker, I think I have a right to have my Constitutional Amendment posted. They have refused to post it all year long and once committees are over, I will put in writing to discharge Rules Committee. There is a lack of inherent fairness and consistency in the way the rules of this House apply. And that, Ladies and Gentlemen, is an affront to each and every Member and diminishes all of us.

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

62nd Legislative Day

5/21/2003

For if my rights can be so easily violated, so can every Member's right in this chamber. That's why you've seen me get excited every year when we reorganize about the Rules of the House. They must be fair, and they must be equitably applied and I am simply saying, I don't think that's done in every case. It is being done in this Representative's case as is her right and she has presented her Bill for a second time, as is her right and I defend it. But at some point, Mr. Speaker, I'd like a chance to present House Joint Resolution Constitutional Amendment 13 on the issue of reapportionment before I die of old age."

Speaker Turner: "The Lady from Cook, Representative Kelly, for what reason do you rise?"

Kelly: "...the Bill. I stand in support of this Bill because it's a public safety and public health measure. The Representative is not saying that this is going to solve the whole problem of gun violence, but this is another piece to the puzzle. Also, other professions have to pay fees and their fees are far more expensive than the fees that she is asking for. Lastly, we keep referring to the City of Chicago and the problems they have with gun control. But I hate to burst any bubbles, I lived in central Illinois 20 years and there were innocent victims there that died because of people owning guns illegally or guns being out of control. It's not just an issue in the City of Chicago, it's an issue throughout the State of Illinois. And I move..."

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

62nd Legislative Day

5/21/2003

Speaker Turner: "The Gentleman from DuPage, Representative Biggins, for what reason do you rise?"

Biggins: "Well, thank you, Mr. Speaker. I thought I might ask some questions about the Bill. Would that be permissible? Sponsor yield?"

Speaker Turner: "She indicates she will."

Biggins: "Well, now, if this Bill becomes law, what happens?"

Graham: "If this Bill becomes law, then it would allow the State Police to go out and do an inspections on gun shops. They are currently able to do inspections at the federal level. Nothing new will happen there. The federal... at the federal level they are authorized to give them one visit that's unannounced, the rest of the time they have to tell 'em when they're coming. The same thing will happen at the state level. They can only do one unannounced visit, the rest of the time they have to tell 'em when they're coming."

Biggins: "Well, what's the purpose of their visit?"

Graham: "The purpose of the visit is to make sure that the gun dealer is doing the appropriate sales. That he's not selling to people who live in places where ordinance exist that asks them not to sell to those people. And if he... he still can sell to those people, but those people need to fill out affidavits to say that they're not gonna keep those guns in the place where the ordinance exists. This Bill will help gun dealers be more prepared with the people who come before them."

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

62nd Legislative Day

5/21/2003

Biggins: "So, the gun dealer would have to keep a list of every person to whom they sold the weapon and then make that..."

Graham: "I'm sorry."

Biggins: "They'd have to keep a list of every person that they sold a weapon to and then produce the list upon the request by the State Police. Is that right?"

Graham: "Just let me read... you said this will keep a list of..."

Biggins: "The ones who purchased the weapons."

Graham: "Absolutely."

Biggins: "And the State Police would be the ones that would come in and request this... list?"

Graham: "That... Right now, gun dealers only keep records of who bought their guns in a file cabinet at their office. It's like a big secret thing, right, for these law-abiding citizens. So..."

Biggins: "Well..."

Graham: "...if they sell guns, they... what happens then put in a database so the federal... on the federal level and the state level can know who bought those guns. It is a proactive Bill, so they don't have to go the roundabout way to find out who that gun belong to. If they sold the gun, the record would... it would keep track of that process."

Biggins: "What will they do when they read the list? What do they do then?"

Graham: "They just read the list if the appropriate information has been entered, who bought the gun, the what type of whatever it was that there was... if the appropriate date of the time of sale. If that's all there, they're in

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

62nd Legislative Day

5/21/2003

compliance with... with the regulations or what the regulations are of selling guns."

Biggins: "Well, if I bought a gun, would it list anything in my record besides my name and address, phone number, maybe? What would be on the list?"

Graham: "Everything that's currently on the FOID card. You know what's on the FOID card, right? If whatever's on the FOID card, would probably be the information that's in the database. So, if you register with a FOID card, that information would be then transferred to the database. It would be just an addition added to it, the type of gun that you bought."

Biggins: "Well, then if they read the list, what if they read my name? So, what does it mean to the State Police?"

Graham: "It doesn't mean anything. It just means that... that you're a handgun owner. Doesn't mean... They're not gonna come after you because you own a gun. This does not prevent people from owning guns. It does not go after them at all, period."

Biggins: "But I don't quite get the connection between their reading my name and what they do with it after they read my name."

Graham: "If they read your name and your... the gun that you own was not involved in a crime, you have no problem."

Biggins: "Well, how are they gonna know that by reading my name?"

Graham: "You know what, if they read your name, I don't think it's a problem if they read your name. Is that a concern

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

62nd Legislative Day

5/21/2003

of yours that they would find your name in the database and come looking for you?"

Biggins: "I'm trying to get to the practicality of the Bill. Now, what if we pass the Bill next year that outlaws owing weapons, could the State Police use that same list to go take those weapons from those gun owners?"

Graham: "No. This Bill does not allow that, no."

Biggins: "But it could happen in the future?"

Graham: "I'm sorry?"

Biggins: "It could happen in the future, it's already happened in the past."

Graham: "Well, this... this Bill does not... this Bill does not go after them. The Constitution allows... gives us the right to bear arms, so this Bill does not do that."

Biggins: "Thank you."

Speaker Turner: "The Gentleman from DuPage, Representative Millner, for what reason do you rise?"

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

Speaker Turner: "Proceed."

Millner: "To the Bill. Earlier today, the Sponsor of this legislation produced a document that talked about the Bill that I had passed. And just for the House, to make it very clear, I, too, believe in quality legislation that will truly make a difference. I handled numerous homicides in my career, my 30-plus career in law enforcement. I had to deal with the victims. I dealt with the victims' families and I had to look into their eyes and see the suffering that they had. I, too, think we need some model

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

62nd Legislative Day

5/21/2003

legislation. That's why I introduced House Bill 1377 which passed this House as well as the Senate, it's now on the Governor's desk. The correspondence that the Representative sent out said that currently there are 15 federal agents responsible for oversight of close to 2500 licensed firearms dealers in Illinois. She's right. My Bill, that you all voted for here, allows local law enforcement, so it's not 15 agents, it's all of our local law enforcement officers that'll be able to go after these people. And also to clarify, in this state today, you must, if you're gonna sell guns for a profit, you must have a federal firearms license. That's the law. The problem is we couldn't enforce it. The Bill you voted for allowed us to enforce it. This Bill, in my estimation, because of that is redundant. We need legislation to allow law enforcement to do it. We need legislation that's going to encourage those people to get those weapons. We need legislation that allows law enforcement to make those arrests. You know, we have... the largest city in our state has one of the toughest gun control programs in any state of the nation. You can't own a handgun in the City of Chicago. However, we have one of the highest homicide rates in the City of Chicago. There's not a correlation there. We need to go after the unlicensed gun dealer. We need to go after those felons. In my cases that I handle as a homicide detective working on those particular cases, those people who I arrested had no business owning a gun. They were felons who should not, could not own a gun. And

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

62nd Legislative Day

5/21/2003

that goes with armed robbers and anybody else that we take off the street. These people obtained their guns illegally. We have to enforce those laws. We have to go after those laws and I'm not sure redundancy will be the key factor. Thank you."

Speaker Turner: "The Lady from Cook, Representative Graham to close."

Graham: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. I'd like to point out a couple of different things. According to the database of the Alcohol, Tobacco and Firearms, licensed gun dealers were the source of 52 percent of the crime of the guns were traced back to... 52 percent of gun dealers licensed by the Federal Government. I am bringing this Bill. This Bill is not a black-white issue. This Bill affects all of the residents of the State of Illinois and in particular, my constituent base. There are only 15 federal inspectors, 15. How can 15 federal inspectors monitor firearms deals, tobacco sales, and alcohol sales? House Bill 1377 is different from House Bill 2532. That Bill gives us the authorization to go after unlicensed dealers. House Bill 2532 wants licensed dealers to be licensed at the state level which would further provide assistance at the state level for them to go and do the proper inspections and also, the research if something happens. This is a proactive Bill. If the federal... if the... if the... if the federal... if the State Police are from your communities, it won't be a change in your community about the inspections of this, but it will

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

62nd Legislative Day

5/21/2003

be a change in mine. It will be assistance added to my constituent base. I urge you... I urge you to take a fresh piece... fresh look at this legislation and open up your mind and see where I'm coming from. It is an issue where I live. And if I could pass this Bill without this Body, I would do so, but because the City of Chicago is a part of the State of Illinois I need this Body to support me in this measure. I know that this is a tough vote for you, but every day I sit here, you ask me to vote on tough votes. One of my colleagues across the aisle begged and pleaded with you last week to restore dollars back to a budget that would assist him and his daughter in their... in the crisis that they was... that they were going to be experiencing if the money was cut from the budget. I'm asking you that same opportunity. I'm asking you to help me pass some legislation that will be... make another step in the right direction in lowering the crime rate where I live. Not just where I live, but all across the State of Illinois. If you go and look at that statistics sheet and read the stories in the back of this packet, this packet shows you that this is not a black and white issue, it is not a black... it's not a race card. The stories vary in the back of this packet. Compare your county to the City of Chicago. And I urge an 'aye' vote. I need your support on this vote. Thank you."

Speaker Turner: "There has been a request for verification. So, we're gonna ask that each Member sit in his seat and vote his or her own switch. The question is, 'Shall House

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

62nd Legislative Day

5/21/2003

Bill 2532 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 Roll. On this question, there are 50 voting 'aye', 67 voting 'no', 0 voting 'presents'. This Bill, having failed to receive the Constitutional Majority, is hereby declared lost. Mr. Speaker (sic-Clerk), could you read HJRCA7?"

Clerk Rossi: "House Joint Resolution..."

Speaker Turner: "One."

Clerk Rossi: "...Constitutional Amendment #7 offered by Representative Franks."

Speaker Turner: "Mr. Clerk, he wants to do House Joint Resolution #1."

Clerk Rossi: "House Joint Resolution Constitutional Amendment #1 offered by Representative Lang."

WHEREAS, The Ninety-second Congress of the United States of America, at its Second Session, in both houses, by a constitutional majority of two-thirds, adopted by the following proposition to amend the Constitution of the United States of America:

RESOLVED BY THE HOUSE OF REPRESENTATIVES AND SENATE OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED (TWO-THIRDS OF EACH HOUSE CONCURRING THEREIN), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as a part of the Constitution when ratified by the

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

62nd Legislative Day

5/21/2003

legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

Section 1. Equality of rights under law shall not be denied or abridged by the United States or any State on account of sex.

Section 2. The Congress shall have the power to enforce by appropriate legislation the provisions of this article.

Section 3. This Amendment shall take effect two years after the date of ratification.; and

WHEREAS, A Joint Resolution is a resolution adopted by both houses of the General Assembly and does not require the signature of the Governor; a Joint Resolution is sufficient for Illinois' ratification of an amendment to the United States Constitution; and

WHEREAS, The United States Congress has recently adopted the 27th Amendment to the Constitution of the United States, the so-called Madison Amendment, relating to Compensation of Members of Congress; this amendment was proposed 203 years earlier by our First Congress and only recently ratified by three-fourths of the States; the United States Archivist certified the 27th Amendment on May 18, 1992; and

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

62nd Legislative Day

5/21/2003

WHEREAS, The founders of our nation, James Madison included, did not favor further restrictions to Article V of the Constitution of the United States, the amending procedure; the United States Constitution is harder to amend than any other constitution in history; and

WHEREAS, The restricting time limit for the Equal Rights Amendment ratification is in the resolving clause and is not a part of the amendment proposed by Congress and already ratified by 35 states; and

WHEREAS, Having passed a time extension for the Equal Rights Amendment on October 20, 1978, Congress has demonstrated that a time limit in a resolving clause can be disregarded if it is not a part of the proposed amendment; and

WHEREAS, The United States Supreme Court in *Coleman v. Miller*, 307 U.S. 433, at 456 (1939), recognized that Congress is in a unique position to judge the tenor of the nation, to be aware of the political, social, and economic factors affecting the nation, and to be aware of the importance to the nation of the proposed amendment; and

WHEREAS, If an amendment to the Constitution of the United States has been proposed by two-thirds of both houses of Congress and ratified by three-fourths of the state legislatures, it is for Congress under the principles of *Coleman v. Miller* to determine the validity of the state

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

62nd Legislative Day

5/21/2003

ratifications occurring after a time limit in the resolving clause, but not in the amendment itself; and

WHEREAS, Constitutional equality for women and men continues to be timely in the United States and worldwide, and a number of other nations have achieved constitutional equality for their women and men; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that the proposed amendment to the Constitution of the United States of America set forth in this resolution is ratified; and be it further

RESOLVED, That a certified copy of this resolution be forwarded to the Archivist of the United States, the Administrator of General Services of the United States, the President pro tempore of the Senate and the Speaker of the House of Representatives of the Congress of the United States, and each member of the Illinois congressional delegation. Third Reading of this House Joint Resolution Constitutional Amendment."

Speaker Turner: "Gentleman from Cook, Representative Lang."

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. We've been talking about this particular Resolution for a very long time. Ladies and Gentlemen, there's been an effort underway to amend the United States Constitution to allow equal rights for women for a long period of time.

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

62nd Legislative Day

5/21/2003

While many of you might wish to argue that women have all the rights they need into today's society, I don't think anyone can argue the point that women don't have the same rights that men do. Women are still paid about 75 cents on the dollar for doing the same work a man does with the same qualifications and responsibilities. Women still cannot get mortgages in some places without cosigners. Women still cannot rent apartments or do other real estate transactions without being asked, 'where's your cosigner, where's your husband?' Women still are not afforded all of the rights that men are in today's society. Yes, you can argue that it's better than it was 30 years ago when we first started to talk about ERA, but you cannot argue that women are in the same place men are today in our world. I think the facts speak for themselves about why we need this Amendment. There have been a lot of red herrings out there about why we don't need it. In committee I heard people who were opposed to this talk about abortion. There is nothing in this Amendment that has anything to do with abortion. I heard people talk about gay rights and same sex marriage. There is nothing in this Amendment that has anything to do with gay rights or same sex marriage. And then I heard one of the more outrageous comments that I've ever heard in a committee, I heard people come before the House Judiciary Committee and suggest that if this were to become the law of America that we would have to draft 12- and 13-year-old girls to send them to Iraq to fight Saddam Hussein. What an outrageous allegation. By the way, the

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

62nd Legislative Day

5/21/2003

Congress of the United States can do that now, they don't need ERA to do that. If they wish to draft women at any age, they could do it. We don't need an ERA to do it. And then some of you will say, well, wait a minute, Representative, we're past the deadline, can't do it, we're past the deadline, it's ineffectual. And I would tell you that the United States Supreme Court has already held more than once that the deadline is ministerial, the deadline can be changed, in fact. Congress already changed the deadline for ERA once and Congress can do it again. And others will say, well, Representative, if you pass this we still need two more states. I'm here to tell you that there are least three other states out there who are watching Illinois and are poised to do the right thing if Illinois will do the right thing. And then once we get the 38 states, and right now we're at 35, someone in Congress will say, well, this is the will of the people. It's the will of the people and rightfully it should be that women in our society have the same rights that men have in our society. And then someone will make a Motion in Congress to change the deadline and despite the fact that we have a fairly conservative Congress it is very possible that they will follow the will of the people and change the deadline. Ladies and Gentlemen, I would also submit to you that even if I'm wrong, that even if the deadline does not get changed, we have a responsibility in this chamber to tell the women of Illinois and indeed, tell the women of America that they stand as citizens in this country, that they have

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

62nd Legislative Day

5/21/2003

all the rights and privileges that men have in this country. This is our opportunity to make a statement on behalf of our General Assembly, on behalf of the citizens of Illinois, that our failure to adopt ERA so many years ago has not been forgotten and that failure can be reversed today. If we reverse this failure today we'll take a blot off of the image of our state, a blot that tells people all over America that in those days Illinois didn't care too much about the rights of women. And for those of you who will argue today that we don't need this 'cause women have all the rights they need, just take a look at the facts. And so, Ladies and Gentlemen of the House, I appeal to you as citizens, I appeal to you as those who will try to do the right thing. This is not a vote about politics, this should not be a vote about partisanship, this should not be a vote about whether it will cost you votes in the next election, I do not think it will, because at last count more than 50 percent of the people in Illinois were women. This is a vote about conscience, this is a vote about what's right. This is not a vote about some excuse, some place to hang your hat for a 'no' vote. It's not appropriate to vote 'no' because you don't think Congress will change the deadline. It's not appropriate to vote 'no' because one of your neighbors sent you a letter saying they're opposed to it. It's not appropriate to vote 'no' because one constitutional scholar in Illinois, who has been known to be on the side of the anti-ERA folks, will say you can't do this. The fact is we can do this, the

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

62nd Legislative Day

5/21/2003

United States Supreme Court says we can do this, so we can do this. Ladies and Gentlemen, I urge you to vote your consciences, I urge you to vote for the..."

Speaker Turner: "One minute."

Lang: "...I urge you to vote for the women of America. Let's ratify the Equal Rights Amendment. Mr. Speaker, I'd be happy to answer any questions."

Speaker Turner: "The Gentleman from Cook, Representative Fritchey. You've got five minutes."

Fritchey: "Actually, I need less than that, Speaker. Having heard the Gentleman's comments, in the event this gets a requisite number of votes, I'd request a verification."

Speaker Turner: "Your request is taken."

Fritchey: "Thank you."

Speaker Turner: "The Gentleman from Cook, Representative Parke. For what reason do you rise?"

Parke: "Thank you, Mr. Speaker. I would ask a... I would ask for a ruling from the Chair, how many votes does this take to pass this Constitutional Amendment?"

Speaker Turner: "The parliamentarian will rule."

Parliamentarian Uhe: "Representative Parke, on behalf of the Speaker and in response to your inquiry, this Bill... this Resolution will require 71 votes pursuant to House Rule 47."

Parke: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, there isn't anybody in this chamber that would not agree that men and women are equal under the law. And to say that we need an ERA Amendment says that the

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

62nd Legislative Day

5/21/2003

Constitution of the United States does not apply equally to both sexes. I say that is absolutely and unequivocally wrong. We do not need this. The Illinois General Assembly debated and voted on and defeated the Equal Rights Amendment every year for ten years from 1972 to 1982 and all that time the ERA advocates never... were never able to show that this Constitutional Amendment would give benefits to women. There is much more relevant evidence to confirm the wisdom of the decision of the Illinois and many other states to reject the ERA. This evidence comes from state court decisions in the states that foolishly put a federal styled... state ERA into their State Constitutions. One, ERA would require taxpayer funded of abortions, regardless of what the Sponsor says. We know that because New Mexico State Supreme Court ruled in November 25, 1998 that if the state ERA requires abortion funding. The ERAers reasoned that only women undergo abortions, the denial of taxpayer funding is sex discrimination. Two, ERA would legalize same sex marriages and that is a fact. It would invalidate the Federal Defense of Marriage Act and make the same sex marriage a constitutional right based upon the plain meaning of the Amendment and the word of ERA is sex not women. Three, ERA would require women to be equally assigned to all combat positions in the military and to be drafted... and to be drafted combat includes positions which women are now excluded, such as ground infantry and submarines. If we're gonna have a nasty war in far off way against bad guys, do we want a social experimentation that

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

62nd Legislative Day

5/21/2003

allow women to fight in the front line. Four, ERA would multiply the mischief of Title IX, which has already forced colleges to abolish wrestling teams, plus hundreds of other sports where men excel such as men's gymnastics, golf and football. Ladies and Gentlemen, this is a major problem that we do not need to put upon the citizens of the State of Illinois. Women deserve all the rights of every man in our society. No one here will deny that. This is not the way to go about to solve that issue. This will be ruled probably unconstitutional, this will probably be ruled that it doesn't have any basis or standing. The Equal Rights Amendment in the United States is over. This is just a way to see if they can put people on roll calls on this Bill to make us have to stand up and say that perhaps because we are conscientious enough, we are pro-family, we are wanting to make sure that the people of Illinois protect their rights under the Constitution that we do not need this. Ladies and Gentlemen, I strong... I rise in strong opposition to this legislation and would ask that a Verification of the Roll Call if this does get the required number of votes."

Speaker Turner: "That request has been made already, Representative, but we will take it under consideration. The Lady from Cook, Representative Flowers."

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

Speaker Turner: "He indicates he will."

Flowers: "Representative Lang, this issue has been around for about 40 some odd years and I'm only 50 something, so can

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

62nd Legislative Day

5/21/2003

you refresh my memory? What is this all about again, this ERA?"

Lang: "Representative, this is all about affording women the same rights that men have in America."

Flowers: "So, this Bill is about me, giving me the right to be equal to you?"

Lang: "Well, Representative, when you have a society where women don't get paid as much as men do for doing the same work, when women go into a bank and can't get a mortgage without a cosigner, when women can't rent apartments or do real estate transactions without a cosigner or without a husband, I think we have still issues, ya know, in our country."

Flowers: "Ya know what, Representative, it's funny you should say all those things, because all those things you just enunciated, I've done, I've done. And my concern is, this issue of ERA is being used for something else. Let me just ask you this question. If 38... how many states have to ratify? How many states have to... before the U.S. Constitution can be opened up?"

Lang: "38."

Flowers: "And so we are 36?"

Lang: "We would be the 36th."

Flowers: "Okay. So now, let's say for instance, two other states pass a similar Resolution and that will then give the Federal Government the opportunity to do what, Sir?"

Lang: "Change the deadline."

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

62nd Legislative Day

5/21/2003

Flowers: "And change the deadline and then after changing the deadline, then what?"

Lang: "Then this would be part of the United States Constitution."

Flowers: "No, we would open up the Constitution, am I correct?"

Lang: "No, this would become an Amendment to the United States Constitution."

Flowers: "Oh, so we would not have to open up the Constitution, there will be no... no issue in regards to trying to open up the Constitution?"

Lang: "No, not at all. This would simply become the next Amendment to the United States Constitution."

Flowers: "Okay."

Lang: "It would not create a Constitutional Convention. It would simply be a new Amendment just like the 1st Amendment, the 8th Amendment, the 20th Amendment, it would just be the next Amendment to the Constitution."

Flowers: "Okay. Well, thank you very much for explaining that because I thought this would open up the Constitution."

Lang: "Oh no, absolutely not. I don't think we want to have a United States Constitutional Convention. I think that would be not a good idea and I would not be supporting that."

Flowers: "Okay. Thank you very much, Sir, for answering those questions."

Lang: "Thank you, Representative."

Speaker Turner: "The Gentleman from Lake, Representative Washington, for what reason do you rise?"

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

62nd Legislative Day

5/21/2003

Washington: "Thank you, Mr. Speaker."

Speaker Turner: "He indicates he will."

Washington: "Mr. Speaker, I just wanna ask the Sponsor a question. In this legislation, taking from what I heard on the other side of the aisle where one of the speakers was saying that we didn't need to add to the legislation because the Constitution renders all things equal, men and women. Is that correct?"

Lang: "Well, the Constitution, Representative, is certainly gender neutral. However, the actions of people in the world indicate that people are not treated equally. This is why we need laws. Ya know, Representative, if everyone in America was treated equally by everyone else, we wouldn't need many of the laws we have. We've worked on racial profiling, for instance, for a very long time. If... if the police that have been involved in racial profiling around the state didn't do it, we wouldn't need the law. And therefore, the argument that the Constitution is gender neutral is certainly true, but the... in real fact, in real life experiences we need this in the United States Constitution to protect the rights of women."

Washington: "Can you just reiterate quickly the examples you used to show some of the disparity between the genders?"

Lang: "Surely. Today, on the average, women make up 74 to 75 cents on the dollar for every dollar a man makes doing the same job with the same life's experience and the same qualifications. Additionally, there are many women and I'm sure many of them are in your district, Representative, who

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

62nd Legislative Day

5/21/2003

go into a bank for a loan and the very first question the bank officer asks is, 'Are you married, where's your husband or where's your cosigner?' Now, this could be a woman that makes more money than either of us make and we don't have these questions asked of us, where's our cosigner, but women do. Additionally, women will go to try to rent an apartment and the landlord will say, 'Where's your spouse, where's your cosigner? I'm not renting to a women... to a woman, particularly one with children.' So, this is rampant in our society. Is it better than it was 30 years ago? Of course, it is, but we have a long way to go, Representative."

Washington: "To the Bill, Mr. Speaker. The ironic thing about what was just said is that it could almost be an overlay for what black people and other minorities go through. And I guess being a minorities is a term that is inclusive of women and I guess it look like women might get their day before some of the rest of us, but I hope that everybody gives this Bill a chance and try to even the playing field. Thank you, Mr. Speaker."

Speaker Turner: "The Gentleman from Vermilion, Representative Black, for what reason do you rise?"

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

Speaker Turner: "He indicates he will."

Black: "Representative, where is the Equal Rights Amendment to the United States Constitution at this very moment?"

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

62nd Legislative Day

5/21/2003

Lang: "Well, where it is at this very moment is, I guess, in limbo. We have 35 states that have ratified it. We are technically past the deadline, but the United States Supreme Court has signaled, in more than one case, that that deadline is ministerial and can be changed. In addition, Congress itself has changed the deadline once and certainly has the right to do it again. If two more states, after Illinois, would ratify it, Congress will have to address the issue of whether they will or will not change the deadline. I can't be clairvoyant about that."

Black: "You are not aware of any current lawsuit asking the Supreme Court to reestablish or extend the deadline that Congress clearly stated in the Resolution when they last extended the deadline for three years and nine months. There is no pending legal action. Correct?"

Lang: "I'm not aware of that, Representative..."

Black: "Are you..."

Lang: "...at all."

Black: "Are you aware of any of the states who have not ratified the Equal Rights Amendment, are you aware of any state other than Illinois that has this pending?"

Lang: "I'm not aware of any state that has it pending as a drafted Resolution. However, I have heard from Legislators in the states of Tennessee, Kentucky, Missouri, and Florida all who are waiting to see what the State of Illinois will do."

Black: "All right. Thank you very much. Mr. Speaker and Ladies and Gentlemen, to the issue before us. I reject all

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

62nd Legislative Day

5/21/2003

of the heated arguments on both sides of this issue. I have never in my life seen an issue that goes back and I was here lobbying for a community college in the '80s. You should have been here when this was actually a... an Amendment that was pending to the Constitution. You should have been here and seen it. Hundreds of people every day. You couldn't get in the chamber. Goats' blood and pigs' blood thrown on the rotunda floor. It was quite, quite a show. But reject all of the heated rhetoric, let me just talk to you about the law. A respected constitutional law professor at George Mason University in Virginia said, 'Placing time limit on Amendments has been interpreted by the courts to be a legislative prerogative that began with the Eighteenth Amendment which was prohibition. Since then, four Amendments to the Constitution have contained seven-year time limits within the text of the Amendments while four others have not, although they had a time limit put on by an accompanying Congressional Resolution. In the case of the ERA, it did not contain a time limit in the text of the Amendment, but Congress approved two separate time limits for the ERA by Resolution, the original seven-year time limit and the thirty-nine-month extension. Article V of the U.S. Constitution requires that a proposed Amendment be approved by two-thirds of both the House and the Senate and ratified by three-fourths of the states, in this case thirty-eight.' There is a re... there's room for good people of good intent to disagree. But this Constitutional goes on to... this constitutional law

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

62nd Legislative Day

5/21/2003

professor goes on to say, 'The House and the Senate of the United States Congress decided this issue. ERA is dead and it would have to be reestablished by vote of the Congress to go fo... back to the states.' A lawsuit resulted from that three-year-nine-month time limit, Ladies and Gentlemen, Idaho v. Freeman. The U.S. District Court ruled that the ERA time extension was unconstitutional and that the five states who rescinded their action, on the ERA, were constitutional... were constitutionally valid. In an appeal, the Supreme Court, National Organization of Women v. Idaho decided in October of 1982, after the extension deadline, that the case was moot, citing the Amendment has failed of adoption, no matter what the Resolution of the legal issues presented here. Ladies and Gentlemen, the Illinois General Assembly voted on this issue thirteen times between 1972 and 1982, it failed each time. I would simply say in closing, if the ERA Amendment was a valid Amendment before every State Legislature at this time, I may have a different view than I do now. I submit to you and I can cite some constitutional law professors who say the same thing. The ERA Amendment is not pending before any state legislative Body today, the time limit has run out. The Supreme Court ruled in '82 that legal issues were moot. The Amendment has failed, so you have to start all over. In all due respect to the Sponsor, who I consider to be a friend and a man of principle, I can't help but think this vote is more about establishing your bona fides and having a Roll Call that if you want to run for higher

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

62nd Legislative Day

5/21/2003

office, you can wave around and say, I, I and I alone am the champion of women's rights. I have a wife, a daughter..."

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

Black: "Thank you, Mr. Speaker, I will. I have a wife, a daughter and two granddaughters. I think any of the four, well, maybe not Lauren, because she's only two and I don't understand a whole lot of what she says. My wife will tell you, my 33-year-old daughter will tell you and my granddaughter, I hope, will eventually tell you, if both of my granddaughters, I reject the rhetoric that's overheated on both sides of the issue. We've already... the Governor's has already signed into law the Equal Pay Amendment in Illinois that I voted for. There is no more important person in my life than my wife and my late mother. Everything I am, I owe to women who have graced my life with their intelligence, their patience, and God knows, I've been married 41 years, she must be a saint and certainly endowed with great patience. To insinuate that those of us who vote 'no' because we are convinced that this is a moot issue and simply an exercise in getting a Roll Call to be used against us in 18 months, fine, sobeit. Use the Roll Call however you see fit. I choose not to be a part of what I consider to be a somewhat cynical attempt to revive an issue that the Supreme Court in '82 ruled was moot, simply to have a Roll Call in your pocket that you can show people and say, 'Representative so and so is anti-woman.' That is false. That is foolish. That is..

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

62nd Legislative Day

5/21/2003

that is almost as much an exaggeration as the proponents and the opponents have used against this Amendment for almost 30 years. I reject those... those arguments. I reject the argument that if I vote against it, and I will, that I am somehow less pro-female than those of you who vote 'yes'. If the issue at hand was the actual Amendment, it'd be interesting to see how I vote. But the actual Amendment is dead, the Supreme Court has so ruled. If Congress wants to reintroduce it and bring it... "

Speaker Turner: "Thank you. The Gentleman from Champaign, Representative Rose."

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

Speaker Turner: "He indicates he will."

Rose: "Representative, briefly, in your opening remarks you mentioned a constitutional law professor. Would that be Ron Rotunda?"

Lang: "That was the one I was referring to at the time, Sir."

Rose: "Thank you. To the Bill, Mr. Speaker. Ladies and Gentlemen, Ron Rotunda is not just simply a law professor at George Mason University. He's, in fact, a previous chaired professor at the University of Illinois College of Law. He was a professor of mine and I would just ask this whole Body to consider something. Ron Rotunda is not just the author of the leading case book on United States constitutional law, he's also the author of the horn book. For those nonlawyers here, that's the desk reference that every lawyer has in their office. But it goes on. Ron Rotunda is also the author of the definitive treatise on

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

62nd Legislative Day

5/21/2003

United States Constitutional Law. It's about this big. It's everything you'd ever possibly want to know about Constitutional Law and Ron Rotunda is the author. If Ron Rotunda says that this exercise is invalid because the time limit, the constitutionally-prescribed time limit of the United States Congress has lapsed not once, but twice. If Ron Rotunda says it's lapsed and it's not valid, you better believe I'm gonna take his word for it. I would urge the rest of this House to do the same. Thank you."

Speaker Turner: "The Gentleman from Cook, Representative Lang to close."

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen. Just a few comments. First, as to the issue of the time limit. The facts are very clear. The United States Supreme Court has already said that Congress can change the deadline on a Constitutional Amendment at any time. That's how the Madison Amendment got to be part of our Constitution. The comments regarding abortions and same-sex marriage and women serving in the military and being forced to serve in submarines, my goodness. Is anyone gonna buy into that argument? Is anybody, really, on this floor, gonna go back to their district and say they voted against the Equal Rights Amendment because some 12-year-old girl may be forced to work in a submarine somewhere in the South Pacific or go to Iraq to fight Saddam Hussein? Come on, get real, get real. Also, I heard about the fact that this is out here because I might be interested in helping somebody put together a Roll Call to affect elections.

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

62nd Legislative Day

5/21/2003

Come on. I have a long-standing record on Equal Rights, a long-standing record and this has been around a long time and I've been sponsoring it a long time. And we'll have elections every two years in this Body and I could care less how you vote on this relative to your election. There's probably some people in your districts for this, some people who are against it and most people that haven't paid attention at all to this issue. So, the issue here is about your conscience. The issue here is about the knowledge that we have that we know that women in this country, women in this state, despite our best efforts, have not been given all the rights they deserve as women in our society. We have people out there that mistreat women in the business world, in the real estate world. When they go out to get a job, they're asked how many children do you have, will you be home with them? Men are never asked that question. And so, the facts are these. We have an opportunity to do something here today that's historic. We have an opportunity to do something today that will give impetus to other states to do the right thing, to change the United States Constitution once and for all to say permanently that women in this country are entitled to every right that men in this country are entitled to. This is an important measure not only for Illinois, but for the United States of America. Please vote your conscience. I, please, ask for your 'aye' votes."

Speaker Turner: "I remind the Members that a request for verification has been asked on this legislation. With

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

62nd Legislative Day

5/21/2003

that, each Member should vote his or her own switch and their switch only. The question is, 'Shall House Joint Resolu... HJRCA 1 pass... be adopted?' 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. Representative Fritchey has made a request for verification. We ask that all Members be in their seats. All staff retire to the rear of the gallery. Does the Gentleman persist with the verification? The Gentleman insists. Mr. Clerk, read the positives."

Clerk Rossi: "A poll of those voting in the affirmative: Representatives Acevedo; Bailey; Bassi; Beaubien; Berrios; Boland; Bradley; Brosnahan; Burke; Chapa LaVia; Collins; Colvin; Coulson; Cross; Currie; Daniels; Davis, M.; Davis, S.; Davis, W.; Delgado; Dunkin; Feigenholtz; Flowers; Franks; Fritchey; Giles; Graham; Granberg; Hamos; Hassert; Hoffman; Holbrook; Howard; Jakobsson; Jefferson; Jones, L.; Joyce; Kelly; Krause; Kurtz; Lang; Lindner; Lyons, J.; Mathias; Mautino; May; McCarthy; McGuire; McKeon; Mendoza; Meyer; Miller; Molaro; Morrow; Mulligan; Munson; Nekritz; Novak; O'Brien; Osmond; Osterman; Pihos; Rita; Ryg; Saviano; Scully; Slone; Smith; Soto; Sullivan; Turner; Verschoore; Washington; Yarbrough; Younge, and Mr. Speaker."

Speaker Turner: "The Gentleman from Vermilion, Representative Black. Do you have a question?"

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

62nd Legislative Day

5/21/2003

Black: "Mr. Speaker. I understand the Rules about as well as anybody in this chamber. There is something deep in my soul that tells me the maker of the Motion to Verify the Roll is somewhat less than sincere in his desire to do so. I simply will serve notice that I expect the Rules to be followed. I expect a good faith effort since he asked for a verification. If he refuses to do so, I will ask for that right to be given to me. I'm not going to sit here idly by and see parliamentary procedure used to cover someone's rear-end when they were thought before the vote it might have only a one- or a two-vote margin and that our attempts to verify may defeat the Amendment. If he is sincere and goes through the motions as the Rules permit, fine. If he does not, I will object strenuously."

Speaker Turner: "The Gentleman from Cook, Representative Fritchey on your verification."

Fritchey: "Speaker, if I may, in response to the Gentleman's comments. He does know the Rules as well as anybody and I do believe, as well, that my Motion was well within the Rules and within my rights as a Member. In the interest of the integrity of this Body and in deference to the Gentleman's comments and my respect for him, if he wishes to proceed in the verification I withdraw my Motion and allow him to proceed."

Speaker Turner: "So now, is there leave that the request for a verification goes from the initial maker, Representative Fritchey, to now, Representative Black? Is their leave? Leave... leave is so granted. Representative Black, you have

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

62nd Legislative Day

5/21/2003

a minute or so on the verification. In the meantime, Representative... the Gentleman from Cook, Representative Parke. For what reason do you rise, while Representative Black is preparing?"

Parke: "Thank you, Mr. Speaker. I've been down here 19 years. And there are ways that we do things in this House. For us, defined a maker of a verification voting in the affirmative is an outrage. It is simply trying to use a parliamentary... parliamen... using the tool at his advantage when he and she votes against it. I think that, though it's funny that I misspoke, my concern is serious. I don't believe that it is fair to make a Motion for Verification then vote in the affirmative of that. I don't believe that they can be allowed to do that."

Speaker Turner: "Representative..."

Parke: "Now, the Rules say that they can do that."

Speaker Turner: "Representative, that's..."

Parke: "But morally and for the integrity of the House, that ought not to be allowed."

Speaker Turner: "Representative, your comments are well-taken. The Gentleman was within his rights, as you said, the Rules does allow a Member to make the verification. The Gentleman also has expressed his intent and has passed on that request to Representative Black on your side of the aisle. And I think that that, if anything brings back the integrity that you allude as removed as a result of his utilizing the Rules. Representative Black on the verification."

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

62nd Legislative Day

5/21/2003

Black: "Yes. Thank you very much, Mr. Speaker. And a special thank you to my colleague from Chicago, that was a... a magnanimous gesture that he did not have to make. You are right. He is within the Rules. And he knows the Rules very well. And the time that has been taken in doing so and trying to be polite to each other, I've had a chance to look very carefully at the seating chart and you know now that I meditate daily, Mr. Speaker, I've tried to become much calmer. And there is no, absolutely no, reason on this issue to be dilatory. I've looked at the seating chart, those Members that are voting 'aye' are here and this Motion prevails and we will see what happens. Thank you."

Speaker Turner: "The Gentleman withdraws his request for a verification. And on that question, Representative... and on that Motion, HJR 1 having received a consti... HJRCA 1, having received the Constitutional Majority, is hereby declared... Supermajority, is hereby declared adopted. The Gentleman from Cook, Representative Fritchey."

Fritchey: "Thank you, Speaker. And actually, in further exercise of my rights as a Member and pursuant to the Rules of this chamber, having voted on the prevailing side, I would request to reconsider the vote."

Speaker Turner: "The Gentleman has moved to reconsider the vote by which HJRCA 1 has passed. Representative Lang, the Gentleman from Cook."

Lang: "Mr. Speaker, I move to lay that Motion on the table."

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

62nd Legislative Day

5/21/2003

Speaker Turner: "The... Chair has rep... recognized Representative Lang. And the Motion is not debatable. And on that... you've heard the Gentleman's Motion. All those in favor should say 'aye'; all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the Motion is Tabled. The Gentleman, the Gentleman from Cook, Representative Parke, for what reason do you rise?"

Parke: "Yes, I make a Motion to Override the ruling of the Chair."

Speaker Turner: "What ruling are you referring to, Representative?"

Parke: "My right as a Member of the Body to override the ruling that Represent... that the Sponsor has in making that Motion."

Speaker Turner: "If I'm correct, Representative, the Motion..."

Parke: "Excuse me, I did not understand that he tabled. But let me then go to another issue. Ladies and Gentlemen, I want to talk about what has just transpired in terms of the Motion to Verify the Roll Call by a Member who supports the legislation. If you allow this to happen in the future you may not be on the prevailing side of an issue. This is a tool that the Minority has to have to be able to make sure that the will of the people of Illinois is presented. For them to allow somebody who's on the prevailing side to ask for a verification is an outrage. And it takes away the ability of a Minority in any issue, could do it, to make sure that their voice is heard. The Chair, whoever's in that Chair, whenever it's done, can call upon somebody who

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

62nd Legislative Day

5/21/2003

is in support and takes away this valuable tool that the Body has to make sure that those people who are voting on the issue are, in fact, here. This should be outrageous to all of you. We should not allow this to happen in the future. Because next time it might be your issue that they might want to do that. Ladies and Gentlemen, we cannot allow this to happen again. This is not the way to do it. This is a cute move, but it's outrageous. It ought not to be allowed in the future. And I... I resent that. And everybody in this Body ought to resent that. All it was, was trickery at its worst."

Speaker Turner: "Representative your..."

Parke: "Ladies and Gentlemen, I am outraged that this happened. I hope it doesn't happen in the future."

Speaker Turner: "Your comments are well-taken, Representative. And the Gentleman still was within his rights. The Gentleman from Madison, Representative Hoffman, for what reason do you rise?"

Hoffman: "Just... just, Mr. Speaker, to the previous speaker. I understand what he's saying. The bottom line though is, the Rules are the Rules. He followed the Rules. Mr. Fritchey understood the error of his ways and... and gave due respect to Representative Black. I don't understand why we're... why we're screaming back and forth here. I believe that we can all get along. And I think Mr. Fritchey... Mr. Fritchey showed that by indicating to Mr. Black that he respected his rights and was gonna to allow him to verify the vote."

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

62nd Legislative Day

5/21/2003

Speaker Turner: "The Gentleman from... the Gentleman from Fayette. Representative Stephens, for what reason do you rise?"

Stephens: "Well, I want to settle everybody's nerves. I would... I would question the presence of a quorum. Motion is not debatable. And you can proceed."

Speaker Turner: "Representative, you are within your rights. Mr. Clerk, please do a Quorum Roll Call. Take the Roll, Mr. Clerk. If you are here, please vote the 'green' button. 'Present' button. Have all... the Gentleman has requested a Quorum Roll Call, which means he would like to know who is in the chamber at this time. All Members are requested... Mr. Clerk, the Clerk will take the record. On this... on this Motion there are sev... 77 Members 'present'. A quorum... a quorum is present. The Gentleman from Madison, Representative Hoffman."

Hoffman: "Yes. Just a simple observation. I was wondering how the maker of the Motion could make the Motion when he's not here?"

Speaker Turner: "The Gentleman from Fayette, Representative Stephens."

Stephens: "Well, that's... that's the old question, which came first the chicken or the egg. I would... I presume that sometimes I don't know whether I'm coming or going here. But I think we're all guilty of that on occasion. And you know, to be serious, the Rules are the Rules. We've said that on both sides. And I think each and every one of us want to be genuine. It doesn't take... I think we ought to

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

62nd Legislative Day

5/21/2003

be... have the right to a lighter moment. But the bottom line is the Rules protect both sides. The Rules protect the people in the Chair, the committees and all of the process. And we oughta think twice about... about overriding those Rules. I think the... Speaker Madigan has made it clear that he wants us to use the... the Rule book. We've put a lot of debate into creating these Rules. Representative Black's position on our side of the aisle is to help us be able to defend our use of the Rules. So, I... I would hope we can move on with the state's business now, Mr. Speaker."

Speaker Turner: "For the Members edification. We have five Members requesting comments on this issue. I'm going to recognize those five Members and those five only. We will then go back to the order of business for the day. The first person to be recognized is Representative Black. The Gentleman from Vermilion."

Black: "Thank you very much, Mr. Speaker. The last act of parliamentary maneuvering may have very well put the Sponsor of the Amendment that passed in a situation that he really doesn't want to be in. See, I've been around a little bit, too and I know how to use parliamentary procedure. It was a very foolish move, Representative. And I have before me a Rule book that could bring this thing... issue back, but I don't know if I want to go through some of that ridiculous debate again. You know, one of the things you have to learn here is when you win, win with as much grace as you can. When you lose, try to lose with as

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

62nd Legislative Day

5/21/2003

much grace as you can, a statement that I on many occasions have had great difficulty accepting. But that parliamentary maneuver present... prevents any of you who voted on the prevailing side from moving to reconsider the vote, if you find out anything in the next few hours that would want to change your mind. When you have that kind of Constitutional Supermajority, you don't need to do that. You usually do it when you are exact number of votes. Now, Mr. Speaker, under the Rules and because of the way this was handled, I appeal the ruling of the Chair that the 'ayes' prevailed on the Motion to Table. It clearly did not. I am joined... I am joined by the appropriate number of colleagues on my side of the aisle to ask for a record vote on a Motion to appeal the ruling of the Chair, pursuant to House Rule 57(a). I ask for a record vote under the right we have as embodied in Rule 49, we demand a right to vote on the Motion to Table. Not the Motion to defeat or to vote against the Amendment. The Amendment has passed. But what I am asking for, and you heard it as well as I did, the 'ayes' did not prevail on the Motion to lay on the table. The 'nays' prevailed. I am asking for a division of the House. I am within my rights. If you refuse to give us a division of the House on the question, then I will stand on my Motion that... ask for a record vote to appeal the ruling of the Chair pursuant to Rule 57(a). And we have a right to a record vote on the Motion to Table as embodied in Rule 49."

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

62nd Legislative Day

5/21/2003

Speaker Turner: "The Gentleman has ruled... or has asked to appeal the ruling of the Chair. The question is, 'Shall the Motion of the Chair be sustained?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Those supporting the Chair should vote 'yes'; those opposed to the Chair should vote 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, to appeal the ruling of the Chair, there's 70 voting 'aye'; 46 voting... the Motion whether the Chair should be sustained, there's 70 voting 'aye', 46 voting 'no'. And the Gentleman's Motion, having failed to receive the requisite vote, does not pass. It's the Chair's intent to move on to other business, but we will take one last comment from the Gentleman from Vermilion, Representative Black. Representative Black."

Black: "Mr. Speaker, I congratulate you on protecting the rights of the Minority by giving us the right to question the ruling of the Chair. You are to be congratulated, Sir. I know, I've sat in that chair and I know sometimes the pressure that's brought to bear on a presiding officer by the Majority Party when you reach out and give the Minority Party the rights guaranteed it. I respect you for what you did. To the Members of the Body, be very careful how often you vote to give your rights to reconsider any action of this chamber away. Don't do it very often. Mr. Speaker, there's many Members of our side of the aisle who would like to go to caucus. There are Members on our side of the aisle who would like to continue this debate. I don't

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

62nd Legislative Day

5/21/2003

choose to do that at this time, but we'll reserve the right for a caucus at a later time. I would like just to leave this with this thought. On something as serious as the Equal Rights Amendment, and while we may disagree on where that is in the process, on something as serious as the Equal Rights Amendment, I have never seen a heavier-handed misuse of the Rules of the House to prevent equal rights from being expressed on the action that we took. Something tells me some of you who voted 'yes' need to practice what you preach."

Speaker Madigan: "In fairness to the other four Members that we did say we would allow them the ability to comment on the action previously, I will recognize the Lady from Cook, Representative Mulligan for her remarks. Representative Mulligan."

Mulligan: "Thank you, Mr. Speaker. The initial argument started about whether you could verify a Roll Call from a pertaining, you know, from a winning side. I would like a ruling from the Chair for future. Most people don't know when they get up and ask to verify a Roll Call whether the vote's gonna be 'yes' or 'no' for them. And I don't think that should ever be a problem. Oh, I think that was very right, I think you're very close. We have done this before, and many times we're hung up on Bills here, some of our own Members call, there are bad Roll Calls. Nobody likes being on them, but that's the part of being a State Representative. You're here to make the hard calls, if you can't take 'em you shouldn't be here. But... when you get up

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

62nd Legislative Day

5/21/2003

and you ask for a verification during a debate, you do not know if you're going to be on the prevailing side ahead of time. We have done this on all kinds of things, on parental notification, on gun Bills, on all kinds of things when you don't know. I think any Member should be able during debate, whether they think they're gonna be prevailing or losing, to ask for a verification."

Speaker Turner: "Representative, your request... there's no question before the House at this point on this issue and so your opinion... hold on, your opinion will be taken and debated... or will be discussed at... taken into consideration at a later time. The Gentleman from Cook, Representative Morrow, for what reason do you rise."

Morrow: "Yes, thank you, Mr. Speaker. I have an inquiry of the Chair."

Speaker Turner: "State your inquiry."

Morrow: "I was outside when we did this quorum call, and I see that there was some Members that had decided not to vote 'present' on the quorum call. My question is, with them not being recorded as voting on the quorum call would this disallow them from voting on any other Bills this evening, or would they have to fill a slip with the Clerk saying that they're here and after that will they still get their per diem?"

Speaker Turner: "Representative, we will take that under consideration and we will get back to you on that."

Morrow: "Well, I... Mr. Speaker, I... Please, in a timely fashion because if the Chair rules that since they didn't respond

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

62nd Legislative Day

5/21/2003

to the quorum call their votes on future Bills that we consider this evening could be the deciding vote in favor or not in favor of a Bill being favorably or unfavorably considered."

Speaker Turner: "Your question is a valid question and we'll try to get back to you. In the meantime, we will hear... "

Morrow: "And you're gonna get back about the per diem, too, right?"

Speaker Turner: "You're not gonna get that, that's for sure. But, we will... "

Morrow: "No. I'm here for the quorum call. My concern is about those... "

Speaker Turner: "It's good to see you today, too, Representative."

Morrow: "I know."

Speaker Turner: "We appreciate you being here."

Morrow: "I'm here more than the Governor. I'm very serious about the per diem issue, though, Mr. Chair... Mr. Speaker."

Speaker Turner: "Representative, I will... we will take it under consideration and I will get back to you very shortly. The Gentleman from Cook, Representative Fritchey."

Fritchey: "Thank you, Speaker. Point of personal privilege."

Speaker Turner: "State your point. State your point, Representative."

Fritchey: "In response to all of this, the integrity of this Body was somewhat called into question as was my own. And I tried to take appropriate steps to mitigate any questions about what we did. I have seen... and I think it's a

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

62nd Legislative Day

5/21/2003

testament to this Body. I've seen this Body get more outraged over smaller matters and there's a lot of different directions this could have gone. When I got here in late '96, I got sworn in early as my predecessor had gone to another office and I came in at the tail end of what was presid... prevailing rule by the other party. During that one week, it was in a disillusioning process to me and is a true view and I think both sides have learned from that of how not to run a chamber. The Rules are there. And, what I did was well within the Rules and I am comforted, I guess, by the Gentleman from Vermilion coming over to reassure me that he agreed with that. I did act within the Rules, I intended to act within the Rules. I agree that Rules, when wielded improperly, can be used toward a less than noble end. I guess I would urge all of us to keep that in mind. You wanna use the Rules to fight for what you believe in, you don't want to see them used improperly for something that you don't believe in. And, I guess we got to look to next battle ahead whatever that may be, when we pick and choose our actions. But, folks, yeah, I guess this really should be a wake-up call because this could have very easily and quickly escalated into something much more than it did. Even when we act within these Rules, we need to be sure of what it is we're doing. We've got a process to do here, not just for view by the people in the gallery, but something that's viewed really by the people throughout this state. They look to us to be a Body of integrity and a Body that is conducting business on

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

62nd Legislative Day

5/21/2003

their behalf. I would hope that we could continue to work together in that spirit. I tried to do that in receding from my Motion. I understand the disdain from the opponents of the previous measure, but I also think that I would hope that everybody would appreciate the gravity of these Rules when wielded improperly. Thank you, Speaker."

Speaker Turner: "The Gentleman from DuPage, Representative Biggins, for what reason do you rise?"

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

Speaker Turner: "Ask your question."

Biggins: "Is it still Wednesday?"

Speaker Turner: "It was earlier."

Biggins: "Okay. Thank you."

Speaker Turner: "Okay. Representative Morrow, it's my understanding that when we take the Attendance Roll Call, when you come in and you do the Attendance Roll Call, that is the attendance for the day that determines whether you will be entitled to your per diem. Members are requested to make a... any Member can request a Quorum Roll Call at any time. And that is only a quorum for that particular moment or that particular time. Then we can go back to the order of business and if you... someone wishes to challenge whether those individuals was here earlier via a verification, they certainly are entitled to do that. But, it is within the right to call a Quorum Roll Call, and if in fact... once that issue is moved on, then we can go on with the regular order of business. Representative Morrow."

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

62nd Legislative Day

5/21/2003

Morrow: "Yes. Thank you, Mr. Speaker. Then I would just advise that we have the doorman lock the doors so make sure nobody goes to Oklahoma."

Speaker Turner: "This is the very last speaker on that issue. Representative Black, the Gentleman from Vermilion, and hopefully, we can lay this to rest."

Black: "Mr. Speaker, and by the way congratulations on your ruling on the Quorum Roll Call. You were absolutely right on target."

Speaker Turner: "Thank you, Representative."

Black: "Mr. Speaker, I am shocked and appalled that it would even be insinuated that the Members of the loyal opposition would go to Oklahoma to hide out. Only the Democrat Party bolted a statehouse, you know. It was the Democrats who... and let me quote, I don't... I can't remember the name of the gentleman from the Democratic Party in Texas who bolted to Oklahoma. Boy, there's a trip, first prize is one day in Oklahoma, second prize is two days, who said, if this issue before us is as complicated and complex as it seems, I'd say that we'd be better off by going to the Holiday Inn in Oklahoma and hiding out. But they forgot that they have legislative plates and when the sheriff's department saw all the Texas legislative plates in the parking lot of the Holiday Inn, they thought they had the makings of a tremendous scandal. And that, I... ya know, gosh, that didn't work out either. But, let it be shown that the Members of the Republican Party will stay here, continue to debate, do the very best we can on the very serious issue

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

62nd Legislative Day

5/21/2003

that we've kinda forgotten in the last two or three hours. The clock is ticking on a very contentious budget, folks. And, I... oh, by the way, and let me just say for those of you born in Oklahoma, traveling to Oklahoma, may have lived in Oklahoma, may want to live in Oklahoma, or may be buried in Oklahoma, I love Oklahoma. Mr. Speaker, Mr. Speaker, just one inquiry, somebody on your side of the aisle who came over awhile ago to me humming a few bars of Don't Be Cruel, who raised my expectations, caused my heart to flutter, the butterflies in my stomach almost resulted in a very embarrassing act, but he told me there had been a sighting and that the Governor is in the building. Can you... can you verify that, please?"

Speaker Turner: "Let me... let me just say this, Representative, because someone came by me and they said that, It's Too Late Baby. He's still here. On page 10, we have Hou... Senate Bill... on page 10, Third Readings, we have Senate Bill 1116. Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 1116, a Bill for an Act in relation to financial matters. Third Reading of this Senate Bill."

Speaker Turner: "The Lady from Cook, Representative Jones."

Jones: "Thank you, Mr. Speaker and Members of the House. As soon as I get my Bill here, I'll be okay. Senate Bill 1116, this Bill covers the situation where a credit card company raises a consumer's... excuse me... raises the consumer's interest rate due to drop in the consumer's credit score. This Bill also changes the disclosure required and tax refund anticipation loans to include the

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

62nd Legislative Day

5/21/2003

APR using a ten-day time period and the total cost to the borrower. Those two changes mirror the federal truth-in-lending Disclosures. This is a... this is a combined interest and also was worked on together with the Illinois Bankers Association and is now an agreed Bill. And I ask for a favorable vote."

Speaker Turner: "Seeing no questions, the question is, 'Shall Senate Bill 1116 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 116 voting 'aye', 0 'noes', 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Third Readings, we have Senate Bill 1124. Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 1124, a Bill for an Act in relation to sanitary districts. Third Reading of this Senate Bill."

Speaker Turner: "The Gentleman from Winnebago, Representative Winters."

Winters: "Thank you, Mr. Speaker. This is an issue with a local community that wishes to dissolve a sanitary district that is coterminous with the village boundaries. Would be happy to answer any questions."

Speaker Turner: "Seeing no questions, the question is, 'Shall Senate Bill 1124 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?

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

62nd Legislative Day

5/21/2003

Have all voted who wish? The Clerk shall take the record. On this question, there are 116 'ayes', 0 'noes', 1 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Representative Novak in the Chair."

Speaker Novak: "Thank you, Mr. Turner. Senate Bill 1126. The Gentleman from Cook, Mr. Bradley. Mr. Clerk, read the Bill, please."

Clerk Rossi: "Senate Bill 1126, a Bill for an Act concerning clerks of courts. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Bradley."

Bradley: "Thank you, Mr. Speaker, Members of the House. 1126 amends the Clerks of the Court Act. It permits the Department of Revenue to provide by rule for certifications of the comptroller of any unpaid fees and costs owed under a court order. Provides that rules must allow notice to an opportunity for a hearing for the person owing fees or costs. Provides that the purpose of certification is to intercept state income tax refunds and other payments due to persons owing fees and costs in order to satisfy unpayment debts from a court order. It allows the Clerk of the Courts to negotiate payments of convenience and administrative fees to credit card and debt card companies. Permits the Clerk of the Court to enter into contracts with third party guarantors under which those third parties contract with court customers and guarantee payments to the clerk. It permits fees of up to \$5 or amount charged to the clerk by a third party where offender pays fines,

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

62nd Legislative Day

5/21/2003

penalties or costs through a third-party guarantor. And it permits the clerk to negotiate assessment of convenience and administrative fees by third-party guarantors. Provides that revenue earned by the clerk to be remitted to the County General Fund."

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

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

Speaker Novak: "Sponsor will yield."

Molaro: "You know, Representative, when I first saw this Bill, I actually thought it was for unpaid child support. Now, is this any court order or any amount owed?"

Bradley: "Any amount owed, just what you thought. It is not necessarily the child support."

Molaro: "So, that means that any time there's a court order... well, let me ask you about the way this mechanically would work. The Department of Revenue, obviously, they have to get something from the Clerk of the Circuit Court or Clerk of any court, I... well, let me ask then, is this just for Cook County or is this statewide?"

Bradley: "Statewide."

Molaro: "So, in other words, any Circuit Court Clerk would then give to the Department of Revenue 'cause the Department of... Illinois Department of Revenue would have no idea. So, does the Clerk of the Circuit Court go through... do they get them... this daily, is it plugged into the Department of Revenue computer? Do they do it once a year, once every

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

62nd Legislative Day

5/21/2003

six months? How does the Department of Revenue get this information?"

Bradley: "That definitely has to be worked out in the future by rule. There's no doubt it's not a process that is that simplified. Again, the certification to the comptroller of the unpaid fees allows for the certification process to take place..."

Molaro: "So..."

Bradley: "...where we could reliably say that there has been a court order."

Molaro: "All right. So, now if all these clerks are sending in all this information to the Department of Revenue, as you well know... well, if you don't, obviously, there's a judgment, let's say, or at some court order or some court costs. Now, if they send it to the depart... Illinois Department of Revenue and five weeks later I will wind up paying that court cost. I, obviously, don't pay the Department of Revenue. Will there be a mechanism that every single time somebody in Cook County, wherever it may be, pays off this cost or this judgment that automatically gets sent to the Department of Revenue where we're gonna have all these problems like we do about parking tickets and Secretary of State driver's license suspension. Are there gonna be rules or something that would make sure that when it's paid on that day, not hours or days later, that it gets sent to the Department of Revenue, so there's no hold on the Department of Revenue for me? Do know if that's gonna be taking place?"

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

62nd Legislative Day

5/21/2003

Bradley: "We're hopeful on that. Again, the intent of law is not to... to complicate the plot in the process, but there's no doubt that rules have to be put in place to save... to make sure of the safeguards that you just mentioned."

Molaro: "Now, let's... Last question I'll ask is this... 'cause this is worrisome to me. It talks about the fact that unfortunately people with computers, clerks or anybody else, can make errors. As Representative Black has said many times on this floor about parking tickets. So say, for instance, there's an error made. Okay. Well, here's the problem, Representative, I, as the person, would have no idea since I don't have a judgment against me that an error was made or for instance, if I'd paid something and the Illinois Department of Revenue doesn't get it. Do they have to go to a hearing before they take my money or does the clerk get my money and I have to go to a hearing to get it back?"

Bradley: Under this..."

Molaro: "What takes place first?"

Bradley: "Under this legislation, it allows that a notice and an opportunity for a hearing takes place before any payment."

Molaro: "Okay. So, I just want to, for legislative intent, the Department of Revenue is not gonna take any money that's due me and send to some clerk until I get a hearing."

Bradley: "A fair notice and a hearing."

Molaro: "And a fair notice and a hearing."

Bradley: "Right."

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

62nd Legislative Day

5/21/2003

Molaro: "What do you consider to be fair notice?"

Bradley: "It's undetermined at this time."

Molaro: "Okay. Well, a lot of undeterminable stuff in this Bill. Let's just hope that we see what the determinations are, we can talk about it later. Thank you."

Bradley: "Thank you, Representative."

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

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

Speaker Novak: "Sponsor will yield."

Fritchey: "Representative, there's been some issues from the Comptroller's Office with respect to House Amendment 1. It was their understanding that a Amendment was gonna be withdrawn from the Bill and as you feel, it's a crucial issue. Do you know... It's my understanding that the Amendment was not taken off of the Bill. Are you aware of this one way or the other?"

Bradley: "Yes, I am."

Fritchey: "Is the Amendment in the Bill?"

Bradley: "The Amendment is on the Bill."

Fritchey: "Are you... were you aware... Amendment 1, just for clarification of the Body, takes the Department of Revenue out of the Bill and moves this over to the Clerk of the Circuit Court, which has raised some serious opposition from the Comptroller's Office. On behalf of the comptroller, I'd be... wondering if you'd be willing to take this out of the record so we can revisit this and bring it back, given that we'll be here at least one more week, I

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

62nd Legislative Day

5/21/2003

don't think you'll be disadvantaged at all by doing this. I'm not trying to derail you at all. I just wanna make sure we're all on the same page."

Bradley: "I'll do that. Please, take this out of the record."

Speaker Novak: "Mr. Clerk, take this Bill out of the record, please. Senate Bill 1149, the Gentleman from Randolph, Mr. Reitz. Mr. Clerk, read the Bill, please."

Clerk Bolin: "Senate Bill 1149, a Bill for an Act in relation to vehicles. Third Reading of this Senate Bill."

Speaker Novak: "Sorry. Mr. Reitz."

Reitz: "Thank you, Mr. Speaker. Senate Bill 1149 is an attempt to reduce the amount of time that a lien holder has to wait to reduce... release a title to them from the financial institutions. We have worked out any opposition that the bankers had on this Bill. As far as I know, right now, its... it has no opposition. We've reduced the fine to a hundred and fifty dollars for instances where they have a problem. 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 1149 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 111 voting 'yes', 4 voting 'no', 2 voting 'present'. And having received the required Constitutional Majority, Senate Bill 1149 is hereby declared passed. Senate Bill 1095, the Gentleman from Cook, Mr. Burke. Mr. Clerk, read the Bill, please."

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

62nd Legislative Day

5/21/2003

Clerk Bolin: "Senate Bill 1095, a Bill for an Act concerning unclaimed property. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Burke."

Burke: "Thank you, Mr. Speaker and Members of the House. Senate Bill 1095 is an initiative of the State Treasurer's Office. It would amend the Uniform Disposition of Unclaimed Property Act requiring the treasurer to keep owner information confidential, requires publication of notice to owners twice per year with all owners reported during a particular cycle to be reported prior to the next reporting cycle date, requires the treasurer to remit funds in excess of 2,500,000 to the State Pensions Fund twice per year with the dates corresponding to two weeks prior to each reporting cycle. During these two-week periods, the treasurer would maintain up to 2,500,000 in a separate trust fund to cover any claims during these periods. Cross references that a person or company attempting to collect a fee for discovering presumptively abandoned property to be licensed as a private detective pursuant to the Private Detective Act. And I'd be happy to answer any questions."

Speaker Novak: "Thank you. Is there any discussion? The Gentleman from Cook... the Gentleman from McHenry, Mr. Franks."

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

Speaker Novak: "Sponsor will yield."

Franks: "Dan, I'm reading the synopsis in the status because we don't have any analysis on our computers that I can see and it says here that pro... provides that proceeds in excess of

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

62nd Legislative Day

5/21/2003

the \$2½ million will be deposited in the State Pension Fund instead of a separate trust fund for the payment of claims. Why would we wanna do that instead of keeping it in a separate trust fund for the payment of claims?"

Burke: "That is not the case. It's going to the same place it has always gone, but it's just going there a little bit later."

Franks: "Where... where does it... where is it going?"

Burke: "To the State Pension Funds to fund the five pension funds."

Franks: "I'm sorry. Which fund?"

Burke: "State Pension Funds to fund the five state pension funds."

Franks: "Is that where it's always gone?"

Burke: "That's where it's always gone."

Franks: "Okay. Thank you. And the other question I have, is it requires any person or company charging a fee for discovering the abandoned property to be a licensed private detective? What's the rationale for that?"

Burke: "That is already in the Private Detective Act, there's no change."

Franks: "What happens if there... are there any cottage industries per se of people finding abandoned property and then bringing that attention to someone? Is there a problem? Are they doing that now and are they getting money?"

Burke: "I would say, Representative, it might be similar to those that would trace your family tree or those that would

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

62nd Legislative Day

5/21/2003

look up in any entity's records whether or not you would be entitled to some unclaimed property. And indeed, there would be those that could, in fact, profit from making those discoveries and I think that's probably appropriate."

Franks: "Okay. I understand that. That's why I'm wondering why we're limit... why are we limiting it to the only people who can be paid are those who are private investigators? What would happen, for instance, if an attorney found this out and brought this to a client, cause you're doing an estate plan and the attorney says, hey, we found some abandoned property, you're entitled to it. Are you saying now the attorney could not be compensated for his time that he spent doing that because as I'm reading this, it says that it's only for private detectives?"

Burke: "Certainly, that's not the intention, Representative. An attorney can bill at whatever rate they bill. If they are working on behalf of a client, certainly, they.. this might be part of what their responsibilities would be. The fact of the state requiring a private detective license is to ensure that individuals, who would take advantage or in some way defraud an individual, could be controlled. So, this is a control factor to ensure that the public is protected from those that would take advantage."

Franks: "I understand the rationale. I'm just reading the language of the Bill here and I'm trying to see where it has... Can you tell me where in the Bill it talks about the licensed private detective?"

Burke: "I didn't quite understand your question."

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

62nd Legislative Day

5/21/2003

Franks: "Here it is, here it is. I'm looking here on page 8, subsection(d) and it says, 'a person or company attempting to collect a contingent fee for discovering on behalf of an owner presumptively abandoned property must be licensed as a private detective.' So, I think this language would ban anyone else from being able to collect a fee if they would find this property. That's how I read this."

Burke: "Now, if, for instance, the attorney were operating on behalf of the client on a contingency basis, then there would be some difficulty. Just... the same would apply for those that would hold themselves out as experts in the area of discovering this unclaimed property and the reason that we require that they be licensed private detectives is to ensure that they are not operating on a contingency basis. That there's a fee that is reasonable and fair to the citizen."

Franks: "I understand why. I understand the protections. You don't want someone being taken advantage of. What I'm concerned though, is basically giving a monopoly to people who are licensed private detectives. And I don't know how many people are in this business and how many licensed private detectives we have, but couldn't this curtail the ability to people... for people to get the abandoned property if we're only allowing a few people to actually work on this?"

Burke: "Currently, there is a 10 percent restriction and a ceiling on the number... on the fees that can be charged. Attorneys are certainly not under that restriction. So..."

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

62nd Legislative Day

5/21/2003

Franks: "That's good. If there's a 10 percent... you're telling me there's a 10 percent cap right now for anyone."

Burke: "Yes."

Franks: "Well, if there's a 10 percent cap for anyone, then why are we only allowing private detectives to do this business?"

Burke: "It is not a policy change here. Currently, in the Private Detectives Act itself, it talks about this activity of recovering unclaimed property from the state, so we are just modeling and reenacting that language in this Bill to make it as perfectly clear as we can."

Franks: "I understand the intent, but the language of the Bill doesn't say that. The language of the Bill says they have... they must be licensed as a private detective in order to collect the contingent fee. This would effectively preclude anyone else. Would you be willing to take this back to Second to amend that because as it's written that does not do that."

Burke: "All right, Representative, the Private Detectives Act currently suggests and insists and mandates that they be the only profession, the only licensed entity in this state that can recover this unclaimed property from the State Treasurer's Office. Aside from attorneys, attorneys can do whatever they so desire."

Franks: "But the Bill doesn't say that."

Burke: "Well, the detective Act says it."

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

62nd Legislative Day

5/21/2003

Franks: "But this Bill doesn't, so there is going to be a conflict. There is nothing... if you look at the language of the Bill and you go to page 8, line 6, paragraph d."

Burke: "The reason for this section being added, which is identical to the language of the Private Detective Act, is to advise the public and all other interested parties that, indeed, only a private detective can operate on behalf of a citizen with respect to the recovery of unclaimed property. So, it's an identical repeat of what is already in the detective licensure Act, the Private Detective Licensure Act. So, I don't know what you're attempting..."

Franks: "My point is this, as I'm reading this, it... and I'm not reading this as an attorney, I'm reading this as a layperson. It would seem to me that only then private detectives could do this business and nobody else could."

Burke: "It does not say that and it certainly, for legislative intent, not the purpose of this Bill. The detect... the Private Detective Act has existed for, I don't know how many years with this language that hasn't been challenged. The public seems to be very comfortable with the fact that only these individuals can operate on their behalf with the State Treasurer's Office. Attorneys are not precluded, individuals who themselves have property that is unclaimed can present themselves as a common citizen and interact on their own behalf. So, we are not restricting, in any regard, those that can approach the Treasurer's Office and attempt to recover unclaimed property."

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

62nd Legislative Day

5/21/2003

Franks: "And if someone else wants to do this, they'd be precluded."

Burke: "They certainly would be precluded. We don't know what their motivation is."

Franks: "Okay."

Burke: "But... and that's the reason that there is a cap on the fee that a private detective may impose on one who is seeking to recover unclaimed property."

Franks: "Okay. I just didn't understand. I appreciate your answers."

Speaker Novak: "Thank you. Any further discussion? Mr. Burke, you wish to close."

Burke: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This is a very technical cleanup language Bill. There has been no opposition to it. It's something that is important for the continuing operation of the Treasurer's Unclaimed Property Division. And I would certainly ask for the Body's favorable consideration."

Speaker Novak: "Thank you. And the question is, 'Shall Senate Bill 1095 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 116 voting 'yes', 0 voting 'no', 1 voting 'present'. Having received the required Constitutional Majority, Senate Bill 1095 is hereby declared passed. Senate Bill 1150, the Gentleman from Bureau, Mr. Mautino."

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

62nd Legislative Day

5/21/2003

Clerk Bolin: "Senate Bill 1150, a Bill for an Act concerning insurance. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Mautino."

Mautino: "Thank you, Speaker. Senate Bill 1150 is an agreed Bill which would structure how self-service storage facilities can handle the insurance products. This would be simple... very similar to like collision damage waiver when you go and you rent a car, check the box if you wanna purchase this insurance. Currently, under the existing law, storage facilities sell some of these policies and they're not regulated under the Illinois Insurance Code. This would bring them under that regulation and say basically that they have to train their people, have a limited line license, they can't sell anything that does not relate to storage or transport as far as products. And be happy to answer any questions."

Speaker Novak: "Thank you. Is there any discussion? Seeing none, the question is, 'Shall Senate Bill 1150 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. Schmitz. Mr. Clerk, take the record. On this question, there are 114 voting 'yes', 2 voting 'no', 1 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 1150 is hereby declared passed. Senate Bill 1167, the Lady from DuPage, Representative Bellock. Mr. Clerk, call the Bill, please. Read the Bill."

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

62nd Legislative Day

5/21/2003

Clerk Bolin: "Senate Bill 1167, a Bill for an Act concerning municipalities. Third Reading of this Senate Bill."

Speaker Novak: "Ms. Bellock."

Bellock: "Thank you very much, Mr. Speaker and Members of the House. Senate Bill 1167 provides that municipalities may create an office of an internal auditor. This legislation, I don't know of any opposition to it. It's strictly permissive and it would provide that the duties of the internal auditor would report directly to the council or the board regarding the state of the finances of the municipality."

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

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

Speaker Novak: "Sponsor yields."

Franks: "Representative, I understand the importance of doing internal audits to make sure that people are minding the store. What you're trying to do here, would this allow for an elected position of auditor?"

Bellock: "No, it would not be an elected position. It provides that the inner... the internal auditor would be appointed or provided by ordinance."

Franks: "To the Bill."

Speaker Novak: "To the Bill."

Franks: "Thank you. I think it's a very positive Bill that you've brought forward, Representative. I think it's long overdue in many of our counties. I can tell ya, in the county that where I reside we've had a lot of fiscal

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

62nd Legislative Day

5/21/2003

problems and there's been questions about how moneys have been spent and large pay increases and things. I plan on bringing forward a Bill next year, hopefully, you'll help me with it, to get rid of the position of auditor as an elected position because I don't think anyone who's there supposedly to watch the taxpayers' money oughta be elected. I think this is something that has to be internal on behalf of the board. And I think this a very positive step towards that and I appreciate you bringing it forward. And I... I hope everyone votes 'yes'."

Speaker Novak: "Is there any further discussion? Seeing none, the question, 'Shall Senate Bill 1167 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 116 voting 'yes', 0 voting 'no', 0 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 1167 is hereby declared passed. For what reason do you rise, Representative Kelly?"

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

Speaker Novak: "State your point."

Kelly: "I meant to vote 'yes' and I vote... I pushed 'speak' instead of 'yes'."

Speaker Novak: "The record will reflect that. Senate Bill 1190, the Gentleman from McHenry, Mr. Franks. Mr. Clerk, read the Bill, please."

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

62nd Legislative Day

5/21/2003

Clerk Bolin: "Senate Bill 1190, a Bill for an Act concerning aging. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Franks."

Franks: "Mr. Speaker, about two hours ago this Bill was handed over to Representative Linda Chapa LaVia as the primary Sponsor and with your permission would like her to present the Bill."

Speaker Novak: "Representative Chapa LaVia."

Chapa LaVia: "Thank you, Speaker and General Assembly. Senate Bill 1190 amends the Illinois Act on the Aging. The Bill has two functions. First, it requires, subject to appropriation, the State of Illinois to provide a home delivered meal service to every citizen in the State of Illinois who qualifies for such a service under the Older American Act. Second, it requires the Department of Insurance to file a yearly report concerning the provisions of services. I'll take any questions."

Speaker Novak: "Is there any discussion? Seeing none, the question is, 'Shall Senate Bill 1190 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 114 voting 'yes', 0 voting 'no', 1 voting 'present'. Having reached the required Constitutional Majority, Senate Bill 1190 is hereby declared passed. Senate Bill 1199, the Gentleman from Rock Island, Mr. Boland. Mr. Clerk, read the Bill, please."

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

62nd Legislative Day

5/21/2003

Clerk Bolin: "Senate Bill 1199, a Bill for an Act concerning criminal law. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Boland."

Boland: "Thank you, Mr. Speaker. This Bill allows but does not require the clerk to impose as a condition of pretrial release in drunk driving cases that the defendant refrain from operating a motor vehicle not equipped with an interlock device. The clerk may allow a person who is not self-employed to operate a vehicle owned by his or her employer which is not in... equipped with an interlock device, so long as the operation is in the course and scope of the defendant's employment. It passed out of the Senate 56-0. Senator Cullerton was the Chief Sponsor there. And the proponents are AutoSense International, Illinois Alcoholism and Drug Dependence Association, the Illinois Association of Chiefs of Police, Illinois state's attorneys, Illinois State Police, and Mothers Against Drunk Driving."

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

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

Speaker Novak: "Sponsor will yield, Sir."

Black: "Representative, what do one of these... interlock auto ignition interlock systems cost? We've discussed this before, but I can't... I don't have a figure in my mind. I can't remember what we've talked about."

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

62nd Legislative Day

5/21/2003

Boland: "The cost of 'em vary, but in many... most cases, I guess, start at about \$250 and there is a monthly service charge."

Black: "All right. Now, who pays... let's refresh my memory. Who pays... I would assume that the defendant found guilty of a DUI would have to pay the court and then the court would probably have this installed on his or her car. Correct?"

Boland: "Yes."

Black: "All right. And this simply says... I'm trying to figure out. Is this a post-conviction move..."

Boland: "No, this..."

Black: "...or a preconviction move?"

Boland: "It's a pre. What it... what it does is it gives the judge the option of requiring this and the rationale is that there may be somebody who in the past perhaps has had... I don't want to say a record, but a... been in a situation where perhaps they've violated this but never been convicted, but the judge feels that perhaps this person is not very trustworthy and so, therefore, they'd like to put this on 'em to prevent any further problems."

Black: "Okay. And there is no inherent fear from the local courts, the Circuit Courts, that this expense may fall on the county. What if the defendant has a public defender and says, I don't have any money to put this thing on the car."

Boland: "You know, you have me there. I really don't know in that situation what the clerk would do. I would guess they

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

62nd Legislative Day

5/21/2003

would have the discretion of putting other types of penalties..."

Black: "Right..."

Boland: "...if necessary."

Black: "And I... I..."

Boland: "If it was a poverty case, in which I think you're saying."

Black: "I think that's one of the things and unfortunately, and I know this will pass and I intend to vote for it, but it's one of those things that maybe the Governor can take a look at as an Amendatory Veto, 'cause I don't think it's your intent that in the case of a indigent defendant represented by a public defender the judge may, in a preconviction motion or hearing, say, look, you've had a very difficult record here, a very spotty record with DUI. I order an interlock ignition device on your car. The defendant says, well, I don't have any money. I just wanna make sure we don't get into a situation where the judge then orders the county or for the applicable agency, well, then you put it on. Because you and I both know what our county officials would say if that happens."

Boland: "Right. Very definitely that's not..."

Black: "Yeah."

Boland: "...what we want to happen."

Black: "Okay."

Boland: "And so if it can be strengthened in that way..."

Black: "All right."

Boland: "...more than happy."

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

62nd Legislative Day

5/21/2003

Black: "Could... could we amend this Bill on its face to say that if the judge orders an auto ignition interlock system because of problems with DUI, that you could not have any passengers ride in the car?"

Boland: "What'd you..."

Black: "Oh, we did that already, didn't we?"

Boland: "Yes, we did."

Black: "Oh, okay. I'm... I think if... if... if you would in any correspondence you send to the Governor urging him to sign this Bill, I do think we need clarification because, you know, judges can, with a stroke of a pen, tell a county or a sheriff's department, I order this done, the defendant being represented by a public defender, which is prima facie evidence that he or she has no money, can tell the judge, well, I don't have any money to put the thing on there. And then the judge just simply writes out an order, fine, the sheriff of such county or the county board shall appropriate and you do it. And if that happens, all of us who vote for this are gonna get a letter."

Boland: "Very definitely."

Black: "Thank you."

Boland: "Thank you."

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

Molaro: "Thank you, Mr. Speaker. Will the Gentleman yield for a question?"

Speaker Novak: "Sponsor yields."

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

62nd Legislative Day

5/21/2003

Molaro: "Representative, I know it's probably easier if we just talk amongst ourselves, being so close. Just wanted the record to indicate that I have voted against these for ten years, these type of Bills in the Senate. And one of the reasons are and Representative Black touched on it, but he didn't go far enough. And that's this, what you do to someone post-conviction, I certainly don't have a problem with. So, if someone's convicted of a DUI, what the penalties are, are the penalties. You're convicted. This is strictly when someone's not convicted. Now, remember, you're innocent, you haven't been proven guilty of anything. All that happens is some policeman either who saw you or came afterwards, after an accident has written a ticket saying that in his opinion you were under the influence. Now, obviously, you are truly 100 percent innocent. You have to proven beyond a reasonable doubt. Now, what this says here is that a judge, when you walk... first walk up there and the state says, okay, we're gonna continue it for trial, the judge says, all right, even though you haven't been convicted and even though there's no law to take your driver's license away and even though you haven't been shown to do anything wrong, we're gonna make it where as a judge I can decide whether or not you should have this device on your car. Now, I'd ask you this, how does a judge where... is it... are these judges gonna be mandated? Is this gonna be up to every judge? Is it gonna be up to every circuit, are there gonna be rules

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

62nd Legislative Day

5/21/2003

involved? I mean, how are they gonna determine who should get it or who's not should get this device?"

Boland: "It is totally up to the court, so it is up to the court's discretion. I did want to add some additional information. There is, already, as far as those defendants who might be in poverty an indigent fund in the Secretary of State's Office to... to help pay for that type of thing. And that's paid for by fines in other cases. To directly answer yours, this type of thing is done by other judges often routinely, for example, in domestic abuse cases the judge may say in order to protect the public or the person involved may... as well as making sure, you know, you're gonna show up. Ya know, we're setting certain conditions, such as, ya know, you have to stay away from that particular person that, you know, you're involved with."

Molaro: "Well, Representative, with all due respect as far as that's concerned, if it's domestic violence, first of all, there's rules for everybody. You must be locked up, you can... ya gotta stay away from 72 hours, that's everybody. And we as a General Assembly have decided that. So, if we're gonna do something like this, we at least should have some safeguards in the sense that, if you blow over a .15, if you blow over a .20, that there's something for a judge to look at that says, there's a likelihood rather than not and the reason that is, is this. Every judge in every circuit that gets this is gonna wind up saying, now, wait a second, this person's been accused of drunk driving. If I don't give him this device and he goes out four days from

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

62nd Legislative Day

5/21/2003

now and gets drunk again and winds up doing something, then I'm the guy that's gonna be responsible 'cause I didn't give him this order. State's attorneys are gonna ask for this order and you're gonna put judges in the middle and we're doin' it with people who have absolutely every right to be, you know, found guilty... they're innocent before they are found guilty. We're imposing this on them or the ability to impose without at least some guidelines. At least if you were to say, you know, point to where we could... even with orders of protection, there's a hearing. There's no hearing here. It's just a judge says, hey, if you're accused of it, I could order you to get this device. At least if there were some guidelines that you'd have to blow at least a .20 or a .15, some guidelines before this was done. Now, I'm not gonna tell anybody to vote 'yes' or 'no' on the Bill. The list of people who are for it almost precludes a lot of people from voting 'no'. All I'm just saying is that, I think it... it... a judge can go there on a person who's never been convicted of anything and tell them because you're just accused with nothing to do with breathalyzer and we do have breathalyzers in this state, so you could have some scientific nexus, even though you're just accused we're gonna make you do other things that we wouldn't normally that... more innocent people do. So, that's... that's the main reason for my opposition, not that it's not a good idea. So, thank you."

Speaker Novak: "Thank you. Further discussion? The Lady from Iroquois, Ms. O'Brien."

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

62nd Legislative Day

5/21/2003

O'Brien: "Thank you, Mr. Speaker. To the Bill."

Speaker Novak: "To the Bill."

O'Brien: "I would normally be in a hundred percent agreement with the previous speaker, but what this Bill addresses isn't necessarily upon bail because judges in Illinois, after the forty-sixth day following an arrest for DUI, have no ability to tell somebody whether or not they can drive or not unless that individual files a judicial... an application for a judicial driving permit. That is available only to first-time offenders and it's the only time in Illinois that a judge can tell someone charged with the offense of DUI that they have the right to drive. A lot of whether... and we have set some statutory parameters whether or not an individual is even eligible to get a judicial driving permit. First, they have to receive an alcohol evaluation. That alcohol evaluation has to come back no higher than Level 2, significant risk, significant risk for reoffense. But generally, it's Level 2 moderate risk, that is the cutoff point. A lot of judges are reluctant to issue the judicial driving permit to an individual who comes back after their evaluation of being assessed as significant risk for reoffense. One tool that is available to a defendant and a lot of times they bring this up themselves, and say, listen, judge, I know that you don't wanna take a chance on me because my alcohol evaluation didn't come back very good, but this device would protect you. Right now, judges are saying to these defendants, I don't have the authority to tell you to go

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

62nd Legislative Day

5/21/2003

out and get that device. We have used the interlock devices a lot in the coun... in the county where I prosecuted in Grundy because it afforded people the opportunity to get this. I agree with the previous speaker that just because somebody is charged with a crime doesn't make them guilty, but in this circumstance, we have said as a matter of civil procedure you lose your license. Once you are arrested, 45 days following the date of the arrest, on the forty-sixth day you lose your privileges. Putting this guardian interlock device in a vehicle sometimes is a person's only way that they're gonna get to drive because otherwise the judge isn't gonna issue that permit to them. So, don't be under the assumption that if you vote for... against this, that people are gonna be able to go out and drive until they have their trial because they are not. Under our law, as a matter of civil procedure, we take away peoples' driver's license who are arrested for the offense of DUI before they have been tried, before they have been found guilty. I don't necessarily agree with that, but that is the law. And so, this gives an opportunity for people who otherwise would lose their livelihood to keep driving until a court determines whether or not they should keep their driving privileges. And I would just like to urge my colleagues to vote 'aye'. It does offer a measure of safety to the public and gives people an opportunity to keep their jobs and their livelihoods."

Speaker Novak: "Thank you. Further discussion? Seeing none, the question is, 'Shall Senate Bill 1199 pass?' All those

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

62nd Legislative Day

5/21/2003

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 'aye', 1 voting 'no', 0 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 1199 is hereby declared passed. Senate Bill 1156, the Lady from Cook, Representative Howard. Senate Bill 1156. Mr. Clerk, read the Bill, please."

Clerk Rossi: "Senate Bill 1156, a Bill for an Act in relation to health. Third Reading of this Senate Bill."

Speaker Novak: "Representative Howard."

Howard: "Thank you, Mr. Speaker. Senate Bill 1156 authorizes the Illinois Department of Public Health to adopt rules to allow for the implementation of HIV/AIDS rapid testing. Probably you've heard this before because I had another Bill that went in the other direction, another Bill has come this way and I'm carrying that. The reason that we need this Bill is because right now the process calls for a two-week wait in order to be able to get the results of AIDS testing. With the new Orasure test procedure, we can now get the results in about 20 minutes. So, this legislation would allow for the State of Illinois to author... well, it would allow the Department of Public Health to be authorized to develop rules. I'll take any questions at this point."

Speaker Novak: "Thank you. Is there any discussion? Seeing none, the question is, 'Shall Senate Bill 1156 pass?' All

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

62nd Legislative Day

5/21/2003

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. Brauer. Mr. Eddy. 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 1156 is hereby declared passed. Senate Bill... Senate Bill 1204, the Lady from Cook, Representative Kelly. Mr. Clerk, read the Bill, please."

Clerk Rossi: "Senate Bill 1204, a Bill for an Act concerning public bodies. Third Reading of this Senate Bill."

Speaker Novak: "Representative Kelly."

Kelly: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 1204 amends the Open Meeting Act by permitting a public body to close a meeting or a portion of the meeting to discuss its legal counsel's appointment, performance, compensation or dismissal. Thank you. I can answer any questions."

Speaker Novak: "Thank you. Is there any discussion? Seeing none... The Gentleman from Cook, Mr. Fritchey."

Fritchey: "Thanks to you. The Sponsor yield?"

Speaker Novak: "Sponsor will yield."

Fritchey: "I'm just... Does this actually create a separate standard for discussion of legal counsel performance as opposed to discussion of other personnel matters?"

Kelly: "No, it just adds that to the other personnel matters..."

Fritchey: "So..."

Kelly: "...the other public employees."

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

62nd Legislative Day

5/21/2003

Fritchey: "Then... 'cause my memory doesn't serve me correctly as far as... You can close personnel meetings... you can close meetings to discuss personnel matters presently."

Kelly: "Correct."

Fritchey: "So, this just treats legal counsel as any other employee."

Kelly: "Correct."

Fritchey: "Thank you."

Speaker Novak: "Is there any further discussion? Seeing none, the question is, 'Shall Senate Bill 1204 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 114 voting 'yes', 0 voting 'no', 0 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 1204 is hereby declared passed. Senate Bill 1207, Representative Nekritz. Mr. Clerk, read the Bill, please."

Clerk Rossi: "Senate Bill 1207, a Bill for an Act concerning insurance. Third Reading of this Senate Bill."

Speaker Novak: "Representative Nekritz."

Nekritz: "Thank you, Mr. Speaker. Senate Bill 1207 makes some changes to the uninsured motorists' laws. It does two things. First, under current law, all automobile policies issued in Illinois must provide uninsured motorist coverage. And the disputes about that coverage must be submitted to arbitration. Currently, awards under \$20 thousand per person and \$40 thousand per occurrence are

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

62nd Legislative Day

5/21/2003

binding, but awards more than \$20 thousand are not. This Bill would increase the binding arbitration levels for 20 thousand to \$50 thousand per person and from 40 thousand to \$100 thousand per occurrence. The second thing this Bill does is where there is a judicial finding of unreasonable and vexatious insurer delay, the penalties for that delay would be increased from 25 percent to 60 percent of the loss amount and from... or from \$25 thousand to \$60 thousand. This Bill has support from a lot of groups including Allstate Insurance Company, State Farm Insurance Company, the American Insurance Association, the Illinois Insurance Association, the Illinois Trial Lawyers' Association and the Illinois State Bar Association. I would also like to make perfectly clear that, although this Bill has to do with motorists, it does not involve trucks or 'jake' brakes."

Speaker Novak: "Thank you. Is there any discussion? Seeing none, the question is, 'Senate... Shall Senate Bill 1207 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'. Having reached the required Constitutional Majority, Senate Bill 1207 is hereby declared passed. For what reason do you rise, Mr. Molaro?"

Molaro: "Yes. A point of personal privilege."

Speaker Novak: "State your point, Sir."

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

62nd Legislative Day

5/21/2003

Molaro: "As they're leaving, I'd like to welcome Senator Denny Jacobs and Senator Wendell Jones behind the Speaker's... Welcome to the House of Representatives, Senators."

Speaker Novak: "Welcome, Senators."

Molaro: "And Senator Cullerton."

Speaker Novak: "Senate Bill 1210, the Gentleman from Cook, Mr. Saviano. Mr. Clerk, read the Bill, please."

Clerk Rossi: "Senate Bill 1210, a Bill for an Act in relation to municipalities. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Saviano."

Saviano: "Thank you, Mr. Speaker, Members of the House. 1210 has two purposes. Number one, that it provides the municipalities with a population of 25 thousand or more must print a list of expenses, monthly expenses. It currently is 15 thousand or more. This is a burden upon local municipalities and we're trying to accommodate them. The second portion was by Committee Amendment. It's an initiative of the Chiefs of Police of Illinois and that would provide that if a chief or deputy chief of a fire or police department steps down from their position, they do not lose any rank promotions that they have gained while... that they have gained while serving in their appointed positions. I would ask for your approval."

Speaker Novak: "Thank you. Is there any discussion? Seeing none, the question is, 'Shall Senate Bill 1210 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

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

62nd Legislative Day

5/21/2003

the record. On this question, there are 113 voting 'yes', 3 voting 'no', 0 voting 'present'. Having reached the required Constitutional Majority, Senate Bill 1210 is hereby declared passed. Senate Bill 1212, the Lady from Iroquois, Representative O'Brien. Mr. Clerk, read the Bill, please."

Clerk Rossi: "Senate Bill 1212, a Bill for an Act concerning employment. Third Reading of this Senate Bill."

Speaker Novak: "Representative O'Brien."

O'Brien: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Senate Bill 1212 makes modest clarifications to the Prevailing Wage Act that clarify the application of the Act and improve enforcement. What the Bill does, it eliminates the public use requirement that has been for so long a bone of... of controversy regarding exactly what kinds of projects are covered under the Act. It does require that all Illinois FIRST projects be covered by the Act, and it codifies case law with regard... regarding the definition of what a public body is. It clarifies the wage rate at which publicly-funded maintenance project must be paid under the Act. And, it requires posting of wage rates on the job site. I would be happy to answer any questions."

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

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

Speaker Novak: "The Sponsor will yield."

Parke: "Representative, what are you expanding, from what to what?"

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

62nd Legislative Day

5/21/2003

O'Brien: "Well, I don't know if... it more... it's more clarification. I don't know exactly what you're asking. One thing is that we are requiring that all of the Illinois FIRST projects be included. We have clarified what a publicly-funded project is, but we're deleting the requirement that it have a public use, that's on page 1, line 14. It's saying that instead of going from... that it'd have to be a public building per se, that it be a publicly-funded project to be covered under the Act."

Parke: "Ladies and Gentlemen, to the Bill."

Speaker Novak: "To the Bill."

Parke: "These kinds of Bills are gonna continue to pass. It is our responsibility to rise in opposition. I will point out to those that are interested that the State Chamber of Commerce, Employment Law Council, the NFIB, Township Officials of Illinois, the Illinois Manufacturers' Association, and the Illinois Municipal League all stand in opposition to this legislation. I would ask that you vote 'no' on this Bill."

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

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

Speaker Novak: "Sponsor yields."

Davis, S.: "Yes, Representative O'Brien, I rise in support of your fine Bill that you have here."

O'Brien: "Thank you, Representative."

Davis, S.: "Could you tell the Body who the proponents of the Bill are?"

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

62nd Legislative Day

5/21/2003

O'Brien: "I start by telling you that the State AFL-CIO, Laborers' International are both proponents of this legislation."

Davis, S.: "Okay. Representative, I have three questions dealing with the legislative intent of the Bill. The first question is, as it pertains to Prevailing Wage Law, do the changes proposed in Senate Bill 1212 affect infrastructure improvements constructed by the private sector and later dedicated to a public body?"

O'Brien: "No."

Davis, S.: "Do the proposed changes in Senate Bill 1212 expand prevailing wage to the private sector, prior to the dedication and acceptance of infrastructure improvements from a private developer to a unit of local government?"

O'Brien: "No."

Davis, S.: "And the third question, Representative, is... does Senate Bill 1212 change the exemption from the Prevailing Wage Act for local government employees who perform construction or maintenance work for their government employers as established by the City of Monmouth v. Lorenz and other court cases?"

O'Brien: "No."

Davis, S.: "Thank you very much, Representative."

O'Brien: "Thank you, Representative."

Speaker Novak: "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."

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

62nd Legislative Day

5/21/2003

Speaker Novak: "To the Bill."

Black: "If you'll focus on one or two sentences in this Bill, I don't know what the ramifications will be, but there is a significant expansion of my definition of public works that appears in this Bill. That says, the wage for a tradesman performing maintenance is equivalent to that of a tradesman engaged in construction. Now, to me, the definition of public works, meaning all fixed work constructed for public use by a public body using public funds. That's the accepted definition of a public works project and the prevailing wage that applies. As I read this Bill, it expands the scope of the Act to also include all projects for which only maintenance of a project is taking place, not new construction but maintaining the construction that has already taken place. So, you're telling me that a maintenance person doing work to maintain a project that was built by public works, regardless of what that maintenance person is paid to do that job, all of a sudden if he works on a building that was a public works project 20 years ago, now he's doing routine maintenance work, the maintenance person will be paid prevailing wage. That has historically not been the case on any public works project. I don't know, I'm not an attorney, the Sponsor is, and I have great confidence in her ability to set me straight if I'm wrong. But, I almost wonder... a public school, financed by a public bond issue, is a public construction project and covered under the prevailing wage. I don't have any problem with that, it's been that way for as long as I can

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

62nd Legislative Day

5/21/2003

remember. But as I read the language in here, a maintenance person keeping the floors clean, or replacing the damaged ceiling tile, or replacing a damaged door would be subject to the same wage as a tradesman in construction. That is a significant difference in what those people are paid. And the bill in this case would be paid by a school district. I don't think that's the intent of the language, but that's part of the confusion in this Bill. And if, in fact, that's what it does, then we're gonna hear letter... we're gonna get letters from school districts, from city... cities, townships, counties, all of whom hire maintenance people to perform routine maintenance. And, as I understand this definition, all of a sudden that maintenance person who may be paid \$10, \$11, \$12 an hour, whatever the contract says, may now be subject to the prevailing wage or the same wage as a tradesman involved in the construction of the public works project. That could in some cases double or even triple the wage rate paid to that maintenance person. Again, I don't think that's the intent, but that's the confusing part of this Bill. And if, in fact, it proves to be true, we're all gonna hear it from school districts, city halls, townships, and county governments because they aren't gonna be able to meet that standard and they aren't gonna be able to afford that increase in payroll."

Speaker Novak: "Further discussion? Representative O'Brien to close."

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

62nd Legislative Day

5/21/2003

O'Brien: "Thank you, Mr. Speaker. This is a point of clarification. On an ongoing construction project there is also maintenance when there is new construction and that is often the tradesmen and laborers' union. This Amendment and this work on this Bill is meant to deal with them, not someone that would change light bulbs or be employed by a school district for the regular maintenance of their facility. But when you have new construction, there is a lot of maintenance and that work... it goes to tradesmen and we wanna make sure that they are covered under this Act as was the intent of the original. And with that I will close and urge an 'aye' vote. Thank you."

Speaker Novak: "Thank you. The question is, 'Shall Senate Bill 1212 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 82 voting 'yes', 31 voting 'no', 3 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 1212 is hereby declared passed. Representative Graham."

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

Speaker Novak: "State your point, Ma'am."

Graham: "On Senate Bill 1204, I am a Sponsor... cosponsor on that Bill. I pressed 'yes', but it did not light up. So, I want the record to reflect that I am an 'aye' vote on that Bill."

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

62nd Legislative Day

5/21/2003

Speaker Novak: "Representative, the record will reflect that. Thank you. On page 12 of the Calendar, there is Senate Bill 1321. The Gentleman from Cook, Mr. Rita. Mr. Clerk, read the Bill, please."

Clerk Rossi: "Senate Bill 1321, a Bill for an Act regarding schools. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Rita."

Rita: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 1321 amends the School Code and how general state aid is calculated. This Bill only applies to tax-capped school districts. The... In the Ninety-first General Assembly, there was some legislation drafted to address the double whammy and there's some... was some unanticipated problems on how they do the calculation. And this Bill will address it so it would keep it uniform and using the same EAV used to calculate the formula so that the school districts will get the revenue that they were supposed to get."

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

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

Speaker Novak: "Sponsor yields."

Kosel: "Can you please explain a little bit further the double whammy to the Members of the General Assembly that aren't aware of any and how this... how this affects the double whammy?"

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

62nd Legislative Day

5/21/2003

Rita: "Well, the first whammy is the tax cap itself and then second is that how they use the EAV, the lowest EAV, from after the adjustments from when they had their... when it's been readjusted, their taxes, when it's been appealed. See, they were using the actual EAV rather than the tax-capped EAV."

Kosel: "Excuse me. I couldn't understand what you said. There was an awful lot of noise between here and there and you didn't quite get it in full sentences."

Rita: "What happens is they don't actually... they use the actual EAV rather than the tax-capped EAV."

Kosel: "Okay. And how will this affect it, if this Bill should become law?"

Rita: "What it would do is clarify it using the same EAV in the calculations after it'd been adjusted."

Kosel: "And what will this do to the funding ratios for schools and the amount of dollars that come into schools?"

Rita: "What it would do is give the school districts the amount of money that they're supposed to be getting."

Kosel: "Well, I'm sure that the state board would argue that... or the local assessor would argue that what they're getting now is what they're supposed to get."

Rita: "Well, this prob... when they addressed it in the Ninety-first General Assembly that this was supposed to have corrected that problem, but what was not specified that they use the tax-capped EAV, they specified at using the lowest EAV."

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

62nd Legislative Day

5/21/2003

Kosel: "I didn't hear what you said. You're supposed to use the what EAV?"

Rita: "The lowest EAV is how it's stated here instead of the capped EAV."

Kosel: "Okay. Thank you very much."

Speaker Novak: "Further discussion? Seeing none, the question is, 'Shall Senate Bill 1321 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 111 voting 'yes', 4 voting 'no', 1 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 1321 is hereby declared passed. Senate Bill 1330, the Lady from Kane, Representative Chapa LaVia. Is the Lady in the chamber? Out of the record, Mr. Clerk. Senate Bill 1333, Representative Nekritz. Mr. Clerk, read the Bill, please."

Clerk Rossi: "Senate Bill 1333, a Bill for an Act concerning education. Third Reading of this Senate Bill."

Speaker Novak: "Representative Nekritz."

Nekritz: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, the goal of Senate Bill 1333 is to assure that the State of Illinois provides for the education of wards of the state and that local property taxpayers do not get stuck with that bill for that education. This particular statute was changed in the last General Assembly. Before that, if the amount appropriated for education for wards of the state was less than the actual amount required, the

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

62nd Legislative Day

5/21/2003

amount eliminates... necessary to eliminate any such insufficiency was reimbursed to the local school districts on August 30 of the next fiscal year. We are simply trying to restore that so that the local property taxpayers do not get stuck with these bills and the state is paying what it should be. It's right, it's fair and I ask for your support."

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

Mitchell, J.: "Thank you, Mr. Speaker. I rise in strong support of the Lady's Bill. This is one that I carried in the House, but was not able to get to Third Reading. We have cleared up the questions about that Bill, as the Senate Bill came over. Basically, she explained the Bill very well. This allows those folks that take care of our most needy of students to get their reimbursement fully from the State of Illinois. There was a problem with the budget implementation Bill last year that... that stated that the state would only give them a prorated amount. Some of these folks cannot operate on that kind of money. Therefore, in order to protect the education of these Orphanage Act students, we need to go back to the language prior to the appropriation Bill of last year. Therefore, I'm in strong support of the Lady's legislation. It's a good Bill and everyone should vote 'aye'. Thank you."

Speaker Novak: "Any further discussion? Seeing none, the question is, 'Shall Senate Bill 1333 pass?' All those in favor vote 'aye'; all those opposed vote 'no'. The voting

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

62nd Legislative Day

5/21/2003

is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 114 voting 'yes', 0 voting 'no', 1 voting 'present'. Having reached the required Constitutional Majority, Senate Bill 1333 is hereby declared passed. Senate Bill 1342, the Lady from Cook, Representative Lyons, Eileen Lyons. Mr. Clerk, read the Bill, please."

Clerk Rossi: "Senate Bill 1342, a Bill for an Act in relation to criminal law. Third Reading of this Senate Bill."

Speaker Novak: "Representative Lyons."

Lyons, E.: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 1342 is similar legislation although a little bit more comprehensive to House Bill 56 sponsored by Representative Lang. Representative Lang was concerned as I am about making sure that there's follow-up treatment that's mandatory for persons eligible for conditional release after being found guilty by reason of insanity, NGRIs. Senate Bill 1342 enhances and tightens the process by which NGRIs are given conditional release. It provides a laundry list of relevant factors to be presented in determining conditional release as well as extensions of time periods for that release. The goal of this legislation is to make sure there are adequate protections put in place to make sure that if released back into society, NGRIs receive their medicines and otherwise are prevented from doing any harm to others or themselves. This is a Bill that's been agreed upon by the Department of

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

62nd Legislative Day

5/21/2003

Human Services, Mental Health Association. And I would ask for an 'aye' vote."

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

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen. Senate Bill 1342 is a Bill I support strongly. I applaud the Sponsor for putting it together, part of it came from a constituent who contacted her. She's gotten all the necessary parties together. This is a good Bill to not only protect those who are not guilty by reason of insanity, but in addition, the rights of the community surrounding that person to make sure that these folks are watched after, so that communities are safe. It's an important measure and I support it and I ask you to do the same."

Speaker Novak: "Thank you. Is there any further discussion? Seeing none, the question is, 'Shall Senate Bill 1342 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 114 voting 'yes', 0 voting 'no', 0 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 1342 is hereby declared passed. Senate Bill 1353, Representative Munson. Representative Munson in the chamber? Out of the record. Senate Bill 1364, Representative Miller. Mr. Clerk, read the Bill, please."

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

62nd Legislative Day

5/21/2003

Clerk Rossi: "Senate Bill 1364, a Bill for an Act in relation to public aid. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Miller."

Miller: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 1364 requires the Department of Human Services to report every two years on January 1 to the Governor and General Assembly the disparate impact of various provisions of the TANF on different ethnic and racial backgrounds. I ask for a favorable vote."

Speaker Novak: "Is there any discussion? Mr. Miller?"

Miller: "Mr. Speaker, after reviewing what we did before, Amendment #1 was not necessary. And I would li... I just want to inform the Body and yourself that we'd like to table Amendment #1, so we may have to move that down to Second."

Speaker Novak: "Yes. The Gentleman moves to table Floor... is it Floor Amendment #1?"

Miller: "Floor Amendment #1."

Speaker Novak: "All those in favor say 'aye'; those opposed... The 'ayes' have it."

Miller: "Do we..."

Speaker Novak: "The Amendment is tabled. Mr. Miller."

Miller: "Inquiry of the Chair. Do we... Is this on... still on Third, at this point?"

Speaker Novak: "Still on Third Reading."

Miller: "Okay. Then I would ask for a favorable vote."

Speaker Novak: "All right. Any further discussion? Seeing none, the question is, 'Shall Senate Bill 1364 pass?' All

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

62nd Legislative Day

5/21/2003

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 1364 is hereby declared passed. Senate Bill 1366, the Gentleman from Cook, Mr. Bradley. Mr. Clerk, read the Bill, please."

Clerk Rossi: "Senate Bill 1366, a Bill for an Act concerning dogs. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Bradley."

Bradley: "Thank you, Mr. Speaker, Members of the House. 1366 amends the Guide Dog Access Act to add seizure alert and seizure response dogs to guide and leader dogs providing that it is a Class C misdemeanor to deny access to a public place of accommodation if the person with the dog presents proper credentials and if the dog is wearing a harness. Amends the White Cane Act to provide that people with epilepsy or seizure disorders may not be denied access to public carriers and accommodations. Also provides that such people may not be charged extra to have seizure alert or seizure response dogs. Violators of the Act are guilty of a Class A misdemeanor."

Speaker Novak: "Thank you. Is there any discussion? Hearing none, the question is, 'Shall Senate Bill 1366 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

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

62nd Legislative Day

5/21/2003

the record. On this question, there are 116 voting 'yes', 0 voting 'no', 0 voting 'present'. Having reached the required Constitutional Majority, Senate Bill 1366 is hereby declared passed. Senate Bill 1368, the Gentleman from Cook, Mr. Giles. Is Mr. Giles in the chamber? Out of the record. Representative Chapa LaVia, Senate Bill 1330. Mr. Clerk, read the Bill, please."

Clerk Rossi: "Senate Bill 1330, a Bill for an Act relating to public utilities. Third Reading of this Senate Bill."

Speaker Novak: "Representative Chapa LaVia."

Chapa LaVia: "Thank you, Speaker and Members of the House. This amends the Public Utilities Act. Provides that the public utilities may not be disconnected for nonpayment services during the period of December 1 through March 31 to a residential customer who for assistance... has assistance under the Energy Assistance Act of 1989. Any questions?"

Speaker Novak: "Tha..."

Chapa LaVia: "And thank you for all the cosponsors on this Bill. I really appreciate it."

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

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

Speaker Novak: "Sponsor'll yield."

Black: "Representative, I don't have my budget material at my desk and you may not either. It seems to me that in the budget message one of the proposed fund transfers was to

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

62nd Legislative Day

5/21/2003

take, I think, \$3 million out of LIHEAP and put it in the General Revenue Fund. Do you... do you have that budget book?"

Chapa LaVia: "I don't, Sir. I apologize. One of our Representatives over here thinks that to be true."

Black: "Yeah. Well, and it's not directly related to this Bill. I've been on the LIHEAP advisory council for more than a dozen years and I think I'm a cosponsor of this Bill. I certainly intend to vote for it. But one of the concerns I have, the way we do the budget here, we te... we are voting on a spending Bills and then next week we will vote on revenue Bills. And I... I seem to recall that a transfer is a called for or the Governor called for a transfer out of LIHEAP in the amount of about \$3 million and I think, if that's the case, and I know we're in a difficult fiscal situation, but I'm not sure that's the wisest place to be transferring money from. That's not directly related to this Bill and it's something we'll have to watch for when we deal with the revenue side of the budget. I appreciate the Bill. I... as you and I talked, I thought this was already in statute."

Chapa LaVia: "Correct."

Black: "And I think many people, many people do. And I will say, we don't often compliment public utility companies, but I do compliment them for not fighting this Bill, for helping us with the Bill and realizing that the shutoff of natural gas in the middle of winter is not a humane or wise

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

62nd Legislative Day

5/21/2003

thing to do. So, I think we can pass this out of here with, if not a unanimous vote, certainly close to it."

Chapa LaVia: "Thank you, Representative Black."

Speaker Novak: "Is there any further discussion? Seeing none, the question is, 'Shall Senate Bill 1330 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 116 voting 'yes', 0 voting 'no', 0 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 1330 is hereby declared passed. Senate Bill 1369, Mr. Giles. Out of the record. Senate Bill 1370, Mr. Holbrook. Mr. Clerk, read the Bill, please."

Clerk Rossi: "Senate Bill 1370, a Bill for an Act concerning counties. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Holbrook."

Holbrook: "Thank you. Senate Bill 1370 is an initiative of the Association of Counties. It raises fine limits from five hundred to a thousand dollars for items that are not already specifically defined in our statutes such as traffic violations and property tax payments, that sort of thing. This hasn't been changed in 14 years and it's done because in many cases such things as illegal dumping, abandonment of property and things like that, it's much cheaper for the perpetrator to pay the fine and continue to practice rather than stay at this lower penalty threshold. I'd ask for an 'aye' vote and take any questions."

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

62nd Legislative Day

5/21/2003

Speaker Novak: "Is there any discussion? Seeing none, the question is, 'Shall Senate Bill 1370 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 111 voting 'yes', 3 voting 'no', 0 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 1370 is hereby declared passed. Senate Bill 1373, the Lady from Lake, Representative May. Mr. Clerk, read the Bill, please."

Clerk Rossi: "Senate Bill 1373, a Bill for an Act concerning property taxes. Third Reading of this Senate Bill."

Speaker Novak: "Representative May."

May: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 1373 amends the Property Tax Code to allow counties between 500 and 700 thousand, which means Lake County, to have the assessors return the assessment book to the supervisor of assessors by October 15 of the year. This is a month earlier than had previously been done and it allows taxpayers to file complaints of assessments with the assessor or the chief assessment officer rather than just the board of review. This Bill passed the Senate unanimously and is supported by Lake and Will Counties and the Lake County chief assessment officer. It's just a good government Bill. There were some people in Moraine Township who met for over a year talking about this, that they felt they wanted to have the books come in

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

62nd Legislative Day

5/21/2003

a month earlier and... because when they were done November 15 they ended up in the holiday mail and people only had their 30 days, they were visiting people out of town. So, in an area with rapidly increasing valuations, many senior citizens didn't know where to turn for help and they have only this month's to appeal. An ad hoc consumer committee suggested these two changes and this Bill is the result. Thank you."

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

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

Speaker Novak: "Lady will yield."

Fritchey: "Representative, I'm just curious and I've got a reason for asking this. Do you know what the approximate population is of Lake County?"

May: "It's right over... right under 700 thousand. Yeah."

Fritchey: "It's right under 700 thousand?"

May: "Mm huh, mm huh."

Fritchey: "And it... yes, where I'm going with this is the Bill's drafted as... and I don't think you have a choice to apply the counties with a population between 600 and 700 thousand."

May: "Mm huh."

Fritchey: "If it's... if Lake County is presently just under 600 or 700 thousand..."

May: "Six-sixty, I think, is the closest."

Fritchey: "Has it been relatively stable? And I guess, you know, when we do things for Cook County, for example, it's

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

62nd Legislative Day

5/21/2003

over three million and we got a pretty comfortable threshold."

May: "Mm huh."

Fritchey: "In this narrower window, you could have a situation where you're trying to do something for a county and without planning or desire even, the Bill could basically invalidate itself with a relatively small population shift in the county."

May: "I... I appreciate the comment, Representative. In the Senate..."

Fritchey: "You may want to call security, if you look over your shoulder. I mean..."

May: "Ah, oh. Representative..."

Fritchey: "I'm sorry, go ahead."

May: "Yeah. Ya know, everyone in the county thought, ya know, the attorneys and everyone thought this was a good number. That 400, ya know, the 40 thousand is enough. Inadvertently, we did capture Will County in this which is right at 502, with the way it was drafted in the Senate. So, I had a Committee Amendment to take them out."

Fritchey: "Okay. I'm just curious. Thank you."

May: "But they're satisfied with it. I thank you for asking the question."

Fritchey: "Okay. Thank you."

Speaker Novak: "Is there any further discussion? The Gentleman from Lake, Mr. Mathias."

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

62nd Legislative Day

5/21/2003

Mathias: "Sorry, just a quick question. I just wanna make sure I got this right. Is this a 'may' Bill or a 'shall' Bill? Thank you."

May: "The second half is a 'May' Bill, I'm happy to report. Thank you."

Speaker Novak: "Further discussion? Mr. Sullivan..."

Sullivan: "Mr..."

Speaker Novak: "...the Gentleman from Lake."

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

Speaker Novak: "Sponsor'll yield."

Sullivan: "Representative, the genesis of this Bill is that there was a consumer group that was upset with assessments?"

May: "Yes. Yes."

Sullivan: "Can you explain why they are upset, 'cause the assessments rose, right?"

May: "There were... there were two reasons. They were upset that the assessment notices came at such a busy time and yes, there were growth. There were huge amounts of growth. Some people experienced assessments of a hundred to three hundred percent."

Sullivan: "Were these assessments wrong?"

May: "The assessor... Some of them were... I don't know that they were wrong. There were some reassessments. It was a quadrennial reassessment year and the assessor put in a computer program and he made some other adjustments."

Sullivan: "So... as you know, I was part of that consumer group that was looking into this. We talked about a, what's

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

62nd Legislative Day

5/21/2003

called a price-related differential and what that does is, it's a measurement of whether higher-end properties are assessed compared to lower-end properties. Do you know what the results of that were?"

May: "Well, I had trouble hearing the question, but I don't... I mean, I didn't hear the question. But do I know the difference in assessing methods? Is that what you're asking?"

Sullivan: "Well, we talked about whether in your area... this happened in Moraine Township, that the million dollar homes, how they're assessed compared to the 200 and 300 thousand dollar homes, the lower price compared to the higher price."

May: "It was broader than that. It had to do with mo... ravines and other things. It wasn't just the million dollar homes."

Sullivan: "Well, the price-related differential or PRD indicated and this... Marty Paulson did this, the chief county assessment officer in Lake County, that the lower-priced homes were over valued compared to the higher-priced homes which means..."

May: "Mm hum."

Sullivan: "...the lower-priced homes were subsidizing the higher-priced homes. Do you think that's fair?"

May: "Representative, this Bill is about notification and where you can drop off your appeal. It's really not about lower-priced homes or other homes. I really don't want to debate assessment methods. Assessors are elected and it

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

62nd Legislative Day

5/21/2003

really is about helping it to be easier for taxpayers to appeal their assessments, if they have questions or if they think it's unfair."

Sullivan: "Okay. Well, then let's move on to... you said that there's a major problem that took place. Did this happen in any other area in the entire state?"

May: "I don't know about the other parts of the state. I know that there's been other parts of Lake County that have had problems with assessments or where they want to... where they feel that the assessments have been a great jump."

Sullivan: "The time frame, I'm talkin' about the time frame. That's your major impetus here is the time frame. The assessor..."

May: "Well, from what I read in the..."

Sullivan: "...the assessor'll turn his books in late, so people got their notices late. Is that... is that your contention?"

May: "Well, according to State Law, that counties of 600 thousand to 3 million, they're due November 15. You know, interestingly enough, I was asked to take Will County out of it because they turned their assessment books in in August and September and they knew that the assessors would wait 'til the very last minute, so they wanted to be out of the... 'cause they wanted to do it earlier."

Sullivan: "Has this problem... this problem that you say happened since that incident?"

May: "We haven't had another assessment since then."

Sullivan: "Actually, you've had one more and so, there has been one. So, has it been a problem?"

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

62nd Legislative Day

5/21/2003

May: "The... the idea of getting your assessment cards in November is still a problem. I believe it was exacerbated the assessment period before because of some of the other issues that I mentioned. But people still feel... there's a group and I do want to mention, I thank you for coming to the meeting. That people still feel very strongly in my area that they want the extra month so that they can have the appropriate time to find their comparables and to appeal."

Sullivan: "There was an Amendment that was supposed to be forthcoming. What ever happened to the Amendment to deal with new construction?"

May: "Yes. One Amendment was adopted in committee and the other one was held in Rules."

Sullivan: "Was it your belief that we're gonna hold this Bill on Second until that Amendment came?"

May: "No, it was not."

Sullivan: "Okay. Well, I won't push that because I... we're certainly gonna disagree about that, but let's talk about the new construction. I had asked that new construction be included in this. Do you think that if a property comes out in November and we can't pick that up that that's a problem or not?"

May: "Representative, just as you can, right now, you can after your book is turned in, you can continue to make adjustments to the property... to the appeal board, the property tax appeal board, the board of review. You can continue to make adjustments as long as they are hearing

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

62nd Legislative Day

5/21/2003

appeals. So, for new construction... actually, if it were just a big deck or something on it, if the assessor feels that they have a reason to do it, they can do it as long as the property tax appeals board is still hearing appeals. And I understand that you are in Freemont Township and others in Moraine Township continue to do it while well into January and February many times."

Sullivan: "Representative, are there any school associations that are in favor of this Bill?"

May: "No one signed in. Lake County and Will County and I believe the City of Highland Park signed in in favor of the Bill."

Sullivan: "Why did they... why did they not sign in on this Bill?"

May: "I don't know."

Sullivan: "Well, would it surprise you that Alliance... the Alliance PAC did not sign in 'cause they said this Amendment would be coming?"

May: "They didn't sign in and they never contacted me. I understand through you that you've been in contact with them, but they never contacted me."

Sullivan: "Have any of your superintendents called you in the last few days in opposition to this Bill?"

May: "Several superintendents called and as you and I know we've had discussions with ED-RED."

Sullivan: "Thank you. Mr. Speaker, to the Bill."

Speaker Novak: "To the Bill."

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

62nd Legislative Day

5/21/2003

Sullivan: "Ladies and Gentlemen, we've been talking about school funding and not hurting school funding. This Bill absolutely hurts school funding. This takes away an assessor's ability to pick up new construction. ED-RED is neutral to the Bill and they were neutral with the Amendment. The Amendment is not on here to allow me to pick up new construction. I'm also a township assessor. I want you to think about this Bill for a quick second. If I close my books down, I turn my assessments in, that means I am done putting on new construction. If new construction comes on after that, after October 15, we cannot pick that up. I prorate new construction 'til the end of the year. That takes away funding to schools. A vote for this Bill is against a vote for funding to the schools. Alliance PAC has come out against this Bill because this Amendment is not on there. School superintendents in Lake County have come out against this Bill because the Amendment is not on there. Now, I understand that the Representative has to... has to follow her constituents' concerns, but this Bill is not even needed anymore. This is a one-time shot where there was some problems with a computer program that forced these books to come in late. By the Representative's own words, this did not happen last year and it will not happen in the future because of that. I urge a 'no' vote. I urge a 'no' vote because this hurts schools. Thank you."

Speaker Novak: "Thank you. Further discussion? The Gentleman from Will, Mr. McGuire."

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

62nd Legislative Day

5/21/2003

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

Speaker Novak: "Sponsor yields."

McGuire: "Representative, my question is not 'shall' or 'may' like Dr. Mathias, there. My question is 'will'. Is Will County out of the Bill?"

May: "Yes, it is. Will County wanted to be able to do it earlier."

McGuire: "Okay. That's all I wanted to know. Will County is out of the Bill?"

May: "That's correct."

McGuire: "Thank you very much."

May: "Thank you."

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

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

Speaker Novak: "Sponsor yields."

Kosel: "The previous... the previous person... Representative asked the question I wanted to, that Will is out. But in your opening statement, you made a statement that Will was in support of this and Will County is anything but in support of this Bill. In fact, they were so opposed to the Bill that they asked an Amendment be drafted that removed them from the Bill. So, to say that they're in support of the Bill is a... is an exaggeration of what their position is. They are no longer opposed to it, but they are only no longer opposed to it because they were removed from the Bill. Thank you."

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

62nd Legislative Day

5/21/2003

May: "Representative, I believe they signed a slip in favor. That's all... that's all I was representing. That they are definitely..."

Kosel: "Pardon?"

May: "...are out of it, yes."

Kosel: "I didn't hear what you said."

May: "I believe they signed a slip in favor of it in committee."

Kosel: "They signed in in favor of it? That is not... that is not... that is not my information."

May: "Well, I..."

Kosel: "They are no longer opposed..."

May: "Okay."

Kosel: "...to the Bill because they were removed from the Bill. That is different from being in favor of the Bill and I'm sure that there is no one from Will County who would sign in favor of the Bill. Okay. I'm told that they did support it as amended, but I can guarantee you the calls that I have gotten have been exactly like Representative McGuire, make sure we're out of this, make sure we're out of this and I've got a ton of 'em. So..."

May: "Yes. And I'm happy to report that that was taken care of. Thank you."

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

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

Speaker Novak: "State your inquiry, Sir."

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

62nd Legislative Day

5/21/2003

Black: "Are there any Amendments on the Bill?"

Speaker Novak: "Mr. Clerk, are there any Amendments on this Bill?"

Clerk Rossi: "Committee Amendment #1 has been adopted to the Bill."

Black: "So, there are no Floor Amendments on the Bill. Floor Amendments have been filed, but not released from Rules?"

Clerk Rossi: "That is correct."

Black: "All right, thank you very much."

Speaker Novak: "Mr. Black."

Black: "Representative, the issue... I won't even get into the fact that the Lake County assessor has expressed some serious concerns about this Bill because of where the certificates of error will be filed and swamp the office. You're aware that... you're aware of the Lake County assessor's concerns, correct?"

May: "Are you speaking of the Representative..."

Black: "No, the Lake County assessor. The chief assessment officer in Lake County has concerns about the provision allowing the certificates of error to be filed with the assessor's office because there may be..."

May: "I have a letter of support from the chief county assessor in Lake County."

Black: "All right. Now, let's get to the crux of the issue. Did you not agree to hold this Bill for an Amendment on Second Reading?"

May: "No, Sir, I did not."

Black: "You never made that statement in committee?"

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

62nd Legislative Day

5/21/2003

May: "No, Sir, I did not."

Black: "You realize there are witnesses who will testify that you did?"

May: "Sir, I listened to the tape again and..."

Black: "All right. You listened to the tape?"

May: "Yes, I did."

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

Speaker Novak: "To the Bill."

Black: "Nothing is more sacred to me than a Legislator's word.

We vote for Bills all the time to let it out of committee based on what a Legislator tells us. And when that doesn't come true, it sends a chilling effect on how many of us want to stick our necks out for any Legislator who says, if we get this straightened out or I'll straighten it out, let me get it to the floor. It is my understanding and until I am proven wrong I will say so publicly on this floor, it is my understanding by at least three Members of the committee that the Representative said, 'I will hold this Bill on Second Reading until an Amendment.' And as to the question of the tape, we violated the House Rules. There was static on the tape and it's my understanding that this Bill was heard in Room 115 without the tape on and that is a gross miscarriage of the Rules of this House. Now, the Lady can do whatever she wants. She can proceed with the Bill. She can say that I am wrong and if I am proven wrong, I will apologize to her. But until someone can bring me irrefutable proof, I stand on the integrity of 18 years in this chamber. When you give your word, you give your word.

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

62nd Legislative Day

5/21/2003

And if the Speaker won't let the Bill out of Rules, that's not my concern, that's your concern. And you need to go to the Minority Members of the committee and say, because I can't get the Amendment out of Rules I will no longer hold to my statement about holding the Bill on Second Reading. There is a serious concern as to the validity of what was said or what was not said on this Bill. I don't intend to vote for this Bill until somebody gives me irrefutable proof that no agreement to hold this Bill on Second was offered. There is a lobbyist who says it was. If that lobbyist is wrong, there is a procedure to deal with that lobbyist. But I have seen Members on both sides of this aisle, in my years of service here, who will not vote for a Bill when there is a question of whether or not the Legislator's word has been kept. I would urge a 'present' vote or failing that I would urge the Sponsor to take this Bill out of the record until we can get to the end.. the bottom of the missing tape and the issue of whether or not an agreement was made to hold for an Amendment."

Speaker Novak: "Thank you for your comments, Mr. Black. Representative May. It's your turn, Representative."

May: "Okay. Yes, Representative. I... I, too, agree that your word is your bond down here and I did not say that I would hold it on Second. I said I had an Amendment. I passed up an opportunity to move it to Third until I was able to tell a Representative from Lake, who had spoken to me about the Bill, that the Amendment was not going to come out of

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

62nd Legislative Day

5/21/2003

Rules. I passed up that opportunity to tell him about it and I think that that was the honorable thing to do."

Speaker Novak: "All right. Further discussion? The Gentleman from Cook, Mr. Molaro."

Molaro: "Thank you, Mr. Chairman. As to the discussion about what was said or not said, I certainly can't speak to what was said in private between the two Representatives, and I know the problem is they must have had 20 different conversations. Also, this Bill was discussed pretty lengthy in committee. And I do wanna, you know, acknowledge that Representative May worked very, very hard on this Bill and I also wanna acknowledge that through the whole thing in my opinion, at least, Representative Sullivan, who probably knows more about township assessment or probably forgot more than we all know, was very generous in the way he treated the committee. Representative May, knowing that he has all this knowledge and he acted like a gentleman throughout. As far as Karen May givin' her word, you know, if the tape's not there, I don't know what kind of irrefutable evidence Representative Black would take. You know, I don't recall the words, I'll hold it on Second Readings. I certainly recall the words that she was gonna file an Amendment, she was gonna get the Amendment on the Bill. Now, I don't remember her saying and I'll hold the Bill if I don't get on it and I don't remember anybody discussing what happens if it doesn't get out of Rules which unfortunately neither myself, Representative May, Representative Black or Representative Sullivan can

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

62nd Legislative Day

5/21/2003

control. The only thing I could say to Representative Sullivan and Representative Black is that there is a House Amendment on this. It must go back to the Senate. From what I'm told, Representative May has absolutely no objection to this Amendment. As a matter of fact, at the very least, she's filed the Amendment. It's a Floor Amendment, but I assume you filed it. So, Representative May filed the Floor Amendment meaning she's for it. It would make sense to me that when it goes back to... Which Senator has this? I don't know. Well, I would assume that Representative May could at least say, at this point, this would be on the floor that she would ask Senate... and I don't know if they have the opportunity to do that since it's going back, maybe there can be some kind of Conference Committee Report that we could put the Amendment on in the Senate. So, if you have the House Sponsor saying on the floor today that she's for the Amendment and she would ask Representative Garrett to put it on and Representative Garrett certainly shouldn't have an ob... Senator Garrett... shouldn't have a... anything for it. I think this would help the Bill... the Bill move forward. I think the Bill is a good idea. I think the Amendment's also a good idea, but I have to state here and now, I do remember her talking about the fact that she is for the Amendment. I don't remember the exact words and as a lot of lobbyists in this building know, you gotta get magic exact words from Legislators. You know, when we say and that's a great Bill, it doesn't mean we're voting for it or that Bill looks good or I'm

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

62nd Legislative Day

5/21/2003

gonna put that Amendment on and I don't remember the exact words, but the fact is Rules Committee held it. You know, I just feel that she did make every attempt to do this and maybe we could put that Amendment on in the Senate, when it goes back. Thank you."

Speaker Novak: "Thank you. Further discussion? The Gentleman from Cook, Mr. Colvin."

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

Speaker Novak: "Sponsor yields."

Colvin: "Forgive me, Madam Representative, if I didn't hear when you... Could you, again, just quickly articulate why we need this piece of legislation for one county?"

May: "Yes. In Moraine Township the tax assessments go out... They're turned in on November 15 and they get sent out usually in December. Many people ignore them because of holiday mail and they're out of town. So, as a good consumer issue, they wanted them to go out a month earlier when they could pay more attention to it, if they wanted to appeal. So, that they would have the time, the month, to get their comparables and to do an appeal."

Colvin: "So, in Lake County, where people are dealing with Christmas cards and Thanksgiving shopping and Christmas shopping..."

May: "Junk mail."

Colvin: "...you deem it as important to move the assessment records up an entire month to deal with the proliferation of Christmas cards and all the stuff you get in the mail..."

May: "Yes, Representative."

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

62nd Legislative Day

5/21/2003

Colvin: "...so the assessment notice may get lost in the mail. Well, it might get lost within all the Christmas cards and all the other stuff you people are doing..."

May: "In the closet."

Colvin: "...for the Christmas season."

May: "Yes. It's a very important issue. There was a tax committee that met..."

Colvin: "I agree."

May: "...you know, monthly. When they first came out, the first time, I mean, you know, I held a meeting at a library to deal with all the senior citizens who didn't know what to do. They didn't know where to turn."

Colvin: "Really. Thank you. Mr. Speaker, to the Bill."

Speaker Novak: "To the Bill."

Colvin: "Yesterday, we took a vote on a very important Bill, a Bill I voted 'yes' on. But literally, this Bill, today speaks directly to tax dollars, not appeals or anything like that. This speaks to how assessment professionals in the State of Illinois or in this case in Lake County will do their job. Representative... I think very well by Representative Sullivan in terms of making sure, in a lot of cases, big-dollar items get picked up and put on the assessment rolls for the collection of tax dollars. As an assessment professional myself, I can tell you this is bad assessment policy. I can only imagine what the outcry in this room would be if all of us understood what this issue meant in a county the size of Cook. We would be talkin' about millions if not billions of dollars of lost tax

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

62nd Legislative Day

5/21/2003

revenue. I don't know what all the issues are in Lake County, but as it relates to assessment policy, therefore, in terms of how we pick up new property and the collection of tax dollars, I can tell ya this is bad tax policy. And it's not our fault that we fund education, police, fire and all of the other mechanisms of local government through real estate taxes, but I think those individuals in Lake County should have every right to pick up every dollar justifiably owned... owed to them to fund their local units of government. I think this is just bad policy. I certainly respect the Sponsor and all the hard work she's done on this Bill and I think the reason she's put forth, in terms of assessment notices getting lost, is not good. But if you're interested in good tax policy and a good assessment policy, you would certainly vote 'no' on this Bill."

Speaker Novak: "Further dis... For what reason do you rise, Mr. Sullivan?"

Sullivan: "Mr. Speaker, my name was used in the debate."

Speaker Novak: "Proceed."

Sullivan: "Thank you. Representative Colvin makes a good point. There are certain points to this that may be acceptable, but there's unintended consequences and this is one of 'em, the new construction is one of 'em and I really... people need to think about this. If a building comes on in my district in November and it's \$20 million, that's prorated at the end of the year as 25 percent, I can't pick that up. That is bad for our education in my

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

62nd Legislative Day

5/21/2003

district. Furthermore, this Bill talks about having the assessor pick up board of review complaints. If someone is suing me, why would they take their case docket, give it to me and have me give it to the judge. That doesn't seem like very good sense at this point and that's what this Bill would do. It would allow assessor to pick up these complaint dockets and then forward 'em on. I don't think that's what we need. So, once again, I urge an 'aye'... a 'no' vote. Thank you."

Speaker Novak: "Further... Representative May to close."

May: "Mr. Speaker, I'd like to address a couple of the last comments. Number one, that any new construction or schools can still be added just as they are now by going to the tax board of appeals. In other sessions, they were continuing to add it up until the middle to the end of February. They can continue that just as they do right now. This is a good government Bill. I don't know, my... I don't know why anyone would want to close their doors and make it more useful. The county supervisor of assessments can work out the details for our senior citizens and the people who can't travel. I think it's... my legislative office is open to people and I think every elected official should have their office open to people. It's just good government and it's good public policy. Thank you. I ask for an 'aye' vote."

Speaker Novak: "Thank you. The question is, 'Shall Senate Bill 1373 pass?' All those in favor vote 'aye'; all those opposed vote 'no'. The voting is open. Have all voted who

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

62nd Legislative Day

5/21/2003

wish? Have all voted who wish? Have all voted who wish?
Mr. Clerk... Mr. Acevedo. Mr. Franks. Chapa LaVia. Mr.
Clerk, take the record. On this question, there are 35
voting 'yes', 64 voting 'no', 15 voting 'present'. And
having failed to reach the required Constitutional
Majority, Senate Bill 1373 is hereby declared lost. Senate
Bill 1066, the Gentleman... excuse me. Representative
Black."

Black: "Thank you very much, Mr. Speaker. I rise to a point of
personal privilege."

Speaker Novak: "State your point, Sir."

Black: "Ladies and Gentlemen of the House, there is one
individual on this House Floor who knows more about the
workings of this House than any human being who has come
into this chamber in the last 25 years. He is an expert on
House Rules. He makes my knowledge look absolutely
infinitesimal. I... I can't compare my knowledge of the
House Rules to his and even... even when Representative Lang
was in the Minority, what a wonderful two years that was
for me by the way, and he was your Floor Leader and keeper
of the royal rules, he would often turn to this individual
for advice and counsel and he is retiring. I think he... I
think he came in here about 1922. I don't remember. But I
hope all of you will go to the Executive Mansion where,
rumor has it, the Governor will come out of the... no, I
shouldn't say come out of the closet, but he may be hiding
in the closet. I take that back. I take that back. Rumor
has it, he may be hiding in the closet and come out and see

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

62nd Legislative Day

5/21/2003

us tonight. But I hope all of you will come to the Executive Mansion at 6:30 to 8:30 and join with me in thanking Mark O'Brien for the outstanding work he's done in this chamber for many, many years. The true, the true keeper of the House Rules."

Speaker Novak: "Mr. Scully. Mr. Scully, your light is... Mr. Burke."

Burke: "Thank you, Mr. Speaker. In view of Mr. O'Brien's leaving us, I would inquire of the Chair if it would be possible for Mr. O'Brien to have a few brief comments before the Body."

Speaker Novak: "Yes. We'll get right back to you on that. Very, very shortly. We need to do a few more Bills. Senate Bill 1066, the Gentleman from Cook, Mr. Delgado. Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 1066, a Bill for an Act in relation to energy. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Delgado."

Delgado: "Thank you, Mr. Speaker, and Members of the House. Talkin' about energy, we need a little bit about it here and congratulations to Mark. Senate Bill 1066 as amended by House Amendment #1 and House Floor Amendment #2 creates the Good Samaritan Energy Plan Act which: one, creates the Good Samaritan Energy Trust Fund into which contributions are deposited; two, it directs the Department of Commerce and Economic Opportunity, otherwise known as DCEO, to make moneys in the fund available to people that qualify for energy assistance under the Energy Assistance Act of 1989;

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

62nd Legislative Day

5/21/2003

and three, it requires DCEO to make annual reports on the use of the effectiveness of the fund. Donated money must be distributed to low-income consumers who reside in the county from which the money was received. Senate Bill 1066 is effective upon becoming law. And I would ask for your favorable 'aye' vote."

Speaker Novak: "Thank you. Is there any discussion? Seeing none, the question is, 'Shall Senate... excuse me. Mr. Fritchey."

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

Speaker Novak: "Sponsor'll yield."

Fritchey: "Representative, a technical question."

Delgado: "Yes, Sir."

Fritchey: "Just to try to understand this. The moneys are subject to appropriation, correct?"

Delgado: "Actually, Representative, no. This is not money coming from the state itself. However, there will be a checkoff on your electric bills that will be generated by the companies and that checkoff will be then managed by the State of Illinois."

Fritchey: "Well, that part I understand which is, not to butt heads, it's a great idea, but I'm looking at our analysis which may be incorrect which talks about being subject to appropriation and that's the conflict that I can't figure out because if the money's a contribution, how's the contribution then subject to appropriation and does that then mean that we can appropriate less money than was actually... that was actually contributed."

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

62nd Legislative Day

5/21/2003

Delgado: "Thank you for helping me clarify, Representative. Basically, the moneys in the trust fund will be subject to appropriation based on the moneys that come in. There will be a... because it's not coming out of GRF they will have... DCEO will have 5 percent of that dollars to administer it. So, once again, it won't be out of... out of appropriations, it'll come from its donations itself."

Fritchey: "Now, and I haven't looked at the Bill which is a dangerous proposition..."

Delgado: "Yes."

Fritchey: "...but what we may want to take a look at going forward is to assure then that rather than say that subject to appropriation that all contributions, other than the administrative fee, must be appropriated into the fund. My concern is that this Body, in its mysterious ways, would at some time appropriate mainly... maybe only half the money that was contributed for this purpose and then take the rest of the funds and use it for something else which obviously would run contrary to the intent of the people that graciously contributed this money."

Delgado: "I hear you, Representative Fritchey, and we're gonna be able to pick that up now as we move it. And that will be our strong recommendation as we're workin' with statewide organizations that include the Illinois Council... Action Council and with their great lobby and what we do in the Senate, we will clean that up. I wanna thank you for that observation."

Fritchey: "Thank you."

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

62nd Legislative Day

5/21/2003

Speaker Novak: "Any further discussion? Seeing none, the question is, 'Shall Senate Bill 1066 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 114 voting 'yes', 0 voting 'no', 1 voting 'present'. Having received the required Constitutional Majority, Senate Bill 1066 is hereby declared passed. Senate Bill 1378, the Gentleman from St. Clair, Mr. Holbrook. Mr. Clerk, read the Bill, please."

Clerk Bolin: "Senate Bill 1378, a Bill for an Act concerning taxes. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Holbrook."

Holbrook: "Thank you, Speaker. Congratulations, Mark O'Brien. Senate Bill 1378 allows an exemption when counties are being used as... trustees for taxing districts to put taxes back onto the roll for the liens that may be on them. I know of no opposition to the Bill. Passed out the sentiment... the Senate unanimously. Be glad to take any questions."

Speaker Novak: "Is there any discussion? Seeing none, the question is, 'Shall Senate Bill 1378 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 after having received

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

62nd Legislative Day

5/21/2003

the required Constitutional Majority, Senate Bill 1378 is hereby declared passed. Senate Bill 1368, the Gentleman from Cook, Mr. Giles. Mr. Clerk, read the Bill, please."

Clerk Bolin: "Senate Bill 1368, a Bill for an Act regarding schools. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Giles."

Giles: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Senate Bill 1368 simply amends the School Finance Authority Act of the School Code to extend the suspension of the Chicago School Author... Finance Authority to December 31, 2010 instead of the July 1, 2004 date. And the reason behind doin' this is to make sure that school districts are maintaining a balanced budget. This Bill passed out of committee with 17 'no' votes... 17 'yes' votes, 0 'no' votes, 0 'present' votes. There's no opposition to this piece of legislation. And I ask for the passage of this piece of legislation."

Speaker Novak: "Is there any discussion? Seeing none, the question is, 'Shall Senate Bill 1368 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 after receiving the required Constitutional Majority, Senate Bill 1368 is hereby declared passed. Senate Bill 1369, the Gentleman from Cook, Mr. Giles. Mr. Clerk, read the Bill, please."

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

62nd Legislative Day

5/21/2003

Clerk Bolin: "Senate Bill 1369, a Bill for an Act concerning schools. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Giles."

Giles: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 1369 what it does is amends the school construction law to acquire that the State Board of Ed and the Capital Development Board to file with the General Assembly a comprehensive assessment report of the capital needs of all the school districts before January the 1st, 2005 and two years thereafter. In committee, this piece of legislation received 17 'yes' votes, 0 'no' votes. To my knowledge, there's no opposition to this piece of legislation. I ask for its passage."

Speaker Novak: "And on that question, the Lady from Peoria, Representative Slone."

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

Speaker Novak: "Sponsor yields."

Slone: "Mr. Giles, can you tell me whether this bill would require the depart... the Board of Education to adopt some kind of a different priority listing than what they do now, which, I guess, is sort of first come, first served and did you pass a local referendum?"

Giles: "I'm sorry, Representative. Could you repeat that? I simply couldn't understand your question. Could you repeat that for me?"

Slone: "Sure. The... Would your Bill make any change in the priority listing for the capital construction funds for schools?"

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

62nd Legislative Day

5/21/2003

Giles: "No, Representative. No, it would not. It would simply just make sure that a comprehensive report is filed and in a timely manner and also, they must file before January the 1st, 2005 and then every two years thereafter. That's what we're basically changing here."

Slone: "Okay. Thank you."

Speaker Novak: "Any further discussion? Seeing none, the question is, 'Shall Senate Bill 1369 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 received the required Constitutional Majority, Senate Bill 1369 is hereby declared passed. Senate Bill 1379, the Lady from Peoria, Representative Slone. Mr. Clerk, read the Bill, please."

Clerk Bolin: "Senate Bill 1379, a Bill for an Act in relation to environmental protection. Third Reading of this Senate Bill."

Speaker Novak: "Representative Slone."

Slone: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House... Senate Bill 1379 is an initiative of the attorney general's office. It has been agreed to by the business community, the attorney general's office and the Environmental Protection Agency and most recently by Amendment 3, which we adopted onto the Bill yesterday, incorporates our agreement with the Farm Bureau. What the

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

62nd Legislative Day

5/21/2003

Bill does is it allows the Environmental Protection Agency in considering permit applications to consider whether there has been a prior adjudication of noncompliance with the Environmental Protection Act in deciding whether to issue a permit. It also affects the penalty section of the Environmental Protection Act. And finally, it says that any entity that is adjudicated of a 'willful and knowing' violation of the Environmental Protection Act, not just an accidental spill, but a 'willful and knowing' violation, is prohibited under the Procurement Code for five years from doing business with the state. I'd appreciate your support. I'd be happy to answer any questions."

Speaker Novak: "Is there any discussion? The Gentleman from Clinton, Mr. Granberg."

Granberg: "On a question for the Clerk."

Speaker Novak: "Question for the Clerk."

Granberg: "Mr. Bolin. Amendment #3, I think strikes everything after the enacting clause. Is Amendment #1 currently on the Bill?"

Speaker Novak: "Mr. Granberg."

Clerk Bolin: "You are correct. Amendment #3 does become the Bill."

Granberg: "Mr... The Sponsor may want to go back to Amendment #1 and make a Motion to Table that Amendment and then... Speaker, because Amendment #1 is on the Bill, Amendment 3 is on the Bill. Theoretically, the Bill could go to the Senate and they could non... they could concur or nonconcur with Amendment 1."

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

62nd Legislative Day

5/21/2003

Slone: "Mr. Speaker..."

Granberg: "If we could just get a... table Amendment #1, Amendment #3 becomes the Bill. It just makes the Bill cleaner."

Slone: "Mr. Speaker..."

Speaker Novak: "Representative Slone."

Slone: "...can we take this Bill out of the record for a moment..."

Speaker Novak: "Mr. Clerk, take the Bill out of the record for a few minutes. Thank You."

Slone: "...while we see what the status of Amendment 1 is. Thanks."

Speaker Novak: "Senate Bill 1382, the Gentleman from Lake, Mr. Mathias. Mr. Clerk, read the Bill, please."

Clerk Bolin: "Senate Bill 1382, a Bill for an Act in relation to municipalities. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Mathias."

Mathias: "Thank you, Mr. Speaker. Senate Bill 1382 brings municipalities in line with what townships and counties can do at the present time. And it just provides that a municipality may obtain from a risk management pool any official bonds that are required by law to be furnished by the officers of the municipality to see... an initiative of the Illinois Municipal League. I urge your 'aye' vote on this Bill. Thank you."

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

Bost: "Yes, Mr. Speaker. Will the Sponsor yield?"

Speaker Novak: "Sponsor'll yield."

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

62nd Legislative Day

5/21/2003

Bost: "Is this your last Bill?"

Mathias: "This is my last Bill today, yes."

Bost: "Oh, okay."

Speaker Novak: "Is there any further discussion? Seeing none, the question is, 'Shall Senate Bill 1382 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. Froehlich. Mr. Clerk, take the record. On this question, there are 115 voting 'yes', 0 voting 'no', 0 voting 'present'. And having to reach the required Constitutional Majority, Senate Bill 1382 is hereby declared passed. Senate Bill 1383, the Gentleman from Fulton, Mr. Smith. Mr. Clerk, read the Bill, please."

Clerk Bolin: "Senate Bill 1383, a Bill for an Act in relation to civic centers. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Smith."

Smith: "Thank you, Mr. Speaker, Ladies and Gentlemen. This is an initiative of the Civic Center Coalition. It would raise the combed... competitive bidding limit for civic centers from the current threshold of \$2500 to \$10 thousand. I know of no opposition to the legislation. I'd be happy to answer any questions."

Speaker Novak: "Is there any discussion? Seeing none, the question is, 'Shall Senate Bill 1383 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. Giles. Mr. Bost. Mr.

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

62nd Legislative Day

5/21/2003

Clerk, take the record. On this question, there are 78 voting 'yes', 36 voting 'no', 1 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 1383 is hereby declared passed. Senate Bill 1401, the Lady from Iroquois, Representative O'Brien. Mr. Clerk, read the Bill, please."

Clerk Bolin: "Senate Bill 1401, a Bill for an Act concerning taxes. Third Reading of this Senate Bill."

Speaker Novak: "Representative O'Brien."

O'Brien: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Senate Bill 1401 creates the asthma and lung research checkoff for the Illinois State Income Tax form. I would be happy to answer any questions."

Speaker Novak: "Is there any discussion? Seeing none, the question is, 'Shall Senate Bill 1401 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. Wirsing. 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 1401 is hereby declared passed. Representative Slone, back on Senate Bill 1379. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1379, the Bill has been read a third time, previously."

Speaker Novak: "Representative Slone."

Slone: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. We were at the point where I had briefly explained

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

62nd Legislative Day

5/21/2003

the Bill and agreed to answer any questions. The issue that arose had to do with which Amendments were adopted and which were tabled. We adopted Floor Amendment #3 which becomes the Bill yesterday, and that is what is currently on the Bill as I described it. I'd be happy to take any questions."

Speaker Novak: "Is there any discussion? Seeing no questions being asked, the question... the question is, 'Shall Senate Bill 1379 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. Brauer. Mr. Clerk, take the record. On this question, there are 110 voting 'yes', 1 voting 'no', 4 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 1379 is hereby declared passed. Senate Bill 1408, the Gentleman from Winnebago, Mr. Winters. Mr. Clerk, read the Bill, please."

Clerk Bolin: "Senate Bill 1408, a Bill for an Act concerning transportation. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Winters."

Winters: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 1408 creates the Illinois Coordinating Committee on Transportation. This is a parallel Bill to House Bill 1532 that we passed out, I believe, unanimously. I know of no opposition to the Bill."

Speaker Novak: "Thank you. Is there any discussion? Seeing none, the question is, 'Shall Senate Bill 1408 pass?' All those in favor vote 'aye'; all those opposed vote 'no'."

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

62nd Legislative Day

5/21/2003

The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk... Mr. Myers. Mr. Clerk, take the record. On this question, there are 115 voting 'yes', 0 voting 'no', 0 voting 'present'. Having reached the required Constitutional Majority, Senate Bill 1408 is hereby declared passed. Senate Bill 1414, the Lady from Cook, Representative Hamos. Mr. Clerk, read the Bill, please."

Clerk Bolin: "Senate Bill 1414, a Bill for an Act to amend the Hospital Licensing Act. Third Reading of this Senate Bill."

Speaker Novak: "Representative Hamos."

Hamos: "Thank you, Speaker, Ladies and Gentlemen. This is a Bill that's been worked on most of this spring by the... and an agreed Bill, right now, between the trial lawyers, the Hospital Association and the Medical Society. And it deals with the circumstance in which a medical malpractice case has already been filed against the hospital. This Bill provides that defense counsel cannot speak with physicians who are not otherwise agents in the case. And that's all this tries to do is to really develop some concrete rules about how discovery should happen once a medical malpractice case begins. And that's all this Bill does. And I seek your support."

Speaker Novak: "Thank you. Is there any discussion? Seeing none, the question is, 'Shall Senate Bill 1414 pass?' All those in favor vote 'aye'; all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all

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

62nd Legislative Day

5/21/2003

voted who wish? Have all voted who wish? Mendoza. Mr. Clerk, take the record. On this question, there are 115 voting 'yes', 0 voting 'no', 0 voting 'present'. Having reached the required Constitutional Majority, Senate Bill 1414 is hereby declared passed. Senate Bill 1431, Mr. Saviano. Is he in the chamber? Out of the record. Senate Bill 1440, the Gentleman from Cook, Mr. Brosnahan. Mr. Clerk, read the Bill, please."

Clerk Bolin: "Senate Bill 1440, a Bill for an Act in relation to criminal law. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Brosnahan."

Brosnahan: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 1440 clarifies the Post Conviction Hearing Act and codifies current practice by letting a prisoner file one post conviction proceeding without permission from the court, but requiring that he seek leave of the court to file successive petitions. Amendment #1 clarifies under this legislation, it is under current practice a prisoner may file a successive post conviction petition if he is able to show both cause for his failure to raise all claims in his first post conviction petition and prejudice resulting from that failure. I know of no opposition to this Bill. I'd be happy to answer any questions."

Speaker Novak: "Thank you. Is there any discussion? Seeing none, the question is, 'Shall Senate Bill 1440 pass?' All those in favor vote 'aye'; all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all

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

62nd Legislative Day

5/21/2003

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 1440 is hereby declared passed. Senate Bill 1451, the Gentleman from Randolph, Mr. Reitz. Read the Bill, Mr. Clerk. I'm sorry, 1453. Pardon me. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 1453, a Bill for an Act in relation to vehicles. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Reitz."

Reitz: "Thank you, Mr. Speaker. Senate Bill 1453 deals with extending the grandfather weight limit for certain short ankle... axle trucks. To explain the Bill, everything crossed out is deleted and everything underlined is new. 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 1453 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. Hannig. Mr. Mautino. Mr. Leitch. Ms. Slone. Mr. Clerk, take the record. On this question, there are 114 voting 'yes', 0 voting 'no', 0 voting 'present'. Having reached the required Constitutional Majority, Senate Bill 1453 is hereby declared passed. Senate Bill 1457, the Gentleman from Cook, Mr. Bradley. Mr. Clerk, read the Bill, please."

Clerk Bolin: "Senate Bill 1457, a Bill for an Act in relation to criminal law. Third Reading of this Senate Bill."

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

62nd Legislative Day

5/21/2003

Speaker Novak: "Mr. Bradley."

Bradley: "Thank you. 1457, the Bill provides that a person who applies to transfer parole, probation or mandatory supervised release must make provisions to pay awarded restitution. He must pay a hundred and twenty-five dollar transfer fee before the transfer is granted. The fee shall be deposited into the General Revenue Fund and be used to defray the costs incurred by DOC and sheriff's department who will incur costs if the offender needs to be retrieved for the purposes of violation proceedings. Upon returning to the state, the offender shall be liable for all costs of returning to Illinois. House Amendment #1 provides for a new community service fee of \$50, raised from 25, if the offender is not otherwise assessed a probation fee. The court may assess a lesser fee if it's determined that the offender cannot pay. The fee shall be imposed only if the offender is actively supervised by the probation and court services department. Funds shall be collected by the clerk and paid to the probation and court services fund."

Speaker Novak: "Is there any discussion? Seeing none, the question is, 'Shall Senate Bill 1457 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. Acevedo. Churchill. Krause. Mr. Clerk, take the record. On this question, there are 115 voting 'yes', 0 voting 'no', 0 voting 'present'. Having received the required Constitutional Majority, Senate Bill 1457 is hereby declared passed. On

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

62nd Legislative Day

5/21/2003

page 36 of the Calendar, there is House Joint Resolution 21, the Gentleman from Cook, Mr. Osterman."

Osterman: "Ladies and Gentlemen of the House..."

Speaker Novak: "Mr. Clerk, read the Resolution. Just the title. No, okay. Mr. Osterman, go ahead."

Osterman: "Thank you. House Joint Senate Resolution 21 establishes a committee of the Senate and the House. They will look at immigrant and refugee issues as they related to individuals that live in the State of Illinois. Over the last several decades, Illinois has been a port of entry for many immigrants from around the State of Illinois. In the last ten years, there's been an increase in the amounts of immigrants in our state and we're looking at issues that affect them by having some public hearings through the course of the state and bringing any issues back to this General Assembly as it relates to policy for those individuals. And I would ask for an 'aye' vote."

Speaker Novak: "Is there any discussion? Seeing none, the question is, 'Shall House Joint Resolution 21 be adopted?' 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. Clerk, take the record. On this question, there are 114 voting 'yes', 0 voting 'no', and 0 voting 'present'. And having reached the required Constitutional Majority, House Joint Resolution 21 is hereby adopted. Mr. Forby, for what reason do you rise?"

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

62nd Legislative Day

5/21/2003

Forby: "Someone hit my ticket, but I do have a personal point in rising."

Speaker Novak: "Someone hit your ticket?"

Forby: "Hit my button here..."

Speaker Novak: "Oh. State..."

Forby: "...to talk to the Speaker."

Speaker Novak: "State your point, Sir."

Forby: "I've got... I've got a guy here in the audience I think everybody knows. I thought he was gonna be my Governor here several years ago. He was my Congressman, Glen Poshard."

Speaker Novak: "Welcome, Mr. Poshard. Representative Soto, for what reason do you rise?"

Soto: "Thank you... thank you, Speaker, and Members of the House. I rise to make an announcement."

Speaker Novak: "An announcement, Ladies and Gentlemen. Please give the Lady your attention."

Soto: "For the Members of the Labor Committee, we are canceled for tomorrow. So, can we get an applause? No. So, we are canceled for the Labor Committee tomorrow morning at 9:00."

Speaker Novak: "The Labor Committee is canceled for tomorrow morning. Mr. Black, for what reason do you rise, Sir?"

Black: "Yes, Mr. Speaker."

Speaker Novak: "Yes, Sir."

Black: "Yes, Mr. Speaker. I have a very limited quantity of these 8x10 glossies of one of the female Legislators who was in the Capitol Capers. A delightful redhead, I think her name is Lucy Ricardo."

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

62nd Legislative Day

5/21/2003

Speaker Novak: "I see that."

Black: "For a donation of \$10 to my retirement fund, I'll see if Representative Lindner will sign this for you. It is a... it is a keepsake and certainly worth ten bucks. And just... you better act fast because Representative Lindner has offered me a hundred dollars for all of the pictures that I have."

Speaker Novak: "Thank you, Mr. Black. The Gentleman from Cook, Mr. Molaro, for what reason do you rise, Sir?"

Molaro: "For purposes of an announcement."

Speaker Novak: "State your announcement, Sir."

Molaro: "However, before I announce it. Does the Chair yet know as to what time we might be coming in tomorrow morning 'cause I..."

Speaker Novak: "No. We have not have been advised yet, Mr. Molaro."

Molaro: "Well, then what we'll do... what we'll do at this time is I'll make the announcement that the Revenue Committee will meet at 9:15 instead of 9:00, 9:15 in Room 115."

Speaker Novak: "Thank you."

Molaro: "9:15..."

Speaker Novak: "Well, we're... we're... we're anticipating the committee schedule, Mr. Molaro, so, we just don't know when the... what time the committees are gonna be meeting in the morning. Mr. Lang, for what reason do you rise, Sir?"

Lang: "Thank you, Mr. Speaker. As long as we're doing announcements, let me announce that, despite anything you've heard, the House Gaming Committee is alive and well."

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

62nd Legislative Day

5/21/2003

And the House Gaming Committee is meeting to look at some legislation tomorrow morning at 8:30 in Room 118. All are invited."

Speaker Novak: "Mr. Black."

Black: "Well, Mr. Speaker, I... in all due respect to the previous speaker, I don't know what newspapers the Gentleman is reading, but if the gaming caucus is meeting tomorrow, they don't need a very big room."

Speaker Novak: "Thank you, Mr. Black. On page 39 of the Calendar is House Resolution 341. Mr. Clerk, read the Resolution, please."

Clerk Rossi: "House Resolution 341.

WHEREAS, The House of Representatives of the 93rd Illinois General Assembly has learned with much mixed emotion that Mark O'Brien has decided to complete his career after 32 years of service to the Speaker of the House; and

WHEREAS, Mr. O'Brien began his career in the House of Representatives on July 6, 1971 and served under and/or outlasted six Governors, five Speakers, three redistricting plans, issues directors and chiefs of staff too numerous to mention; and

WHEREAS, Mr. O'Brien saw an estimated 55,000 bill folders slide through his delicate fingers while avoiding starvation and dehydration, juggling a phone, listening to

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

62nd Legislative Day

5/21/2003

the Senate, "orienting" co-workers, and "encouraging" lawmakers; and

WHEREAS, Mr. O'Brien was mentored by the legendary southern Illinois bon vivant and retired Majority Leader Clyde Choate; and

WHEREAS, Mr. O'Brien parlayed those educational and diplomatic experiences into an innate sense of poise, grace, and style that defined the word Bill Box Man; and

WHEREAS, Mr. O'Brien proved to be something of a renaissance man by keeping up with technological advances ranging from the pencil to the laptop computer; and

WHEREAS, Mr. O'Brien also garnered the reputation as a "can do" guy who no matter how many times something had to be retyped, recopied, or rewritten, he was always there until it was done; and

WHEREAS, Mr. O'Brien cultivated an unparalleled knowledge of Illinois House Rules and parliamentary procedure that from time to time reportedly led to parliamentarians asking him for a ruling; and

WHEREAS, Mr. O'Brien's achievements are too numerous to recount, it must be noted for posterity that he is one of

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

62nd Legislative Day

5/21/2003

the creators and ultimate umpire of the "Ten Word Game";
and

WHEREAS, Mark O'Brien is the loving husband of Paulette O'Brien, they are the proud parents of sons, Morgan and Kyle; he has gone through many Ford Pintos, taking his turn on two wheels before settling on his Harley Davidson; there is not one joke that he hasn't heard, and he is known for his variety of hairstyles and neck ties; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we congratulate Mark O'Brien on his retirement after many years of dedicated service in the Illinois House of Representatives and wish him good health and happiness in all of his future endeavors; and be it further

RESOLVED, That a suitable copy of this resolution be presented to Mark O'Brien as an expression of our respect and esteem."

Speaker Novak: "The Lady from... the Lady from Cook, Majority Leader Currie."

Currie: "Thank you, Speaker, and Members of the House. That was a pretty heartwarming display and I can't imagine that our words will be able to match the enthusiastic sound of that applause. I certainly hope that there will be a tape available, so that as Mark rides off on his Harley Davidson into the midnight sun, he can put the music on and the ear...

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

62nd Legislative Day

5/21/2003

the earphones and listen to us love him because the reality, Mark, is that we do. You know, you're a pain, you're cantankerous, you're forever giving everybody a hard time, but the reality is we don't know what we're gonna do without you. There's a rumor that you're coming back, retired, not quite, and we're really grateful for that. Mark is the fount of all knowledge. In fact, my recommendation is that when he does finally retire, he should create a game called Legislative Trivial Pursuit. He knows all the answers to all the hard questions and when it comes to the rules, I just have to say to those of you who think that sometimes my work in the Rules Committee is not all that it should be, I have to tell ya, I learned it all from Mark. So, join us this evening at the Governor's Mansion where we'll all have an opportunity to drink a toast and to wish Mark well because, Mark, we do wish you well and we're glad to know that we'll see you again tomorrow. Thanks for all you've done for all of us."

Speaker Novak: "Mr. Lang."

Lang: "Thank you, Mr. Speaker. Ladies and Gentlemen, first let me say that should this Resolution receive the necessary votes, Mr. Fritchey would like to verify. Ladies and Gentlemen, for many years now I've sat behind Mark O'Brien, but whether you sit behind him or anywhere Representative Currie is correct, there's nobody that knows what goes on in this Body in a greater way than Mark O'Brien. His knowledge of the past and his... his verve for what he does is catchy and I think, particularly freshmen and young

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

62nd Legislative Day

5/21/2003

Members on our side of the aisle, learn a lot from Mark probably much more from him than from some of the veteran Members because he's more willing to share his knowledge. Now, the knowledge he shares isn't always what the rest of us call knowledge, it's stuff he makes up, but he knows how to make it up, makes it sound good. The favorite thing that Mark has done since he's been here and since I've been in here with him is that Ten Word Game, some of you remember it. Mark went through this phase where he would give people, when they had a Bill to present, ten words that they had to get into their debate and we have one of the sheets here of the ten words which he would type up and give to Legislators. So, I wonder how many of you could get all ten of these words into one debate on any issue. By the way, this was for Representative Fritchey. Were you a freshman at the time? I think so. These are the words, you figure out how to use them in one... in one paragraph. Aardvark, chump, buttocks, cascade, zaftig, anyone needs to know what that is come and see me, barnyard, marsupial, pantyhose, fossil, and the ever popular, corncob. Now, somewhere there's a transcript of John Fritchey using all of these in one debate, but if you had a picture, you would see all of us standing around him, including Mark, trying to help him find ways to get this into his debate. We're gonna miss Mark, but apparently we're not gonna miss him too much because while he's no longer gonna be an employee, I understand he's gonna be around here from time to time. And the length of time he's gonna be here, strangely

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

62nd Legislative Day

5/21/2003

enough, coincides with the length of a Legislative Session. So, we're gonna have him around, but any excuse for a party will do on this side of the aisle. So, Mark, congratulations. We're gonna miss you, but apparently not too much. You've been great to all of us, you've been particularly great to me. During the period of time that the House Democrats were in the minority and my job was to talk and talk and talk and talk, the... one of Mark's jobs was to keep me fresh with new things to say. So, the time that I quizzed Ron Lawfer for four hours on a shell Bill much of that came from Mark O'Brien and I'm ever thankful to him for that and I'm sure all of you are too. So, Mark, congratulations. Let's have a drink to you tonight. Thank you very much."

Speaker Novak: "Mr. Reitz."

Reitz: "Thank you, Mr. Speaker. Now, Mark, we're all honored in... servin' this Body and being part of this institution. Mark O'Brien is this institution. I mean, he's been here so many years and I'm sure, as Barbara said, don't... don't do that. Don't do the stories 'cause that probably wouldn't be good, although it would be a bestseller. We're gonna have to have someone. We will miss him when he does leave. We need someone to eat the hard Peeps that are here, but as Mark moves on to his new life as a Tae Bo instructor, I think is what he's going to be, and rides his... and rides his Harley off into the sunset... we're gonna... we're gonna definitely miss him. We hope he sticks around for a number of... of years in this capacity and helps us

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

62nd Legislative Day

5/21/2003

out. And make sure everyone... we have... we have a retirement party at the Mansion immediately following Session. And with leave, Mr. Speaker, if you could add everyone, all the Members, to this Resolution, we'd sure appreciate it. Mark, you've done well. Thanks."

Speaker Novak: "Mr. Black."

Black: "Thank you very much, Mr. Speaker. I can't believe that somebody on... on the Democrat side of the aisle would say that Mark was cantankerous. Well, maybe he is a little bit. I know when I first came down here I had a run in with him and he is... he's very good with the English language. He... he said something to the effect, he questioned whether my mother and father were married at the time of my birth. I didn't quite catch everything, but I got the general gist of... of what he was talking about, and we certainly... we certainly have had our differences over the years. But... but as generally is the case here, the longer you're here and this... this man has been here... I'm not very good at math. What's 71... Is that 32 years... 31 years? Whatever it is. And he actually started on contract back in 1969. And the longer you're here the more you learn to appreciate people like Mark O'Brien and I did use most of the words because at the time Mr. Fritchey couldn't pronounce them. And I remember we were talking about a farm Bill, Mr. McPike was in the Chair and you all know his great love for farmers, but I used some of those words that I... I had a farmer in my district was raising an aardvark who thought he was... who thought they were related

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

62nd Legislative Day

5/21/2003

to marsupials, kept them in his banyo... barnyard, dressed them in pantyhose, but they all choked on a corncob. So, we... we replaced that... the necessary language with some of the material that Mark gave us. I know Mark was extremely upset... was it last week or two weeks ago, many of you might have noticed he was not in a good mood. I tried to help him as best I could on the official snack being named popcorn. Mark... Mark threatened me and said, if you don't make it the donut, I'll never talk to you again as long as I live. You've never been on the floor when a dozen donuts hits the desk and by the time you could get over to ask Mark if you could have one, they were generally gone. I would just simply like to say, and the Majority Leader said it very eloquently, when you really had a question about how this House works and what the institutional knowledge is and what the Rules really mean, you could go to Mark O'Brien and cut to the chase. This gentleman knows more about the workings of this Body than anybody who sits in this chamber. And he was always willing to give advice, even to a Republican, there were times when he told me I had to get a pass to cross the center aisle, but I will... I will miss the ability to talk with him. I will miss the ability and then, of course, he's gonna be here to the end of the Session, but he is someone you can sit down with and really get to know what the Rules of this House really mean, how it works, how it has worked in the past, and what some of the traditions are and how important it is that we keep some of those traditions. Mark, I wish you the very

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

62nd Legislative Day

5/21/2003

best. I hope you don't ride off on your Harley too far because we're going to need you, I think, more than ever in the next eight or nine working days, but I wish you the very best. It has been a pleasure even when we were yelling at each other at one or two o'clock in the morning as we often did, but this gentleman was a delight, very... very free with his advice and just a wonderful person to get to know and to work with and I know that he was often frustrated in having to work with me, but we will miss him, more importantly, I think this chamber will miss him and as you've been around here for a while, you learn that when somebody likes this leaves, they take an awful lot of the institutional knowledge. And what the Majority Leader said, I think, is very true, rather than Trivial Pursuit, I'd love to see him write a book or a manual because he knows more than any of us and if he could just leave a guideline and a road map for us to follow, it would be a far better place in which we work. Mark, I wish you the very best and I... will we'll be serving donuts tonight at the Mansion? Oh, my god. Congratulations on your long tenure here and best wishes."

Speaker Novak: "Thank you. Representative Davis, Monique Davis."

Davis, M.: "Thank you, Mr. Speaker. First, I'd like to say to Representative Black, many of the things I've said to you over the years really came from Mark O'Brien. I won't. Wherever I have sat in this chamber, Mark O'Brien has always been a ready source of information. He knows what's

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

62nd Legislative Day

5/21/2003

in every Bill and how I don't know. He knows what's being talked about in this chamber as well as in the Senate. He knows exactly what's in the Bill Box and where there... where your... and what is the status of your Bill. I really believe, Mark, besides Michael J. Madigan, you're the only person who could run this chamber. If I see you outside and I'm on the way in, I tell you I know they haven't started Session because you are not here. You know, it is wonderful to be in a place of employment where people recognize the talent and the skill that you have exhibited and then to leave the chamber of your own volition and on your own two feet. I think you're a wonderful role model for many of us in this chamber, even though we're Legislators, you have always portrayed to us that it is better to get along with people and not to argue so much. You've taught me a lot, Mark. When you're feeling an... I did listen. When you're feeling angry sometimes, don't say it. He would say, no, that's okay, just... just don't say it. Don't start trouble, that's what he'd say, don't start trouble. But Mark, as a Legislator here for my 17th year, I have learned a lot from you, I admire you, I respect you, and I just don't know how we're gonna know what's goin' on in those boxes with you gone. Have a wonderful, wonderful, wonderful new career, whatever it may be and may God bless you and your family. And let me just say this, have you called up here at two o'clock in the morning sometimes and guess who's still here, Mark. Thank you."

Speaker Novak: "Thank you. Representative Fritchey."

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

62nd Legislative Day

5/21/2003

Fritchey: "Well, I'm sure it'll surprise nobody when I say that the debate that I had to use the ten words from Mark was actually probably my most coherent one I've had. The longer you're here, the more you appreciate constancy and the things that make this Body and this institution what they are. You really can't separate that concept from Mark. To echo what the other speakers have said, I mean, he really has been a teacher. He'll teach you things even when you're not looking to learn them and you come away questionably a better Legislator for it. You know, you can change the chandeliers in here, you can repaint the ceiling and do what you want to do here. In my opinion, at least, nothing is really gonna change the feel and character of this room more than Mark not being around. With all due respect to Ralph Capparelli, given the fact that there's nobody in this chamber that was here when Mark first started. In a lot of ways, in my mind, Mark and in a lot of people, you are truly the Dean of the Illinois House. So, we will miss you."

Speaker Novak: "Thank you. Representative Steve Davis."

Davis, S.: "Thank you, Speaker. Hey, Mark, congratulations. I can't think of anybody who deserves retirement more than you. And I can remember when I first came here, in January of 1995, you actually had hair on your head. But my first term, I sat next to Speaker Madigan and he was not in the Chair in 1995 and '96, he was back in his office, so I had to vote his switch. It was up to Mark to make sure that I voted it right. But unfortunately, Mark tries to do three

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

62nd Legislative Day

5/21/2003

or four things at one time, he's listening to the Senate, he's runnin' the Bill box, he's talkin' to Lou Lang or to Hoffman and occasionally, I voted the Speaker wrong and I can tell ya that in '94 or '95 and '96, because Mark dropped the ball, the Speaker had a much more conservative voting record for those two years. But... but, I, also, I just received a phone call, Mark, from somebody over in the Stratton Building who wanted me to remind you that you have a bad reputation of cheating at pinochle. I don't know if know what that means, but they thought that you would. But I can honestly say this that... that the help you have given all of us, especially freshman when they come to the House Floor and are on the Democrat side, Mark has always been open to help anybody on our side of the aisle. And I was really glad to hear Representative Black say that Mark was always very eager to give the Republicans advice because I know for a fact that Mark is a highly partisan Democrat. So, I'm sure that the advice that he was giving Representative Black was bad advice. You may have thought it was good advice, Representative, but I don't believe it was 'cause I know Mark. But he's done a wonderful job for this side of the aisle, he's done a wonderful job for the Democrats. As it has been said before, his institutional knowledge is something that we all should cherish. He's going to continue to work for us, I know that. We're not gonna miss him for very long, but, you know, we'll do anything for a party, Mark. So, congratulations and if

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

62nd Legislative Day

5/21/2003

there's anything I can do to help you in the future, I'd be happy to do it."

Speaker Novak: "Thank you. Representative O'Brien."

O'Brien: "Thank you, Mr. Speaker. And Mark, while I'd like to congratulate you, I guess I'm one of the few Members that I'm kinda glad to see you go because there's only one letter difference in our names and there's a constant comparison saying, are you Mark O'Brien's twin sister? Representative O'Brien, you've lost a lot of weight. Did you grow a full head of hair? And I said, you know, I'm very proud of my Irish heritage and certainly glad to be related to Mark O'Brien and delighted with that, but I certainly don't like the reference of how much we look alike and there was no bigger references than that last spring, when I was a little bit bigger around the middle and Mark constantly goaded me into going back to the shoe shine area with a tape measurer to see who had the bigger belly. I am glad to report, however, that my girth never exceeded yours, my friend. But I will no longer have to cross my name off of your signature line when we approve all of the documents and different things, but, Mark, from day one you've been a great help. It has always been a lot of fun when people are confused and wanna know if the Legislator is really Mark O'Brien or Mary K. O'Brien. And you've been a great friend and I think we actually do have your brother convinced that we are related. And I wish you all the very best and I will do my best to uphold the fine

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

62nd Legislative Day

5/21/2003

O'Brien tradition on the House Floor, Mark.
Congratulations."

Speaker Novak: "Thank you. Representative Burke."

Burke: "Thank... thank you, Mr. Speaker. Well, I, for one, have had no difficulty ever distinguishing between the two O'Briens in this House. But might I say listening to Tony Rossi read the Resolution here this evening, I was thinking it's kind of remarkable understanding how long Mark has been here and all of his many accomplishments and his institutional knowledge that the Resolution wasn't beginning to read that God, in his infinite wisdom, has called Mark to his eternal reward. But, indeed, Mark does deserve a reward and in... certainly in this life for all that he has tolerated, for all that he has contributed, for all that he has done for each and every one of us, certainly remembering my freshman days. Mark is an expert, Mark is the go-to guy, Mark has always been the one to give Republicans, in particular, directions as to where they can go. He's been a friend, he's been a colleague, I think, in the truest sense of the word and I, for one, would like to recommend to this House that we bestow on Mark O'Brien the honorary title of Representative Mark O'Brien."

Speaker Novak: "Mr. Burke."

Burke: "One further comment, Mr. Speaker. I know we have a party to go to and we're all anxious to get out of here. I would like to renew my request of a short time ago that Mr. O'Brien be given the privilege of addressing the Body this evening."

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

62nd Legislative Day

5/21/2003

Speaker Novak: "Mr. Hoffman."

Hoffman: "Thank you... thank you, Mr. Speaker. Let me just tell ya, I've had the... I've had the pleasure, the honor, and the privilege to sit next to Mark O'Brien for the last several... several Sessions. Mark O'Brien, he really doesn't dislike you as a Repub... you as people, who are Republicans, he just... really just likes to party. He's got a big problem with. Well, I remember one time when you were in control... when you guys were in control in '95, I get in the elevator and it was me and I think, now Congressman Johnson, two or three other Republicans and I look up and there's Mark O'Brien, but he wasn't facin' everybody else. He was facin' the corner. He didn't wanna look at ya, he was scared of what he was gonna say. I said, 'Mark, what's wrong?' He says, 'Republicans.' Let me just tell ya, Mark O'Brien's the type and sitting next to him, he's cost my children a couple pair of shoes because of the meal money I have to give him, the stains from the... the stains by the waste can from things that he has spilled and has eaten. And I gotta tell ya since Representative Hartke has left and Mark is gonna leave, the air quality certainly is gonna improve around here, at least around my seat. So, I... I... I gotta lot of good things to look forward to. Let me tell ya... let me tell ya, on a serious note. Mark O'Brien is a dear, dear friend who has helped me out in so many ways, helped everybody out, really on both sides of the aisle. He is this institution. He has become this institution. He has helped define this institution for 32 years. We're

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

62nd Legislative Day

5/21/2003

lucky because he is gonna come back on some type of an arrangement to work with us over... over the Session months. But let me tell ya, Mark, you're a great friend, a dear friend. You've done so much for the people of the State of Illinois. God bless you."

Speaker Novak: "Thank you. And finally, Representative Capparelli."

Capparelli: "Thank you and congratulations, Mark. You know, when I first got elected Mark was already here and I... I think he was a Page at that time. And he was so friendly to us new incumbents when we each got here, we didn't know nothing, we didn't even know where the washroom was and Mark was nice enough to show us... point the way. I also remember Mark helping me move over in the Lincoln Towers, him and I think it was Tomatoes was down here at the time, too, right. And they were the greatest guys, they helped us freshmen all the way they could, he's always been that way. But the one thing I'll miss is when Mark comes over and says to me, 'Do you remember one night... Sims did this and when... remember when so and so did that' and... He remembers everything that ever happened down here. Mike, I wanna congratulate you and wish you the best of luck."

Speaker Novak: "Thank you. Mr. Burke, with regard to your request for allowing Mr. O'Brien to speak. The Chair feels that it's more appropriate if we hear Mr. O'Brien's comments at the Mansion after a few liquid refreshments. So, we're all waiting in intense... in anticipation for those comments. Representative Currie now moves that... now moves

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

62nd Legislative Day

5/21/2003

for the passage of House Resolution 341. All those in favor say 'aye'; all those opposed say 'no'. The 'ayes' have it. And the Resolution is adopted."

Clerk Rossi: "Attention Members. The Rules Committee will meet immediately in the Speaker's Conference Room. The Rules Committee will meet immediately in the Speaker's Conference Room. A committee schedule has been passed out. The following committees will meet tomorrow: at 8:30, the Recess Gaming Committee in Room 118; at 9 a.m., the Executive Committee will meet in Room 114, the Human Services Committee in Room C-1 and the State Government Administration Committee in Room 122-B; at 9:15, the Revenue Committee will meet in Room 115; at 9:25, the Sales and Other Tax Subcommittee will meet in Room 115 and at 9:35, the Income Tax Subcommittee will meet in Room 115; at 9:30, the Transportation & Motor Vehicles Committee will meet in D-1, and at 10 a.m., the Local Government Committee will meet in Room C-1. The Labor Committee, previously scheduled to meet on Thursday, has been canceled."

Speaker Novak: "Allowing perfunctory time for the Clerk, Representative Davis now stands... now moves that the House stand adjourned until Wednesday, May 22, at the hour of 11 a.m. Thursday, excuse me, May 22, at the hour of 11 a.m. All those in favor say 'aye'. The 'ayes' have it. The Amendment is adopted. The House stands adjourned."

Clerk Bolin: "House Perfunctory Session will come to order. Committee Reports. Representative Burke, Chairperson from the Committee on Executive, to which the following

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

62nd Legislative Day

5/21/2003

measure/s was/were referred, action taken on Wednesday, May 21, 2003, reported the same back with the following recommendation/s: 'do pass Short Debate' for Senate Bill 703 and Senate Bill 1606; 'do pass as amended Short Debate' for Senate Bill 75, Senate Bill 741, Senate Bill 820, Senate Bill 1621, Senate Bill 1740, Senate Bill 1784, and Senate Bill 1912. Representative Fritchey, Chairperson from the Committee on Judiciary I-Civil Law, to which the following measure/s was/were referred, action taken on Wednesday, May 21, 2003, reported the same back with the following recommendation/s: 'do pass Short Debate' for Senate Bill 1352. Representative Currie, Chairperson from the Committee on Rules, to which the following measure/s was/were referred, action taken on May 21, 2003, reported the same back with the following recommendation/s: 'direct floor consideration' Floor Amendment #4 to House Bill 46, Amendment #3 to House Bill... to Senate Bill 1493, Amendment #2 to Senate Bill 1527 and Amendment #1 to Senate Bill 1869. Motions to Concur have been approved for the following Bills: House Bill 88, Senate Amendment #2; House Bill 120, Senate Amendment #1; House Bill 176, Senate Amendment #1; House Bill 218, Senate Amendment #1; House Bill 259, Senate Amendment #1; House Bill 414, Senate Amendment #1; House Bill 467, Senate Amendment #1; House Bill 1382, Senate Amendments 2 and 4; House Bill 1632, Senate Amendment 3; House Bill 2797, Senate Amendments 1 and 3; House Bill 3387, Senate Amendment 1; House Bill 3587, Senate Amendment 1. These Motions to Concur have all

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

62nd Legislative Day

5/21/2003

been recommended for adoption. Introduction of Resolutions. House Resolution 329 offered by Representative Chapa LaVia. This Resolution's referred to the House Rules Committee. There being no further business, the House Perfunctory Session will stand adjourned."